

# Blackburne Creek HOA

## FAQ's

*Q: What is the Blackburne Creek HOA?*

A: The Blackburne Creek HOA is an association of homeowners within the Blackburne Creek subdivision of south Edmonton who are bound by the Restrictive Covenants placed on our land titles.

*Q: What are my responsibilities as a member of the HOA?*

A: Membership is not onerous. You are required to maintain your properties according to certain design guidelines initiated by the developer of Blackburne Creek when the subdivision was originally designed in 1991. And you are required to pay your membership dues (fees) on an annual basis.

*Q: What are the design guidelines that I must follow?*

A: There are a few but these too are not onerous.

Your roof must be wood shakes or shingles. This was upheld by the Court of Queen's Bench in a decision handed down in 2019 (the judgment is posted on this website for your information).

Your fences must be kept in good repair and when replaced must be rebuilt according to the style and color specified in our Design Guidelines. The HOA has implemented a stain purchase program for your convenience at Kans of Any Colour on 99 Street and 38 Avenue. The HOA had initiated a fence reconstruction program through Classic Landscaping in the past but its use was not of sufficient quantity to warrant a significant cost saving over other contractors. If there is sufficient interest, the HOA could endeavor to pursue a similar program with contractors/suppliers.

Your driveways must be concrete.

There is a stipulation in the Design Guidelines that you have two trees in most front yards, although it is unclear as to whether this was a requirement of refunding the initial landscaping deposit. Nonetheless, although certain trees can quickly outgrow their surroundings, the stipulation does exist in the Design Guidelines. When replacing your trees (an eventuality in many cases), the HOA suggests that you select replacement trees that are appropriate for

a city lot, with a caveat that they eventually reach a three-inch (7.5 cm.) caliper for deciduous trees and 10 feet (3 meters) for conifers.

*Q: Can I repaint my house in any color I desire?*

A: There are no restrictions on paint colors.

*Q: Can I change the front profile of my house?*

A: You must maintain a minimum height brick 'return' on the front of your house.

*Q: What about siding?*

A: Many forms of siding are allowed. Check with your HOA if you are considering a material not specifically listed in the Design Guidelines.

*Q: Who enforces the Restrictive Covenants?*

A: Your HOA is tasked with enforcing the terms of the Restrictive and Operating Encumbrances.

You should be aware that the authority of the HOA was challenged in the Court of Queen's Bench and a decision was handed down by Justice M. Kraus of that Court in 2019. Essentially, the judgment reinforces the authority of the HOA in its duty to uphold the various Covenants registered on our land titles. The HOA does not take its duty lightly and maintains a contingency fund that is purposed to deal with challenges to that authority.

*Q: What if I don't pay my fees?*

A: Your HOA fees are, at \$90 per year for single family homes and \$60 per year for multi-family units, considered to be very reasonable, and have been maintained at the current rate since inception of the HOA in 1998. The HOA has a firm policy of not having members in good standing paying for those who refuse to pay their share. Consequently, failure to pay these fees comes at a high cost to those who think that they need not take these fees seriously (the low cost often lulling those people into thinking that they are frivolous). What they do not understand is that HOA fees are second in line (taxes being first) in default situations. Unfortunately, for those in default, the HOA has only big hammers at its disposal in collecting these fees. We try to soften the blow by hiring a collection agency (which of course has ramifications of

damaging one's credit rating) followed by action through the Courts. It is at this stage that costs can become horrendous with legal fees that can make a \$90 debt skyrocket into thousands of dollars. Eventually, property seizure, including foreclosure, can result. Not to mention the difficulties that can result when a mortgagor (such as a bank) find out that you have a judgment against your property. All in all, it just makes sense to be in good standing with your HOA.

*Q: Is the HOA 'watching' me?*

A: The nature of our Restrictive Covenants is that the onus is on the homeowner to comply with the terms of the Covenants placed on their titles. Subsequently, the HOA does not 'police' the neighborhood although once the HOA is made aware of a problem it has a duty to act on behalf of the membership as a whole. In essence, it is your responsibility to be aware of the terms of the Covenants. The HOA strongly recommends that you consult our web site and/or the HOA Board of Directors for guidance on issues arising from these Covenants.

*Q: What if I have questions or concerns?*

A: You can e-mail your HOA at [info@blackburnecreek.com](mailto:info@blackburnecreek.com) with your concerns or questions and a Board member will contact you. You should include a telephone number that you can be contacted at if you wish to be contacted in person.

*We are here to serve.*