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Vancouver, B.C.

Date: August 24, 2007

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New Westminster, B.C.

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Form Y - Strata Plan BCS 2495

SURVEY DEPT.



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PACIFIC COAST TOTAL SOLUTIONS
CLIENT NO. 011615

189548-325096
VDO_DOCS #1646971 v. 1

Strata Property Act

Form Y

OWNER DEVELOPERS' NOTICE OF DIFFERENT BYLAWS

(Section 245(d); Regulations section 14.6(2))

Re: Strata Plan BCS 2495, being a strata plan of:

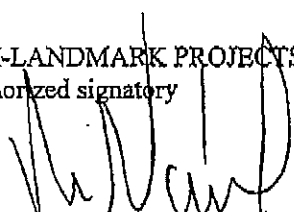
Parcel Identifier: 026-833-620

Lot F, Block 121, District Lot 541, New Westminster
District, Plan BCP26356

The following or attached bylaws differ from the Standard Bylaws to the *Strata Property Act*, as permitted by section 120 of the Act:

Date: August 20, 2007

QUALEX-LANDMARK PROJECTS INC.
by its authorized signatory



Signature of Owner/Developer

189548-325096
VDO_DOCS #1646971 v. 1

POMARIA

Strata Property Act
FORM Y

OWNER DEVELOPERS' NOTICE OF DIFFERENT BYLAWS
[Section 245(d), Regulations section 14.6(2)]

Re: Strata Plan BCS2495, being a Strata Plan of Strata Lots 1 to 139 inclusive of the property legal described as Lot F, Block 121, District Lot 541, New Westminster District, Plan BCP26356

The following bylaws differ from the Standard Bylaws to the *Strata Property Act*, as permitted by section 120 of the Act:

1. Amend Bylaw 3 by deleting subsection (1) and replacing it with the following:

- 3(l) An owner, tenant, occupant or visitor must not use the Strata Lot, the common property, the common assets, or the limited common property including the balcony, deck, roof deck, and garden areas located on the 16th and 19th floors (the "Sky Gardens"), in a way that:
- (a) causes a nuisance or hazard to another person;
 - (b) causes unreasonable noise;
 - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot;
 - (d) is illegal;
 - (e) is contrary to a purpose for which the Strata Lot, limited common property or common property is intended as shown expressly or by necessary implication on or by the strata plan; or
 - (f) that is in contravention of any rule, order or bylaw of The City of Vancouver applicable to the Strata Lot or that will result in any unusual or objectionable odour to emanate from the Strata Lot, or that is inconsistent with the intent of these Bylaws.

2. Amend Bylaw 3 by adding the following below subsection (4)(d):

3(4)(e) The owners of pets shall be fully responsible for their behavior within the common property. If a pet is deemed to be a nuisance by the Strata Council, it shall be removed from the Strata Corporation within thirty (30) days. Visitors shall be informed of the rules concerning pets and residents will be responsible for clean-up or damage repair should their guests bring pets into the common property.

3. Amend Bylaw 3 by adding the following below subsection (4):

3(5) An owner, tenant or occupant shall not feed nuisance birds such as pigeons, seagulls, crows, starlings and other birds from any Strata Lot or the common property.

4. Amend Bylaw 4 by adding the following below subsection (2):

4(3) Any owner of a Strata Lot who leases his lot without submitting a Form K in accordance with the *Strata Property Act* shall be liable to a fine of \$50.00 for every month or part thereof that a tenant is in occupancy of the Strata Lot and the Form K is not submitted.

5. Amend Bylaw 5 by adding the following below subsection (1)(g):

5(1)(h) the painting of the exterior, or the attachment of sunscreens or greenhouses; or

(i) limited common property, including balconies, decks, roof decks and the Sky Gardens.

6. Amend Bylaw 7 by adding the following below subsection (2):

7(3) Where the Strata Corporation is required to enter a Strata Lot for the purpose of maintaining, repairing, or renewing pipes, wires, cables and ducts for the time being existing in the Strata Lot, which are capable of being used in connection with the enjoyment of any other Strata Lot or the common property, the Strata Corporation and its agents shall in carrying out any work or repairs do so in a proper and workmanlike manner. The Strata Corporation shall make good any damage to the Strata Lot occasioned by such works and restore the Strata Lot to its former condition, leaving the Strata Lot clean and free from debris.

