Harvey
Lakeland
Commonland
Owners
Association

By-Law No. 1 - Schedule C
Commonland Management Policy

Founding Principle

The Commonland is owned by the Corporation, managed by an elected Board of Directors and governed by By-Law No. 1 and its schedules, including this Policy. Any inherent benefits of Commonland ownership flow directly to the Corporation.

Commonland

1. Individuals Authorized To Access Commonland

The Board of Directors grant access to the Commonland to Members and Associate Members for their shared use and enjoyment. Other individuals authorized to access and use the Commonland are limited to:

a. Immediate Family and Guests of Members and Associate Members;

b. Contractors who have been granted permission by the Board for delivery of services and maintenance;

c. Emergency services personnel; and

d. Members of the Bald Lake Cottage Owners Association with the proviso that access is restricted to the Little Bald lake boat launch off #37 Hall Crescent on the Victoria Day and Thanksgiving Day long weekends for the purpose of launching and removing their boats at the start and end of the boating season;

where

e. Immediate Family are the children, grandchildren, parents, grandparents and siblings of Members or Associate Members.

f. Guests are individuals who have been invited to use the Commonland by a Member or Associate Member who is at their property or with the Guest while the Guest is on Commonland. The Board may at its discretion, upon receipt of a request from a Member or Associate Member, designate individuals as Guests in other exceptional situations, eg. individuals house sitting for a Member who is away from home for an extended period.

2. Responsibility of Members and Associate Members

Members and Associate Members are responsible for ensuring their Immediate Family and Guests adhere to By-Law No. 1, and its schedules.

3. Protection of Commonland

a. The Commonland shall be left in its natural state. This precludes:

i. The cutting, removal or planting of trees, plants and grass and the placing of fill of any kind on Commonland without the written consent of the Board;

ii. The disposal, dumping or burning of garbage or brush in the Commonland; and

iii. The use of fertilizer on the Commonland or any drainage ditches ultimately passing over the Commonland.

b. No drainage shall be re-routed or blocked but will be maintained in such condition as to permit the free flow of surface water.

c. The owner of a lot within the subdivision shall pay the costs of repair or replacement of any damage done to the Commonland roadways, culverts, ditches, sodding, grading, surveyor's markings, trees or services damaged or removed by them or any persons in their service.

d. Notwithstanding 3a-i above, owners of lots overlooking Sandy Lake (i.e. lots 39 to 56 inclusive), as long as they are Members, shall be permitted to maintain an access path 15 linear feet in width from their property line to the Sandy Lake Trail and from the Trail to their allocated dock space. Maintenance of the access path, other than grass cutting, must be approved and supervised by the Board.

4. Restrictions and Permitted Uses Of Commonland

a. Persons using the Commonland and its facilities and amenities do so entirely at their own risk.

b. Property owners are prohibited from:

   i. Placing any personal property on Commonland except as permitted by the Association; or

   ii. Encroaching on Commonland with permanent structures or excessive personal items.

c. No fires are permitted on Commonland unless authorized by the Board. The Board shall comply with the Fire Regulations of the Municipality of Trent Lakes.

d. Animal control regulations similar to those of the Municipality of Trent Lakes and the Ontario Fish and Wildlife Conservation Act, Article 25(3) shall apply to Commonland. Specifically:

   i. No owner of a dog shall permit it to run at large on Commonland.

   ii. Every owner of a dog shall ensure that it is on a physical leash and under control while the dog is on Commonland.

   iii. Every owner of a dog shall ensure that any waste left by such dog on Commonland is immediately removed and disposed of in a proper manner.

e. Motorized recreational vehicles are strictly prohibited from Commonland except for the purposes, and with the conditions, described in articles 4e-i to 4e-vi below.

   For greater certainty and not withstanding these exceptions and conditions, it is acknowledged and agreed that trails are not to be used for thoroughfare recreational purposes.

   i. As scheduled and under the supervision of the Board and/or committees in support of the development or maintenance of Commonland facilities and amenities

   or

   ii. For personal transportation directly from roadways to the Member's allocated dock space and to visit other Members at their dock spaces via:

