

CAPILANO GARDENS POLICY AND INFORMATION MANUAL (Issued November 2007)

This Manual was created to give owners a convenient reference for Board policies and the Bylaws for items about which Board members are commonly asked or requested to permit. The Manual is a guideline, and is not intended to cover every possible situation. Owners are encouraged to contact the Board in writing with any questions that they may have about any of the following items, or items that are not covered by the Manual. Many of these items are covered in the Bylaws, particularly in section 62. Owners should carefully read the Bylaws with respect to their rights and duties, and the use and occupancy restrictions. Information on items covered in the Bylaws is included here only as a convenient reference, and is not intended to over-ride the provisions of the Bylaws.

Owners who have tenants occupying their units should give their tenants a copy of this Manual and the Bylaws, so that the tenants are aware of the items that may affect them during their occupancy.

ARCHITECTURAL CONTROLS: Owners are responsible for the maintenance and replacement of exterior doors, windows, lighting fixtures, house numbers, finish hardware, all door/window seals and/or weather-stripping, and doorbell buttons. In order to maintain the consistent and attractive appearance and the value of our property, these items should be replaced when necessary with products identical in appearance to the original items and of same or better quality. Since suppliers occasionally go out of business, we are not recommending or requiring any particular supplier of any product. Replacement of these items requires written approval by the Board, prior to the work being carried out, in order to ensure that the replacement items meet architectural control standards. More detailed information on the individual items is given further on in the manual.

AIR CONDITIONERS: Because the noise disturbance to neighbouring units produced by air conditioners with outdoor condensers contravenes the restrictions in Bylaw 62 b) ii) and because the installation of the outdoor condenser portion is a modification to common property, air cooled central air conditioners, ductless air conditioners, window mount air conditioners, or any other type of air conditioner with an outdoor condenser portion are not permitted by the Board. Owners who wish to install types of air conditioners that are entirely contained within their unit (such as water cooled or portable units) should take into consideration the sound transfer to neighbouring units when selecting installation location and venting. In order to ensure that they are not in contravention of Bylaw 62 b) ii), owners may want to make sure that portable units are not located directly against shared walls, or that sound baffling board is used in furnace room installations so that other owners are not disturbed by the noise and/or vibrations produced by their air conditioner.

CHRISTMAS LIGHTS AND SIMILAR SEASONAL DECORATIONS: A tasteful display of seasonal lights and decorations may be put up by the owner after December 1, provided that the display and lights are removed by February 28 at the latest, in accordance with the Bylaws.

CONDOMINIUM FEES: Unpaid condominium fees, including any charges to owners for repairs, etc., which are have been outstanding for more than 60 days, and which exceed \$100 including accumulated interest charges, will automatically result in the issuance of a caveat warning letter. This letter will give the owner 10 days from the date of the letter to pay the entire balance owing. If the balance is not paid within this period, a caveat will be filed against the title of the unit, in accordance with the Bylaws, and the owner will also be responsible for paying all of the costs related to the filing and removal of the caveat.

CONTINGENCY FUND: As required by Alberta condominium legislation, a contingency fund has been established for the purpose of meeting the cost of unexpected annual operating expenses. The Board has set a target date of August 31, 2006 to reach a contingency fund balance of 10% of budgeted operating expenses.

Once the fund has reached that level, contributions to the fund will only be made to reflect 10% of any increases in budgeted operating expenses, or to replace funds spent in the previous year on unexpected operating expenses.

OWNERSHIP TRANSFER: The estoppel certificate covers only condominium fees outstanding as of the effective date. Prospective owners should also be aware that in accordance with the Bylaws, owners are responsible for any alterations made by them to the common property and resulting costs of damages or restoration, or damages caused by owner negligence, and that this responsibility will transfer to the purchaser. Prospective owners are advised therefore to carefully inspect for items such as, but not limited to, melted siding from barbecues, annual and perennial plants put in by owners on common ground, pet damage, non-standard fixtures or modifications to exclusive use privacy areas such as doors, windows, lights, decks, railings, etc., satellite dish installations and wiring, and similar items, and should ensure that the cost of repairing damage or restoring the common property to its original condition has been considered by them in their negotiations. The Condominium Corporation will not issue any type of certificate with respect to outstanding responsibilities, damages, etc., and the responsibility for inspections and adjustments remains entirely with and between the prospective purchaser and the owner.

