

By-laws of BALSAM CHUTES ROAD ASSOCIATION'

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Section 1 – General

1.01 Definitions

- A. **AGM** means annual meeting of Members;
- B. **Act** means Ontario's *Not-for-Profit Corporations Act, 2010* and where the context requires, includes the regulations made under the Act, as amended or re-enacted from time to time;
- C. **Auxiliary Member** means a Member accepted into the class of Auxiliary Members described by [s. 8.02](#), below;
- D. **Board** means the board of directors of the Corporation;
- E. **By-laws** means this by-law (including the schedules to this by-law) and all other by-laws of the Corporation as amended and which are, from time to time, in force;
- F. **Chair** means the chair of the Board;
- G. **Corporation** means Balsam Chutes Road Association; the corporation incorporated under by Letters Patent issued under the *Corporations Act* by the Lieutenant Governor of Ontario on the 11th day of September 1997 and having the Ontario corporation number 1250659 that has passed these by-laws under the Act;
- H. **Director** means an individual occupying the position of director of the Corporation by whatever name they are called;
- I. **Lot** means a unique parcel of land to which a Property Identification Number (PIN) has been assigned for the purposes of land registry in the Province of Ontario and that has access to the Road;
- J. **Maintenance Fees** means monies collected annually from the membership for the operation, maintenance and administration of the Road, as further described by s. 4.05, below, and may be denoted as road fees, member fees or annual fees.
- K. **Member in Good Standing** has the meaning given at s. [8.03](#), below;
- L. **Members** means all members of the Corporation;
- M. **New Build** means a construction on a Lot for the purpose erecting a new building on the Lot or any effecting any substantial change to an existing building;
- N. **Officer** means an officer of the Corporation and includes but is not limited to *Chair, President, Secretary, Treasurer and Road Superintendent*;
- O. **Ordinary Member** means a Member accepted into the class of Ordinary Members described by s. [8.02](#), below;
- P. **Owner** means an entity shown on the parcel register of a Lot as its registered owner;

- Q. **Proxyholder** means a person representing a Member in Good Standing and designated by proxy as having the right to attend a meeting of Members and speak or vote on behalf of an Ordinary Member;
- R. **Reserve Fund** means an amount of money determined by the Board to be set aside for planned and unplanned projects;
- S. **Road** has the meaning ascribed thereto in [s. 10](#), below, as shown by [Schedule J](#) Map to this by-law;
- T. **Road Team** has the meaning given at [Schedule D](#) to this by-law; and
- U. **Special Assessment** means an amount determined in accordance with s. [4.06](#), below.

1.02 Interpretation

Other than as specified in s. 1.01, above, all terms contained in this by-law that are defined in the Act shall have the meanings given to such terms in the Act. Words importing the singular include the plural and vice versa, and words importing one gender include all genders.

1.03 Severability and Precedence

The invalidity or unenforceability of any provision of this by-law shall not affect the validity or enforceability of the remaining provisions of this by-law. If any of the provisions contained in this by-law are inconsistent with those contained in the articles or the Act, the provisions contained in the articles, or the Act shall prevail.

1.04 Execution of Documents

Deeds, transfers, assignments, contracts, cheques, bank documents, obligations and other instruments in writing requiring execution by the Corporation shall be signed or authorized by any two (2) of either the President, the Secretary or the Treasurer. The Corporation's Bank shall be notified of any changes to authorized signatories. In addition, the Board may from time to time direct the way and the person by whom a particular document or type of document shall be executed.

New, Amended or repealed bylaws:

- a. The Board may pass a new resolution dealing with any business if it is approved by a majority vote of a quorum of the Directors present at a Board meeting. A resolution, signed by all the Directors entitled to vote on that resolution at a meeting of Directors or of a committee of Directors is as valid as if it had been passed at a meeting of Directors or of a committee of Directors.

- b. A new By-law, amendment or repeal is effective from the date of the resolution of the Directors.
- c. The Directors shall submit every new by-law, amendment or repeal to the Members at the next meeting of the Members, and the Members may confirm, reject or amend the by-law, amendment or repeal by ordinary resolution.
- d. If the By-law amendment or repeal is confirmed, or confirmed as amended by the members, it remains effective in the form in which it was confirmed.

