

BLACKBURNE CREEK HOMEOWNERS' ASSOCIATION

A BRIEF HISTORY

The following is a brief history of the HOA gleaned from minutes of the Annual General (AGM) and Board of Directors meetings. This is a work in progress with further installments to come as the minutes are reviewed and digested.

CHAPTER 1: The formative years: 1998-2000

The Blackburne Creek Homeowners' Association (HOA) was created in 1991 when the Developer included this Association in the Restrictive Covenants (RC's) registered on our titles. The HOA was not activated until 1998, when the Developer handed over enforcement of the RC's to the HOA.

The first General meeting was held on 13 June 1998. This meeting dealt with the purpose and powers of the HOA, the financial status, a review of the Operating Encumbrance (OE) registered on our titles, various sundry motions affecting the administration of the HOA, and the handing over of administration of the HOA to a newly elected Board of Directors.

Thereafter, regular meetings were held by the Board, addressing various issues. Here is a summary of some of those issues:

August 1998: A community survey was to present a number of "mandatory" items to be paid for with the "accumulated monthly fees" (since annualized). These were i) painting of the perimeter and common area fencing, ii) maintenance of the meadow area, iii) increase in grass cutting frequency for common areas; and iv) increase in weed control measures for the common area.

In hindsight (some 22 years later), these items have evolved over time as i) the Board determined that perimeter and common area fencing is the responsibility of the homeowner in that the fencing is considered to be on their property, ii) the City took over maintenance of the meadow area a number of years ago and it continues to be maintained by them on a rather sporadic basis, vacillating between being nicely groomed and returning to a 'natural state' (which unfortunately often means weed infestation); iii) the HOA is confined to cutting grass at the entrance signs and around the playground, and iv) the City banned the HOA from controlling weeds on any of their (City) property (which happens to be all of the common lands in the neighborhood) several years ago after a fight with City administration that lost out to the flavor of the day eco-crowd.

Nonetheless, the HOA continues to battle with the City over certain issues, particularly the quantity and quality of the landscaping services provided

by them and while appreciating that the City provides these as part of our tax funded services, dealing with a large bureaucracy does come with its frustrations. The HOA had worked well with our former Councillor Bryan Anderson and our interim Councillor Michael Walters. We hope that our next Councillor (elected in 2021) will also be attentive to our needs.

Oct 1998: The HOA entered the pine shakes problem, which turned out to be quite the fiasco in neighborhoods such as ours where pine shakes were used almost exclusively. Everyone lost on that one.

A permanent post office box was to be set up to allow the members a means of communicating with the HOA on a formal basis. It took until June 1999 for one to become available though.

May 1999: Directors and Officers insurance was obtained for the Board of Directors.

July 1999: Condition (overgrowth) of our trails along the ravines was first noted. This has been an ongoing problem and is just a fact of life in ravine communities that rely on the City to maintain their trails.

July 1999: The 2nd Annual General Meeting (AGM) was held, with a Year in Review (President's report), financial report, and election of officers. The Financial Statement revealed that the HOA started out with \$3,260.54, comprised of monies transferred from the Developer.

Interestingly, a motion requiring at least two Board members to step down every two years was carried. Given that this contravened the by-laws in effect at the time (where "no Director shall sit on the Board for longer than three successive terms of office"), this was in effect an ultra vires motion (which required a notice of motion and a 2/3 majority vote to be considered a valid bylaw amendment).

July 1999 The Board discovered that there were a number of homes (official count is 63) that did not have the HOA encumbrances registered on their titles due to an oversight by the Developer. Efforts were made by the Developer to attain voluntary registration. These failed and legal action was initiated later to rectify the oversight.

Plans for an 'entry feature' were initiated at this time (this ended up being our front signs).

Sept. 1999 The perimeter fencing at Horizon Harbour (which was constructed prior to the HOA taking over) was deemed to be part of the 'project fencing' defined in the Restrictive Covenants (RC's). The issue has not arisen since so the purpose of this determination is unclear.

