

PINERIDGE IN GRAVENHURST

HOMEOWNERS' ASSOCIATION

BY-LAWS

REVISED NOVEMBER, 2021

PineRidge in Gravenhurst Homeowners' Association

BY-LAWS

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ARTICLE I – NAME

- 1.1** The name of the Association is PineRidge in Gravenhurst Homeowners' Association (hereinafter referred to as the Association).
- 1.2** The address of the Association is 16 Hedgewood Lane, Gravenhurst, Ontario, P1P 1Y8
- 1.3** The Association was incorporated on March 15, 2000 as a corporation without share capital.

ARTICLE II – OBJECTIVES

- 2.1** The Association's objectives are to:
 - a) Own, operate and maintain the Community Centre (hereinafter referred to as Hahne Hall), and other real property and equipment.
 - b) Promote overall welfare, safety, and communication amongst residents and others;
 - c) Maintain and promote the stewardship of the community's environment;
 - d) Encourage neighbourly spirit and social interaction;
 - e) Represent the interest of the Association to the developer and to the municipal authority.
 - f) Address matters of general concern to all Association Members.

ARTICLE III – POWERS

- 3.1** The Board of Directors of the Association and the operation of the Association itself shall be governed by these By-Laws and Schedule "B" Protective Restrictions on Residential Lands, referred to as the "Protective Covenants". These Protective Covenants are binding for forty years (2035).
- 3.2** The "Protective Covenants", a copy of which was provided to each Homeowner at the time of purchase of their home and a copy of which is attached hereto, is binding on the Homeowner's land and any successor in title. The "Protective Covenants" are hereby incorporated by reference.
- 3.3** The Board has the authority of the Members to enforce the Protective Covenants.

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- 3.4** In accordance with the "Protective Covenants", Members of the Association may enter into an agreement to lease their property. The form of lease shall be that form of lease which is available from the Secretary of the Association. A copy of every executed lease shall be filed with the Secretary of the Association upon its execution.
- 3.5** The Board shall have the authority to prepare such form of lease and amend such form as may be required from time to time.
- 3.6** The use of the form of lease does not create a relationship of landlord and tenant as between the Board, the Association at large, and the tenant.

ARTICLE IV – MEMBERSHIP

- 4.1** Association membership is mandatory for all Households as soon as the official closing on the home purchase has occurred. Upon closing, membership will be recorded on the official list of Households.
- 4.2** Each PineRidge in Gravenhurst residence household, (hereinafter referred to as Household), shall normally, in keeping with the adult community status of the Association, be comprised of no more than two (2) permanent adult occupants each of whom is individually referred to hereinafter as a Member.
- 4.3** All Households are responsible for fees which will cover:
- a) all expenses including and not limited to taxes, insurance, legal, utilities, charges and costs of maintenance and improvements of the common elements and
 - b) allocations for repairs and replacements and reserve contributions.
- 4.4** For each Household of the prior fiscal year, the annual fee shall be payable due and dated on the first day of April. There are two options of payment:
- Option 1: Payable by one single payment dated April 1, either by cheque made out to *PineRidge in Gravenhurst Homeowners' Association* or by Interact e-Transfer.
- or
- Option 2: Payable by four post-dated cheques made out to *PineRidge in Gravenhurst Homeowners' Association*, received on April 01 and dated April 01, July 01, October 01, and January 01.

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4.5 For each new Household of the current fiscal year, the annual fee shall be payable commencing on the first day of the month following the Household's home purchase closing date. There are two options of payment:

Option 1: Payable by lump sum for the balance of the year to March 31

or

Option 2: Payable in installments of consecutive quarterly payments due and dated on the first day of each of the Association's remaining fiscal quarters for the year, (April, July, October, January). The first installment may be the balance of a quarter.

4.6 No Avoidance

The obligation of an Association Household owner to contribute towards the common expenses shall not be avoided by waiver of the right to use the common elements or by abandonment.

4.7 Lien

Where a Household defaults in its obligation to contribute to the Association towards the common expenses as provided in the Association By-Laws, the Association has a lien for the unpaid amount against the Household unit together with all reasonable costs, charges and expenses incurred by the Association in connection with the collection or attempted collection of the unpaid amount.

4.8 Lien Enforcement

The lien may be enforced in the same manner as a mortgage.

