

1. Introduction

The following survey is a follow-up to the comments received from Little Bow Resort Owners during the first review of the draft proposed by-laws during the summer of 2006 and additional comments received at the Special General Meeting (SGM) held on November 5, 2006. Your response to this survey will assist the Board in developing the next draft of the proposed by-laws for the Owners review.

A copy of the current by-laws, the draft proposed by-laws and a table comparing the current and draft proposed by-laws is available on our web site at www.littlebowresort.ca under By-Laws.

The survey is quite long and it may take 15 to 30 min to complete – we appreciate you talking the time to respond to this survey. The survey is available on the web site in a Word documents if you would like to review with others prior to completing the survey.

2. Untitled Page

* 1. Please select your lot number below. This is required to validate your survey. Your specific results will not be shared with anyone outside of the surveyor. Remember you are allowed one survey per unit (per lot).

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3. ATVs

Background: Under the current by-laws all-terrain or off-road vehicles (ATVs) are not allowed onto the Resort, except for storage, and then only with approval from the Board. In July 2006 the Board issued an ATV policy outlining the conditions required for Owners to store ATVs at the Resort (must be licensed and insured, etc., same provisions as required under legislation). Ninety percent of the October 2006 survey respondents agreed that Owners with ATVs should comply with provincial laws (license, insurance, helmets, etc.). The Board is concerned that if an accident occurs involving an ATV, all Owners could be liable as it could be argued that the Board has condoned ATV use by not enforcing the current by-laws. The October 2006 survey suggested that about 25% of Owners have an ATV at the Resort. The same survey suggested that 44% of Owners would support a by-law change to allow ATVs to operate at the Resort, while 20% were opposed and 27% asked for more information.

The Board has obtained a legal opinion that suggests ATVs could operate legally within the Resort if measures were taken to restrict public access to the Resort. Currently the Resort's roads are "public roads" and hence operation of ATVs on the Resort's roads is illegal (even though the roads are privately owned by the condo corporation). In order to make the Resort's roads not accessible to the public, access to the Resort would need to be restricted to Owners and their guests.

Practically, access to the Resort could be restricted (and Resort roads deemed private) by placing more signs at the entrance ("Private Property", "No Access", etc.) and some form of active enforcement (e.g. control gate or windshield tags for all Owner and guest vehicles, including contractors). A control gate would likely be costly to install and maintain. Windshield tags would work only if Owners actively participated.

The legal test for private roads without a gate is that a system is in place and actively enforced to ensure the public does not enter the Resort, and if the public does enter, there is a system to detect them and have them removed.

* 2. With this additional information, would you support a by-law change that would allow ATVs to operate within the Resort in conjunction with a system to restrict public access to the Resort

Yes

No

Still need more information

* 3. Would you support the installation of a control gate at the Resort's entrance?

Yes

No

Need more information on costs, etc

* 4. Would you support a windshield tag system for all Owners and their guests?

Yes

No

Need more information on costs, etc

* 5. Who should pay for the cost of restricting access to allow ATVs to operate within the Resort (e.g. signs, tags, gate, etc.)?

All Owners via condo fees

ATV Owners via a permit fee

* 6. If ATVs are allowed to operate within the Resort, please indicate the areas where you would support their operation (please check all that apply):

All roads west of the storage yard

Main road from storage yard to entrance

Undeveloped lands east of storage yard and south of main road

Undeveloped lands east of boat sheds and north of main road

Phase IV common areas (e.g. along lake east of boat dock parking lot)

Phase I, II & III common areas (along lake front, parks, etc.)

Do not support ATVs anywhere within the Resort

* 7. Should the July 2006 ATV policy be maintained in an effort to protect Owners from liability in the event of an accident involving an ATV?

Yes No

* 8. Should the July 2006 ATV policy be enforced by the Board (e.g. fines to ATV Owners who refuse to comply with the policy) in an effort to protect Owners from liability in the event of an accident involving an ATV?

Yes No

* 9. If the by-laws are changed to allow ATVs to operate within the Resort, should the by-laws also contain provisions that Owners must comply with legislation (license, insurance, helmet use, etc.)?

Yes No

* 10. How many ATVs do you currently store at the Resort?

None

One

Two

Three

More than three

11. Please provide any comments you have on this topic

4. Vehicle Parking

Background: The current by-laws state that each Owner is only allowed to bring two vehicles onto the Resort and that parking for two vehicles on each unit (lot) is required. The implication is that parking on the street should not be required.