- Oct. 1999 Lawyers requesting ‘Confirmation of Fees’ from the HOA are to be billed \$10 (this was apparently discontinued at some time).
- Nov. 1999 The HOA requests that the City install a handrail on the pathway slope where it descends into the ravine. This was done in the Spring of 2000.
- The HOA, through a Board member employed by the City, provides garbage cans at strategic locations along the trail.
- Jan. 2000 The first Collections Policy is drafted and approved.
- Feb. 2000 The HOA agrees to participate in the City run drop-in summer playground program, with costs borne by the HOA and partially offset by the City. The program continues for most years.
- The HOA makes plans for noise abatement (planting of trees) measures for the impending construction of Anthony Henday Drive.
- March 2000 The first challenge to the RC is received by a member, wherein the member assumes that the HOA took over the full authority of the Developer. The Board responded in April 2000 that the HOA took over enforcement only and the Developer retained approval over changes to designs.
- April 2000 The HOA implemented a newsletter (mail-out) in 1999 which was continued into 2000 and beyond.
- June 2000 A concern over painting of the perimeter fences is raised by a member (the member believes that the HOA should take this over in the interests of consistency). The Board defers the matter to a legal opinion from our Solicitor at the time.
- July 2000 Complaints regarding weed control and grass cutting are again noted to be a problem in our relationship with the City.
- Sept 2000 The 3rd AGM is held wherein a ‘special resolution’ is proposed to allow roofing materials that mimic the look of wood (this in response to the problems arising from widespread use of pine shakes). The resolution is deemed to be ultra vires (i.e., not legally within the authority of the AGM) but the proponents refuse to withdraw the motion. It is subsequently voted on and defeated.
- Nov. 2000 Concerns are raised over the proposed addition of Blacklock Way to the neighborhood.

CHAPTER 2: The developmental years: 2001 - 2008

- Feb. 2001 The HOA begins to keep track of trees, light standards, and benches damaged and lobbies the City for replacement/repair.
- March 2001 The HOA drafts plans for a community message board.
- April 2001 The HOA starts a “welcome wagon” program inviting new residents into the community.
- June 2001 The HOA approves up to \$2,500 for fabrication and installation of a community message board (the sign on Blackburne Drive West just east of the entrance to the community).
- Sep. 2001 A number of bylaw amendments are carried at the 2001 AGM and distributed to the Board members (although they did not appear to be registered with Corporate Registry).
- Nov. 2001 The bulletin board at the community park is installed. Purchase of accounting software is authorized with Simply Accounting purchased the following month. Registered office changed from Henning Byrne Whitmore & McKall to Sharek Reay (lawyer consulting to HOA is F. Belzil).
- Dec. 2001 Perimeter fence painting concerns are raised with some of the homeowners on the perimeter. Condo development (225 Blackburne Drive East, the Edge) is started. Condo development at 211 Blackburne Drive East (Blackburne Ravine) is noted to be in place at the time (apparently constructed in 1999). Condo development at 215 Blackburne Drive East (Creekside Terrace) constructed in 1995.
- Jan. 2002 Perimeter fencing continues to be an issue for most of 2002.
- April 2002 Upon receipt of a legal opinion, the HOA resolves that the Association be responsible for maintaining and painting the outside of the perimeter fencing. The Edge (225 Blackburne Drive East) is brought under the Restrictive Covenants and Operating Encumbrance.
- May 2002 The HOA obtains Court judgments against two properties in arrears on their annual fees. This appears to be the first time this action is taken and/or needed. At the time, there were significantly more members in arrears than there has been recently. Those pesky beavers are once again noted to be an issue in the ravine. Dandelions and garbage being thrown onto the pipeline right of way are also noted to be concerns. A member attempts to relate satellite dishes to wood shakes/shingles, unsuccessfully.

Aug. 2002 Painting of the perimeter fencing completed. Ravines condo project to start soon.

Sept. 2002 The matter of satellite dishes was brought up at the AGM. The Developer (in attendance) advised that the original intent of this section of the Covenant was to disallow “very large satellite dishes from being publicly visible from neighborhood streets”. Subsequently, a resolution was passed by the Board allowing “smaller dishes (18 to 24 inches)”. In hindsight, one can argue that since it was the Developer that proffered this advice, a Board resolution was in order. On the other hand, a Board resolution of this type without an accompanying amendment to the Restrictive Covenant (which we have found is a complicated and probably unfruitful process) is questionable. In any event, there have been no issues with satellite dishes that we are aware of. A motion to allot more funds for maintaining Blackburne Drive West and the playgrounds was defeated. Again, as we have found, as these are City properties the HOA has little authority to maintain them. The Board agrees to install benches at particular ‘vista’ points in the neighborhood.

