

SECTION 5 - GOVERNANCE COMMITTEE

Sub-section 01 – GOVERNANCE COMMITTEE

Policy The Governance Committee shall be responsible for the supervision of compliance with the Protective Restrictions/Covenants.

Guidelines/Responsibilities

1. The Governance Committee shall be responsible for these guidelines.
2. The Governance Committee shall have a minimum of three members, one of whom shall be a Director on the Board.
3. The Governance Committee shall review and investigate projects proposed to be undertaken by CCRA Members which require approval under the Protective Restrictions/Covenants and make recommendations to the Board of Directors for or against approval. The Governance Committee may approve of projects which are alterations limited to replacements which do not create substantial changes and do not exhibit any apparent breaches of the Protective Restrictions/Covenants.
4. The Governance Committee shall initiate a review of and investigation into any possible non-compliance with the Protective Restrictions/Covenants and make recommendations to the Board of Directors as to any action to be taken.
5. The Governance Committee shall review and investigate applications for retroactive approval of projects completed after November 2002 which should have had approval under the Protective Restrictions/Covenants and make recommendations to the Board of Directors for or against approval.
6. The Governance Committee shall review and investigate requests made for confirmation that any specific Home is in compliance with the Protective Restrictions/Covenants and recommend to the Board of Directors the response to be made.
7. With prior approval of the Board of Directors, the Governance Committee shall issue guidelines as to compliance with the Protective Restrictions/Covenants and the Governance Committee's processes.
8. The Governance Committee shall assist the House and Property Committee in performing its duties with respect to the Integrated Parklands by advising the House and Property Committee of any conditions which may be in conflict with the intent and purpose of the Protective Restrictions/Covenants and considering and making recommendations as to

Canterbury Common Residents' Association
Policies and Guidelines

actions which may be taken as a result. Refer to the House and Property Section on the Integrated Parklands.

9. The committee shall take such actions as it considers appropriate to promote awareness of and compliance with the Protective Restrictions/Covenants, including communications with sellers and buyers and their real estate agents and lawyers. The Governance Committee shall visit new home owners within one month after their arrival, to answer questions about the Protective Restrictions/Covenants.
10. In April 2020 the Governance Committee combined By-Law No 1., the CCRA and CLDC Protective Covenants and the Guidelines into one booklet, which was approved by the Board and distributed to Canterbury Common Residents of CCRA. The Canterbury Common website has been updated to reflect these changes.
11. The Governance Committee shall assist the Communications Committee by maintaining and monitoring notices on the CCRA in-house bulletin boards. Notices shall be comprised of pending or completed projects of homes within the community as well as other helpful information that may be of interest to Canterbury Common Residents.
12. Overnight parking in the Centre parking lot of vehicles belonging to Canterbury Common Residents and guests is prohibited unless authorized by the Governance Committee. Length of time is at the discretion of the Governance Committee but shall not exceed three (3) days.

Sub-section 02 - PROTECTIVE RESTRICTIONS/COVENANTS

Policy Under the Protective Restrictions/Covenants, approval by the CCRA Board of Directors is required for all structures, building additions or alterations, storage sheds, fences, antennae, TV satellite dishes in excess of 24 inches in diameter, or hedges (in excess of 42 inches in height) and solar panels

History

The Protective Restriction/Covenants are registered against the titles to properties in Canterbury Common. They were also incorporated into By-Law No. 1 of Canterbury Common Residents' Association. All property owners in Canterbury Common are required to be CCRA Members which entitles them to the benefits of membership but also the obligation to pay dues and comply with the Protective Restrictions/Covenants.

The clear purpose of the Protective Restrictions was to create an adult lifestyle community with high standards including an open concept, clear views and consistency.

An important provision in the Protective Restrictions/Covenants is: "No structures, building additions or alterations, storage sheds, fences, antennae, TV satellite dishes in excess of 24 inches

Canterbury Common Residents' Association
Policies and Guidelines

in diameter, or hedges (in excess of 42 inches in height), shall be erected on the Lands unless the location, design and material have been approved in writing.”