The proposed draft by-laws suggest that each Owner could bring on the Resort four vehicles, that vehicles should be under 1 ton and that parking on the road next to a unit should be for the adjacent Owners use only.

The Board has received complaints from Owners regarding parked vehicles on the road, especially in areas near the walkways to the beach. The Board has also received complaints regarding vehicles parking on empty lots, sometimes without permission from the Owner.

* 12. Should the by-laws restrict the number of vehicles each Owner can bring onto the Resort to:

2 vehicles

4 vehicles

6 vehicles

No restriction

* 13. Should the by-laws restrict the number of vehicles each Owner can park on the roads to:

1 vehicle

2 vehicles

3 vehicles

No restriction

* 14. Should the by-laws state that parking on the road adjacent to an Owners property should be restricted for the Owners use (or the Owners permission is required)?

Yes No

15. Please provide any comments you have on this topic.

5. Recreation Vehicles

Background: The current by-laws state that parking a recreation vehicle (RV) on an Owners unit (lot) is not allowed, except for a four year period from the time the unit was initially sold by the developer. The campground was developed to provide a place for Owners and the guests to use their RVs and the storage yard was developed to allow for RV storage.

Some Owners want to park their RVs on their unit overnight once in a while for various reasons. The Board wants to uphold the by-laws and the Board has requested that permission be obtained from the Board in special circumstances, and permission is typically granted.

Many municipalities have by-laws that restrict RV parking on streets or in the front yard or front driveway of an Owners property. Presumably these restrictions are in place due to concerns with safety, neighbourhood appearance, use of RVs as a second residence, etc.

Some Owners have asked if parking restrictions should be extended to boats, large vehicles, trailers, etc.

* 16. Other than the initial four year period, do you support a by-law change that would allow RVs to be parked on the road in front of an Owners unit? (check all that apply)

RV on road anytime, for any length of time

RV on road, only during the day (no overnight)

RV on road, for a maximum of 1 night

RV on road, for a maximum of a weekend

RV on road, other than a weekend

No RV parking on the roads

* 17. Other than the initial four year period, do you support a by-law change that would allow RVs to be parked on an Owners unit? (check all that apply)

RV on unit anytime, for any length of time

RV on unit, only during the day (no overnight)

RV on unit, for a maximum of 1 night

RV on unit, for a maximum of a weekend

RV on unit, other than a weekend

No RV parking on a unit, except with permission for the Board (current by-laws)

No RV parking on a unit, no exceptions.

* 18. Should the by-laws continue to restrict RV parking on a unit after four years from the sale of the unit by the developer?

Yes No

* 19. Should the by-laws contain new provisions that require owners to build within four years from the time the unit was sold by the developer (this would be in addition to the caveats many owners have signed).

Yes No

* 20. Should the by-laws be amended to restrict parking of the following on the roads (check all that apply):

Boats

Employ trailers (including boat trailers)

Vehicles over 1 ton

No restrictions, anything can be parked on the roads

* 21. Should the by-laws be amended to restrict parking of the following on an Owners unit (check all that apply):

Boats

Employ trailers (including boat trailers)

Vehicles over 1 ton

No restrictions, anything can be parked on the roads

22. Please provide any comments you have on this topic.

6. Other By-Law Restrictions

Background: The current by-laws have a number of restrictions on what Owners can not do. Some Owners are of the view that these restrictions are required in order to make it clear to Owners what is and is not allowed and to provide the Board with the ability to fine Owners if the circumstance warrants. Other Owners are of the view that there are too many rules and that some by-laws restrictions are not required. The current by-law restrictions are mainly under section 37.2 and the proposed draft by-law restrictions are mainly under section 61 a).

* 23. Should the by-laws restrict any commercial operation (e.g. home based businesses) from a unit without Board approval (proposed 61. a i)?

Yes No

* 24. Should the by-laws restrict excess noise from a unit (current 37.2 e, proposed 61. a i)?

Yes No

* 25. Should the by-laws restrict the number of kinds of pets allowed (current 37.2 (f) allow for 1 cat or 1 dog, proposed 61. a iii allow for 2 cats or dogs)?

Yes No

* 26. Should the by-laws require all pets to be leashed when on common property (current 37.2 (f), proposed 61. a iii)?

Yes No

* 27. Should the by-laws require Owners to remove their pet's defecation (proposed 61. a iii)?