DOORS: Exterior doors must be white steel with round polished brass doorknobs and deadbolt fixtures. Front doors should have a sunburst pattern window, while rear doors should have a rectangular window. French doors installed on balconies should have the white metal grid inside the glass section. In general, replacement doors and hardware must be identical in appearance and material to the original installation; the supplier and model of the replacement are at the discretion of the owner, subject to prior approval by the Board as to maintenance of the architectural controls. **Notwithstanding the preceding, regarding door hardware, alternatives to round polished brass doorknobs and deadbolt fixtures will be considered by the Board for approval.**

FINES: The Bylaws and provincial legislation permit the Board to levy fines against owners who fail to comply with the Bylaws. The Board may, for example, set and levy fines against owners: who regularly park their vehicles in visitor parking; whose pets are not approved or have had approval revoked, cause damage, run off-leash, or disturb other residents; who permit noise from their unit to disturb others; who make unauthorized alterations to or cause damage to common property, including exclusive use areas; or other infraction of the Bylaws. These fines are legally considered as part of the condominium fees with respect to that unit, and will be subject to the same terms of payment and collection procedures.

GARAGE SALES: Individual garage sales are not allowed within the complex. A community garage sale proposed by a group of owners in writing would be allowed if approved in advance by the Board at their April Board meeting each year.

GARBAGE DISPOSAL: Garbage should be placed in securely closed bags and placed in the bins provided. The bags must be closed in order to prevent the garbage from blowing throughout the complex when the bins are lifted for dumping into the garbage trucks. Propane tanks, paint cans, and other flammable or combustible items should not be placed in the garbage. The owner should contact the City of Calgary for information on where they can take these items for disposal. No large household items, appliances or furniture may be disposed of in the garbage bins. Owners must make arrangements at their cost for these items to be hauled away for disposal.

HOT TUBS: A hot tub installation on the deck or patio constitutes a modification to the common property that would exceed the financial limitations for approval by the Board alone, and would therefore require approval by the majority of owners at a General Meeting. The owners would then have to take into

consideration the noise effects on neighbours, as well as potential hazards and liabilities that might be incurred because of the installation on common property. The requesting owner would have to adequately address these concerns in their proposal. If the proposal were approved, the owner would then assume all responsibility for damages to the common property caused by the hot tub installation, and would be responsible for all costs of removing the hot tub and restoring the common property to its prior condition prior to selling the unit.

HOUSE NUMBERS: House numbers replaced by the owners must be identical in appearance and size to the original numbers (6 inch height, polished brass).

LANDSCAPING: Owners are encouraged to add to the beauty of the complex by putting planters on their decks and patios, provided that the plants and planters are well-maintained and attractive in appearance. Because of the potential for interference with the proper performance of the landscaping contractor's duties of mowing, fertilizing and weeding, the creation of flower beds or planting of perennials on the common property is not permitted, except with prior written request to and approval from the Board. If approval is given, the owner would assume all responsibility for maintaining the plants and garden, as the terms of our contract with the landscapers does not include in their duties the work of maintaining gardens and plants not installed by them. As specified in the Bylaws, the garden would have to be removed and the original condition of the property restored at the owner's cost if the owner should sell the unit, unless the new owner is advised and agrees to assume the cost and work of maintaining the garden. Since the landscapers are required to cultivate and weed tree wells and fertilize them each year, owners may not plant perennials or bulbs in the tree wells as this prevents the landscapers from doing their job. However, once the tree wells have been cultivated and fertilized in the spring, owners may plant annual flowers in the tree wells adjacent to their unit, provided that the owner then assumes responsibility for weeding the tree well, maintaining the annuals in an attractive appearance, and removing the plants in the fall. Similarly, owners may plant annual flowers only in areas under their decks where there is no lawn, provided that the flowers do not interfere with the performance of the landscapers' work, and that the owners properly maintain the flowers, weed the area, and remove the plants in the fall.