   - Entry at #71 Sand Lake Circle to the Sandy Lake boat launch and finger docks
   - Entry at #91 Lakeland Avenue to the Little Bald Lake common dock and along the Bald Lake Trail
   - Entry at #105 Hall Drive to the Little Bald Lake finger docks
   - Entry at #37 Hall Crescent to the Little Bald Lake boat launch
   - Entry from Forestview Drive onto Old Hall Drive and the Old Road Trail and Sandy Lake Trail to the docks on Sandy Lake at the eastern point of Harvey Lakeland Estates
   - Entry from the west end of Sand Lake Circle to the Sandy Lake Trail and docks on Sandy Lake at the western point of Harvey Lakeland Estates

   iii. Notwithstanding 4e-ii above, seasonal restrictions may be placed on the use of motorized vehicles on Commonland to limit damage to trails and in consideration of the safety of Members, as follows:

   - Restrictions may be placed on all trails where motorized recreational vehicles are permitted with the exception of direct access to the lakes via the following access points:
     - Entry at #71 Sand Lake Circle to the Sandy Lake boat launch
     - Entry at #37 Hall Crescent to the Little Bald Lake boat launch
     - Entry at #91 Lakeland Avenue along the north trail entrance and directly onto Little Bald Lake
   - The placement of restrictions is at the discretion of the Board and shall take into account the condition of the trails, and during winter conditions, the recommendations of the Buckhorn Snowmobile Association

   iv. The use of motorized vehicles on Commonland is restricted to the individuals, and with the conditions, described below:

   - Members and Associate Members
   - Immediate Family and Guests with the proviso that for the permitted use as described in Article 4e-ii above, the vehicle in use is owned by the Member or Associate Member

   and where

   - The operator accepts all inherent risks and absolves the Corporation and its Members of any liability that may result from such use

- The motorized recreational vehicle is properly licensed (to the extent required by law), insured for liability and in good mechanical condition
- The operator is at least 16 years of age, licensed, abiding by provincial and municipal regulations and operating the vehicle in a safe and responsible manner

v. Motorized recreational vehicles in use on Commonland are limited to a width of 62 inches and a height of 80 inches including any installed optional equipment or supplies being transported; during winter conditions the permitted width is 68 inches when the vehicle is used for direct access to the lakes via the following access points:
- Entry at #71 Sand Lake Circle to the Sandy Lake boat launch
- Entry at #37 Hall Crescent to the Little Bald Lake boat launch
- Entry at #91 Lakeland Avenue along the north trail entrance and directly onto Little Bald Lake

vi. All motorized vehicles are limited to a maximum speed of 10 km/hour on access roads and trails where permitted

f. To help prevent the use of the Commonland waterfront by unauthorized individuals and protect personal property, vehicle access to lakes and dock areas is controlled through lockable gates:
   i. One gate key only will be issued for each lot; the key is stamped with the lot number and cannot be duplicated.
   ii. Lost keys can be replaced with the payment of a fee to cover the cost of production.
   iii. Gates are to be kept locked at all times; this means that persons shall re-lock the gate immediately after entering the access point and again upon exiting the access point.
   iv. The Treasurer is responsible for the administration of keys and can be contacted on any such matters.

g. No hunting is permitted on Commonland.

Forests

Consultations

1. The Board will retain the services of a Managed Forest Plan Approver (MFPA) to provide expertise and advice in the development of the Forest Management Plan (FMP), and as required, the implementation of the FMP.
2. The Board will seek the input of the Members and Associate Members in the development and renewal of the Forest Management Plan.
3. The Board will seek the input of Members before undertaking FMP activities within 125 feet abutting their properties with the exception of general trail maintenance and felling and/or removal of hazardous trees.

Considerations

4. Noisy FMP activities will be prohibited on evenings and weekends from July 1 to August 31 with the exception of the felling and/or removal of hazardous trees.
5. Good forest management practices will be used to limit harm.

Felling / Removal of Trees

6. In accordance with the FMP trees may be identified for felling.
7. In accordance with the FMP felled trees may be designated to be:
   - Left for use in the forest, eg. insect, wildlife and soil improvement, trail delineation, bridging across wet areas; or
   - Removed from the forest.
8. Considerations in identifying trees to be removed from the forest may include but not be limited to:
   - Condition of the forest floor
   - Wildlife habitat
   - Safety of all users of the Commonland
   - Best use of the wood, eg. benches for Association use, wood for carving activities, firewood
   - Shoreline protection

9. Members and Associate Members with concerns about potentially hazardous trees on Commonland and near their property may contact the Board who will evaluate and take appropriate action including the felling of trees the Board deems to be hazardous.
10. Felling and/or removal of trees on Commonland will occur only as scheduled and under the supervision of the Board.
11. Volunteers may be invited to participate in the felling and removal of trees.
12. A local contractor may be engaged to fell and/or remove trees in certain situations, eg. difficult or hazardous work. Contractors must have WSIB and liability insurance.