Yes No

* 28. Should the by-laws restrict development of fences, clotheslines, or other exposed objects without approval from the Board to maintain the Resort's appearance / character (current 37.2 g, proposed 61. a iv)?

Yes No

* 29. Should the by-laws restrict any modifications or additions to an Owners unit or to the common property without the Board's approval (current 37.2 h, proposed 61. a vi)?

Yes No

* 30. Should the by-laws restrict Owners to washing vehicles on their units (not allowed on roads or common areas) (proposed 61. a x B)?

Yes No

* 31. Should the by-laws restrict Owners to repairing vehicles on their unit, except within a garage (current 37.2 m, proposed 61. a x C)?

Yes No

* 32. Should the by-laws restrict Owners from parking unregistered or unlicensed vehicles on their unit without Board approval (proposed 61. a x F)?

Yes No

* 33. Should the by-laws restrict vehicle speed to 25 km/h (40 km/h max on main road) (current 37.2 v, proposed 61. a x G)?

Yes No

* 34. Should the by-laws require units not be become untidy, unsanitary or unsightly (current 37.2 g & t, proposed 61. a xii & xiii)?

Yes No

* 35. Should the by-laws restrict Owners from putting up signs on their unit without Board approval (except small and real estate sized signs) (current 37.2 r, proposed 61. a xv)?

Yes No

* 36. Should the by-laws restrict Owners from hunting, except with Board approval (e.g. pest control) (current 37.2 y, proposed 61. a xvii)?

Yes No

* 37. Should the by-laws require Owners to have their guests comply with the by-laws (current 37.3, proposed 61. b)?

Yes No

* 38. In general, are the current bylaws:

Too restrictive

Contain appropriate restrictions

Should be more restrictive

39. Please provide any comments you have on this topic

7. Boat Sheds

Background: The developer has built and owns all the boat shed buildings and the land the buildings are situated on. The developer has an agreement with Owners who paid for the portion of the buildings to use the boat shed and to limit the developer's liability.

Now that all the lots are sold the developer is transferring the all the land and the boat shed buildings to the condominium corporation. The Board has entered into an agreement with the developer allowing them to build an additional 6 boat shed buildings, 2 of which are complete, 2 under construction, 2 more to come if required.

Currently boat shed users pay an annual fee to cover the property taxes and insurance on the boat shed buildings. There is no reserve fund in place to cover ongoing maintenance of the boat shed buildings.

The Board is of the view that since the condominium corporation will own all the boat sheds, there should be no costs or liability imposed on Owners that are not boat shed users (i.e. boat shed users should not be subsidized).

The Board investigated a the following options to ensure that Owners who have use of a boat shed will continue to have unfettered use and pay all costs associated with their boat shed after the boat sheds are transferred to and owned by the condominium corporation:

A. Change the by-laws to have the existing agreement provisions incorporated. Estimated cost is small if the by-law changes are incorporated with other by-law changes.

B. Create a separate condominium for the boat sheds. Each shed would have to be surveyed and a title registered. Boat shed users would have a legal title to their shed and the underlying land, similar to the bare land condo in place for the rest of the Resort. The new condominium can reside within the existing condominium and have a separate annual fee to cover all costs. Estimated cost to implement is about \$5,000 per boat shed.

C. Create lease agreements between the condominium corporation and each boat shed user. Each lease agreement would give rights to boat shed Owners for use of the shed and an obligation to pay all incremental costs. Some condominium corporations use lease agreements for parking stalls. Each boat shed

would still have to be surveyed. Every boat shed user would have to sign a lease agreement. Estimated cost to implement is about \$3,000 per boat shed.

In 2005 the Board discussed these options with the developer, several boat shed users, Owners who are lawyers and with the lawyer who was hired to draft the revised by-laws and elected to pursue option A. At the time there was little interest in incurring additional costs to have the boat sheds surveyed, etc. and the by-law changes would require 75% approval of all Owners, rather than 100% of all boat shed users under options B and C.

The proposed draft by-laws contain the following provisions:

- Condominium Corporation maintains a list of boat shed users who have exclusive use to the boat shed they paid for.
- If a unit is sold, the right to the associated boat shed is transferred to the new owner (non-Owners can not have use of a boat shed).
- Boat sheds can only be used for storage only, not as a shop or to operate a commercial enterprise.
- Owners who have rights to a boat shed can make improvements to the inside and the area in front of the shed (e.g. paving), at their own expense.
- The Board will prepare an annual budget for the boat sheds to cover insurance, property taxes, maintenance, reserve funds, etc. which will result in an additional annual fee to the boat shed users.
- The condominium corporation will establish a specific reserve fund for the boat sheds to cover eventual capital replacements (e.g. new roofs in 30 years).