LIGHTING FIXTURES: Approved front entrance lights are a polished brass carriage style in an upright position with four flat bevelled glass panels on a circular base with a 7 inch (approximate) spindle on the bottom ending in a rounded finial. Overall height of the fixture is approximately 15 inches. This style is currently available at Carrington Lighting at a cost of about \$23 (Model #32308117PB). Approved rear lights are 6 inch white globes on a circular white base. As well as from other suppliers, this style of fixture is also currently available at Canadian Tire or at Carrington Lighting at a cost of about \$10. They also currently carry replacement globes. See below for information on Motion Sensor lights.

MAILBOXES: The owner may have a mailbox in the approved style installed by the front door. The style approved is a solid brass horizontal rectangular model with newspaper holder, such as the Home Depot model #112-638, or an identical model from another supplier chosen by the owner and approved in writing by the Board. The Board has on hand a supply of mailboxes previously purchased in quantity; owners should contact the Board if they would like information on the cost a mailbox.

MOTION SENSOR LIGHTS: Subject to prior written request to and approval by the Board, motion sensor lights that are similar in appearance to the standard fixtures originally installed in the complex may be installed at the owner's expense. Polished brass carriage lights similar in appearance to the existing front lights but with a motion-detecting feature are currently available at Canadian Tire, Rona, and other stores. Motion sensor lights that do not match the original fixtures in appearance (i.e polished brass carriage light in front or white globe in rear) and size are not permitted.

PARKING: In accordance with the Bylaws, owners are permitted to park one vehicle on their driveway (two if their garage is double width). The stalls designated as visitor parking are only for visitors, not for residents. Because of requirements for access by emergency vehicles, no parking is permitted on the street, as this does not allow enough room for other vehicles to meet or for emergency vehicles to have free access. If residents are unable to park in their garage or their driveway, vehicles must be parked on Prominence Way. Vehicles parked on Prominence View, on Prominence Way in front of the mailboxes, or resident's vehicles parked in the Visitor parking area may be ticketed and towed. The City of Calgary Parking Authority makes regular patrols of the streets and automatically issues tickets and/or towing instructions as applicable for vehicles parked on the streets. Inappropriate use of Visitor parking by residents will result in the Condominium Corporation issuing a warning tag, followed by a fine to the owner of the unit and/or towing for a repeat violation of the parking Bylaws.

PETS: Pets are generally permitted, provided that the owners obtain prior permission in writing from and register their pets with the Board, and provided the owners comply with the applicable Bylaws relating to pets, noise, damage, etc. Failure to comply with the Bylaws will result in revocation of approval. Pets with a history of aggression toward other animals or humans will not be approved, and approval will be immediately withdrawn if in the sole judgement of the Board the pet attempts to threaten or attack any other animal or person. A pet for which approval has been revoked must be removed from Capilano Gardens by the date specified in the notification letter revoking the approval. The owners are responsible for the costs of repairing any damage done to common property by their pet or their visitors' pets, such as urine damage to lawns. Dead grass patches must be repaired at least once per year. Owners must clean up any pet feces immediately and properly dispose of them. Owners must also comply with city bylaws with respect to licensing. Pets must be on a leash at all times and under control when outside the unit, including when in exclusive use or privacy area portions of the common property. With respect to pets on decks and balconies, "under control" will be interpreted to mean being tethered or on a leash if the pet is capable of climbing or jumping higher than 30 inches or otherwise escaping the deck or balcony. If the deck or balcony is completely enclosed (i.e. any openings in the railing have a closed gate that is as high as the railing), and the pet is physically incapable even under extreme provocation or excitement of climbing or jumping higher than 30 inches or by any other means escaping the balcony or deck, the pet may be allowed on the deck or balcony without being tethered or leashed provided that a responsible person is present within the unit, and that there is no interference with trades people. The city pathway and the green area adjacent to the complex are NOT off-leash areas.

RECYCLING: City recycling bins for milk containers, plastic bags, glass, tin food cans and paper/cardboard are located at Strathcona Square. Owners are encouraged to make use of these facilities to help the environment and to reduce the cost of garbage disposal from our property by keeping to a minimum the quantity of garbage and therefore the number of bins and pickups for which we must pay.

