

## Tower Ranch Community - How it All Works

The concept of a Tower Ranch Community was a vision of the original developer, the Intrawest Corporation. The view was a golf course community with approximately 800 homes and possibly a resort. Lots were to be developed by different home builders and homeowners would have rights of access to trails and other common properties. To ensure an inclusive and strong community spirit, Intrawest established a Community Association and donated to the Association part of the Golf Clubhouse and certain landscaping. To ensure the Association was able to pay for maintaining its owned properties and to help fund other activities that would benefit homeowners, Intrawest established a Rent Charge registered against all properties that provides for homeowners to pay a proportional share of the Association's costs. The developers agreed to manage the Association until December 31, 2016 and thereafter homeowners were to elect a new Board and manage the homeowner's association.

The purpose of the Association is to provide a framework for homeowners to work together to benefit the community. Association obligations are specified in Agreements and By-Laws for maintaining its holdings, which include the Amenity Room in the Clubhouse (Members Lounge), the exercise room and the landscaping along Tower Ranch Blvd. As a shareholder in the Strata Corporations #3569 (the Clubhouse Strata), the Association has obligations for its share of the Strata costs.

### Tower Ranch Community Overview

In 2002 the Tower family sold part of their ranch to Intrawest Corporation to be developed as a golf course community. The new owner of the community lands was registered as Tower Ranch Holding Company (TRHC), with Intrawest, the Tower family and others maintaining an interest. The TR Lands consisted of Lot 1 (the golf course), Lots 2, 3, 4 and 6 (building lots for subdivision) and Lot 7 (the clubhouse).

The Holding Company established the Tower Ranch Community Association (TRCA) in 2007.

The golf course property within the community was sold to Aberdeen Corporation and the Tower Ranch Golf and Country Club was developed in 2007. Aberdeen operated the course until 2012 when it was sold to Carrington Group through a court order.

Dilworth Homes purchased Lot 2, consisting of 232 building lots from the Holding Company. Parkbridge Lifestyle Communities purchased the Intrawest interest in the Holding Company in 2014, thus becoming the Master Builder and owner of Lots 3, 4 and 6, consisting of approximately 519 building lots. The Tower Ranch Holding Corporation was dissolved in 2014 and Parkbridge assumed all obligations of the Holding Company through an Agreement signed by the Holding Company and Parkbridge.

Property development within the TR community includes TR Blvd and Split Rail Place (collectively called the Ranch), North Pointe on Eighteen and Solstice Phase 1. Both North Pointe on 18 and Solstice operate as Strata Corporations. Community Plan K80993 Lot 1 consists of the Golf Course. Yet to be developed are the undeveloped parts of Lot 2, owned by Dilworth Homes, and Lots 3, 4 and 6 to be developed by Parkbridge. Lot 7 is split into two lots and consists of the golf pro shop, restaurant, amenities and parking lot, incorporated as Strata Corporation 3569 (see details below).

Intrawest, as the principal developer and main player in the Tower Ranch Holding Company, envisioned a golf course community whereby homeowners had ready access and rights of way to the various sub-communities, amenities and trails within the larger Tower Ranch golf course community. They established a homeowners association and provided certain amenities in the name of the association. Homeowners were to own these properties and be responsible for their maintenance. Intrawest's vision seemed to be a cohesive, all inclusive, fun environment overseen by homeowners.

## **Tower Ranch Holding Company (TRHC)**

The Holding Company was incorporated following the purchase of the Tower properties by Intrawest, with its purpose being to own and manage development of the community. The TRHC established two corporations:

1. Tower Ranch Community Association Corporation (see below) as a home owner association (HOA).
2. Strata Corporation #3569 (the Clubhouse Strata) with two separate Lots and certain Common Properties and Limited Common Properties.

The TRHC and TRCA entered into an Agreement called the Statutory Right of Way Agreement/Rent Charge, a central instrument for establishing the legal responsibilities and rights of homeowners (see below).

The TRHC also established rules encumbered on homeowners with respect to building schemes, paint colours, landscaping, yard inclusions, vehicle parking, etc.

The TRHC registered easements, covenants and statutory rights of way (SRW) on all lots in the TR community which provided for homeowner rights and obligations and a funding source for maintaining amenities. These instruments place a legal obligation on all homeowners to pay a proportional share of the costs. The easements, covenants and SRW are transferred to each building lot when the larger Lots are subdivided.

## **Tower Ranch Community Association (Home Owners Association)**

The TRCA was registered in June 2007 by the Holding Company, with Letters Patent filed pursuant to the Corporations Act (*Corporation No. 442087-0*). The Holding Company named three directors of the TRCA

- John Morley, Mark Tower and James Paul. By-Laws were filed specifying that the TRCA would be managed by the Holding Company until the Transition Date (31 December 2016), at which time a homeowner board would be elected.

