

Bridle Estates Homeowners' Association
Architectural Controls and Enforcement - Recourse Policy

This update replaces the Architectural Controls Policy approved **November 29, 2022**.

Purpose of the Architectural Controls Policy:

- a. to provide guidance to homeowners concerning the kinds of exterior changes that must be approved by the Board of Directors.
- b. to assist the Board of Directors in their decision-making process regarding exterior change requests from homeowners.
- c. to clarify the **mandate of the Board of Directors** with respect to the management of Architectural Controls: the Board is required to use reasonable judgment to make decisions about owners' requests, and to consult with the community when warranted, **so that the architectural integrity and standards of our Bridle Estates community are maintained.**

Legal Opinion

The BEHOA Restrictive Covenants were reviewed by legal counsel in 2013 with expertise in issues regarding Homeowners' Associations. The Board of Directors was advised that the Board cannot restrict owners from making changes except for items specifically addressed in the Restrictive Covenants.

The only restrictions are on changes to the exterior structure, colours, decks, privacy walls, drainage slopes and fences. The Board was advised that it can impose conditions on approvals granted. For example, awnings can be approved conditional on the colour being a close match with the exterior of the home. Approval is not required for changes to landscaping, including, but not limited to tree or shrub additions, removal or replacement, tree surrounds or planters, providing that the 400 sq. ft. restriction on total garden area is honoured.

Restrictive Covenants

While there are a number of restrictive covenants (registered at Alberta Land Titles 2009-03-30) to which all homeowners are legally bound, Restrictive Covenant E, which follows, provides the guidance for the Architectural Controls Policy.

Restrictive Covenant Schedule E

States that, "The exterior of all buildings, including decks and privacy walls, materials and colours used by the builder *MUST NOT BE CHANGED* without the approval of the Bridle Estates Homeowners' Association."

This Covenant authorizes the Bridle Estates Homeowners' Association, through an elected Board of Directors, to make decisions about architectural controls over the exteriors of all homes within Bridle Estates. The Board of Directors, as an elected Board, is authorized to review exterior modification proposals on an individual basis. The Board may also impose restrictions as to the type and quality of materials and workmanship for said changes.

The Board of Directors will give consideration to alternate types of materials **ONLY** if the current materials in use are no longer available.

Enforcement and Action for Recourse

The Board of Directors consulted with legal counsel in 2023 regarding the implementation of an Architectural Controls Enforcement Policy which may be used where exterior changes made by a homeowner were not approved and do not comply with the architectural controls established for the community. If an owner is unwilling to comply with a request to remedy the situation, the Association may commence legal proceedings under the **Land Titles Act** to enforce the provisions of Restrictive Covenant E. **The Board of Directors would therefore seek a court order requiring that the homeowner bring themselves into compliance with the Restrictive Covenant.**

The Board of Directors will take the following actions when we observe or are informed of any architectural controls that are not maintained as required by the restrictive covenants.

1. We will reach out directly to the homeowner to discuss the observed or reported situation. It is hoped that this conversation can result in a plan and a timeline to remedy the issue which is agreeable to both parties.
2. A letter will be sent to the homeowner following the conversation, outlining the details discussed and agreed upon.
3. If the situation is not addressed within the mutually agreed timeline, the homeowner will be informed in writing that the Association will commence proceedings under the Land Titles Act to enforce the provisions of Restrictive Covenant E.

Listed below are examples of exterior changes that require prior *WRITTEN* approval from the Board of Directors:

- a) exterior awnings and blinds
- b) deck extensions or revisions
- c) permanent gates on porches or decks
- d) exterior lattice
- e) poured concrete patios, either attached to the home or freestanding
- f) skirting under rear decks
- g) skirting under front verandahs

- h) exterior surface changes including exterior trim, windows, doors, roofing, eavestroughs, siding, decking, spindles and railings
- i) safety railings on the side of the garage or on the front or rear porch steps
- j) gazebos or pergolas on decks or ground level
- k) external screen doors
- l) exterior door kick plates
- m) design and colour changes to driveways and front porch floors
- n) garage doors
- o) exterior lighting at entrances or garage doors
- p) exterior painting
- q) solar panels

Hot Tubs are NOT Allowed to be installed outside of the basement building envelope or in contact with a party wall.

Homeowners should advise their service provider that our community is architecturally controlled and are encouraged to *NOT pre-order material or commit to a service provider until approval is received in writing from the Board of Directors.*

Any exterior modification projects undertaken without submission to, and approval of the Board of Directors may require modification, or in extreme cases, removal of the changes. Should the homeowner not comply, the Board of Directors may commence proceedings under the **Land Titles Act** to enforce the provisions of Restrictive Covenant E.

Exterior Painting

Exterior Painting falls under this Architectural Controls Policy. The Association is responsible to provide written and verbal guidance to homeowners with respect to the exterior colours and codes for each unit's body, garage door, trim and accent, verandas, decks and driveways. An **Exterior Painting and Reference Guide** has been developed to provide homeowners with additional information to ensure our architectural controls are maintained and should be referenced when homeowners are considering any exterior painting. The website link to the guide is; https://67e4aca9-3407-4e02-8ce9-a3e6ad6b5496.filesusr.com/ugd/f2e3cf_9e7551d1f8ee45089d5f8a7f8bfbfdeb.pdf

Homeowners are responsible for maintaining their original exterior colours as established by the builder when re-painting takes place. If homeowners plan to repaint the veranda and deck rails, spindles and posts, written approval is required from the Board of Directors. If replacement materials and or colours for the veranda and deck rails, spindles and posts are no longer available, homeowners will seek written approval from the Board of Directors prior to proceeding with an alternate material or colour.

Procedures to Request Approval for an Exterior Modification:

1. Complete the **FORM designated for this purpose** with as much detail (drawings, photos, etc.) as possible and **email to the SIMCO the Property Manager jpilling@simcomgt.com** stating that the **request is in compliance with relevant City of Calgary bylaws**. The submission will be returned to the homeowner if additional information is required. The Property Manager will forward the request to the Board of Directors. The website link to the form is; <https://www.bridleestateshoa.com/copy-of-exterior-change-request-form>

2. The Board of Directors will review the request and may refer it to the Architectural Controls Committee for their review and recommendations. Board and or Committee members may contact the owner for additional information related to the exterior modification request.

3. In the case of a more unusual request, which is one that in the opinion of the Board is significantly different from any request previously approved, the Board of Directors will seek broader based input by providing details of the request to the community and soliciting feedback via email or survey from homeowners in Bridle Estates.

4. The Board will decide on the request, taking into consideration input from the community.

5. The Property Manager **WILL ADVISE THE HOMEOWNER IN WRITING**, of the Board's decision.

6. Owners may appeal a decision of the Board by sending an email to the Property Manager stating the basis for the appeal.

7. The Board will meet with the owner to hear the appeal.

Approved by Board of Directors on January 16, 2024