4.9 Lien Processing

The Association's legal appointee shall undertake the processing of lien.

4.10 Social Membership Fees

Additional fees will be charged to participants involved in special activities which incur costs.

4.11 Application of Common Surplus

Any common surplus in the Association shall be applied either against future common expenses or paid into a reserve fund, but shall not, other than on termination of the Association, be distributed to Household owners or mortgagees.

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4.12 Communications With The Board of Directors or The Protective Covenants Committee

All communications with the Board of Directors or the Restrictive Covenants Committee involving community concerns must be presented in writing. The Board will acknowledge upon receipt by email or telephone. The designated Board members will meet at a time acceptable to both parties. Final agreements will be in writing as a matter of record and transmitted by either email or postal service.

ARTICLE V – MEETINGS OF MEMBERS

5.1 Place of Meetings

Meetings of Association Members will be held at Hahne Hall, or at another location designated by the Board of Directors.

5.2 Types of Meetings

All meetings will be business meetings. Meetings will be Annual General, Regular, and Special. Technical amendments to the By-Laws shall be voted on at all Business meetings.

5.3 Annual General Meeting

The Annual General Meeting shall be held on the second Monday in the month of May at 7:30 p.m. each year. If this date is a legal holiday or special day, the Annual General Meeting shall be held at the appointed hour two days after. If an Annual General Meeting has not been called and held within two (2) months after the fiscal year end, any entitled Household may call a meeting.

5.4 Regular Business Meetings

Regular business meetings of the Association shall be held on the second Monday in each of the months of September and February at 7:30 p.m. If this date is a legal holiday or special day, the regular business meeting will be held at the appointed hour two days after.

5.5 Special Meetings

Special Meetings may be called at any time by the President or the Board of Directors, or upon written request of at least fifteen percent (15%) of entitled Households.

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5.6 Notice of Meetings

- 5.6.1** The Board of Directors shall notify Households of all upcoming meetings by posting notices on the Association's indoor notice board, distributed by electronic means (email or website).
- 5.6.2** Notice for Annual General and Regular Meeting shall be posted as per 5.6.1, fifteen (15) days prior to meeting date. Notice for Special Meeting shall be posted at least 48 hours prior to the meeting date.

5.7 Voting Rights

- 5.7.1** A Household will become Entitled-to-Vote at the first meeting following official home purchase closing date.
- 5.7.2** Each Entitled-to-Vote Household will have one (1) vote.
- 5.7.3** Entitled-to-Vote Household in good standing may vote by acclamation (voice – “aye/yes” or “no”), show of hands, written ballot, or other acceptable method at the direction of the Chair of the meeting. In the event of a tie, the Chair may cast the deciding vote. However, the Chair cannot vote twice, once as a Household then again in his or her capacity as the presiding officer.

5.8 Proxies

- 5.8.1** Entitled-to-Vote Households, in good standing, may vote by proxy executed in writing by the Member. The appointee must be an entitled-to-vote Member. Proxy forms may be acquired upon request from the Secretary of the Association. Proxy forms will be included with the electronic distribution of the Notice of Meetings fifteen (15) days preceding all scheduled Business Meetings and at any time deemed appropriate by the Board of Directors.
- 5.8.2** Such Proxies, to be recognized further, shall be filed with the Secretary of the Association prior to the meeting.
- 5.8.3** Proxies can only be specifically for one meeting and shall be dated for that meeting.
- 5.8.4** Every proxy shall be revocable at any time at the discretion of the Member executing it.
- 5.8.5** Proxies must list items presented for a vote with options to accept or reject.

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5.9 Quorum

5.9.1 The quorum for the Annual Meeting is established by the presence, in person or by proxy, of not less than 90 entitled-to-vote Households.

5.9.2 The quorum at the September Regular Meeting is established by the presence, in person or by proxy, of not less than 76 entitled-to-vote. The quorum for the February Regular Meeting is established by the presence, in person or by proxy, of not less than 76 entitled-to-vote Households. The quorum at a Special Meeting is established by the presence, in person or by proxy, of not less than 90 entitled-to-vote Households.

5.9.3 Decisions shall be made by simple majority of entitled-to-vote Households present, in person or by proxy, at the Annual General Meeting, September Regular Meeting and the February Regular Meeting. Decisions shall be made by a two-thirds vote of entitled-to-vote Households present, in person or by proxy, at a Special Meeting.

