

By-Law No. 1 - Schedule G

Remedies, Penalties and Sanctions

Complaints Process

By-Law No. 1 has been collaboratively developed by Members with consideration given to the diverse needs and interests of all Members and in the spirit of creating a harmonious community. Everyone shares responsibility for encouraging and supporting compliance with the By-Law.

Members and Associate Members may bring alleged By-Law violations to the attention of the Board through the Complaints Process (ref. By-Law Article 7.09), summarized as follows:

1. Members may submit a complaint in writing to the Board.
2. The Board, upon consideration of the complaint, may decide to provide written notice to the respondent of said complaint, while not disclosing the name of the complainant. Such notice will provide the substance of the complaint and the possible consequences.
3. The respondent is entitled to give the Board a written submission in response to the complaint.
4. The Board shall review and consider the complaint and the respondent's written submission and pass a resolution that authorizes a remedy, penalty and/or sanction; or the rationale for not imposing such.

Remedies, Penalties and Sanctions

The By-Law is in place for the benefit of all Members. The actions of each Member can adversely affect the quality of life of other Members. The rules may not be universally liked, but they must be respected in the spirit of community harmony.

A continuum of remedies, penalties and sanctions has been collaboratively developed and approved by Members for use by the Board as one approach for encouraging Members and Associate Members to respect the spirit and letter of the By-Law.

In general terms the continuum consists of four levels:

1. A courtesy call explaining the suspected non-compliance and a follow-up letter documenting the discussion and advising of the possible consequences of continued or repeated* non-compliance.
2. A non-compliance letter outlining the remedy, penalty or sanction that is being applied. *Issued, if after 30 days, the non-compliance continues or is repeated.*
3. An escalation non-compliance letter outlining the additional remedy, penalty or sanction that is being applied. *Issued, if after 60 days, the non-compliance continues or is repeated.*
4. An enforcement notification outlining the enforcement action** that is being taken. *Issued, if after 90 days, the non-compliance continues or is repeated.*

* "Repeated" means an additional occurrence of the infraction within an 18 month period.

** Enforcement Actions include, but are not limited to: the use of a collection agency; civil action to action to obtain a lien on property or to enforce a trespass order; and the revocation of membership.

Level 1	Level 2	Level 3	Level 4
Courtesy Call & Follow-up Letter	Non-Compliance Letter & Penalty	Escalation Non-Compliance Letter & Penalty	Enforcement Notification & Action

Schedule of Remedies, Penalties and Sanctions

Level 1 Courtesy Call & Follow-up Letter	Level 2 Non-Compliance Letter & Penalty	Level 3 Escalation Non- Compliance Letter & Penalty	Level 4 Enforcement* Notification & Action
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* Enforcement Actions include, but are not limited to: the use of a collection agency; civil action to obtain a lien on property or to enforce a trespass order; and the revocation of membership.

Legend

ID: from "Reasonable Rules for Respectful Living"

Infractions: from By-Law

B = By-Law No. 1

R = Regulations

CC = Code of Conduct Policy

HV = Harassment and Violence Prevention Policy

Document / Article:

Commonland Management Policy

C = Commonland

F = Forests

T = Trails

W = Waterfronts

Member safety and security is of primary importance. Anyone who feels threatened should call the police.

Afterwards they should contact the Board.

A. Be Courteous

Why? HLCOA is committed to providing a safe, healthy and supportive environment where its Members, Associate Members, their family and guests are treated with respect, fairness and sensitivity.