Until November 2002, Canterbury Common Inc. (CCI), the developer, was entitled to give required approvals. Apparently, it did give some approvals but CCRA has been unable to obtain the full information. It seems that some purchasers had proceeded with projects (such as building a deck larger than the deck provided with the builders' homes) without the required approvals, based upon advice or belief that approval was unnecessary, or based upon approvals given by agents who may not have had sufficient authority to do so.

In November 2002, the Transfer Date, CCI transferred its rights and obligations under the Protective Restrictions to CCRA. The CCRA Board of Directors, having obtained legal advice and having held a Town Hall Meeting, decided that it would not pursue any infractions of the Protective Restrictions, by projects which were completed before the Transfer Date, but did not give blanket approval of those projects. The Board also decided that it would act to enforce the Protective Restrictions with respect to projects completed after the Transfer Date but only on the basis of written complaints.

The Protective Restrictions may also be enforced by any individual property owner in Canterbury Common. Individual property owners may still have legal rights to take action with respect to unapproved projects, whether completed before or after the Transfer Date.

Since the Protective Restrictions are for the benefit of the entire community, and considering the support provided by the 2006 survey, the Board has now decided that it should attempt to enforce compliance with the Protective Restrictions - whether or not there has been a complaint.

This means that the Board can, on its own initiative, look at any project undertaken after the Transfer Date and approve it or determine that it will not be approved unless changes are made. If the project is not approved, it will be in breach of the Protective Restrictions and legal action may be taken by CCRA or any individual Homeowner.

In considering whether or not to approve any such project, the Board considers the following factors:

1. Is the project in harmony with the goals of the Protective Restrictions to protect open sight lines and park-like views?
2. Does the project provide an enhancement to the community?
3. Is the project comparable to other similar projects which have been approved by the Board?
4. Is the quality of design, materials and finish compatible with the related Home and our community at large?

Canterbury Common Residents' Association
Policies and Guidelines

5. Is there any material interference with the sight lines or views of other Canterbury Common Residents?
6. Where appropriate, what are the opinions of neighbours or others who may be affected by the project?
7. Would approval of the project set an undesirable precedent?
8. Are there any special circumstances which should be taken into account?

A CCRA Member planning a project which requires CCRA approval should contact the Chairperson of the Governance Committee and arrange to submit an application for preliminary approval. Information needed would normally include a description of the project and a drawing or plans in sufficient detail to enable an evaluation to be made.

The Governance Committee will follow this procedure.

- review the application for preliminary approval,
- consult with the CCRA Member as to any changes which may be desirable,
- if appropriate, obtain the opinions of neighbours and others who may be affected by the project, and
- when satisfied, on behalf of the Board issue a letter to the CCRA Member giving preliminary approval.

Upon completion of the project, the Governance Committee will review the project and, if completed in accordance with the preliminary approval, on behalf of the Board issue a letter of final approval. CCRA recommends that these letters be kept by the Homeowner with title records in case needed at the time of sale of the property.

CCRA will also consider giving retroactive approval to projects which were completed without approval after the Transfer Date. The requirements for an application for retroactive approval may be obtained from the Chairperson of the Governance Committee.

In order to assist CCRA Members in developing plans for projects which require approval by CCRA, the Board has developed and issued guidelines for the more common projects.

HISTORY OF THE CURRENT CCRA PROTECTIVE RESTRICTIONS (ALSO REFERENCED AS RESTRICTIVE COVENANTS)

The following provides a brief summary and historical reference on the subject of the Protective Restrictions applicable to each and all Homes in the Canterbury Common community.

The Canterbury Common subdivision was developed in three phases by the developer Canterbury Common Inc. ("CCI"). Following registration of each phase a schedule of Protective Restrictions (P.R.s) were attached to each Home to run with the land and be effective for a period of 20 years from the actual registration date of that phase. The 20-year period for the first phase expired in 2016 with phases two and three progressing to expire in 2020.