5.9.4 Should a Meeting not achieve a quorum, the Meeting may proceed, but only as an informational meeting with no voting on any subject. If Households withdraw and less than a quorum remains, business can continue but no voting may take place. No Household shall withdraw without first notifying the Secretary.

5.10 Conduct

All Association meetings will be conducted in an orderly manner and generally guided by Robert's Rules of Order, newly Revised, 11th Edition, 2012.

5.11 Order of Business

The order of business will be as follows:

1. Members' registration and certification of quorum.
2. Proof of notice of meeting or waiver of notice.
3. Reading of minutes of meetings not previously approved.
4. Reports of Officers (President and Treasurer).
5. Reports of committees.
6. Unfinished business.
7. New business.
8. Adjournment.

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5.12 Minutes

Minutes of all meetings will be kept in a business-like manner and will be available for inspection at reasonable times and shall be retained for a period of at least (5) five years. Minutes will be approved at the next scheduled Business Meeting, (AGM, September or February).

5.13 Membership Lists

The Secretary shall maintain, on an up-to-date basis, the following lists:

- a) an official list of Households and Members;
- b) a month end list of entitled-to-vote Households.

The lists will be available to any Member for inspection at any reasonable time.

The lists shall be kept open at the time and place of all meetings and used for the Members' registration and certification of a quorum.

5.14 Procedure for Submitting Agenda Items

Entitled Members may submit in writing items to be included on the meeting agenda. Items of information need only be submitted 7 days in advance of the meeting. Items requiring a decision must be submitted, to the secretary, in the form of a motion duly signed and seconded. Decision items shall be submitted at least 30 days in advance of the meeting date to ensure that the Board of the Association has an opportunity to research the issue and take a vote of support or non support. Such vote will be recorded and provided to Members on or before the date of the Board or Business meeting.

ARTICLE VI – THE BOARD OF DIRECTORS AND OFFICERS

6.1 Directors

6.1.1 The affairs of the Association will be managed by a Board of Directors.

6.1.2 The Board of Directors is responsible to the Members for the operating expenses, maintenance, repair and renewal of the common elements.

6.1.3 The Board of Directors may make reasonable rules respecting the use of the common elements.

6.1.4 Board of Directors to establish, document and maintain a list of responsibilities, procedures and authorities for its Officers.

6.1.5 All Committees will have a Board Member assigned as liaison.

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6.2 Nominations

- 6.2.1** The Board of Directors shall appoint a Nominating Committee comprised of volunteers of Association Members in good standing prior to the scheduling of an election of Directors.
- 6.2.2** The Nominating Committee shall solicit and accept nomination recommendations from Members, subject to nominees' willingness to stand for election and candidate eligibility requirements, as well as self-nomination recommendations from Members wishing to stand for election.
- 6.2.3** Nominees for election to the Board of Directors shall be Members in good standing.
- 6.2.4** An interim candidates list shall be published at least 14 days prior to an election.
- 6.2.5** Nominations shall be closed 10 days prior to an election.
- 6.2.6** A final candidates list shall be published at least 7 days prior to an election.
- 6.2.7** Following the publication of the final candidates list, the Board of Directors will arrange an all-candidates meeting to be held at least four days prior to an election.
- 6.2.8** The Nominating Committee shall publish an interim and final candidates lists on the Association's indoor and outdoor Notice Boards and, when feasible, via the PineRidge Newsletter or other vehicle deemed appropriate by the Board of Directors.

6.3 Composition

- 6.3.1** The Board of Directors shall include the President, Vice-President, Secretary, Treasurer, (hereinafter referred to as the Officers), and five (5) Directors at Large. Each Director shall be entitled to one (1) vote on Board of Directors business.

6.4 Election

- 6.4.1** The Board of Directors shall be elected by entitled-to-vote Households.
- 6.4.2** Only one (1) Member of any Household may serve on the Board of Directors at any one time.
- 6.4.3** Elections shall be held annually to fill vacant Board of Directors positions in conjunction with Annual General Meetings or a Special Meeting called for that purpose. To facilitate continuity of Board of Directors business, election of Directors shall be staggered. Each year three (3) Directors shall be elected.