Any Director or Officer may certify a copy of any instrument, resolution, By-law or other document of the Corporation to be a true copy thereof.

Section 2 – Directors

2.01 Election and Term

The business and affairs of the Corporation shall be managed or supervised by the Board. The Directors shall be elected by the Members at each annual meeting at which an election is required and shall hold office from the date of the meeting at which they are elected or appointed until the second succeeding annual meeting thereafter, or until their successor(s) are elected or appointed.

The number of Directors shall be the number set out in the articles, provided that where the articles provide for a range for the possible number of Directors, the number of Directors shall be the number within such range fixed by the Members by special resolution, except where by special resolution the Members have delegated the power to fix the number of Directors to the Directors, in which case the number of Directors shall be the number within such range fixed by resolution of the Directors from time to time.

A Director may be elected to no more than three (3) consecutive two-year terms. After a one-year absence from the Board, a Member may seek nomination to the Board again.

2.02 Qualifications of Director

Qualifications required to be a Director include:

- A. Being an Ordinary Member in Good Standing;
- B. Being financially solvent;
- C. Being over 18 years of age;
- D. Being willing to serve the length of the proposed term;
- E. Being an Auxiliary Member who has been chosen by an Ordinary Member in Good Standing to represent their Lot in the elections of the

Directors, provided that ideally one (1) Member in respect of any single Lot should be a Director at any given time unless no other Member is available for the term, and if two (2) Members in respect of any single Lot are elected or appointed at any given time they may be elected for ensuing terms by the Members at an AGM;

- F. Commitment and adherence to the By-laws;
- G. Commitment and adherence to any Corporate Code of Conduct Policy adopted by the Board whose subject matter may include guidelines for personal and electronic communications pertaining to respect, transparency, integrity, nondisclosure and advancing the work of the Board; and
- H. Being willing to attend at least 8 meetings per year and as many as possible in person.

2.03 Nominees Proposed by Nominating Committee

The Nominating Committee should endeavor to produce a slate of nominees for election as a Director with a view to as broad a representation as is practicable by Members.

Prior to each AGM, the Nominating Committee shall prepare and submit to the Secretary a list of proposed Directors to be elected for the ensuing terms. All nominees shall confirm in writing that they are willing to act as a Director from and after the AGM at which such Director is proposed to be elected.

2.04 Nominees Proposed by Members

After the receipt of the list of those Members proposed by the Nominating Committee for election at an AGM, the Secretary shall send notice by read-receipt email or paper to each person entitled notice of that AGM, of the list of Members proposed for election by the Nominating Committee noting the civic address of each nominee. Any three (3) Members may nominate a further candidate who is properly qualified to be a Director. All such nominations shall be in writing on the Corporation's approved Nomination Form found in [Schedule "E"](#) and on the Corporation's website <www.balsamchutes.com> and be accompanied by a signed statement from the candidate indicating their willingness to act as a Director if elected and must be received by the Secretary prior to the date of the AGM, but this provision does not preclude nominations being made at a meeting of the Members.

2.05 Ratification Where No Additional Nominees

If no additional nominees are submitted, the slate of Directors proposed by the

Nominating Committee may be elected as a slate by the Members at the AGM. Newly elected Directors shall assume office immediately upon the closure of the AGM, subject to providing written consent to acting as a Director before or within 10 days after the election or appointment. For greater certainty, if applicable, any Director appointed by the Board shall serve for the duration of the unexpired term of the director's predecessor.

2.06 Ratification Where There Are Additional Nominees

If additional nominees are submitted, the Chair shall conduct an election such that the nominees who obtain the greatest number of votes cast in their favour by the Members shall be the newly elected Directors shall assume office immediately upon the closure of the AGM, subject to providing written consent to acting as a Director before or within 10 days after the election or appointment.

