

LANDON BAY EAST

DECLARATION OF PROTECTIVE COVENANTS

Revises October 30, 2004(. Revisions since october 2003 shown underlined. Note: Revisions apply only after the date revised and are not retroactive.

1. This declaration of Protective Covenants is made by Wild Apple Properties Limited, 75 Wild Apple Lane, Chaffey's Lock, ON, K0G1E0, hereinafter known as the developer, on behalf of Landon Bay East, on the east side of Landon Bay , part of Lots 8, 9 and 10, in Concession 1 in the Township of the Front of Leeds and Lansdowne, County of Leeds.

1.1 It is the purpose of these Protective Covenants to preserve the scenic beauty and natural qualities of the property for its owners and residents.

1.2 All properties within the Plan of Subdivision will be subject to the covenants conditions and restrictions set forth in these Protective Covenants and each property purchaser shall, upon acceptance of a deed, signify that the provisions of these Protective Covenants are accepted and ratified by the purchaser and shall further signify the purchaser's agreement to become a member of the Landon Bay East Property Owner's Association.

1.3 The Protective Covenants shall run with the land and shall be binding on all lots and all parties and persons claiming under them.

2. The Landon Bay East Property Owners' Association will be comprised of all property owners with each property having one vote with decisions based on a simple majority. The mandate of the Association will be ensure that the covenants are adhered to, that the provisions of the Conservation Easement with respect to the Nature Preserve lands are adhered to, to consider policies with regard to other commonly owned lands which include the private park and tennis court, to undertake any items of maintenance that may arise with regard to common lands or private lands collectively (e.g. driveway snow clearing) and other matters that the Association may wish to consider.

3. PROTECTIVE COVENANTS:

The ownership, occupancy, use and conveyance of the Property and and each of the lots therein are subject to the following covenants, restrictions and conditions:

3.1 Uses.

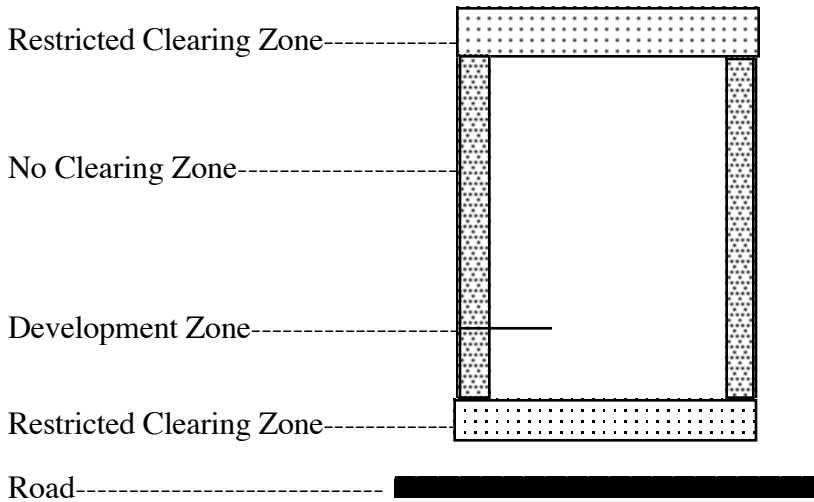
3.1.1 Each lot in Landon Bay East may be used for one single family dwelling and related accessory buildings and appurtenances. Duplex and multi-family dwellings are prohibited.

3.1.2. No commercial use shall be made of any lot. Home offices and the like are permitted. Business or professional signs are not permitted.

3.1.3 Storage of owner's recreational vehicles, boats, trailers, etc., for owner's personal use is permitted where the vehicles can be screened from view of the road. Use of any of these vehicles or equipment as living accommodation is not permitted.

3.2. Site Modifications. Each lot is comprised of three zones; No Clearing Zone, (NCZ) Restricted Clearing Zone (RCZ) and Development Zone (DZ).

TYPICAL LOT ZONES



Each of the zones is subject to covenants as follows:

3.2.1 Restricted Clearing Zone (RCZ) This zone, 15 metres wide, along the front and rear lot lines, permits selective pruning and thinning to permit views, air flow and light access. Removal of trees having a main trunk less than 4" diameter as measured 4 feet above the ground is permitted. Creation of cultivated lawns or plantings of exotic (non native) plant species is prohibited. No structures or installations other than driveway access or underground services is permitted.

Exceptions:

- 1) On Lot 9 and Lot 21 the RCZ along the front (roadside) is 10 metres wide.
- 2) On Lot 21 the rear RCZ zone is referenced to the east boundary of Part 1 as per Reference plan No.28R-10381, Dated Aug. 20,1999
- 3). On lot 12 the RCZ at the rear, adjacent to Block 30, is 6m wide.
- 4) On lot 1 the RCZ zones are along the Tumbledown Road frontage and along the south lot line.
- 5) On lots 2 and 7 the RCZ zones are along the frontages of Tumbledown road and Landsakes Road.