A provision in the P.R.s required that CCI would transfer its interest in the P.R.s to CCRA upon completion and sale of the last house in phase three. This took place on November 1, 2002 through an assignment agreement whereby CCRA assumed the rights and obligations of CCI under the P.R.s.

For purposes of clarification, CCRA and any Home owner has the independent and lawful right to take legal action to compel compliance with the P.R.s by an offending Homeowner.

Upon transfer of the P.R.s from CCI a board decision, supported by a vote of CCRA Members, was made that CCRA would not pursue any infractions of the P.R.s that occurred prior to the official transfer date of November 1, 2002. However, this decision did not take away a Homeowner's right to independently take legal action to enforce compliance against a neighbour should it be their desire to do so.

Importantly this decision by the Board and Homeowners also made it clear that any non-compliance situations existing prior to CCRA assuming the P.R.s from CCI, who it appeared had not been monitoring and strictly enforcing them, would not be "grandfathered". If the Home was not in compliance on the date CCRA assumed transfer of the P.R.s then the status of the Home would remain as a non-compliant Home until the reason for the non-compliance situation was addressed either by the existing Homeowner or the new Homeowner in the event the Home was sold.

However, after the transfer date of November 1, 2002 any occurrences of non-compliance with the P.R.s will be acted upon to enforce compliance either by request or a determination made by the Board.

In 2011, notwithstanding that the 20-year term of the P.R.s would not start expiring until 2016, the Board made the decision, supported by CCRA's corporate counsel, that the benefit to the community of continuing to have the P.R.s applicable to each and every Home in Canterbury Common meant they should be extended with a common expiry date of February 16, 2040. A vote of CCRA Members agreed and decided not to wait until 2016 to start doing so.

The required legal documents evidencing the extension were drawn up by CCRA's corporate counsel, individually signed by all Homeowners and registered on title.

Sub-section 03 - DECKS

Policy Decks, including replacement decks, are "structures" for the purposes of the Protective Restrictions and require approval by the Board of Directors.

Guidelines/Responsibilities

1. The Governance Committee is responsible for these guidelines.

In considering a deck, the approach is to accommodate the wishes of the Homeowner except to the extent, if any, that the deck is contrary to the interests of the community generally or interferes in any material way with the interests of other individual Homeowners, applying the criteria established by the Board.

The Board assumes no responsibility for compliance with the requirements of Township zoning or for the issue of building permits. These requirements (which include lot coverage, setbacks, railing heights and requirements for stairs) are the responsibility of the Homeowner.

Size and Shape

No hard and fast dimensions can reasonably be established because much depends on the size and shape of the Home and the location of the Home and of neighbouring Homes. A deck should not be disproportionately large for the size of the Home. One that backs directly across from a neighbour is different from one which backs onto the East or West Commons or the Integrated Parklands. Generally, a deck should not extend past either of the side walls of the Home and should not extend more than twelve feet from the principal rear wall - if it is a flat wall. If there is a projection from the rear wall and a 'wraparound' deck is planned, the deck should not extend more than eight feet from the projected part of the Home.

Materials

While there is no approved list of materials, a deck can be made of materials such as pressurized wood, natural or stained woods, composites or metals; so long as the general appearance is consistent with the Home and the standards of the community. The deck must be properly maintained.

Sightlines

The deck should not interfere in any material way with the sightlines enjoyed by neighbouring Homes, taking into account the desirable views available in the particular location. If there appears to be possible interference, the opinions of neighbours will be sought.

Railings

These should be of a type which allows some view through, such as spindles or transparent materials. The height should be not be greater than 42 inches, as is required for elevated decks.

Privacy or Protective Screens

If located on decks, these are subject to the guidelines established for Privacy and Protective Screens.

Sub-section 04 - PRIVACY AND PROTECTIVE SCREENS

Policy Privacy and protective screens are “structures” for the purposes of the Protective Restrictions and require approval by the Board of Directors.