2.07 Tie Breaking

If additional nominees are submitted, and there is a tie vote for the election of a Director amongst those candidates vying for the remaining available seat(s) on the Board, another vote will be taken including only the names of the two or more tied candidates needed to fill the Directors' slate. All eligible voters may cast their vote for one or more of the tied candidates needed to elect the number of Directors required to fill all vacant seats on the Board. The candidate(s) with the most votes win(s). In the event there is still a tie, this process shall be repeated for as many rounds as are required for the Members to elect a full Board.

2.08 Vacancies

The office of a Director shall be vacated immediately:

- A. If the Director resigns office by written notice to the Corporation, which resignation shall be effective at the time it is received by the Corporation or at the time specified in the notice, whichever is later;
- B. If the Director no longer meets the qualifications of Director (s. 2.02) and which includes death or sale of Lot;
- C. If the Director becomes bankrupt;
- D. If the Director is found to be incapable of managing property by a court or under Ontario law; or
- E. If, at a meeting of the Members, following proper notice to the Board prior to the meeting for agenda item inclusion, a resolution is passed by at least a majority of the

votes cast by the Members removing the Director before the expiration of the Director's term of office, and without limiting the generality of the foregoing, the Directors shall take all necessary steps to call such a meeting where a Directors misses more than two (2) consecutive Board meetings provided that extenuating circumstances for such absences may be approved at the sole discretion of the Board.

2.09 Filling Vacancies

A vacancy on the Board shall be filled as follows, and the Director appointed or elected to fill the vacancy holds such position for the remainder of the unexpired term of the Director's predecessor:

- A. if the vacancy occurs because of the Members removing a Director, the Members may fill the vacancy by an ordinary resolution.
- B. if a Director resigns or dies before the end of the Director's term, a quorum of Directors may by appointment fill the vacancy to hold such position for the remainder of the Director's unexpired term.
- C. if there is not a quorum of Directors or there has been a failure to elect the number or minimum number of Directors set out in the articles, the Directors shall, without delay, call a special meeting of Members to fill the vacancy and, if they fail to call such a meeting or if there are no Directors, the meeting may be called by any Member; and except as provided for in the foregoing clauses, a quorum of Directors may fill a vacancy among the Directors.

2.10 Committees

Committees may be established by the Board as follows:

- A. The Board may appoint from their number a Committee of Directors and may delegate to the Committee any of the powers of the Directors excepting those powers set out in the Act that are not permitted to be delegated.
- B. Subject to the limitations on delegation set out in the Act, the Board may establish any committee it determines necessary for the execution of the Board's responsibilities. The Board shall determine the composition and terms of reference for any such committee. The Board may dissolve any committee by resolution at any time; and
- C. Standing Committees of the Board shall include:
- D. Governance (By-law, Nominating, Director Reporting); To ensure this by-law is reviewed annually and updated if necessary, and to ensure nomination and voting of Directors is

performed according to this by-law; and the annual Notice of Change is filed with Service Ontario reporting changes to Directors and Officers.

- E. Communications: To ensure that the Members are kept up to date in the affairs of the Corporation, and to ensure the views and concerns of the Members are solicited and addressed, and to ensure oversight of the website and other tools used for communication with Members.
- F. Road Team: To ensure the road and lanes are inspected regularly and are maintained in accordance with the By-laws and all the Corporation's Policies and Procedures, if any.

2.11 Remuneration of Directors

No Director shall directly or indirectly receive any profit or benefit from occupying the position of Director or from providing services to the Corporation in another capacity. However, Directors may be reimbursed for reasonable Board reviewed and authorized expenses that they incur in either of those capacities.

Section 3 – Board Meetings

3.01 Calling of Meetings

Meetings of the Directors may be called by the Chair, President or any two Directors on notice to the Chair at any time and any place in The Municipality of Huntsville, Ontario on notice as required by this by-law. Meetings shall not be more than four (4) months apart.

3.02 Regular Meetings

The Board may fix the place and time of regular Board meetings and send a copy of the resolution fixing the place and time of such meetings to each Director at least seven (7) days in advance by electronic communication (email, phone, message), and no other notice shall be required for any such meetings.

