

March 12, 2019

Fraser Valley Regional District
45950 Cheam Avenue
Chilliwack, BC, V2P 1N6

Via Email

File no.: 166102
Assistant: Louise
E-mail: howard@linleywelwood.com

Dear Sirs:

Re: Aquadel Crossing Ltd. – Buffer Zones

We are the solicitors for Aquadel Crossing Ltd. Our client has asked that we provide our opinion as to the nature of the Buffer Zones that surround the bare land strata lots known as Aquadel Crossing (Strata Corporation EPS3838) located at 1885 Columbia Valley Road. The location of the said Buffer Zones is shown on the plan attached hereto as Appendix A. Our opinion is as follows:

1. Each of the Buffer Zones has been designated as general Common Property on the Phase 1 and Phase 2 Strata Plans that have been filed at the Lower Mainland Land Title Office. As such, each of these Buffer Zones are now owned and controlled by Strata Corporation EPS3838.
2. Given that all of the Buffer Zones are within Common Property areas, none of the Buffer Zones are “private amenities” as that term is defined within the Official Community Plan. No strata lot owner has the right to exclusively occupy or use any portion of the Buffer Zones. Instead, the Buffer Zones are “semi-private amenities” and their use and enjoyment is reserved for Strata Corporation EPS3838 as a whole.
3. It is our understanding that some cedar fencing and hedging has been installed across various areas of the Buffer Zones. The installation of these fences and hedges does not alter the legal nature of the Buffer Zones. They remain semi-private amenity spaces, and they remain within the legal control of the Strata Corporation, regardless of whether any kind of barrier has been installed.
4. Furthermore, the installation of the fences and hedges does not in any way diminish or limit the authority of the Fraser Valley Regional District (“FVRD”) in administering its’ policies and requirements previously granted to the FVRD by our client (as developer) or by the Strata Corporation.

In addition to the foregoing opinions, it is also our understanding that the owners of Strata Corporation EPS3838 are in favour of retaining the fences and hedges in place and

acknowledge that their rights and abilities to use the Buffer Zones are specifically limited by the limitations placed thereon by the FVRD.

We trust the foregoing is satisfactory.

Thank you.

Sincerely yours,

Linley Welwood^{LLP}

Per

A handwritten signature in black ink, appearing to be 'H. Wiens', written over a light blue horizontal line.

Howard Wiens
Barrister & Solicitor
HW/hkw
Enclosure

OF: LOT 178 SECTION 10 AND 15 TOWNSHIP 22 NEW WESTMINSTER
DISTRICT PLAN 54872 EXCEPT: PART SUBDIVIDED BY
PLAN 69519 AND PART IN PLAN EPP54801

SCALE 1 : 800

DIMENSIONS ARE SHOWN IN METRES.
THE INTENDED PLOT SIZE OF THIS PLAN IS 500mm IN WIDTH
BY 684mm IN HEIGHT (D SIZE) WHEN PLOTTED AT A SCALE OF 1:800

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Part. SOUTH WEST 1/4
LEGAL SUBDIVISION 1

COLUMBIA VALLEY HIGHWAY

LIST OF DISAGREEE MEMBERS OF JURY DISQUALIFIED ALLEGEDLY BY THE JUDGE WHO ASSESSED THE LOCATION OF APPROPRIATELY THAT HAVE NOT BEEN SERVED BY SURVEY ON DISAGREES	
171129C	CA424156D
771510	CA424156I
BF217421	CA424158Z
BJS358213	CA4241563
6K3Z2062	CA4672666
CA4241355	CA4672687
CA4241587	CA4672690
CA4241358	CA4672670
CA4241509	UG6812

LOT DIMENSIONS ARE DERIVED FROM A LEGAL SURVEY.
 OWN BEARINGS ARE DERIVED FROM GNSS OBSERVATIONS
 TO THE SMARTNET REFERENCE STATION NETWORK.
 THE SIGNATORY ACCEPTS NO RESPONSIBILITY FOR DAMAGES
 ARISING OUT OF ANY UNAUTHORIZED USE OF THIS PLAN.

DATED THIS 29TH DAY OF NOVEMBER, 2016

GEORGE W. BAERG, BCLS, AIS(Hel)
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