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6.4.4 As soon as practicable and no longer than seven (7) days following the Annual General Meeting at which the Directors were elected, the Directors shall meet and shall elect from among the Directors for a term of one (1) year and until their successors have been elected, a President, a Vice-President, a Secretary and a Treasurer. The Board may appoint, from the Membership, ad hoc or pro temp assistance as required and assign their duties.

6.5 Terms of Office

6.5.1 Directors shall be elected for a period of three (3) years.

6.5.2 No Director shall serve in total more than three (3) consecutive years in any capacity on the Board of Directors.

6.5.3 Any Member who has not served on the Board of Directors for a period of one year may stand for election again.

6.6 Removal

A Director may be removed before the expiration of the term by a vote in favour of removal by 60% of the Entitled-to-Vote Households at a Special Meeting called for that purpose.

6.7 Quorum

A quorum shall consist of fifty-six percent (56%) of the members of the Board of Directors. Decisions shall be made by a minimum of five (5) affirmative votes.

6.8 Duties of the President

6.8.1 The President will preside whenever possible at all meetings of the Board of Directors and of the Association.

6.8.2 Of the President or Vice-President, either one or the other or both, shall be available at all meetings.

6.9 Duties of the Vice-President

The Vice-President will preside at all meetings in the absence of the President and will perform such other duties as assigned by the President.

6.10 Duties of the Secretary

The Secretary shall;

- a) Record the minutes of all meetings of the Association and of its Board of Directors.
- b) Maintain the official minute book.
- c) Attend to correspondence as directed by the President or the Board of Directors.

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- d) Maintain Membership lists.
- e) There is a requirement that the Secretary keep safe all recorded minutes, official correspondence and documents in a locked file cabinet

6.11 Duties of the Treasurer

The Treasurer shall:

- a) Record all monies received and disbursed on behalf of the Association.
- b) Deposit all receipts in a bank account in the name of the Association.
- c) Submit a report at all Board of Directors, Regular, and Annual General Meetings.
- d) Prepare for the Board of Directors, a proposed budget for the upcoming fiscal year.
- e) Adhere to the Association's Financial Policy as described in Article VIII.
- f) Normally act as chair of the Financial Standing Committee.
- g) A resident homeowner shall fill the position of Treasurer. If the Treasurer is to be absent for a period greater than one month, the Board shall appoint an Interim Treasurer who shall be a Homeowner.

6.12 Vacancies

6.12.1 If any Director vacates his or her office for any reason, the Board of Directors may replace the Officer or Director by a temporary appointment. The duration of the temporary appointment will last until the next Annual General Meeting at which time the position will be filled in accordance with By-Law 6.2.

6.12.2 At the AGM the member filling the temporary appointment may stand for nomination to remain on the Board.

6.12.3 When a Director vacates his or her office the incoming nominated/elected member will serve for only the time remaining on the original term of the position vacated. This is to maintain Board continuity and the intent of By-Law 6.4.3.

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ARTICLE VII – COMMITTEES

7.1 Standing Committees

Standing Committees are permanent committees created and mandated by the Board of Directors to carry out specific functions for the Association on an ongoing basis under the direction of the Board of Directors.

7.2 Temporary Ad Hoc Committees or Working Groups

These bodies are temporary committees created and mandated by the Board of Directors to study selected issues or functions and to report their findings with a recommended course of action to the Board of Directors. They shall be disbanded on completion of their task. Ad Hoc Committees may also be created at any scheduled Association Meeting by a two-thirds majority vote by entitled-to-vote Households.

7.3 Appointment

The President, with the agreement of the Board of Directors, shall have the authority to establish Committees and Committee Objectives as well as to appoint, re-appoint or terminate Committee Chairs.

7.4 Committee Structure

7.4.1 All Committees shall be chaired by a Member and shall be comprised of the Chair and sufficient Member volunteers selected by the Chair to achieve the Committee's objectives. All committee volunteers, and the Chair shall be Association Members in good standing.

7.4.2 Committee Chair appointments shall be for a period of two (2) years and may be renewed for one further two (2) year term.

7.5 Committee Procedures

7.5.1 Committee mandate statements shall be developed by the Board of Directors in conjunction with the Committee Chair. When confirmed by the Board of Directors the Mandate shall be presented at the next scheduled Association Meeting for acceptance by Members. The accepted Mandate shall be proposed as a By-Law amendment to be recorded in By-Law 7.6 at the next Annual General Meeting.