A former member (one whose property is unencumbered and who were allowed to be members at that time) asks to “see her title to ensure that she does not have the operating or restrictive covenant” so that she can reroof with asphalt. This is the first home in Blackburne Creek to do so. Interestingly, out of 63 homes in the neighborhood that are unencumbered (all of which had pine shakes), there are only four (in 2020, some 18 years later) who chose to reroof with a material other than wood.

Oct. 2002 Problems with the road bridge (south sidewalk sinking) noted and brought to attention of City. Traffic problems at 111 Street and Ellerslie Road prompts request for traffic lights (I recall just a four-way stop sign at that time). Board sends letter to member storing an RV on their driveway (prohibited by RC and City Bylaws). Blackburn Park (905 Blacklock Way), in the construction stage at the time, brought into Restrictive (partial since the building construction was completed) and Operating Covenants. Fees were (and continue to be) paid in a lump sum from the Condo Corporation.

Dec. 2002 Installation of signs and litter barrels on the trail to be addressed with City. Residents of Blacklock Way (which was added to the neighborhood after the neighborhood was developed) were invited to ‘join’ the HOA for a reduced fee. Although there were few takers, some did but they remained outside of our Covenants. This was rescinded in 2013 with a bylaw change making only encumbered homes eligible for membership in the HOA. Two RV’s were voluntarily removed from driveways following letters from the HOA. Atco Gas/Pipelines was asked to pave a driveway to their

compressor station on Blackburne Drive West so as not to damage the grass.

- Jan. 2003 The Welcome Committee is disbanded and replaced with a Welcome Letter from the Board, welcoming new residents to the community. Over the next decade, this letter fell by the wayside but has been resurrected by the 2020 Board in order to advise new members of their rights and obligations.
- Feb. 2003 A line of credit was established for the HOA in order to ensure cash flow throughout the year. Over the years, a system of building up reserves has eliminated the need for this line of credit. The Board considered hiring a management company to collect annual fees. This did not come to fruition although it has been tempting at times over the ensuing years. Fortunately, the HOA has been blessed with competent Board members who have ensured the timely and accurate collection of annual fees.
- April 2003 Cars mowing down trees along Blackburne Drive West continues to be a problem in these developmental years (when the boulevard trees are relatively small). The neighborhood has been spared these events in the recent past, most probably because the trees now win in a contest between car and tree.
- May 2003 The HOA continues to remind the City, ATCO, and EPCOR of their responsibilities in maintaining the landscaping in the neighborhood, removing sand from the boulevards in Spring, and otherwise cleaning up after themselves. These reminders have not always been received graciously but have nonetheless been successful.
- Aug. 2003 The HOA sends letters to three homeowners along Blackburne Drive East to desist dumping refuse over their fences (the Transportation Utility Corridor). The HOA contacts the City to install bollards (posts) on the walkways leading to the right of way to discourage people driving up to the right of way to dump refuse. The “battle” (concerns over zoning, parking, traffic, types of tenants) over the parcel of land now housing the Shoppes of Blackburne (111 Street, Blackburne Drive West) begins. Minor issues are dealt with (a firepit on City property, a garbage pick-up issue, and a disgruntled member wanting to oversee the HOA himself).
- Sep. 2003 6th AGM held. HOA web site to be established. Construction of a gazebo at the park also discussed. A splinter group attempts to take over the Board in an apparent move to gain control of HOA finances. Two members of the group get on the Board but both resign within several months of joining the Board.

