



OUR COMMUNITY

Co-tenancy explained

The subsequent information is intended to assist all Owners and residents of the Country Club Estates with the basic construct of our particular community and to respond to numerous queries over the years regarding the general rules/regulations associated with a community such as ours. It should not be interpreted as a legal document but rather as a source of general information about our Community. Nothing in this document should be construed as superseding or overriding any information stated on any Owner legal documents/instruments such as Deeds, Surveys or any By-Laws or other higher authority rules or regulations. Simply put, with the exception of those terms listed as Common Property and grounded in our CCE Joint User Agreement, all other items are for information purposes only.

Country Club Estates (CCE) is a co-tenancy, a freehold complex consisting of 94 units. The term 'unit' encompasses both the house and the land possessed by the Owner. Upon acquiring your new home, you should have received legal documents pertaining to 'tenancy-in-common,' such as the Joint Use Agreement (JUA). These documents are recorded on the land title, are part of the Purchase and Sale Agreement, and are binding. Electronic copies can be obtained from the Property Manager. The JUA addresses issues like ownership rights, management of common property, common expenses, use of units, sales by purchasers, partition restrictions, Owner meetings, insurance, indemnification, and arbitration. The same rules and regulations are included in the Covenants, with provisions that must be included in all purchase and sale agreements, transfers, and registered as attached to the land.

A **co-tenancy** differs from a **condominium**. It's a common misconception that our 'condo-like' practices mean the Community is responsible for all maintenance, but many responsibilities actually fall on the Owner. Unlike a condominium we are not regulated by specific legislation; instead, our Joint Use Agreement serves as the governing legal document. Another misunderstanding is that being a private Community means we are exempt from the City of Ottawa's by-laws, which is not true.

We are not a Home Owner's Association, and therefore, we do not dictate what you can or cannot do on, or to, your property, except for the items specified in the JUA or Covenants.

Our community features various property types. While they may initially seem confusing, upon closer examination, you'll find they are quite similar to those experienced in single-family homes within most municipal areas. Examples include Common Property, managed by the co-tenancy, Common Elements, overseen by groups of Owners, and Private Property. These following examples are illustrative, not comprehensive. For clarity, always consult the JUA.

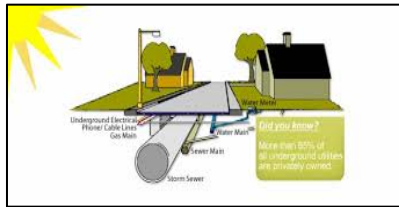
COMMON PROPERTY

Common Property refers to areas and items that all Owners use or benefit from. The monthly fees paid by each Owner are designated solely for the upkeep of Common Property. This includes elements such as roadways, parking areas, surrounding walls, fencing, electrical grids, fire hydrants, and subsurface utilities like water lines to your property, sewage, and power systems.

Why are we, as a Community, responsible for these costs? Shouldn't our property taxes cover these expenses, as they do for most other homes in Kanata? The reason is rooted in the unique development of our Community. Initially, the only way Monarch Homes could accommodate all the desired residences on their land was by constructing narrower streets than the City of Ottawa's standard. According to city regulations, if the streets don't meet the standard width, they're considered "private," and thus, the Community is forever responsible for their maintenance, including underground services.

Despite efforts by previous Committees and individuals to persuade the City to change this policy, they have been unsuccessful.

There are quite a few communities like ours throughout Ottawa.



COMMON ELEMENTS

Common Elements typically benefit a select group of Owners (extending from the curb inward or connected to a cluster of units) and fall under the responsibility of those specific unit Owners. The broader Community is not accountable for the upkeep or maintenance of any Common Element. Examples of these include electric meter boxes, which differ in look and construction depending on the date of home construction, backyard drains, and cable/telephone boxes. Those who have experience living in a townhouse setup, even on a city-maintained street, would recognize this arrangement, as it is not unique to our Community



EASEMENTS

Maintenance and drainage easements, often overlooked Common Elements, are governed not only by CCE rules but also derive their authority from the City of Ottawa By-laws.

A Maintenance Easement, or Right of Way, grants a property Owner the right to use another's land for a specific purpose, such as passage at all reasonable times for the purpose of cleaning, painting, repairing, replacing and otherwise maintaining their property. In our townhouse configuration, Owners of middle units must have access through neighboring properties as they are required to cross adjacent yards to reach their own. Like utility easements, property Owners cannot block a maintenance easement by fully enclosing their property or placing obstacles like untrimmed vegetation. Notwithstanding that the Law regarding Maintenance Easements does not specify from which end of a series of Units a middle Owner must access their yards some Owners within CCE would appear to have specific language stated on their deeds or other legal paperwork associated with the purchase/ownership of their property as to access direction provisions. If an Owner has a question or concern regarding access, they should first determine what is registered on either their deed or the deeds of their Unit neighbours as it would appear that not all CCE Unit deeds are the same in this regard and this generic information should not be construed as abrogating anybody's legal rights. The whole point of mentioning the Maintenance Easement is not to provide a legal opinion regarding any particular grouping of Units but as a gentle reminder that we live in a townhouse community and should be mindful of the legitimate needs of our interior neighbours to access their properties and to not unduly impede that access without a deeded/legal basis for doing so.

Drainage Easements, akin to maintenance easements, are designed to protect the intended drainage of a lot. Any action that adversely affects this drainage is a breach of the site alteration By-Law. Swales must not be filled in, piped, or blocked by landscaping elements like sheds or gardens. Occasionally, actual drains may be situated on an Owner's property, and the land between unit blocks is often designated as a drainage easement. These easements are typically recorded on your property survey.



It is important to note that a "master" property survey for the entire Community does not exist. Since each property is privately owned, you must consult your individual property survey for details such as the location of property lines and any easements

PRIVATE PROPERTY

Items located on your property, for your exclusive use, are your responsibility to maintain. The Community is not obligated to care



for or maintain private property. Handrails and all external aspects of your home, such as the roof, brickwork, driveway, and landscaping, are the Owner's responsibility.



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Additionally, Owners are responsible for retaining walls and fences between properties. However, if such a structure appears to straddle the property line, Ownership should be determined by consulting the property survey. At times, these structures may be considered Common Elements shared by neighboring properties.



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OTHER PROPERTY

The responsibility for maintaining post boxes and clearing snow from around them lies with the Canada Post.