7.5.2 The Committee shall, with the concurrence of the Board of Directors, establish, document and maintain a list of responsibilities, procedures and authorities for its offices and subcommittees (if any) which are appropriate to achieve the Committee's objectives.

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7.5.3 Each Committee Chair or his/her designate, shall report to the Board of Directors on all the Committee's activities at least once per calendar quarter and shall also report to the Members at each Regular and Annual General Meeting.

7.6 Committee Mandate

7.6.1 Property Management Committee

The Property Management Committee maintains the Association's Hahne Hall premises and operating systems in good repair and ensures appropriate condition, quality and quantity of Hahne Hall equipment for the benefit and safe enjoyment of Members.

Maintains parklands, landscaping and other common elements within the Association's jurisdiction, to ensure a pleasing and safe environment for the enjoyment of Members.

7.6.2 Social Committee

The Social Committee fosters community spirit in PineRidge and encourages the use of Hahne Hall through the promotion and coordination of the recreational interests of the residents and the planning, scheduling and organizing of social functions for the enjoyment of all.

7.6.3 Communication Committee

The Communication Committee ensures that adequate channels and vehicles of communication exist within PineRidge to encourage the sending and receiving of authentic messages freely, up, down and across the organization.

7.6.4 Finance Committee

The Finance Committee advises, assists and consults with the Treasurer in managing the financial affairs of the PineRidge in Gravenhurst Homeowners' Association. Establishes and maintains sound fiscal and investment policies and procedures to ensure the continuing financial viability of the Association.

7.6.5 Nominating Committee

The Nominating Committee shall be responsible for managing the process for the nominations and election of the Association as set out in the By-Laws of the Association, Section 6.2.

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7.6.6 House Committee

The House Committee shall be responsible for, in conjunction with the Property Management Committee, the planning and design of the functional space in Hahne Hall and shall purchase furnishings and materials necessary on behalf of the Association.

7.6.7 C.A.R.E. Committee

The Caring Action in Response to Emergencies Committee shall be responsible for providing a helping hand to Members in need within the community on an interim basis, pending organization of more permanent support by Member family members and/or appropriate government or social agencies.

7.6.8 By-Law Committee

The By-Law Committee shall be responsible for the maintenance of the By-Laws and the documentation of the procedures of the Association and for making recommendations to the Board of Directors for the changes that will facilitate improved management of the Association and enhance its ability to achieve its stated objective.

7.6.9 Protective Covenants Committee

The Protective Covenants Committee shall be responsible, in conjunction with the Board, for the administration (approving and interpreting) items relating to our homes and properties, which are covered in the Protective Restrictions on Residential Lands Agreement to ensure that the standards of the community are maintained and to review the Protective Covenants and make recommendations to the Board.

7.7 Future Standing Committees

Additional committees shall be activated as appropriate.

ARTICLE VIII – FINANCIAL

8.1 Fiscal Policies

8.1.1 Expenditures up to and including two hundred dollars (\$200.00) may be made from petty cash. This petty cash fund, which shall not exceed five hundred dollars (\$500.00), shall be replenished as needed.

Expenditures in excess of two hundred dollars (\$200.00) shall be paid by cheque.

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- 8.1.2** Expenditures over two hundred dollars (\$200.00) and up to one thousand dollars (\$1,000.00) shall be approved by any two (2) account signatories. Expenditures in excess of one thousand dollars (\$1,000.00) shall be reported by the Treasurer to the Board for ratification at the next succeeding Board meeting as a part of his/her regular monthly accounting.
- 8.1.3** Expenditures which in the opinion of the Directors might individually or in the aggregate cause the approved annual operating budget to be exceeded by more than five percent (5%), shall be referred to the Membership for consideration and approval at a meeting specifically called for that purpose prior to the expense being incurred.
- 8.1.4** All expenditures shall be supported by verified billings or receipts which shall accompany the cheque until signed.
- 8.1.5** The Association shall establish and maintain at least one reserve fund. The reserve fund shall be calculated on the basis of expected repair and replacement costs and life expectancy of the common elements. In no event shall the contributions to the reserve fund constitute less than five percent (5%) of each annual operating budget.
- 8.1.6** Reserve Fund Expenditures. Expenditures from the Reserve Fund, by the Board of Directors, of a non-emergency nature, shall be approved by the Membership if that expenditure will exceed 5% (five percent) of the total Reserve Fund.
- 8.1.7** Any expenditure from the Building Improvement Fund by the Board of Directors shall be approved by the Membership if that expenditure will exceed 5% (five percent) of the total Building Improvement Fund.