- Oct. 2003 A fence ‘patrol’ to be conducted in 2004 in order to determine which fences are contravening the maintenance provision of the RC.
- Dec. 2003 Board looks into purchasing bus shelters for the neighborhood bus stops. Several members approach the Board in opposition to expansion of a group home in the community.
- Feb. 2004 Board requests that City clear snow to our ‘emergency exit’ (now part of the “Edge” condominium project).
- March 2004 Board looks into paving the emergency exit.
- April 2004 Board apparently arranges additional street sweeping. This was in addition to the City sweeping.
- May 2004 Board shares cost of fence painting with ATCO for fence along Blackburne Drive West.
- June 2004 Request from member regarding non-wood roofing material. Board advises that HOA has no authority to change Restrictive Covenant.
- July 2004 Front yard contest implemented. Winners announced at September AGM.
- Sept. 2004 7th AGM held. Councillor Bryan Anderson attends and addresses a number of City issues. Roofing again addressed with one member volunteering to canvass members in attempt to attain 100% agreement to change Restrictive Covenant (which was felt to be the start of a long and costly process). No further mention of this initiative.
- Oct. 2004 Board resolves to hire an outside party to handle collections for one year trial to start in March 2005.
- Nov. 2004 Drew Schofield joins the Board, who so far is the longest standing Board member, serving as Treasurer from 2004 to 2020 and who continues (as of 2021) to be a valued Board member.
- Jan. 2005 Christmas light contest sponsored by the HOA. Ongoing battle over parcel of land at entrance to neighborhood (now the Shoppes of Blackburne).
- March 2005 Lawsuit over non-registration of certain lots settled for \$50,600, \$25,000 after costs.
- April 2005 Corporate minute book retrieved from Parlee McLaws and transferred to Secretary.

- May 2005 Board researches park quality benches at five bus stops in the community (eventually only four were obtained due to difficulties with ETS advertising policy). Two were placed in natural settings. Some members request that AGM be held in October (unfortunately, scheduling of the AGM is dependent on provision of financial statements from our accountant which makes a more firm scheduling awkward). First Neighborhood Party planned over the summer of 2005.
- Sept. 2005 First Neighborhood Party held and deemed to be very successful. Plans to construct the gazebo as well as the entrance signs proceed.
- Nov. 2005 Problems with the signage at 111 Street.
- Feb. 2006 Board participates in formation of community league discussions.
- Sep. 2006 Second neighborhood party held but was less of a success due to inclement weather. Board plans to move the party to June next year. Board continues to contract out its collections.
- Oct. 2006 9th AGM held.
- Dec. 2006 Christmas light contest held. Skating rink planned for the 'meadow' but City unable to flood due to heavy snowfall. Legal opinion received regarding roofing (Board advised that the HOA needs 100% of members to approve any changes to the Restrictive Covenants).
- Feb. 2007 Owner of land at 111 Street and Blackburne Drive West still seeking the right fit for proposed businesses in his development.
- June 2007 Entrance walls erected. Gazebo project in planning stages.
- July 2007 Neighborhood party postponed to 2008.
- Nov. 2007 3rd annual Christmas light contest held.
- Jan. 2008 Plans for gazebo project completed.
- April 2008 Fee collection contract ended and returned to Board.
- May 2008 Letters sent to 68 homeowners who did not meet various provisions (mostly trees) of the Restrictive Covenant.
- June 2008 Neighborhood Party a success with approximately 280 people attending.
- July 2008 Our sign board on the Blackburn Drive West berm installed. Community League agrees to pay half in exchange for use of the east side of board.

Aug. 2008 Front yard contest winners announced. Contractor hired to fertilize common areas (boulevards).

CHAPTER 3: Business as usual: 2009-12

Jan. 2009 4th annual Festive Lights contest winners announced. Letter to be sent to a number of homeowners regarding compliance with tree stipulation of the Restrictive Covenant. Concerns with traffic noise in the community (Henday, QEII) discussed with presentation to City Council considered.

Feb. 2009 HOA web site approved.

April 2009 HOA web site test run.

May 2009 Board arranges for electronic speed signage (a temporary measure installed by the City at a neighborhood's request). Board organizes Neighborhood Clean-Up Morning, where volunteers walk the neighborhood streets, trails, and some of the ravine cleaning up garbage. Found to be a very successful means of maintaining the character of our community.

July 2009 Front yard contest judges chosen. Neighborhood party again a success with approximately 300 attendees.

Sept. 2009 Front yard contest winners announced. Web site design updated.