ID	Infractions	Document / Article	Level 1	Level 2	Level 3	Level 4
A1	Treating or speaking to Members, Associate Members, their family or guests, and Board members, in a disrespectful manner.	CC 6	✓	\$250 Penalty	Doubling of previous penalty	✓
	Rationale: Any type of disrespect towards Members, Associate Members, their families or guests is not tolerated.					
A2.1	Engaging in a course of vexatious comments or conduct against a Member, Associate Member, their family or guests that is known or ought reasonably to be known to be unwelcome.	HV 4	✓	\$250 Penalty	Doubling of previous penalty	✓
	Rationale: Any type of disrespect towards Members, Associate Members, their families or guests is not tolerated.					
A2.2	Speaking or behaving in a manner that is reasonable for a Member, Associate Member, their family or guests to interpret as a threat to exercise physical force that could cause them physical injury.	HV 5	✓	\$250 Penalty	Doubling of previous penalty	✓
	Rationale: Any type of harassment or violence towards Members, Associate Members, their families or guests is not tolerated.					
A2.3	Attempting to exercise physical force against a Member, Associate Member, their family or guests that could cause them physical injury.	HV 5		\$500 Penalty	Doubling of previous penalty	✓
	Rationale: Any type of harassment or violence towards Members, Associate Members, their families or guests is not tolerated.					
A2.4	Exercising physical force against a Member, Associate Member, their family or guests that causes or could cause them physical injury.	HV 5		\$750 Penalty	Doubling of previous penalty	✓
	Rationale: Any type of harassment or violence towards Members, Associate Members, their families or guests is not tolerated.					
A3	Behaving in a disruptive fashion at any annual, general or special meeting of the Members that results in:					
	• a warning from the Chair to cease the disruptive behaviour;	B 8.08a	✓	\$250 Penalty	Doubling of previous penalty	✓
	• a formal warning issued by a motion approved by the Members present to cease the disruptive behaviour;	B 8.08a		\$250 Penalty	Doubling of previous penalty	✓
	• being asked to leave the meeting by a motion approved by the Members present for continued disruptive behaviour;	B 8.08b			\$500 Penalty	✓
	• adjournment of the meeting by a motion approved by the Members present because of refusal to leave the meeting.	B 8.08c				✓
	Rationale: Members meetings are opportunities for 1) Members to raise questions and propose ideas; and 2) the Board to listen and hear Members and convey information to them in person. This is best done in an atmosphere of mutual respect and consideration. The behaviour and tone of discourse of all attendees reflects on the Association as a whole.					
A4.1	Failure to remove dog's waste and to dispose of it in a proper manner.	C 4d-iii	✓	\$50 Penalty	Doubling of previous penalty	✓
	Rationale: The Commonland is intended for the safe use and enjoyment of all Members. Failure to pick up the dog's waste negatively impacts Members' enjoyment of the Commonland.					