Sale of Wood

13. Wood from trees removed from Commonland will be available for sale 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. Purchased wood must be removed by the date specified on the application approval.
14. Members and Associate Members will be notified when wood is available for sale. To purchase wood Members and Associate Members must complete and submit to the Board a Request To Purchase Wood form.
15. The Board will review all requests to purchase wood and seek to best match the species and quality of wood to its intended use while also fairly allocating the quantity available among the purchasers.
16. Wood made available from downed trees will be sold to Members and Associate Members.
17. The Board will determine and approve each year various prices for available wood based on the species of tree, quality of wood, and state of readiness, eg. cut, tree length, 8 foot, 16 inch and split.

Record Keeping

18. The Director - Forests will record FMP activities, including but not limited to:

    Felling of Trees

    - The rationale based on the objectives of the FMP for the felling of any trees on Commonland
    - Location, number, species and size class of trees to be felled
    - Date that trees are marked to be felled
    - Date that trees are felled

    Removal of Trees from Commonland

    - The rationale based on the objectives of the FMP for the removal of any trees from Commonland
    - Location, number, species and size class of trees to be removed
    - Proposed use of the wood
    - Date that trees are removed
    - The date and amount of wood received by each Member

Trails

1. A network of trails throughout the Commonland should offer a variety of nature and wildlife appreciation experiences and fitness opportunities aimed to satisfy the varying interests and physical capabilities of Members and Associate Members and include access to specified waterfront and dock areas.
2. The development, maintenance and use of the trails shall seek to minimize the intrusiveness to the forest.
3. The trails are intended for the considerate, non-intrusive and non-motorized vehicle use by:
    - Members, their Immediate Family and Guests
    - Associate Members, their Immediate Family and Guests.

Waterfronts

1. There are three types of docks: Common, Private and Finger:
    a. Common Docks are for occasional use only by Members, their Immediate Family and Guests; and Associate Members, their Immediate Family and Guests.
    b. Members are permitted one Private Dock space for each lot owned.
    c. Members may rent Finger Docks and Canoe Racks from the Association, if available, with rental fees paid annually, in advance.
    d. Members are encouraged to share their Private Docks with other Members.

Private Dock Spaces

2. Members requiring a Private Dock space shall submit an Application to the Board and include a diagram of the proposed dock, ramp and platform.
    a. Dock and ramp width is limited to six feet and platform size to 107 square feet. Maximum dock length will be determined by the Board based on both the dock space location and the Member's requirements, but shall not exceed government limits.
    b. Dock spaces have been located, and Members must position their docks, such that adjacent docks will be a minimum of 25 feet apart, except in exceptional circumstances approve by the Board.
    c. Platforms placed in the water shall not exceed 107 square feet and shall not extend to either side of the dock more than 12.5 feet from the centre of the dock. Non-conforming water platforms as of October 4, 2025 will only be required to conform at the time the dock space is re-allocated.
    d. Any cutting of grass, brush or trees necessary to place and access the platform should be minimized, must be approved and supervised by the Board and shall not exceed a maximum width of 15 ft.
3. The process for allocating dock spaces to Members who submit an Application will be transparent, recognize that Members' boating and personal needs may change over time, and strive to be fair for all Members. As such:
    a. Members may request a specific dock space in their Application.
    b. If the requested dock space is currently in use, the Members may choose to be put on a dated Wait List that will be maintained, in chronological order, by the Waterfronts Director.
    c. When a property is sold, the re-allocation of the dock space of the previous owner will be put on hold for 14 days following the completing of the sale to allow time for the new owner to submit an Application. Subject to the new owner: (i) submitting an Application within such 14 day period; (ii) dealing with any concerns of the Board expeditiously; (iii) undertaking to make modifications to the dock and platform if required to comply with current requirements; and (iv) the Application otherwise being satisfactory to the Board based on the then current requirements applicable to all Members, the Board shall approve the Application in priority to any Application made by another Member, including Members on the Wait List.
    d. When allocating a dock space, the Board will take into consideration the type and size of boat to be docked, the shoreline conditions and water depth at the dock location, and, except in the circumstances described in subsection 3c, the position of the Application on the Wait List, if any.
4. The placement of all docks is at the discretion of the Board and Members are required to obtain written authorization to do so from the Board.
5. Without limiting the provisions of subsection 3(c) and 3(d), Members must apply for permission to trade or take over allocated dock spaces. Existing non-conforming docks will be required to conform with current policy at the time the dock space is re-allocated.
6. No Member or Associate Member shall place on Commonland any personal property except as permitted by the Association (see also Commonland Management Article 4b):
    a. During the boating season, personal items may be placed within the allocated dock space area immediately adjacent to the platform. The dock space area will be kept neat and clean and a dock box may be used for storage.
    b. In the fall, small watercraft (eg. canoe, paddle boat) and furniture may be stored on the platform. Docks must be either left in the water or stored on the ground within the allocated dock space. Lifting the dock vertically is not allowed.