Dec. 2009 Board priorities for 2010 listed as caveat (RC) enforcement, fence painting, gazebo, and watering of flower beds and trees. Volunteer Appreciation Dinner initiated. After the Board determined that the cost was prohibitive, two Board members purchase and install Christmas lights at front entrance trees at their own expense.

Jan. 2010 Christmas lights contest cancelled for 2010 (and subsequent years). Judging was found to be difficult due to lights not being on consistently. Board negotiates with City to provide five benches and two garbage cans in the gazebo area. Homeowners with property enclosed by a perimeter fence to be invited to a meeting to discuss the problem of deteriorating fences.

March 2010 Board contracts with private company to fertilize, spray, and aerate boulevards.

June 2010 Board member and spouse plant shrubs at front entrance walls.

- Sept. 2010 Gazebo grand opening held this summer. Board agrees to water the trees in the 211 Blackburne Drive East complex for the 2011 season. Will also continue to water trees along the boulevards.
- Dec. 2010 Board starts to address playground replacement. Board to install new Christmas lights at the entrance signs.
- March 2011 Board adopts a Collections Policy paper. Neighborhood crime statistics skewed by police reluctance to take reports over the phone (which is believed to reduce crime stats by frustrating those wishing to report a crime).
- April 2011 Rather than raise fees, the Board decides to remove the early payment discount (which had been set at \$30 for single family homes and \$6 for multi-family units from 1998 to 2011).
- May 2011 Spring clean-up held on morning of May 11. One member requested an 'exemption' from the RC requirement for wood roof materials. The Board reiterated its stance that this was outside of the HOA's authority.
- July 2011 A small number of perimeter fences are restrained at Board's expense and billed to the appropriate members. Front yard contest now called Blackburne in Bloom with winners forwarded for City wide competition.
- Sep. 2011 Neighborhood Party a success, again, with approximately 270 attendees.
- Jan. 2012 Board moves to make personal visits to members delinquent in paying their fees. Board learns what the life of a skip tracer is like and abandons this program after one round. Luckily, no one was hurt.
- June 2012 Board authorizes planting of 15 trees at gazebo site, funded by grants. Board convinces construction crews to respect our community by removing their construction signs from in front of our entrance walls and by refraining from parking their personal vehicles on our boulevards. HOA members engage in working a casino in order to raise funds for playground replacement. Funds to be held in trust by Community League. Miss Edwards (a Board member's civic-minded teen-aged daughter) volunteers to paint bridge fence rails.
- Aug. 2012 Board asked to provide an ex officio member for Community League meetings. Front yard contest continues.
- Oct. 2012 Lights at front entrance signs repaired after being vandalized.

CHAPTER 4: Challenges: 2013-20

- Jan. 2013 Board decides to procure the services of a collection agency to delinquent accounts. Playground replacement committee continues. Neighborhood party planning committee revived for 2013 event. Average attendance over several years noted to approximate 250.
- March 2013 New contractor hired for summer groundskeeping (a local teen again, which seems to work well until they outgrow the job). Board begins process of choosing new legal counsel.
- April 2013 Board advises EPCOR that pumphouse station fencing needs repainting. EPCOR complies by June.
- May 2013 Board authorizes repair of three benches and refurbishing of the entrance billboard. Front yard contest committee chosen.
- June 2013 Board advises EPCOR of damage to landscaping that the HOA expects EPCOR to repair. On line payment pilot project for payment of HOA fees instituted.
- July 2013 Restrictive Covenant on roofing materials violated by three members. The Board receives a number of complaints from members on the same morning that the materials are delivered to their homes. By the afternoon, the Board advises the three of their potential (since installation had not begun) and alleged violation by telephone and/or in person contact and letter, followed several days later by letters to them from HOA legal counsel. Board holds emergency meeting to discuss how to deal with the issue and decides that it has no recourse but to refer the matter to HOA legal counsel for further action (the three being adamant that they are within their rights to take the action that they did). Pursuit of an injunction to stop their actions is blocked by them proceeding with replacement of their roofs in spite of warnings to the contrary. Legal counsel advises the Board that their only recourse is to pursue a mandatory injunction requiring them to comply with the Restrictive Covenants and remove the offensive materials. The next seven years are spent trying to resolve this matter (it was fully resolved in June 2020).
- Aug. 2013 Issue of unencumbered members wanting to join HOA discussed and rejected unless they agree to place their homes under the Restrictive and Operating Covenants. Bylaw change proposed to be included with other bylaw changes being proposed for 2013 AGM. HOA mailing address changed. HOA President (with Mayor Mandel) welcome the Shoppes of Blackburne to the neighborhood at their grand opening.