Guidelines/Responsibilities

1. The Governance Committee is responsible for these guidelines.

While one of the overall objectives of the Protective Restrictions is to keep sightlines free of obstructions, there are circumstances in which the location of a Home, a patio or a deck in relation to neighbouring Homes, streets or paths is such that some reasonable obstruction may be justified in the legitimate interest of privacy or protection.

While individual circumstances must be considered, guidelines for a reasonable privacy screen on a deck or patio would be: one which is not more than five feet high from the surface of the deck or patio, one which extends no more than eight feet from the rear wall of the Home, and one which is perpendicular to the rear wall of the Home. This size should provide adequate privacy for a reasonably sized seating area including a table and chairs. The remainder of the deck or patio should be subject to the usual 42-inch height for railings on decks.

There may be individual locations where larger or differently configured privacy screens can be reasonably justified such as when there is a well-traveled road or path adjoining.

Materials used for screens should be latticework or similar materials, be consistent with the deck or patio on which they are built and compatible with the Home and the community. Trellises and plantings on the top of screens are treated as part of the screen.

An overriding consideration is that a privacy screen should not interfere in any material way with the sightlines enjoyed by neighbouring homes, taking into account the desirable views available in the particular location. If there appears to be possible interference, the opinions of neighbours will be sought.

Canterbury Common Residents' Association
Policies and Guidelines

There are also circumstances where a deck or patio requires protection from activities on the Integrated Parklands. The size and shape of such a protective screen is very much dependent on the specific location. The size, shape and materials used should be such as to provide the needed protection with the minimum interference with sightlines.

Sub-section 05 - HEDGES

Policy Under the Protective Restrictions, hedges cannot exceed 42 inches in height.

Guidelines/Responsibilities

1. The Governance Committee is responsible for these guidelines.

Hedges include any type or variety of types of plantings, in a regular or irregular line, which create a visual barrier over 42 inches in height, for a length greater than six feet.

Included are plantings which, when planted, were less than 42 inches in height and/or were spaced so as to permit clear sightlines but which, over time, have grown so as to exceed 42 inches, thereby creating a visual barrier. Isolated groups of two or three ornamental trees planted as a clump would not normally constitute a hedge.

Although CCRA has the ability to approve higher hedges, it will only do so in very limited circumstances such as when used instead of a privacy or protective screen which would otherwise be approved.

Sub-section 06 - STORAGE UNITS

Policy Storage units are “structures” for the purposes of the Protective Restrictions and require approval by the Board of Directors.

Guidelines/Responsibilities

1. The Governance Committee is responsible for these guidelines.

Description

These include units, whether constructed or prefabricated, added to a Home for the storage of such items as lawn and snow equipment, and lawn and deck furniture.

Location

Units should be in the rear of the Home away from the street, and should not extend beyond the side walls of the Home. All units should be adjacent to the Home.

Size and Shape

If the unit is under an elevated deck, it should be within the confines of the deck and can be closed in up to the deck floor. If the unit is not under an elevated deck, it should not extend more than four feet from the back wall, be more than six feet long or six feet high. The size, shape and location of the unit should be appropriate for the Home and suitable in relation to neighbouring Homes.

Materials

Units can be made of any suitable materials so long as the general appearance is consistent with the Home and the standards of the community. The units must be properly maintained.

Sightlines

Units should not interfere in any material way with the sightlines enjoyed by neighbouring Homes taking into account the desirable views available in the particular location. If there appears to be possible interference, the opinions of neighbours will be sought.

Sub-section 07 - HOT TUBS AND SPAS

Policy Hot tubs and spas, constructed or prefabricated, located outside of a Home are “structures” for the purposes of the Protective Restrictions and require approval by the Board of Directors.

Guidelines/Responsibilities

1. The Governance Committee is responsible for these guidelines.

Location

Hot tubs and spas, including seating areas and other related facilities, should be in the rear of the Home away from the street, adjacent to the Home and not extend beyond the side walls of the Home.

Size and Shape

The maximum size should be eight feet by eight feet, if rectangular, or with a maximum diameter of eight feet, if circular or oval. The size and shape should be appropriate for the Home and suitable in relation to neighbouring Homes.