7. Add the following Bylaws following Bylaw 30:

Bylaw 31: Strata Fees (s. 107 Strata Property Act)

- 31(1) Strata fees are due and payable on or before the first day of each month. Strata fees not received by the 10th day of the month in which they are due are subject to a 10% per annum interest penalty compounded annually until paid.
- (2) When arrears of strata fees exceed two monthly payments a lien will be placed by the Strata Corporation on the Strata Lot involved at the owner's expense for the total monies due, including all legal and other expenses.

Bylaw 32: Disturbance of Others

- 32(1) Mops or dusters of any kind shall not be shaken, and nothing shall be thrown out of any window, door, passage, or other parts of the Strata Lot or the common property.
- (2) No barbecues other than those fueled by propane or natural gas or electricity may be used. No owner shall operate his barbecue in a manner which, in the opinion of the Strata Council, interferes with another owner's enjoyment of his Strata Lot. All barbecues must be kept at a minimum distance of 24 inches away from the building exterior walls. Strata Lot owners or residents are responsible for heat damage to the building envelope.
- (3) Cycling on the common property other than the driveway is prohibited.
- (4) Carpentry or similar alterations shall be limited to the hours as allotted by the City of Vancouver.

Bylaw 33: Hazards

- 33(1) Fire hazards must be minimized. No item shall be brought onto or stored in a Strata Lot or the common property which will in any way increase or tend to increase the risk of fire or the rate of fire insurance or any other insurance policy held by the Strata Corporation, or which will invalidate any insurance policy.
- (2) No material substances, especially burning material such as cigarettes or matches, shall be permitted to be discharged from any window, door, patio or other part of a Strata Lot or the common property.

Bylaw 34: Cleanliness

- 34(1) All household refuse and recycling material shall be secured in suitable plastic bags or recycling containers. The owners will comply with the City's recycling program as it is implemented.
- (2) Any waste material other than ordinary household refuse and normally collected recycling materials shall be removed by the individual owner or resident of the Strata Lot.

Bylaw 35: Exterior Appearance

- 35(1) No signs, fences, gates, billboards, placards, advertising or notices of any kind shall be erected or displayed on the common property or the Strata Lot without prior written approval by the Strata Council.
- (2) No awning, shade screen, smoke stack, satellite dish, radio or television antenna shall be hung from or attached to the exterior of the Strata Lot, without prior written consent of the Strata Council.
- (3) No laundry, clothing, bedding, or other articles shall be hung or displayed from windows, patios, or other parts of the Strata Lot so that they are visible from the outside.
- (4) Draperies or window coverings that are visible from the exterior of any Strata Lot shall be cream or white in colour.
- (5) No unsightly material, effects or items shall be displayed or stored on the balcony, deck, roof deck, Sky Garden or other limited common property of the Strata Lot.

Bylaw 36: Common Areas

- 36(1) The Strata Council shall administer all common areas and any rules and regulations formulated by the Strata Council from time to time shall be binding upon all owners, residents and visitors.
- (2) The common facilities are for the use of residents and their invited guests only. A resident must accompany guests when using these facilities.

Bylaw 37: Parking

- 37(1) A resident shall use only the parking stall(s) obtained by way of partial assignment of Qualex Landmark Parking Ltd.'s rights under a parking stall and Storage Lease registered in the Land Titles Office against title to the common property of the Strata

Corporation. Parking Stalls cannot be utilized by any person who is not a resident within the Strata Corporation.

- (2) No major repairs or adjustments shall be made to motor vehicles on the common property.
- (3) A maximum speed of 15 km/h shall apply within the common property.
- (4) Owners will be responsible for the clean up of oil spills on common property.
- (5) No parking is permitted except in a designated parking space, nor shall a vehicle park in a manner, which will reduce the width of an access roadway.
- (6) No vehicles exceeding 4,000 kg. G.V.W. shall be parked or brought onto the common property without the consent of the Strata Council, except when used in delivery to or removal from the premises.
- (7) Any vehicle, which does not comply with this Bylaw, may be removed at the owner's expense.