- Sept. 2013 Neighborhood party held and considered to be a success thanks to stellar efforts of Party committee. Board hires landscaping company to prune our shrub beds.
- Jan. 2014 Issues of ongoing collections, snow removal at the front entrance signs, speeding vehicles, continuation of maintenance contractor for the upcoming season, differentiation between City and HOA responsibilities for pump house beds, continuation of front yard contest and neighborhood party, and reminders to specific residents regarding the condition of their fences were discussed and acted on accordingly.
- April 2014 Fence maintenance discussed with the Board discussing the matter with the Association of Pipeline Owners as well as sending letters to relevant homeowners regarding the condition of their fences. Playground planning continues. Spring clean-up planned for May. Beaver problems again.
- June 2014 Revised collections policy reflecting use of collection agencies and Small Claims Court approved by the Board. Board takes on replacement of pumphouse shrub beds as a capital project for the year. Board arranges a fence replacement program through Classic Landscaping for those homeowners interested in using them. Classic agrees to offer a discount depending on volume. Proposals for neighborhood snow removal received but deemed to be too costly. Snow removal remains responsibility of homeowners. Homeowners surveyed regarding increase in bus service with ETS approached. ETS declines discussion and matter referred to Councillor Anderson for resolution (none was ever reached).
- Sep. 2014 Roofing lawsuit proceeding (at Examination for Discovery stage). Neighborhood party cancelled due to lack of volunteers. Lights at pumphouse abandoned due to broken wire under Blackburne Drive West rendering repair too costly to repair. Board pays for refurbishing of 'Blackburne Creek' sign at pumphouse. With our local student landscaping contractor moving on and no longer interested in continuing, Board contracts with a landscaping company to take over maintenance of our 'grounds'. Front yard contest uses outside judges, rendering the contest a visibly more objective affair.
- Oct. 2014 Outgoing Secretary advises Board to consider hiring a management company for fee collection and record keeping due to workload being rather heavy for a volunteer Secretary. Taken under advisement but the Board has yet to have to act on this recommendation thanks to the ongoing diligence of its volunteers. Annual volunteer appreciation dinner approved for the winter, particularly in lieu of the neighborhood party being cancelled. In the interests of economy, Appreciation Dinner eventually made a biannual event with a neighborhood party in alternate years. Beavers and speeding again a concern.

- Jan. 2015 Position of Secretary split between Membership and Administration roles.
- April 2015 On line payment system in place with some growing pains. Landscaping contractor instructed to refresh mulch at various locations in the neighborhood.
- May 2015 Delinquent fees successfully collected from two members through Small Claims Court action. After being contacted by the Board, ATCO repairs and restrains their fences.
- Sept 2015 Board revises its collections policy, placing formal time lines on demand letters. City advised of fence rails over creek bridge (Blackburne Drive West) needing replacement. After repeated complaints to City, HOA uses our volunteer (Mr. Mollenbeck) to attend to these maintenance issues. Top of Bank Trails (a City initiative where our trail would be connected to those north and south of ours) was readdressed but never implemented due to City inaction. Front Yard Contest held with outside judges deemed to be an ongoing success. Board investigates request from member to delay staining a new pressure treated wood fence and finds that experts are divided on whether such a delay is necessary. Consequently the Board will allow one season's grace in staining newly constructed pressure treated fences.
- Oct 2015 Signs along the trail, which had been removed by unknown parties, now replaced by City at insistence of the Board. Battle over weed control (where the HOA wants to continue this program and the City wants to discontinue the use of chemical control and replace with less effective — some say ineffective — methods) fought over the summer with the HOA eventually losing (in spite of assistance from Councillor Anderson and support from other HOA's). The Board fears, and rightfully so in hindsight, that weeds will no longer be controlled along Blackburne Drive West and at a few other locations in the neighborhood (the HOA had contracted a company to control the weeds at these locations). The City seems to have resolved the issue by declaring that dandelions are not a noxious weed. Although several other HOA's were against this heavy handed move, the Board determined that an ongoing battle (which would surely end up in costly litigation) was unfeasible and that we would monitor City efforts to control weeds through less invasive, but far less effective, means. Although the Board is not against other methods of control, it noted that the City has been known to be lax in their applications of these methods.
- Long term resident and HOA executive Alec Benning dies and is honored on our web site.