Articles of Continuance were filed in June 2015 changing the governing legislation to the Not-For-Profit Corporations Act. Articles established a maximum and minimum of three directors, listing them as Rob Tallis, Lachlan Maclean and Andrew Blair, employees of Parkbridge based in Calgary and Toronto. The Articles established new TRCA By-Laws, which were essentially the same as those registered in 2007.

A Special General Meeting (SGM) was held on May 2, 2017 with the principal purpose being to elect a homeowner board. Also approved at the SGM was a change to the Articles to increase the maximum number of directors from 3 to 9. During an Open House following the SGM, homeowners were advised by the new directors (Don Spruston, Jennifer Bridarolli and Craig Fowler) that the transition to homeowner management of the Association would be phased in over the summer with an expanded Transition Team consisting of 12 volunteer homeowners. Completion of the transition would be at an Annual General Meeting (AGM) in the fall of 2017.

## **Clubhouse Strata Corporation (Strata Corporation #3569)**

The TRHC incorporated Strata Corporation #3569 in 2007 under the Strata Corporations Act with the filing of a Strata Plan and Unit Entitlement.

The Strata Plan consists of two lots, common property and limited common property. Lot 1 consists primarily of the Pro Shop, Restaurant and kitchen. Lot 2 consists of the Amenity Room and Exercise Room. The remainder of the building is common property. The outside area is primarily common property except for the restaurant patio and some of the parking lot which is designated as limited common property assigned to Lot 1. Carrington has owned Lot 1 from the date that they bought the golf course from Aberdeen in 2012. The TRCA was registered as the owner of Lot 2 in 2014.

The Unit Entitlement specifies that Lot 1 consists of 73.3% of the Strata and Lot 2 26.7%. Providing the Common Property is divided equally and there is equal use of services such as electricity, the costs of operation would be divided in proportion to the entitlement, however the TRCA plans to work with Carrington to ensure a fair distribution of the Strata cost sharing.

The Agreement between the TRHC and TRCA specifies that the Amenity Room was to be leased by the TRCH until the Transition Date (31 December 2017).

## **Legal Instruments**

The TRHC and TRCA entered into the Right of Way Agreement/Rent Charge pursuant to the Land Titles Act, signed July 27, 2007. The Agreement provides details of the rights and obligations given to the TRCA by the TRHC as the owner of the Tower Ranch lands, so that homeowners may enjoy and use the

Amenities. The Agreement establishes registered easements, covenants and statutory rights of way (SRW). The rights include access to common property and use by all homeowners of the amenities as defined in the Agreement, including the Amenity Centre (Lounge), the exercise room, road system and any future trails. The Agreement also provides for a Rent Charge registered on all TR home lots to be applied to maintenance costs and any special levies required for the upkeep of the Amenities. Homeowners are to pay a proportionate share of the TRCA costs with the maximum cost to owners up to the end of December 2016 (Transition Date) set at \$45.

Also established in 2007 pursuant to the Land Title Act was a Reciprocal Easement Agreement between the Holding Company and the TRCA, within which were established a number of easements and covenants that provided for access by homeowners to the various lands and amenities.

When Parkbridge Corporation purchased Lots 3, 4 and 6 from Intrawest and thus became the Master Builder, the TRHC and Parkbridge Lifestyle Communities signed an Agreement in August 2013 named the Assignment of Master Developer and Management Obligation. The Agreement serves to pass obligations for the management of the TRCA from the Holding Company to Parkbridge. A number of other legal instruments exist that define obligations on the developers for development of the roads and services for the community.

## **The Ranch Community**

Homes built along Tower Ranch Blvd and Split Rail Place are collectively known as the Ranch. In this community there are approximately 70 freehold residences, all built by Dilworth Homes. All homeowners are Members of the TRCA.

## **North Pointe on Eighteen**

Forty Two semi-detached townhomes in the North Point community were developed by Dilworth Homes. Homeowners belong to the North Pointe on Eighteen Strata Corporation. All homeowners are Members of the TRCA, hence have all access rights of the Association. Issues specific only to the North Pointe community should be addressed to the Strata Corporation.

## **Solstice**

At the time of transition, the Solstice community consisted of 28 homes built by Parkbridge Lifestyle Communities. Additional phases are under development. Lot ownership is maintained by Parkbridge and leased to homeowners who own the home. Homes in this community are operated pursuant to a Strata Corporation, hence issues specific only to the Solstice Community should be addressed to Parkbridge. It is the current position of Parkbridge that homeowners in the Solstice Community are obligated to give their TRCA voting rights to Parkbridge and as a result cannot be members of the

Association. The TRCA has objected and is pursuing redress to ensure all homeowners are TRCA Voting Members.