3.03 Notice

Notice of the time and place for the holding of a meeting of the Board shall be given in the manner provided in Section 11 of this by-law to every Director not less than seven (7) days before the date that the meeting is to be held. Notice of a meeting is not necessary if all the Directors are present, and none objects to the holding of the meeting, or if those absent have waived notice or have otherwise signified their consent to the holding of such meeting.

If a quorum of Directors is present, a newly elected Board may, without notice, hold its first meeting immediately following the AGM at which the Board was elected.

3.04 Chair

The Chair should normally preside at Board meetings, however at their discretion another Director may chair the meeting. In their absence, the Directors present shall choose one of their number to act as Chair.

3.05 Voting

Each Director has one vote. Questions arising at any Board meeting shall be decided by a majority of votes including the Chair. In case of an equality of votes, the Chair shall not have a deciding vote. A motion is lost on a tied vote.

3.06 Electronic Meetings and Decisions

A Director may participate in a meeting of the Board or of a committee of Directors by telephone or electronic means that permit all participants to communicate adequately with each other during the meeting. A Director participating by such means is deemed to be present at that meeting.

Meetings may be held in their entirety by phone, or by other electronic means. Results of any such votes taken shall be recorded in the minutes of the Board meeting.

A resolution, signed by all the Directors entitled to vote on that resolution at a meeting of Directors is as valid as if it had been passed at a meeting of Directors.

3.07 Quorum

A quorum for the transaction of business at a meeting of the Board shall be fifty percent plus one (50% + 1) of the Directors eligible to vote at that meeting.

3.08 Members and Non-Members Attending Board meetings

Depending on the subject matters Members and or Non-Members may be invited to present at Board meetings but shall excuse themselves and vacate the meeting when the proposed resolution will be discussed and resolved.

Section 4 – Financial

4.01 Banking

The Board shall by resolution from time to time designate the bank in which the money, bonds or other securities of the Corporation shall be placed for safekeeping.

4.02 Signing Authority

Any two (2) of the President, Treasurer, Secretary or Bookkeeper may sign financial documents on behalf of the Corporation.

4.03 Payment Terms

Payment terms are as set out in [Schedule F](#) to this by-law. A Member with payments owing the Corporation beyond 60 days places is a Member Not in Good Standing as further described by [8.04](#) below.

4.04 Financial Year

The financial year of the Corporation ends on December 31st in each year or on such other date as the Board may from time to time by resolution determine.

4.05 Maintenance Fees

- A. Maintenance Fees are monies collected annually from the membership for the yearly operation, maintenance and administration of the Road.
- B. Maintenance Fees are collected from all Ordinary Members; and
- C. Maintenance Fees are approved annually by vote of the Members at the AGM.

4.06 Special Assessments and Entrance Permits

1. **New Builds** cause excessive wear and tear to the Road from heavy vehicle traffic and the Owner of a New Build will be assessed a Special Assessment as per [Schedule H](#) of this by-law.
2. **Significant and unplanned costs which reduce the amount in the Reserve Fund may necessitate a Special Assessment payable by all Ordinary Members** [Schedule F](#) established by s. 4.07, below, to less than ten (10) percent of the total value of the Reserve

Fund at the time of the discovery of the need for such significant and unplanned spending, such as major damage from a severe weather event, Members' ratification must be obtained for a Special Assessment that is to be payable by all Ordinary Members by an ordinary resolution passed at a meeting of Members duly called for such purpose or by written approval signed by every Ordinary Member entitled to vote on such resolution.

3. **Owners who use the road contractor to replace or install a culvert on an existing entrance**, as deemed necessary by the Board in consultation with road contractor, will be invoiced for the cost of the culvert as a Special Assessment [Schedule F](#) and the installation cost will be covered by the Corporation.
4. **Corporation Entrance permit** guidelines must be followed by owners at the Owner's expense, to install any new entrance (driveway) on the Road, as further described by [Schedule K](#) to this by-law.