3.2.2 No Clearing Zone(NCZ) : This zone, 10 metres wide, along the side lot lines beginning 15 m from the front and rear lot lines, is intended to maintain visual buffers between properties as well as to protect the natural habitat. Cutting or removal of live trees and /or under story vegetation is prohibited except as follows: Trees or parts of trees which due to rot, disease or structural failure clearly pose a threat to human safety. No development except driveway access or underground services (hydro , telephone) is permitted. These may be permitted where no reasonable option is available and where approved by Wild Apple Properties Limited.

Exceptions:

- 1.)Where side lot lines abut Block 30, as in the case of parts of lots 5,9,10,11,12,13,15 and 17 the provisions of the RCZ (vs. NCZ) shall apply to the zone.
- 2). On Lot 21 the NCZ zone on the south side is also referenced to the south boundary of Part 1 as per

Reference plan No.28R-10381, Dated Aug. 20,1999

3) On lot 1 the NCZ is on its north and west boundaries and on lot 2 on its south and west boundaries.

3.2.3 Development Zone (DZ). This zone is set back from the side yards lot line by 10 metres, from the front lot line (road side) by 15 metres and from the rear lot line by 15 metres.

Exceptions:

1). On Lot 21 the rear setback for the Development Zone shall be 15 metres from the eastern boundary of Part 1 as per Reference plan No.28R-10381, Dated Aug. 20,1999

2) On lot 12 the DZ at the rear lot line adjacent to Block 30 may extend to within 6 metres of the property line

3) On lot 2 the the front setback for the DZ is referenced from the Tumbledown Road frontage and the rear from the lots' south boundary and the side yard from its north and west boundaries.

Development is is defined as follows:

.1 Buildings and other structures including fences, decks, pools, play structures. See also 3.3.1-Siting.

.2 Clearings for lawns, septic bed systems or domesticated landscape including ornamental or vegetable gardens. (Property owners are encouraged to minimize the the creation of lawns and exotic landscapes and to protect the natural landscape to the greatest extent possible.)

.3 Driveway and other surfaces used for vehicle movement or storage. (see exceptions as outlined in 3.2.1)

3.3. Design Controls: Design controls includes siting and design of structures and alignment of driveway.

3.3.1 Siting: All enclosed structures (House,garage,etc.) will be set back from the property line at the road a minimum of 30 metres.

Exceptions:

1. On Lots 9, 15 and 21 the setback will be a minimum of 15 metres.

2). On lots 1,11, 22 and 28 the setback will be a minimum of 20 metres

Note: Lot 7 frontage is referenced from both Landsakes Road and Tumbledown Road.

3.3.2 Design of Structures: It is not the intent of these covenants to dictate a particular style or styles of architecture. However, design sensitivity to the site context and to indigenous architectural styles is encouraged. Design services by qualified architects is encouraged. Dwellings shall be a minimum size of 1200 square feet (120m²) of enclosed living space constructed on a permanent, fixed foundation and suitable for year round use. Seasonal dwellings are not permitted

a. Wall cladding materials: Only one cladding material is be used for the walls of any building.

Window trim, shutters , door trim and fascia and soffit may be a second material. Shutters shall match either the trim, roof or wall cladding in colour.

b. Roof finishes: Roofing materials shall be one of the following:

- -Cedar shingles- machined or hand split ,
- -Asphalt shingles- Medium brown to dark brown, dark grey to black,
- -Metal - Copper sheeting, galvanized or galvanized /aluminum metal roofing in natural silver, medium brown to dark brown, dark green, medium grey to black.
- -Slate

c. Driveway Alignments: All driveways shall be curved so as to screen direct views from the road to garages.

7. Approvals required:

a. At least thirty days before filing for building permit, the lot owner shall furnish to Wild Apple Properties Limited or its successor, the Landon Bay East Property Owners Association, credible evidence, including building plans and elevations listing exterior materials, that the planned development conforms to the above conditions. Upon approval this documentation should be submitted to the Municipality at the time of application for building permit.

b. Wild Apple Properties Limited will review all submissions for approval with an advisory panel of no less than two or no more than three persons appointed by the Landon Bay East Property Owner's Association and file results of the review with the Landon Bay East Property Owner's Association.

8. Owner's responsibility: It is the property owner's responsibility to ensure that work done on the property conforms to these covenants and that all contractors or others doing work on the property are made aware of and conform to these covenants.

END OF PROTECTIVE COVENANTS