- Feb 2016 Address change for HOA correspondence legally changed in 2016 (the HOA had changed PO boxes from Heritage to Southbrook for the sake of convenience).
- April 2016 HOA continues to move towards playground replacement. Board continues to contract with Classic Landscaping for tree watering at select places in the neighborhood. Board formally resolves to cease chemical weed control and fertilizing along Blackburne Drive West in order to comply with City policy. One of our park benches damaged by City contractor at the start of the winter (three had been damaged so far), with a claim for damages rejected by the City (seems like a UFO must have veered off course and hit the bench). Community member (Mr. Moellenbeck) volunteers to repair the bench. Formula introduced for calculating annual fees.
- Oct. 2016 Change to a new landscaping contractor deemed to be a success with Becker's Landscaping invited to return for the 2017 season. City upgrades Observatory entrance with removal of stairs, installation of a gravel ramp, and new handrails.
- Nov. 2016 Newly implemented on-line payment system is slowly being debugged.
- Feb. 2017 Roofing lawsuit grinding along. HOA allowing defendants to move along at their own pace with occasional prodding given the length of time this matter is taking. City contractor damages one of HOA benches again.
- April 2017 Playground planning moved to a new Committee comprised of all community members (HOA members and non-HOA members) since all of the community will benefit from the new playground. Tree watering to continue for the 2017 season.
- June 2017 Contents of HOA filing cabinet cleaned up with some saved, some shredded, and others digitized. Collections policy revised. 2017 Neighborhood Party planned for late summer. Board member investigates planned day care at Shoppes of Blackburne. Determined to be an acceptable use to our community provided that traffic and parking do not become a problem (note: they haven't).
- Oct. 2017 Neighborhood party had approximately 200 attendees. Board decides to move tree watering to an ad hoc basis in order to reduce costs. Various maintenance issues attended to by our volunteers.
- Jan. 2018 Although the Board determined that it was not a requirement to have an Accountant perform our bookkeeping functions, it was felt prudent to continue to do so at least until a Treasurer better versed in bookkeeping came forward. Having a third party do our bookkeeping also contributes to

the Board's fiduciary responsibilities to the HOA, albeit at a cost to the HOA.

- April 2018 Position of Secretary split between a Membership Secretary and Correspondence Secretary. Letters regarding derelict fences sent out to four members.
- May 2018 Work on the road bridge (Blackburne Drive West) across Blackmud Creek to be completed this summer.
- Sept. 2018 Playground Committee offers to paint railings leading to the Observatory and the trail head in return for a small donation to the Playground Fund from the HOA. Letters to homeowners with delinquent fences sent out with mostly satisfactory results. City contractors hired to paint railings on north side of road bridge (the City hired them to replace and paint the railings on the south side of the bridge).
- Jan. 2019 Biannual Volunteer Appreciation Dinner held in December. HOA presents Playground Committee with a donation of \$50,000, thereby completing their fundraising needs.
- June 2019 Trial on roofing materials held in late April with decision forthcoming. Board decides to take over bookkeeping functions in-house, with cost savings of not having our Accountant doing it. City contacted regarding condition of Observatory. HOA advised that the Observatory is slated for repairs this season.
- Nov. 2019 Roofing lawsuit judgment released in August with ruling in favor of the HOA. Mandatory injunction issued to offenders requiring them to replace their roofs with wood materials. EPCOR contacted regarding painting of the pump station. HOA advised that this is slated for completion next season.

CHAPTER 5: Back to normal: 2020 and onwards:

- Jan. 2020 Board contacts City to discuss plans to repair the wooden foot bridge over the creek and the Observatory deck. Confirmed that repairs will be completed in 2020. Board determines that Hardie board siding falls within the scope of RC. President calls for drafting of enforcement policies for various RC issues. Collection policy further revised. Board discontinues PayPal payments system due to little use and hidden costs. Repeated requests over the years for a sand box in the neighborhood rejected by City.