* 40. Please indicate which option you prefer (A, B or C noted above) to grandfather the boat shed users rights:

Option A - Change the bylaws (draft proposed by-laws)

Option B - Create separate condominium corporation for boat sheds

Option C - Create lease agreements

None of the above

* 41. Should the by-laws contain provisions that if a unit is sold, the right to the associated boat shed is transferred to the new owner (non-Owners can not have use of a boat shed)?

Yes No

* 42. Should the by-laws contain provisions that Boat sheds can only be used for storage only, not as a shop or to operate a commercial enterprise?

Yes No

* 43. Should the by-laws contain provisions that Owners who have rights to a boat shed can make improvements to the inside and the area in front of the shed (e.g. paving), at their own expense?

Yes No

* 44. Should the by-laws contain provisions that the Board will prepare an annual budget for the boat sheds to cover insurance, property taxes, maintenance, reserve funds, etc. which will result in an additional annual fee to the boat shed users?

Yes No

* 45. Should the by-laws contain provisions that the condominium corporation will establish a specific reserve fund for the boat sheds to cover eventual capital replacements (e.g. new roofs in 30 years)?

Yes No

* 46. Please indicate the boat shed(s) you currently have the rights to (check all that apply).

No rights to any shed

Single shed (existing)

Drive though double shed (existing)

Single shed (requested from developer or under construction)

Drive though double shed (requested from developer or under construction)

47. Please provide any comments you have on this topic.1

8. By-Law Enforcement

Background: The existing by-laws allow for a penalty of not more than \$200 for each contravention of a by-law. It is unclear that if the contravention continues, a fine can be levied again every day, every month, etc. that the contravention continues. The Board is concerned that a \$200 fine may not provide a sufficient deterrent for some by-law infractions.

The Condominium Property Act allows condominium corporations to issue a maximum fine of \$10,000.

The Act also allows the condominium corporation to impose sanctions (e.g. Owner not allowed on common property until the by-law contravention is rectified), and use the courts to uphold a sanction.

The draft proposed by-laws attempt to segregate fines into two categories.

- Minor Contraventions: fines of \$50 to \$1,000 for minor offences related to pets, parking, damage to common property, noise, garbage, nuisance to other Owners, etc. which can be issued to an Owner without notice . The intent is to fine Owners or their guests who blatantly disregard the by-laws in the same manner that a municipal by-law or police officer would issue a fine.

- Major Contraventions: fines of \$50 to \$10,000 for major offences related to major damage to condominium property, violations related to building restrictions, etc. which would only be issued if an Owner has not rectified the contravention after 10 days of receipt of notice from the Board. The intent is to provide Owners with a reasonable amount of time to respond to a major by-law contravention before a fine is issued.

* 48. Do you support by-laws that segregate fines into the proposed two categories (minor fine without notice and major fines with notice)?

Yes No

* 49. For Minor Contraventions, what maximum level of fine should the Board be able to impose (consider an Owner who refuses to remove garbage from his unit)?

Proposed \$50 to \$1,000

Lower maximum

Higher maximum

* 50. For Major Contraventions, what level of fine should the Board be able to impose after 10 days notice (consider an owner who has built a cottage that does not comply with the by-laws or with the approved building plans)?

Proposed \$50 to \$10,000

Lower maximum

Higher maximum

* 51. For Major Contraventions, what period of time should Owners be given to rectify a by-law contravention?

Proposed 10 days

Less than 10 days

20 days

30 days

More than 30 days

* 52. Should the by-laws contain provisions for Owners to appeal a fine under a defined dispute resolution mechanism (please check all provisions that you feel should be provided in the by-laws):

No appeal mechanism

Appeal to Board for reconsideration

Appeal to all Owners by a written resolution to be voted on at the AGM, a SGM or by written resolution

Appeal to arbitration panel

* 53. The current Board's general policy is to only enforce by-laws after a complaint is received from an Owner. In addition, the current Board attempts to educate Owners of problem areas by newsletters (e.g. speeding, pets, garbage, etc.). Please check the approach the Board should take towards by-law enforcement:

No enforcement

Enforcement / investigation after complaint from an Owner

Board members should actively enforce by-law infractions they encounter

Condo Corp should hire a by-law enforcement officer to actively enforce the by-laws (e.g. patrols on summer weekends)

54. Please provide any comments you have on this topic.

9. Quorum at Meetings

Background: In order for any resolution or motion to be passed at the Annual General Meeting (AGM) or a Special General Meeting (SPM) 25% of the Owners must be present in person or by proxy. At some prior meetings, the developer had to use votes for un-sold lots in order for to obtain quorum. An AGM must be held each year and certain motions must be passed.