8.2 Procedures

- 8.2.1** Proceeds derived from Association activities will be deposited and identified in the general fund account.
- 8.2.2** All cheques drawn on the Association accounts shall bear two (2) signatures to be valid. Authorized signatures will be any two of President, Vice-President, Secretary or Treasurer.
- 8.2.3** Blank cheques will not be pre-signed.
- 8.2.4** The Treasurer shall report to the Board of Directors on a regular basis detailing financial activities.

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8.3 Fiscal Year

The fiscal year will begin on April 1st and end on March 31st of the following year.

8.4 Financial Statements

8.4.1 The financial statements will be prepared in accordance with Canadian generally accepted accounting principles and will consist of;

- a) a Balance Sheet
- b) a Statement of Revenues and Expenditures
- c) a Statement of the Building Improvement Fund
- d) a Statement of the Reserve for Capital Expenditures
- e) a record of the aggregate remuneration of expenses paid to the Officer/Directors in their capacity
- f) such additional statements or information that may be required.

8.4.2 Copies of the financial statements will be presented at each Annual General Meeting.

8.5 Financial Review

8.5.1 The books will be subject to a financial review in April of each year prior to the Annual General Meeting. The Board will have the authority to request an audit in lieu of a financial review if deemed necessary.

8.5.2 The Board of Directors shall have the option of engaging an external accountant to perform the annual review.

8.5.3 The review can be conducted by a committee of three resident householders in good standing, appointed by the Board, but not serving as a Board Member.

8.5.4 Financial Review Committee Members shall not have spouses or relatives serving on the retiring or current Board of Directors.

8.5.5 Audit or financial review results shall be distributed to all Households seven (7) days in advance of the Annual General Meeting.

8.6 Budget

8.6.1 A budget projection, including estimated Household fees for the upcoming fiscal year, shall be prepared for approval by the Board of Directors prior to its being distributed to Households.

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- 8.6.2** The projected budget shall be distributed to Households fifteen (15) days prior to the February Regular Meeting.
- 8.6.3** The projected budget shall be presented to Members for approval at the February Regular Meeting.
- 8.6.4** The final budget for the year shall be presented to Members for approval at the Annual General Meeting.

ARTICLE IX – PURPOSE AND AMENDMENTS OF BY-LAWS

9.1 Purpose

The purpose of the By Laws is to establish rules to guide the organization.

9.2 Copies

- 9.2.1** It is the responsibility of each Household to acquire a copy of the By-Laws and any amendments thereto.
- 9.2.2** Upon a decision to sell, homeowners are required to submit copies of the By-Laws, “Schedule” B Protective Restrictions on Residential Lands and common element fee regulations, to real estate agents and/or lawyers dealing with prospective purchasers.

9.3 Purpose and Amendments

- 9.3.1** By-Law amendment recommendations may be proposed by any Association Member in good standing at any time and shall be submitted in writing to the Secretary.
- 9.3.2** Proposed By-Law amendments shall be reviewed by the Board of Directors. Notice of proposed changes to the By-Laws shall be presented to Members at the February Regular Meeting and shall be placed on the Annual General Meeting agenda for decision. Technical amendments may be voted on at any Business Meeting.
- 9.3.3** When By-Law amendments are adopted they shall be recorded and maintained in Appendix B, which shall be available to each Member on request from the Secretary until said By-Law amendment is published in a revised edition.

PineRidge in Gravenhurst Homeowners' Association

BY-LAWS

ARTICLE X – USE OF ASSOCIATION INTANGIBLE PROPERTY.

10.1 Membership Lists

Members shall not use or permit the use of Association membership lists and/or other Association information for business purposes.

- 10.2** Any Member may examine the Association's books and records by giving fourteen (14) days advance written notice to the Association. This shall be done in the presence of a Board member and no books or records shall be removed from Hahne Hall. Photocopies of records will be provided to any Member at their cost.