

APPENDIX “A”
Section 45 Agreement

Schedule “F”

Restricted Uses

The City shall not allow the Condo Units (defined in section 2 of the Section 45 Agreement to which this Schedule is attached), or any portion thereof, to be used in whole or in part for any of the following restricted uses (hereinafter collectively referred to as the “**Prohibited Uses**”):

- a. any use which includes the sale, display or rental of sexually-explicit goods or services including, but not limited to, any massage parlour and any book store, video store, parlour, video arcade, or dance hall which provides any such goods or services, any establishment engaged in the business of selling, exhibiting or delivering pornographic or obscene materials; a so-called “**head shop**”; off-track betting parlour; a laundromat or dry-cleaning facility; discotheque, dance hall, comedy club, night club or adult entertainment facility; billiard or pool hall; game parlour; a beauty school, barber college, reading room;
- b. a meeting hall, church, funeral parlour, hotel/motel, theatre, cinema, circus, carnival, amusement park, roller or ice skating rink, or bowling alley; an animal kennel, theatre, auditorium, sports or other entertainment viewing facility (whether live, film, audio visual or video); fitness centre, workout facility, gym, health spa, or studio, or exercise facility;
- c. a farmers’ market (or any use having the appearance of a farmers’ market), or as a flea market, an order office, mail order office or catalogue store;
- d. a surplus store, or a fire or bankruptcy sale, going-out-of-business sale, liquidation sale or any similar sale, a short-term liquidation outlet, or any business selling ends-of-run, bankruptcy stock, seconds or other similarly related merchandise or for the sale of second-hand goods, war surplus articles, insurance salvage stock, fire sale stock or merchandise damaged by or held out to be damaged by fire or a any pawn shop or similar type of operation;

- e. a hospital, any automobile sale, leasing, repair or display establishment or used car lot, or any auto body repair facilities; an unemployment agency, service or commission; a cocktail lounge, bar, disco or restaurant; a bingo hall or any facility for providing games of chance; a gun range; a parole office; a welfare office; a crisis care facility; an abortion or any other type of clinic or medical type facility;
- f. any business which involves intentionally deceptive or fraudulent advertising or selling practices or any other act or business practice contrary to honest retail practices;
- g. a home improvement centre or for any business which sells, displays, leases, rents or distributes the following items or material as part of its principal business: lumber, hardware, tools, plumbing supplies, poll supplies, electrical supplies, paint, wallpaper and other wallcoverings, window treatments (including draperies, curtains and blinds), kitchen or bathrooms or components thereof (including tubs, sinks, faucets, mirrors, cabinets, showers, vanities, countertops and related hardware), window, hard and soft flooring (including tile, wood flooring, rugs and carpeting), siding, ceiling fans, gardening and garden nursery supplies, artificial and natural plants, outdoor cooking equipment and accessories, patio furniture and patio accessories, Christmas trees, indoor and outdoor lighting systems and light fixtures, cabinets and unfinished and finished furniture, kitchen and household appliances, closet organizing systems, interior design services, or other products generally sold in a retail home improvement centre;
- h. a business or use which: emits noise or sound which are objectionable due to intermittence, beat, frequency, shrillness or loudness; creates unusual fire, explosive or other hazards, or materially increases the rate of insurance for the owner or other occupant of any portion of the Development;
- i. a food supermarket, a green grocer, a produce market, a meat market, a delicatessen, a fish market and/or a bakery; the sale of medicines or medicaments, the dispensing of which requires the prescription of a licensed medical practitioner, and/or a drug store; the sale of alcoholic beverages or liquor of any description;

- j. any form of residential use involving the provision of dwelling units or dwelling rooms;
or
- k. any other business which is prohibited pursuant to the condominium Declaration and by-laws applicable to the Condo Units that have been approved by the CCO pursuant to section 2(e) of the Section 45 Agreement to which this Schedule is attached.

This restrictive clause shall be a restrictive covenant binding on the Condo Units and shall enure to the benefit of the Owner and its respective successors and other transferees thereof.

This covenant is intended to run with the land and reversion and to be binding upon the City, its successors and assigns and any purchasers of any part of the Condo Units. The Owner shall be entitled to register notice of this covenant against the title to the Condo Units. The City covenants that it will give notice of this provision to any prospective purchaser of the Condo Units, or any part thereof, and to any prospective tenant thereof.