7. If a dock is neglected, abandoned or in a state of disrepair it may be removed after an attempt has been made to notify the owner.
8. Members are prohibited from charging fees for the use of their allocated dock space.
9. Docks must be removed upon the sale of a home or property, unless they are purchased by the subsequent owner (i.e. they are included in the sale listing). In such case the new owner may keep the dock in place until the re-allocation of the dock space has been decided. If the new owner does not receive the allocation of that dock space, the Board will provide the new owner with a reasonable date by which the dock must be removed.

Finger Docks

Slip Ownership

10. Finger dock slips owned by the Association are not available to Members for purchase.
11. A Member who owns a slip ("legacy owner") is permitted to sell their slip to another Member or to the Association. A Member who sells a slip to another Member must advise the Board in writing.
12. The Board is under no obligation to purchase a slip from a Member.
13. If the Board agrees to purchase a slip from a Member, it will pay a set price of i) $850 to Members that agree to rent the slip for the following year; or ii) $600 to Members that do not rent the slip the following year. These prices may be adjusted annually by the Board.

Slip Rentals

14. Slips owned by the Association are only available for rental. Any new finger docks and slips shall only be available for rental.
15. Members requiring a slip shall submit a dock application form.
16. The process for allocating slips to Members who submit an Application will be transparent, recognize that Members' boating and personal needs may change over time, and strive to be fair for all Members. As such:
    a. Members may request a specific slip in their Application. If the requested slip is currently in use, Members may choose to be put on a dated Wait List that will be maintained, in chronological order, by the Waterfronts Director.
    b. When allocating a slip, the Board will take into consideration the type and size of boat to be docked, the water depth at the slip location, and the position of the Application on the Wait List, if any.
17. In accepting a rental allocation, the Member is agreeing to use the slip for that boating season and to not rent or loan the slip to other persons.

Renewals

18. Every year, each rental slip will first be offered to the Member who rented the slip the previous boating season.
19. Each year a renter must advise the Board in writing if they do not intend to use the slip for that season. In such case:
    a. The Board will refund any fees received that year only if the Board is able to rent the slip to another Member that season;
    b. In the subsequent season the Member will again be offered first opportunity to rent that slip (despite Article 18 above);
    c. If a rented slip is not used by the renting Member for two consecutive seasons they will lose their opportunity for first offer of that slip (despite Article 19b above).

Maintenance

20. Legacy owners are responsible for the cost of repairs to their own slips, but all repairs must first be approved and supervised by the Board.
21. The Association will pay for normal maintenance of the central docks and the slips that it owns.
22. Rental fees collected will be allocated to a Finger Dock Maintenance account to support maintenance; and funding of new finger docks and new or returned slips.

23. The Board will seek the approval of the membership for any repairs, replacements, or other expenses beyond the cost of normal maintenance.
24. If at any time the Board determines that a slip is unsafe (or that the entire structure is unsafe) it may decline to have that slip or the entire structure installed in the water.

Wait List Management

25. Two separate Wait Lists are maintained: one for Dock Spaces and one for Finger Dock slips.
26. Members are permitted to submit an application for a spot while at the same time be using another allocated spot.
27. A Member can specify one or more spots on their application that they would be willing to accept, if offered:
    a. Members will only be offered allocations for spots specified on their application;
    b. If a Member turns down an allocation offered they will be moved to the bottom of the Wait List for all spots specified in their application.
28. If a Member does not specify any spots in their application and subsequently turns down any allocation offered they will be moved to the bottom of the Wait List.