Materials

Hot tubs and spas can be made of any suitable materials so long as the general appearance is consistent with the Home and the standards of the community. They must be properly maintained.

Sightlines

Hot tubs and spas, together with related facilities, should not interfere in any material way with the sightlines enjoyed by neighbouring Homes, taking into account the desirable views available in the particular location. If there appears to be possible interference, the opinions of neighbours will be sought.

Sub-section 08 - SUNROOMS

Policy Sunrooms, including three-season or four-season rooms or similar enclosures, like any addition to a Home, are “structures” or “alterations” for the purposes of the Protective Restrictions and require approval by the Board of Directors.

Guidelines/Responsibilities

1. The Governance Committee is responsible for these guidelines.

In considering a sunroom the approach is to accommodate the wishes of the Homeowner, except to the extent, if any, that the sunroom is contrary to the interests of the community generally, or interferes with the interests of other individual Homeowners, applying the criteria established by the Board.

CCRA assumes no responsibility for compliance with the zoning requirements of the Township of Scugog or for the issue of building permits. These requirements, which include lot coverage and setback restrictions, are the responsibility of the Homeowner.

Size and Location

No hard and fast dimensions can reasonably be established because much depends on the size and shape of the Home and the location of the Home and the sunroom in relation to neighbouring Homes. A sunroom should not be disproportionately large for the size of the Home. Generally, a sunroom should not extend past either of the side walls of the Home and should not extend more than twelve feet from the principal rear wall. Where the Home design permits, the preferred location would be at a rear corner not extending past the farthest rear wall.

Materials and Appearance

Since a sunroom is part of the Home, the quality of the design, materials and finish should be appropriate for a permanent installation, that is: requiring little or no maintenance and being consistent with the Home and with the standards of the community.

Sightlines

The sunroom should not interfere in any material way with the sightlines enjoyed by neighbouring Homes, taking into account the desirable views available in the particular

location. If there appears to be possible interference, the opinions of neighbours will be sought.

Sub-section 09 - FENCES

Policy Fences are not allowed unless approved by the Board of Directors.

Responsibilities/Guidelines

1. The Governance Committee is responsible for these guidelines.

The Protective Restrictions provide to the effect that no fences shall be erected unless the location, design and materials have been approved in writing by CCRA.

Chicken wire fences of a maximum of 24 inches in height, around the perimeter of a vegetable garden of modest size are allowed during the growing season only.

No other fences are allowed.

Sub-section 10 - SIGNS

Policy All signs, other than standard realtors' signs, must be approved by the Board of Directors.

Guidelines/Responsibilities

1. The Governance Committee is responsible for these guidelines.

The Protective Restrictions provide to the effect that no signs (other than standard realtors' signs), notices or advertising matter of any kind shall be placed within Canterbury Common, except with the prior consent of CCRA.

A standard realtors' sign may be placed at the Home to be sold during the period for which it is for sale and only until the property is sold. The sign is to be removed two weeks after the sale.

A sign of moderate size identifying a contractor working on a Home may be placed at the Home during the period while the contractor is working on the property.

It is the responsibility of the Homeowner to see that signs are removed when the property is sold or is no longer for sale or the work is completed.

Political signs of moderate size are permitted during Federal, Provincial or Municipal elections but must be removed after the election.

No other signs are permitted without the prior consent of the Board of Directors.

Sub-Section 11 - SOLAR PANEL INSTALLATION

Policy The installation of photocell electrical solar panels in Canterbury Common is restricted to panels that are mounted and affixed to the roof. No free-standing solar panels are acceptable.

Guidelines/Responsibilities

1. The Governance Committee is responsible for these guidelines.

In considering a request for Solar Panel installation, the Governance Committee guideline that follows is based primarily on that of the Ontario Government and the Township of Scugog Building Permits policy.

CCRA assumes no responsibility for compliance with the zoning requirements of The Township of Scugog or for the issue of building permits. These requirements and the acquisition of the appropriate permits are the responsibility of the Homeowner.