4.07 Reserve Fund

- A. The Board shall establish and maintain a reserve fund (the "**Reserve Fund**") to be used only to pay for significant and unplanned costs of maintaining or repairing the Road that can occur from time to time including, without limitation, roadbed augmentation and trees downed in a storm.
- B. The Reserve Fund is a portion of the Maintenance Fees.
- C. The Board may draw monies at its discretion from the Reserve Fund to cover unexpected costs or weather-related events that occur such as trees down on the road. Such draws to be replenished in the following year's budget or as quickly as possible.
- D. The Board may determine the level of monies and alter the amount from time to time, with approval by the members at their AGM.

4.08 Non-Payment of Fees

Non-payment of Maintenance Fees, Special Assessments or any other fee owing to the Corporation, in addition to the remedies described at [Schedule F](#) to this by-law, may subject the Member in arrears to notification of arrears for non-payment by registered mail, solicitation from collection agencies, an action in Small Claims Court and/or liens filed against the offending Member's Lot.

4.09 Equal Fees

All fees assessed to Members of a class shall be equal for all Members in that class.

Section 5 – Officers and Directors

5.01 Officers

The Board shall appoint from among the Directors a Chair and may appoint any other Director to be President, Secretary, Treasurer, and Road Superintendent. The offices of Secretary and Treasurer, and Chair and President may be held by the same persons. If the Board is unable to appoint a Treasurer from amongst the Directors, the Board may appoint a Treasurer from amongst the Members, who is accountable to the Board and who would not be entitled to vote at Board meetings.

The Board may appoint such other Officers, advisors or agents as it deems necessary, and who will have such authority and shall perform duties as the Board may prescribe from time to time. These other advisors or agents may attend and participate in Board meetings but are not entitled to vote.

5.02 Office Held at Board's Discretion

Any Officer shall cease to hold office upon resolution of the Board. All Officers and Directors shall uphold Board policies and this by-law, and contravention of either will be deemed sufficient for removal of an Officer.

If an Officer, other than a Treasurer who is not a Director, no longer meets the criteria for being a Board member as outlined [in s. 2.02](#) (Qualifications of Director, above), such Officer shall be removed.

5.03 Duties of Officers and Directors

Officers shall be responsible for the duties assigned to them and may delegate to other Members the performance of any or all such duties, but not the responsibility or accountability for the same.

5.04 Duties of Chair

The Chair shall perform the duties described in sections [3.04](#) and [9.05](#) and other such duties as may be required by law or as the Board may determine from time to time.

5.05 Duties of the President

The President shall perform the duties described in [Schedule “A”](#) and other duties as may be required by law or as the Board may determine from time to time.

5.06 Duties of the Treasurer

The Treasurer shall perform the duties as described in [Schedule “B”](#) and other duties as may be required by law or as the Board may determine from time to time

5.07 Duties of the Secretary

The Secretary shall perform the duties described in [Schedule “C”](#) and other duties as may be required by law or as the Board may determine from time to time.

5.08 Duties of the Road Superintendent

The Road Superintendent shall perform the duties described in [Schedule “D”](#) and other duties as may be required by law or as the Board determines from time to time.

Section 6 – Protection of Directors and Others

6.01 Protection of Directors, Officers and Members

The Board shall procure and maintain such insurance for the benefit of its Directors, Officers and Members as the Board may from time to time determine. All contractors providing services to the Corporation shall maintain and demonstrate adequate and valid liability insurance.

Member volunteers who are not Directors may be covered under general liability for work performed, including if using equipment; Directors shall NOT perform any work requiring equipment. Directors are not covered under the general liability insurance.

6.02 Indemnity of Directors and Officers

No Director, Officer or committee member of the Corporation is liable for the acts, neglects or defaults of any other Director, Officer, committee member or employee of the Corporation or for joining in any receipt or for any loss, damage or expense happening to the Corporation through the insufficiency or deficiency of title to any property acquired by resolution of the

Board on behalf of the Corporation or for the insufficiency or deficiency of any security in or upon which any of the money of or belonging to the Corporation shall be placed out or invested or for any loss or damage arising from the bankruptcy, insolvency or tortious act of any person, firm or corporation with whom or which any moneys, securities or effects shall be lodged or deposited or for any other loss, damage or misfortune whatever which may happen in the execution of the duties of his or her respective office or trust provided that they have:

1. Complied with the Act, the Corporation's articles, and the By-laws; and
2. Exercised their powers and discharged their duties in accordance with the Act.