A4.2	Failure to keep dog under control and held firmly on a physical leash.	C 4d-i C 4d-ii	✓	\$100 Penalty	Doubling of previous penalty	✓
Rationale: The Commonland is intended for the safe use and enjoyment of all Members. Some Members are fearful of dogs and some dogs can become aggressive to an approaching person or other dog. Unleashed dogs may chase wildlife, putting the their own safety (eg. porcupine) and that of the wildlife at risk. Since there are deer on the property, owners of loose dogs risk being charged a hefty fine by the Ministry of Natural Resources.						
A5	Failure to re-lock an access gate to Commonland immediately after entering the access point or upon exiting the access point.	C 4f-iii	✓	\$50 Penalty	Doubling of previous penalty	✓
Rationale: Gates were installed at main lake access points in response to unauthorized use of Commonland and subsequent littering and theft of, and damage to, Members' property. The terms and rates on the Association's insurance policy requires that the gates be kept locked.						
A6.1	Encroaching on Commonland with permanent structures or excessive personal items	C 4b-ii	✓	\$100 Penalty	Doubling of previous penalty	✓
Rationale: The Commonland is managed for the shared enjoyment of all Members. Permanent structures and personal items encroaching on Commonland negatively impact that experience.						
A6.2	Placing personal property on Commonland except as permitted by the Association.	C 4b-i	✓	\$250 Penalty	Doubling of previous penalty	✓
Rationale: The Commonland is managed for the shared enjoyment of all Members. The placement of personal property on Commonland may negatively impact its shared use and enjoyment by Members, Associate Members, their immediate family and guests.						
A7	Operating a recreational motorized vehicle on Commonland contrary to the permitted purposes and conditions.	C 4e	✓	\$250 Penalty	Doubling of previous penalty	✓
Rationale: The Commonland is intended to offer a variety of nature and wildlife appreciation experiences and fitness opportunities aimed to satisfy the varying interests and physical capabilities of Members. The trails are primarily intended for non-intrusive and non-motorized vehicle use. The use of motorized recreational vehicles is prohibited except for very specific purposes and conditions.						
B. Be A Commonland Caregiver						
Why? The Commonland offers the beauty and natural wonders of forests, wetlands, and waterfront for the shared enjoyment of Members and Associate Members and is home to many wild animals, birds and reptiles.						
ID	Infractions	Document / Article	Level 1	Level 2	Level 3	Level 4
B1.1	Cutting, removal or planting of grass on Commonland.	C 3a-i	✓	\$250 Penalty plus repair costs	Doubling of previous penalty	✓
Rationale: The Commonland is managed for the shared enjoyment of all Members. Decisions regarding the trees, vegetation and grounds of the Commonland are made by the Board of Directors on behalf of all Members and with consideration for protecting the health of these natural systems.						
B1.2	Cutting, removal or planting of plants or trees on Commonland or the placing of fill on Commonland.	C 3a-i W 2c		\$500 Penalty plus repair costs	Doubling of previous penalty	✓
Rationale: The Commonland is managed for the shared enjoyment of all Members. Decisions regarding the trees, vegetation and grounds of the Commonland are made by the Board of Directors on behalf of all Members and with consideration for protecting the health of these natural systems.						
B2	Disposing, dumping or burning of garbage or brush on Commonland.	C 3a-ii		\$500 Penalty plus repair costs	Doubling of previous penalty	✓
Rationale: Negligent use of the Commonland presents a potential risk to its forests, wildlife and wildlife habitats.						
B3	Lighting a fire on Commonland.	C 4c	✓	\$500 Penalty plus repair costs	Doubling of previous penalty	✓
Rationale: The disregard for fire regulations presents a serious risk to the forests and wildlife habitats within the Commonland.						
B4	Blocking or re-routing drainage such as to prevent the free flow of surface water.	C 3b		\$500 Penalty plus repair costs	Doubling of previous penalty	✓
Rationale: There are significant areas of marsh and flowing water within the Commonland that present a potential risk of flooding Members' properties.						
B5	Damaging, or permitting damaging by others in their service, of Commonland roadways, culverts, ditches, sodding, grading, surveyor's markings, trees or services.	C 3c		\$500 Penalty plus repair costs	Doubling of previous penalty	✓
Rationale: The Commonland is managed for the shared enjoyment of all Members. Damage to the Commonland is not tolerated.						
B6	Using fertilizer or herbicides on Commonland or drainage ditches ultimately passing over Commonland.	C 3a-iii		\$500 Penalty plus repair costs	Doubling of previous penalty	✓
Rationale: Using or allowing the spread of fertilizer or herbicides on Commonland presents a potential risk to the wildlife and their habitats.						
B7	Reselling or removing Commonland wood from Harvey Lakeland Estates.	F 13	✓	\$250 Penalty	Doubling of previous penalty	✓
Rationale: The Commonland is owned by the Association with any inherent benefits of ownership flowing directly to the Association. Wood is occasionally sold in limited quantities to Members and Associate Members on condition that it is for their use only, is not re-sold, and is not removed from Harvey Lakeland Estates. In addition, the transfer of logs and firewood is discouraged and in some cases illegal since it can lead to the spread of tree-killing insects and diseases.						
B8	Hunting while on Commonland	C 4g		\$1,000 Penalty	Doubling of previous penalty	✓
Rationale: Hunting on Commonland potentially puts the safety of Members using the Commonland at risk.						

C. Be Waterfront Friendly

Why? The Commonland lakeshore offers opportunities for lakeside relaxing, swimming, and launching and docking boats. It is carefully managed to ensure its optimum and considerate use by Members and Associate Members.