Bylaw 38: Damage to Property

- 38(1) An owner or resident shall not cause damage to trees, plants, bushes, flowers or lawns and shall not place chairs, tables or other objects on lawns or grounds so as to damage them or prevent growth.

Bylaw 39: Security

- (1) Strata Lot owners or residents are responsible for anyone they admit onto or about the common property, inclusive of agents, servants, licensees, or invitees.
- (2) The Strata Council shall form a Security Committee to provide guidelines for the security of individual Strata Lots, and to establish resident based voluntary crime prevention programs such as Block Watch.

Bylaw 40: Moving and Resale

- 40(1) It will be the express responsibility of the owner to ensure that all moves in or out by the owner or resident conform to the regulations as established by the Strata Council from time to time.
- (2) Except in the case of advertising and marketing of Strata Lots by the Developer, any advertising for the resale or rental of a Strata Lot shall only be permitted within the boundaries of the Strata

Corporation on the Directory Board which shall be located, supplied and maintained by the Strata Council.

Bylaw 41: Sky Gardens

- 41(1) No owners are permitted to use the Sky Gardens on the 16th and 19th floors, except for the owners of the Strata Lots on those floors for which the Sky Gardens constitute limited common property, which owners are entitled to the exclusive use of the Sky Gardens.
- (2) Without restricting the applicability of these bylaws, owners of Strata Lots entitled to use of the Sky Gardens:
- (a) shall not make any permanent modifications to the Sky Gardens including any change to the landscaping whether or not such modifications are visible from the exterior of the building unless authorized in writing to do so by the Strata Council;
 - (b) must allow a person authorized by the Strata Council and/or the Strata Corporation access to the Sky Gardens to maintain, repair and inspect the Sky Gardens;
 - (c) shall not place personal effects and furniture on the Sky Gardens, unless:
 - (i) the owners obtain the unanimous consent of the other owners who have the exclusive use of such Sky Garden;
 - (ii) the personal effects and furniture are not visible from the exterior of the Pomaria Project; and
 - (iii) they confirm in writing to the Strata Corporation that they will indemnify the Strata Corporation and maintain adequate insurance for any loss or damage to the Strata Corporation as a result of the presence of personal effects and furniture on the Sky Gardens.
- (3) Since the landscaping in and on the Sky Gardens is part of the overall landscaping scheme for the Pomaria project, all landscaping done on or in the Sky Gardens shall be done by the landscaping firm retained by the Strata Corporation for the Pomaria project generally unless otherwise permitted by written authorization of the Strata Council and the cost of such landscaping for the Sky Gardens shall be shared by those owners entitled to the exclusive use of that particular Sky Gardens in accordance with their respective unit entitlements and such owners shall pay such costs within 30 days of being invoiced therefore by the Strata Corporation or the strata manager. Under no circumstances will an owner be entitled to alter the existing

landscaping located on or in the Sky Gardens without specific written authorization of the Strata Council.

Bylaw 42: Live/Work Units

- 42(1) Without restricting the general applicability of these bylaws, the owners of Strata Lots 18 to 21 inclusive (the "Live/Work Units"), in addition to using the Strata Lot as a residential unit may also use the Live/Work Units for General Office Live Work as defined in the City of Vancouver Zoning Bylaw 2689, as amended from time to time. Such owners shall take all necessary steps to ensure that they comply with such bylaw and further such owner shall not permit the Live/Work Units to be used as:
- (a) a financial institution, health care office or health enhancement centre;
 - (b) a booking agency or a facility providing liquor delivery or psychic/fortune telling services;
 - (c) a consulate, embassy, high commission or other office of a foreign government body;
 - (d) a government office; or
 - (e) for any use that is not restricted to a pure office use.
- (2) When a Live/Work Unit is being using for General Office Live-Work purposes the owner thereof shall not permit the number of people working within the Live-Work Unit at any time (including the owner and any relatives of the owner) to exceed 1 person for every 295 square feet of habitable area of the Live-Work Unit.