- April 2000 Roofing offenders attempt to involve Board in having their Consent Order extended. Board declines to be involved in what they consider to be a matter between the offenders and the Court of Queen's Bench. Grand opening of playground, which was to coincide with an HOA sponsored neighborhood party, postponed due to Covid restrictions. Board decides to draft a Code of Ethics and Conduct policy for Board members.
- June 2000 Board concerned with extra costs associated with having to become involved in the Consent Order in the roofing lawsuit (as it turned out involvement was unavoidable). In the interests of moving on, Board agrees to forego pursuit of these costs through a levy or Small Claims action unless further costs are incurred or the members direct the Board to do so at a duly constituted annual general or special general meeting. LED lights installed at front entrance signs. Board begins planning stages of a 'paint supply program' for members in order to assist members in maintaining consistent color and timely maintenance of their fences.
- Sept. 2020 Board takes over bookkeeping functions through purchase of an electronic bookkeeping program, with newly installed Treasurer in charge of this function. Board clarifies solar panel installation. Thanks to efforts of an HOA member, HOA receives a gift from Trans Mountain Pipelines in recognition of inconveniences neighborhood has gone through during construction. Board discusses access through one of our neighborhood condo projects. A number of vagrants have been noticed in the neighborhood (probably due to conditions created by Covid lockdowns), some of whom are noted to be fairly belligerent. Board advises concerned residents to call police in order to at least make them aware of the problem. Noise suppression wall constructed along QEII. Board attempting to determine whether it will be extended along the Anthony Henday. 2020 AGM delayed due to Covid restrictions. Virtual meeting format deemed to be inappropriate for a number of logistical and legal reasons extant at the time.
- Nov. 2020 In response to queries at the last AGM, Question and Answer (Q&A) section added to our web site dealing with frequently asked questions (FAQ's) associated with living in Blackburne Creek. Request by Board member to place blue recycling boxes at mailbox sites in the neighborhood deemed to be redundant due to City phasing out use of blue boxes.
- March 2021 Shrub bed at north entrance sign damaged in automobile collision. Board decides to wait to see if shrubs will come back in spring.
- June 2021 Board adopts Code of Ethics and Conduct policy. Board approves a fence paint program on a pilot basis. Board approves replacement of all seven shrubs at north entrance sign due to damage and aging. Board approves

several bylaw amendments to be presented to members at next AGM for approval. Board approves development of enforcement polices for Covenant breaches.

Sept. 2021 Board approves a number of initiatives intended to assist better communication with members including implementation of ‘town hall’ sessions during the year.

Nov. 2021 AGM held covering 2019-21. Three amendments to our Articles of Association are approved.

This brings to conclusion a synopsis of the activities of the Blackburne Creek HOA over a 23-year period. Since its inception, the HOA has striven to manage the affairs of the neighborhood in a fiduciary manner. Some, actually quite a few, years had their challenges, with fights with the City over jurisdiction, difficulties with members not understanding the role and function of an HOA, and even a Court challenge to the authority of the HOA. It was this latter challenge that had us on hold so to speak while we awaited the decision of the Court of Queen’s Bench on whether we had any authority at all. As it happened, our interpretation of the HOA’s authority was confirmed by that Court and we can now proceed into the future knowing that we are on the right track.

We live in a neighborhood that is nestled in our natural parkland Alberta environs. We have deer, moose, coyotes, beavers, rabbits (oh do we have beavers and rabbits), river otters, owls, blue herons (ask anyone who has a fish pond about the blue herons), at least one pair of pileated woodpeckers, and even the odd wolf and cougar sightings (thankfully no bears) in our midst. Not many communities have a creek and its ravine system running alongside one of its borders, nor do they have access to two major roadways that take us in all four directions within minutes. We should, however, consider ourselves blessed by the people who chose to call Blackburne Creek home. These people, you, are what makes a neighborhood and the HOA thanks each and every one of you for your contribution to our community.

Compiled by Brian Hawrelak
President (2012-2021)
November 2021