

UNIT OWNER FAILURE TO COMPLY POLICY

OVERVIEW

The Condominium Corporation's policy is to encourage a unit owner to comply with Condominium Corporation Standards and Policies. If a unit owner does not comply with these Standards and Policies, the Condominium Corporation has the right under The Condominium Act to bring the unit into compliance and to obtain compensation from the unit owner for costs and / or damages.

BACKGROUND

In order to maintain a consistent, attractive visual appearance in the condominium complex, Condominium Corporation Standards and Policies have been established. Unit owners agreed to these Policies as of January 1, 2007 or at the subsequent date when a unit was purchased.

FAILURE TO COMPLY WITH STANDARDS AND POLICIES

The Condominium Corporation will endeavour to encourage a unit owner to comply with Condominium Corporation Standards and Policies in an amicable manner. If a unit owner fails to comply with Condominium Corporation Standards and Policies within a reasonable period of time after being given written notice to do so, the Condominium Corporation has the right to:

- repair, maintain or replace items not in compliance at the unit owner's expense (for example, refinishing a deck which is finished in an unacceptable wood preservative)
- remove an item not in compliance at the owner's expense (for example, a satellite dish)
- obtain compensation for damages resulting from the unit owner's failure to comply (for example, failure to adequately irrigate the landscape associated with the unit)
- recover legal costs, court costs, administrative costs and interest*
- record an appropriate non compliance entry on any Status Certificate issued to a potential purchaser or lender
- advise a lender having a security interest in the unit of the non compliance of the unit with the Condominium Corporation Standards and Policies

COMPENSATION / DAMAGES RECOVERY

The Condominium Corporation will endeavour to recover its costs, damages and interest in an amicable manner. However, if after giving the unit owner reasonable notice, this approach is unsuccessful, the Condominium Corporation may use all legal means to resolve the matter, including lawsuit, lien and / or garnishment.

In the event of conflict between Policies and the Declaration, the Bylaws or Rules, the Declaration, the Bylaws, the Rules take precedence.

* Interest charges are calculated at the rate of 1% per month (not compounded) starting 30 days from the date when the unit owner was first advised in writing that the unit was not in compliance with the Condominium Corporation Standards and Policies.