



Bear Creek Strata VAS 2639
2306 Gondola Way
Whistler, BC
V0N1B2

September 11, 2017

**Re: Proposed Bunbury Subdivision
2501 Gondola Way, Whistler BC
District lot 2291, Plan 19602**

Messrs. Paul and Ian Bunbury
Whistler, BC

Following recent discussions, the Bear Creek Strata agrees to support the above noted development proposal to rezone and sub-divide Subject Lands into five single-family lots on the following conditions. It is understood that the Subject Lands will be sold to a third party Developer with a Development Plan approved by the Resort Municipality of Whistler and that the Developer intends to create a Bare Land Strata and sell the five individual properties. The conditions noted below will apply to all subsequent owners of the lands and will be contained in the Development Agreement, the Strata Bylaws or registered on the Title of each lot.

1. It is understood that the Development Proposal is for a Bare Land Strata with a maximum of five properties. Each of these properties are to be zoned RS-1 for single family housing with a maximum floor area of 3,500 square feet and that zoning allows for a secondary suite for long term rentals but not for nightly rentals. The building setbacks, building heights, limiting distances, etc. are to follow RMOW standards.
2. The cost of connecting to all services and utilities including all design fees and upgrades to the existing services and utilities that will be required for the proposed development, sub-division and rezoning, and all legal fees including the registration of appropriate covenants, would be borne by the Developer. This will also apply to any necessary road improvements including Gondola Way and the current access road.
3. During building development there will be heavy and increased traffic on Gondola Way, a private roadway in Bear Creek and maintained by the Bear Creek

Strata. The Developer will provide \$20,000 bond to Bear Creek Strata for maintenance and damage that may occur to the roadway right of way. This bond will be held by the Bear Creek Strata and upon completion of the subdivision and the installation of all site services a third party Engineer appointed by the Bear Creek Strata and agreed to by the Developer will determine if there is any damage to the roadway right of way caused by the Developer and provide a cost to repair any such damage. Upon completion of any repairs called for in the Engineer's report, the value of the bond will be returned to the Developer less the cost of repairing the road right of way.

4. At the present time, Bear Creek Strata maintains and repairs all the roadways within the Bear Creek Strata. The cost of the maintenance and repair of Gondola Way including any special assessment as determined by the Bear Creek Strata from time to time is charged to each Bear Creek property owner on a pro-rata basis. As a condition of the Bear Creek Strata agreeing to the Development Proposal, the Developer and/or the subsequent owners of the properties on the Subject Lands agree to contribute on a pro-rata basis along with the owners of the properties within Bear Creek to the cost of maintaining Gondola Way on an annual basis. Charges to be levied to the Developer and/or the subsequent property owners on the Subject Lands would be due and payable following the Annual General Meeting of the Bear Creek Strata and approval of the actual costs. This condition of the Bear Creek Strata agreeing to the proposed Development Plan and subdivision must be registered on the Title of each of the five new properties on the Subject Lands and contained within the Development Agreement.
5. The access to the water tower located north and west of the proposed development must be maintained. This roadway easement is required for the municipal access to the water reservoir, for fire protection and is used as a ski-out by the Bear Creek Strata and must be maintained.
6. At the present time, Bear Creek Strata provides snow removal to the Subject lands and in return the Bear Creek Strata has a designated snow dump area on the subject property. It is understood that the Development Proposal identifies a park area that can be used as a snow dump. As a condition of the Bear Creek Strata agreeing to the Development Proposal, the Bear creek Strata must have the right to make use of this snow dump in perpetuity. This right must be registered on the Title of each of the proposed properties on the Subject Lands and contained within the Development Agreement.

Until the sub-division and rezoning is approved and completed, we will continue to remove snow from Gondola Way and the access into the Subject Property on the condition we can continue to use a portion of the Subject Property as a snow dump.

We would ask you to execute a copy of this letter following which we would submit a copy to the RMOW advising of our mutual agreement of your sub-division and rezoning proposal.

Yours truly,

Kirk Hulse
President
Bear Creek Strata VAS 2639

Agreed and accepted:

Patricia D.J. Bumbury (as Bumbury)

ITEM 5 - THE WATER TOWER IS MORE ACCURATELY LOCATED TO THE SOUTH AND EAST OF THE SUBJECT PROPERTY AND IS ACCESSED BY A REGISTERED ROAD DEDICATION NOT AN EASEMENT. IT IS NOT THE ADJACENT OWNER'S RIGHT OR OBLIGATION TO MAKE DECISIONS REGARDING THE ANY ACCESSIBILITY OR USAGE OF THAT ROAD.