ID	Infractions	Document / Article	Level 1	Level 2	Level 3	Level 4
C1	Use of Common Docks beyond occasional use.	W 1	✓	\$100 Penalty	Doubling of previous penalty	✓
	Rationale: The Common Docks have been installed to ensure that Members and Associate Members have a spot to temporarily dock their boat on a lake where they do not have an allocated dock space; and for their family and guests to temporarily dock their boat.					
C2	Failure to submit and obtain approval of a dock application prior to installing a platform or dock.	W 2		\$500 Penalty + removal of dock	Doubling of previous penalty	✓
	Rationale: In approving the allocation of a dock space the Board aims to find the best match between a Member's boating needs and the dock spaces available. The Board takes into consideration the type and size of boat to be docked, the shoreline conditions and water depth at the dock location, and the position of the Application on the Wait List, if any.					
C3	Installing a platform or dock larger than permitted or approved; or cutting brush or trees around a private dock space without Board authority or supervision.	W 2		\$250 Penalty + plus remedy	Doubling of previous penalty	✓
	Rationale: Restrictions have been placed on the size of platforms and docks to comply with government regulations and to ensure that each allocated dock space is safe, usable and presents no interference to other allocated dock spots.					
C4	Placing or positioning platform or dock in location or manner other than approved.	W 4		\$250 Penalty + remedy	Doubling of previous penalty	✓
	Rationale: The Board approves the placement and positioning of all docks to ensure that each allocated dock space is safe, usable and presents no interference to other allocated dock spots.					
C5.1	Altering or re-positioning an existing dock, ramp or platform without Board approval.	W 4		\$250 Penalty + remedy	Doubling of previous penalty	✓
	Rationale: The Board approves the placement and positioning of all docks to ensure that each allocated dock space is safe, usable and presents no interference to other allocated dock spots.,					
C5.2	Trading or taking over an allocated dock space without Board approval.	W 5		\$500 Penalty + remedy	Doubling of previous penalty	✓
	Rationale: In approving the allocation of a dock space the Board aims to find the best match between a Member's boating needs and the dock spaces available. The Board takes into consideration the type and size of boat to be docked, the shoreline conditions and water depth at the dock location, and the position of the Application on the Wait List, if any.					
C6	Charging fees for the use of allocated dock space by other persons.	W 8	✓	Penalty equal to fees collected	Doubling of previous penalty	✓
	Rationale: The Commonland is owned by the Association and intended for the shared use of its Members, Associate Members, their immediate family and guests. Any inherent benefits of Commonland ownership flow directly to the Association.					
C7	Failure of new property owners to remove the dock of the previous owner in the timeframe provided by the Board when the new Member does not receive the dock allocation space of the previous owner.	W 9	✓	\$250 Penalty	Doubling of previous penalty	✓
	Rationale: A delay in removing the dock may impact the Member that has been allocated the dock space, including loss of use/enjoyment, further delays and additional costs due to rescheduling of dock installation.					

D. Be A Prompt Payer

Why? Member dues and fees support the operations (eg. municipal taxes, insurance) and programs (forests, trails and waterfronts) that maintain and promote the cultural, recreational, and property interests of Members while preserving the unique and natural beauty of the Commonland.

ID	Infractions	Document / Article	Level 1	Level 2	Level 3	Level 4
D1 D2	Non-payment of dues, fees, penalties or interest following notice being given.	B 7.06c-i R 4b		20% penalty plus monthly compounded interest	monthly compounded interest	✓
	Rationale: Late payment and non-payment of dues and fees impacts cash flow and puts the Association at risk of not being able to pay its bills on time. This is of particular concern at the beginning of the fiscal year each Fall.					
D3	Failure of a Member to return to the Corporation all keys they have received which provide access to the Commonland within 14 days of the revocation of their membership.	B 7.02d-ii	✓	\$250 Penalty	Doubling of previous penalty	✓
	Rationale: Gates were installed at main lake access points in response to unauthorized use of Commonland and subsequent littering and theft of, and damage to, Members' property. The retention of keys by former Members puts the safety of Members property and the protection of Commonland at risk.					
D3	Failure of a Member to return to the Corporation all keys they have received which provide access to the Commonland seven days prior to the closing of the transfer of title to their lot.	B 7.05b		Penalty equal to cost of replacing keys for all lots.	Doubling of previous penalty	✓
	Rationale: Gates were installed at main lake access points in response to unauthorized use of Commonland and subsequent littering and theft of, and damage to, Members' property. The retention of keys by former Members puts the safety of Members' property and the protection of Commonland at risk.					

E. Be A Responsible Member

The By-Law has been collaboratively developed by Members with consideration given to the diverse needs and interests of all Members and in the spirit of creating a harmonious community. When falling short of shared expectations, accept responsibility and strive to do better.