Size and Location

The installation of photocell electrical solar panels in Canterbury Common is restricted to panels that are mounted and affixed to the roof. No free-standing solar panels are acceptable. A copy of the roof plan must indicate the layout and spacing of the solar collectors on the roof of the building. Mounting details must clearly specify panel attachment and specifications including framing reinforcement as may be required.

Sightlines

The height of such structures should not exceed 3 inches and cannot project past the existing roof line as this may impede sight lines, create unsightly overhangs and shadows. Tilt angles will change the height dimensions of solar panels as they are raised. Therefore, solar panels which tilt are not acceptable.

Outdoor space storage areas for batteries etc. may be necessary but must not impinge upon sight lines and must be in keeping with the requirements for storage units on page 10 of the Protective Restrictions.

Permits

Prior to any pre-approval by CCRA, a building permit if required from the Township of Scugog must be presented to the Governance Committee. A copy of the plans and specifications for

the solar panel installation is to be submitted at the time of the pre-approval process. An on-site field review by the Township of Scugog of each installation must be undertaken for a building permit therefore a CCRA Governance Committee representative should be in attendance, during that process, prior to granting final approval.

In order to fairly assess and approve the project, the Governance Committee needs to examine whether the project meets the Approval Consideration criteria, outlined under Sub-section 02 – Protective Restrictions, which are included in the checklist used for all other projects. The Committee will provide a rationale for each “yes” and each “no” justifying the decisions made.

Sub-Section 12 – APPEAL PROCESS

Policy Appeals of Governance Committee decisions can be made by CCRA Members to the CCRA Board.

Guidelines/Responsibilities

1. The Governance Committee is responsible for these guidelines.
2. Should a homeowner who has been given a decision by the Governance Committee object to that decision and choose to challenge it by appealing to the Board of Directors the following steps shall be taken: -
 - a) The homeowner must notify the Governance Committee, in writing, of the reasons they disagree with the decision reached.
 - b) The Governance Committee will review the appeal and make a decision as to whether to revisit the decision or notify the homeowner that they have a right to appeal to the Board of Directors.
 - c) If the findings of the committee do not warrant a change to the original decision a letter will be sent to the homeowner informing them that they can send a written appeal to the Board of Directors with a CC to the Committee.
 - d) Should the homeowner appeal the decision to the Board in writing;
 - i. A report from the Governance Committee will be requested by the Board.
 - ii. The Committee will provide the rationale behind the decision and any further information it deems appropriate in order to inform the Board about the contested issue, prior to the Board agreeing to hear the appeal.
 - iii. If necessary, a meeting with the Governance Committee will be scheduled by the Board.

Canterbury Common Residents' Association
Policies and Guidelines

- e) The Board will review the appeal by the homeowner and the rationale from the Governance Committee. If the majority of the Board members conclude that the appeal is frivolous it will immediately endorse the conclusion of the Governance Committee and notify the home owner.
- f) Should the majority of the Board conclude that the appeal may have some merit and feel they need more information from the homeowner before they make a decision then a meeting will be scheduled with the interested parties to gain their perspectives on the issue.
- g) Should a conclusion be reached by a majority of the Board that the decision by the Governance Committee should be reviewed the Board will supply rational to the Committee for this review prior to notifying the homeowner. The Governance committee will be given time to review the Board decision and report its reaction to the Board.
- h) Upon receiving the review by the Governance Committee, a vote by the Board will be taken following appropriate in camera discussion.
- i) The decision by the Board will be provided in writing to the Governance Committee.
- j) Should the Governance Committee agree with the findings of the Board, the Chairperson of the Committee will write to the home owner explaining that after consideration of new information the Committee has changed the decision.
- k) Should the Governance Committee not agree with the findings of the Board, the President of the Board will write to the home owner explaining that after consideration of new information the Board has conferred with the Governance Committee and the decision has been changed.

June 23, 2023

Effective Date

Chad Johnson
Governance Committee

Lou Rocha
President, Board of Directors