RENTAL OF UNITS: Non-occupying owners are required to provide the Property Manager with their current address and telephone number. Landlords should also provide the Property Manager with the names and telephone numbers of their tenants in case they are required for emergencies or other matters. Because owners are responsible for all actions of their tenants, landlords should ensure that their tenants have a copy of the Bylaws and this Policy Manual, and should obtain a declaration from their tenants as shown in Bylaw 62 c). If tenants wish to do anything that would require the approval of the Board (such as install satellite dishes, perennial flowers, etc.), the tenants should make the request to the owner. If the owner is in agreement with the request, then the owner should make the request for approval from the Board, as the owner assumes the responsibility associated with the request (such as removal of satellite dishes and repair of mounting holes, removal of approved perennial plants, etc.). The owner may wish to review the unit and adjacent common

property carefully prior to the tenants vacating the unit and consider retaining sufficient damage deposits to cover these items.

SATELLITE DISHES: Subject to prior written request and approval from the Board through the Property Manager, a single satellite dish not exceeding 24 inches in diameter (or length if oval) may be installed in an unobtrusive place on the rear wooden Tudor Board (so as to minimize potential damage to the siding of the units, while at the same time keeping the dishes out of sight as much as possible) or on a free standing tripod on the rear deck. All wiring must be run inside the unit within a maximum of 1 meter from the dish location so that there are no unsightly wires exposed on the outside of the unit. The request for the satellite dish should specify the exact location where the owner would like to install the dish. Situations where the satellite signal cannot be received by a dish located on either the rear Tudor board or deck shall be considered by the Board on a case-by-case basis. The Board may at their discretion choose not to approve the installation of any satellite dish, regardless of the existence of previously installed dishes in similar locations on other units. The owner is responsible for removing the satellite dish prior to selling the unit, and for repairing any damages to the common property caused by the satellite dish installation, such as (but not limited to) filling and sealing holes from the installation, damage to shingles, or water damage caused by improperly sealing the wire access or dish mounting screws. New owners are required to submit their own application for Board approval if they wish to install a satellite dish. Unapproved satellite dish installations may be removed by the Board at their discretion, and the costs of removal and repair of the installation site will be charged to the unit owner.

SCREEN DOORS: SUBJECT TO PRIOR WRITTEN REQUEST FROM THE OWNER TO AND APPROVAL BY THE BOARD, screen doors may be attached to the deck and/or patio doors. Subsequent to the decision by vote at the AGM on November 26, 2007, owners may also request the Board to approve attachment of a Phantom Screen style door at the front entrance. For doors that open inward, the styles approved by the Board are the Polar Series 203 Deluxe or the retractable Phantom Screen, or another model proposed by the owner in his written request that is identical in appearance to the one of the models specified. For doors that open outward, the only style approved by the Board is the retractable model, the Phantom Screen, or another model may be proposed by the owner in his written request that is identical in appearance to the Phantom Screen.

SIGNS: Realtor and alarm company signs only may be displayed only in the unit windows, as specified in our Bylaws. Rental signs are not permitted. No signs are permitted on the exterior of the unit, on deck railings, or on the lawn or other common property such as fences. Any signs inappropriately placed on common property or unit exteriors will be removed and disposed of without notice to the owner, and any cost of such signs disposed of will be entirely the responsibility of the owner.

OUTDOOR SPEAKERS: In consideration of the right of all owners to enjoy their units in quiet, outdoor speakers are not allowed.

WATERING: In accordance with the Bylaws and the requirements of maintaining the common property, certain units may be designated by the Board to supply water for lawn maintenance. The units designated may change from year to year, so that the duty is shared amongst all owners, while at the same time ensuring proper watering coverage of the green spaces in our complex. The owners of the designated units are required to supply the water, and will be reimbursed for the use of their water. A flat monthly amount will be paid to each owner during the watering season. Owners should keep their water bills for the spring and summer, and if the actual cost of the water used (in excess of amounts used by the owner personally) exceeds the total paid for by flat rate, the owner should submit the bills to the Property Manager, who will arrange for the excess cost to be reimbursed to the owner.

WINDCHIMES: In consideration of the right of all owners to enjoy their units in quiet, and in accordance with the Bylaws, wind chimes are not allowed without prior written approval of the Board.