ID	Infractions	Document / Article	Level 1	Level 2	Level 3	Level 4
E1	Disrespecting the residential nature of the community by renting or offering to rent a property for a period of less than six months.	B 7.01d-ii	✓	\$1,000 Penalty	Doubling of previous penalty	✓
	Rationale: Harvey Lakeland Estates is a residential community of neighbours that have agreed to abide by common set of rules. A revolving inflow of people with no connection to the community for a short period of time impacts the community negatively.					
E2	Non-compliance with By-Law by Member's or Associate Member's family or guests	C 2	* * * * * Penalty equal to that of the specific infraction			
	Rationale: The rules governing the use of Commonland are in place to support the shared enjoyment of the Commonland by all Members. The privilege of enjoying the Commonland has been extended to immediate family and guests on the condition they adhere to the rules governing its use. Members and Associate Members are held responsible for the actions of their family and guests.					
E3	Failure to comply with remedies, penalties and sanctions applied for: • non-payment of funds owed to the Association; and • non-compliance with the Association's By-Law.	B 7.06				✓
	Rationale: Members are granted the privilege of accessing and using the Commonland on the understanding that they share the costs of maintaining the Corporation and the Commonland and that they comply with the rules that are in place to support the shared enjoyment of the Commonland by all Members.					
E4	Entering upon or making use of the Commonland and/or its amenities while not a Member or Associate Member.	B 7.02d-i B 7.04c	✓	\$500 Penalty	Doubling of previous penalty	✓
	Rationale: Members that have debts owed to the Corporation or have been found to be in non-compliance with the By-Law and have not responded to several requests to resolve these matters will have their membership revoked and lose the privilege of accessing and using the Commonland.					

F. Be A Leader

Why? By demonstrating leadership in "Respectful Living" Board members can be key contributors to creating a safe, healthy and supportive environment for Members, Associate Members, their family and guests.

ID	Infractions	Document / Article	Level 1	Level 2	Level 3	Level 4
F1	Treating or speaking to Members, Associate Members, their family or guests, and Board members, in a disrespectful manner.	CC 3 CC 6	Same as penalties for Members in A1			
	Rationale: Any type of disrespect towards Members, Associate Members, their families or guests is not tolerated.					
F2	Failure by the Board to enforce the complaints process (ref. By-Law Article 7.08) in a fair, balanced and timely manner.	HV 6	Directors may be removed by a vote of Members (ref. By-Law No. 1, Article 2.03d Vacancies)			
	Rationale: To achieve and maintain a safe, healthy and supportive environment the Board must enforce, and be seen to enforce, the complaints process in a fair, balanced and timely manner.					
F3.1	Failure by the Board to investigate all harassment and violence complaints, or to contact the police when needed.	HV 7	Directors may be removed by a vote of Members (ref. By-Law No. 1, Article 2.03d Vacancies)			
	Rationale: To achieve and maintain a safe, healthy and supportive environment the Board must be consistent, and be seen to be consistent, in investigating all harassment and violence complaints.					
F3.2	Failure by the Board to debrief those involved directly or indirectly.	HV 8	Directors may be removed by a vote of Members (ref. By-Law No. 1, Article 2.03d Vacancies)			
	Rationale: To achieve and maintain a safe, healthy and supportive environment the Board needs to listen, provide information, and explain the outcomes of its investigation to Members, Associate Members, and their family or guests who are impacted by any type of harassment or violence.					
F4	Disclosure by a Board member of Board discussions outside a Board meeting.	CC 5	Directors may be removed by a vote of Members (ref. By-Law No. 1, Article 2.03d Vacancies)			
	Rationale: As part of achieving and maintaining a safe, healthy and supportive environment the Board needs to provide all Members and Associate Members with the same information, at the same time.					
F5	Failure by the Board to regularly distribute communications to Members regarding items of discussion and decisions taken at Board meetings.	CC 5	Directors may be removed by a vote of Members (ref. By-Law No. 1, Article 2.03d Vacancies)			
	Rationale: As part of achieving and maintaining a safe, healthy and supportive environment the Board needs to provide all Members and Associate Members with the same information, at the same time, on time, all the time.					
	Infraction	Document / Article	Level 1	Level 2	Level 3	Level 4
	Aggravated Non-Compliance , defined as the repeated, willful disregard for the By-Law; or any breach of the By-Law, which would reasonably be expected to risk a serious negative impact to: 1) the Association, its property or the Commonland; or 2) the Members, Associate Members, their family or guests or the property of said persons.	B. 7.07				✓