Section 7 – Conflict of Interest

7.01 Conflict of Interest

A conflict of interest exists where a Director or Officer,

(a) is a party to a material contract or transaction or proposed material contract or transaction with the Corporation; or

(b) is a director or an officer of, or has a material interest in, any person who is a party to a material contract or transaction or proposed material contract or transaction with the Corporation.

A Director who is a party to a material contract or transaction or proposed material contract or transaction with the Corporation or is a director or officer of, or has a material interest in, any person who is a party to a material contract or transaction or proposed material contract or transaction with the Corporation shall make the disclosure required by the Act. Except as provided by the Act, no such Director shall attend any part of a meeting of Directors during which the contract or transaction is discussed or vote on any resolution to approve any such contract or transaction.

Section 8 – Members

8.01 Members

- a. Membership in the Corporation is mandatory, meaning for every Lot one entity (which may be a person or a non-person) who is an Owner must apply for and be accepted as an Ordinary Member prior to any use of the Road in connection with such Lot.
- b. Membership is not transferrable.

- c. For every transaction involving a complete change to the registered ownership of a Lot, at least one new Owner must complete and submit the registration form that appears at [Schedule J](#) to this by-law, also available online at www.balsamchutes.com. For clarity, where the registered owners of a Lot change but an Ordinary Member remains on title, such Ordinary Member's membership continues without interruption.
- d. Membership in the Corporation terminates when,
 - I. the Member dies or resigns;
 - II. the Member is expelled, or the person's membership is otherwise terminated in accordance with the articles or By-laws;
 - III. the Member's term of membership expires; or
 - IV. the Corporation is liquidated or dissolved.
- e. No termination of membership shall relieve a Member from the obligation to pay any amounts due and outstanding to the Corporation at the time of termination.

8.02 Member Classes

- A. The articles of the Corporation provide for two (2) classes of Members, specifically, Ordinary Members and Auxiliary Members.

Ordinary Members

- B. An Ordinary Member may cast a single vote on every matter put to the Members so long as they are a Member in Good Standing within the meaning of [s. 8.03](#), below.
- C. Where the Ordinary Member is not a natural person, such Ordinary Member will authorize a natural person as its designated representative in writing to the Corporation, and such designated representative shall have the power to exercise such Ordinary Member's vote.
- D. The term of an Ordinary Member expires on the day such Ordinary Member ceases to be an Owner.

- E. To be an Ordinary Member, the following conditions must be met:
 - 1. An Ordinary Member shall be an Owner.
 - 2. An Ordinary Member shall complete and submit a registration form, a sample of which appears at [Schedule J](#) to this by-law, subject to revision by the Board from time to time.
 - 3. The Board shall have accepted the application of the Ordinary Member by (a) amending the Corporation's Member's Register to include the applicant's name and other required information, and (b) notifying the applicant of their acceptance into membership as an Ordinary Member.

Auxiliary Members

- A. Auxiliary Member may not vote on a matter put to the Members.
- B. To be an Auxiliary Member, the following conditions must be met:
 - 1. The applicant be a family member of an Ordinary Member. Examples of "family member" include a spouse, a child, or a parent, but in each case, the Board shall have the absolute discretion to determine whether the applicant is a family member of an Ordinary Member for the purposes of satisfying this condition.
 - 2. An Auxiliary Member shall complete and submit an form, a sample of which appears at [Schedule J](#) to this by law, subject to revision by the Board from time to time.
 - 3. The application of the Auxiliary Member shall be approved by the Ordinary Member of whose family the applicant is a member.
 - 4. The Board shall have accepted the application of the Auxiliary Member by (a) amending the Corporation's Member's Register to include the applicant's name and other required information, and (b) notifying the applicant of their acceptance into membership as an Auxiliary Member.