The current by-laws state that if quorum is not obtained within 30 min., the meeting is adjourned and re-scheduled for the next week. If quorum is still not obtained at the second meeting after 30 min. the meeting proceeds with those present.

The proposed draft by-laws state that if quorum is not obtained within 30 min and there are no extraordinary circumstances that would prevent Owners from attending the meeting (e.g. a snow storm) the meeting proceeds with those present. If there are extraordinary circumstances that would prevent Owners from attending the meeting is canceled and rescheduled for one week later.

* 55. Please select the option that best reflects your views:

Keep existing by-law provisions (25% quorum, adjourn for 1 week if not met)

Adopt proposed draft by-laws (10% quorum, adjourn for 1 week only if extraordinary circumstances exist that would prevent Owners from attending)

Change existing by-law provisions (10% quorum, adjourn for 1 week if not met)

Revise proposed draft by-laws (25% quorum, adjourn for 1 week only if extraordinary circumstances exist that would prevent Owners from attending)

* 56. In general, what level of quorum do you feel should be adopted:

5%

10%

15%

20%

25% (current)

30%

More than 30%

* 57. In general, should the by-laws have the following provisions if quorum is not met:

after 30 min. regardless of the circumstances

Cancel meeting and re-schedule for 1 week later

Only cancel meeting if extraordinary circumstances may have prevented Owners from attending

Proceed without quorum

58. Please provide any comments you have on this topic.

10. Budget Approvals

Background: At the SGM in November 2006 an owner suggested that the by-laws should include provisions for Owners to approve certain expenditures that were not budgeted.

The expenditures the condominium corporation makes each year can be categorized as follows:

- A. Budgeted operating expenses (e.g. labour, utilities, chemicals, equipment maintenance, etc.)
- B. Budgeted capital improvements (e.g. water treatment plant equipment replacements)
- C. Non-budgeted capital replacements (e.g. replace failed equipment)
- D. Capital improvements (e.g. new underground irrigation lines)

Currently, the property manager prepares a budget for the next fiscal year which is reviewed by the Board and approved early in the fiscal year. The approved budget is used to set the annual fees. The budget is presented to the Owners at the AGM. Any budget surplus or shortfall is incorporated into the next year's budget.

The Board is guided by the reserve study that sets out general timelines for capital replacements and provides a cash reserve in the event capital replacements are required (e.g. new roof for caretaker's house). For type C. expenditures, the Board is of the view that discretion is required (e.g. the Board can not wait until the next AGM to get Owners approval to replace a failed pump that supplies water to the treatment plant).

For type D. expenditures, the current Board is of the view that any new capital expenditure needs to be reviewed by all Owners before implementation (e.g. new irrigation lines or a playground).

* 59. What level of approval is required for Capital improvements (Type D expenditures)?

Board approval

Board approval after consultation with Owners (current practice, for example using internet survey results to gauge Owners willingness to proceed)

Owners should review and approve all capital improvements at the AGM

60. Please provide any comments you have on this topic.

11. Annual Dues

Background: In the past annual fees were payable by the end of February for the fiscal year Oct 1 to Sep 30. This year dues were payable by the end of February for the fiscal year Oct 1, 2006 to Dec 31, 2007. Some Owners have suggested that fees could be paid more frequently to make it easier on Owners and to provide a more consistent cash flow to the condo corporation. Collecting fees more often may result in higher administrative costs.

* 61. How many payments per year should Owners make?

One (current)

Four (quarterly)

Twelve (monthly)

62. Would you support the following alternate payment options (other than by cheque) considering the anticipated administrative costs:

Credit cards

Automatic bank withdrawal

63. Please provide any comments you have on this topic.

12. Other

64. Please provide any comments you have on the proposed draft by-laws that were not covered under the topics above. If you provided comments to the Board last summer on the draft proposed by-laws that were circulated by e-mail you do not need to provide them again.

13. Thanks!

Thank you for taking time to complete this survey. The Board appreciates your input and will present the results of this survey at the AGM.