8.03 Members in Good Standing

Members are a Member in Good Standing when they have no amount outstanding, whether for Maintenance Fees, Special Assessments, or otherwise, to the Corporation for 60 days or more. When outstanding fees have been paid, or a payment plan has been approved by the Board and all scheduled **payments due under such plan have been made on time**, the Member is considered a Member in Good Standing.

8.04 Members Not in Good Standing

- 1. A Member is a Member Not in Good Standing when that Member meets any of the conditions or qualifications found in [Schedule F](#) to this by-law.

2. Members Not in Good Standing are *not* entitled to vote at any meeting or on any motion of the Corporation.
3. No proxyholder may represent a Member Not in Good Standing and any proxy given by a Member Not in Good Standing is void; and
4. A Member Not in Good Standing *may* attend Member meetings as an observer but may *not* address the meeting.
5. A Member Not in Good Standing may not use the Road, nor may any person use the Road in connection with Lot of the Member Not in Good Standing.

Section 9 – Members’ Meetings

9.01 Annual General Meeting

The AGM shall be held on a date, time and at a place within Municipality of Huntsville, Ontario fixed by the Board and normally held on the second Saturday in June. Notice of the AGM shall be sent not more than fifty (50) and not less than (30) days prior to the meeting date. Any Member, *upon request*, made not less than five (5) days before the AGM, shall be provided a copy of the approved financial statements. Notice of the AGM shall provide a copy of the AGM agenda, including any proposed By-law changes.

The business transacted at the AGM should follow good corporate practice in the conduct of meetings and shall include:

- A. Proof of notice of the AGM and receipt of the agenda;
- B. Receipt of the minutes of the previous AGM and subsequent special meetings;
- C. Receiving and reviewing the financial statements of the Corporation for the previous fiscal year, together with the Treasurer’s report and the presentation of the report of the person engaged to perform a review and authorizing the signing of the balance sheets by any two (2) Directors;
- D. Reappointment or new appointment of the auditor, or person appointed to conduct a review engagement for the coming year and to authorize the Board to fix their remuneration;
- E. Election of Directors (where required); and
- F. Such other or special business as may be set out in the notice of the AGM, including the following standing items of special business to be conducted at every AGM:
 - a Ratification, sanctioning, confirming and approving all acts, contracts, proceedings, appointments, elections and payments enacted, made, done and taken by all Directors and Officers of the Corporation since the close of business at the last AGM;

- b Report of the Road Superintendent; and
- c Setting of Maintenance Fee, Reserve Fund contributions and/or other fees.

No other item of business shall be included on the agenda for the AGM unless a Member's proposal (a "**Proposal**") has been submitted in writing to the Secretary in accordance with the Act. Any Member, during other business, may inform or advise the AGM of issues or concerns regarding operation of the Road, for the Board to consider during their next scheduled meeting.

9.02 Special Meetings

The Directors may call a special meeting of the Members. The Board shall convene a special meeting on written requisition of not less than ten (10) percent of the Members for any purpose connected with the affairs of the Corporation that does not fall within the exceptions listed in the Act or is otherwise inconsistent with the Act, within 21 days from the date of the deposit of the requisition.

A Member may participate in a special meeting of the Members by electronic means that permits all participants to communicate adequately with each other during the meeting. A Member participating by such means is deemed to be present at that meeting.

Meetings may be held in their entirety by electronic means with video. Resolutions and decisions may be passed by the Membership by way of visual counting of hands and with a favorable confirmation by a majority of all Members. Results of any such votes taken shall be recorded in the minutes.

9.03 Notice of Special Meetings & Special Business

Subject to the Act, not less than 21 and not more than 50 days' written notice of the time, place and date of any special Members' meeting shall be given in the manner specified in the Act to each Member and to the auditor or person appointed to conduct a review engagement. Notice of any meeting where special business will be transacted must contain sufficient information to permit the Members to form a reasoned judgment if a decision is to be taken, and, state the text of any special resolution to be submitted to the meeting. Notice shall be sent by mail or electronic means to the last known address of the addressee shown on the Corporation's records. The non-receipt of such notice by any Member shall not invalidate the proceedings of the meeting.

9.04 Quorum

A quorum for the transaction of business at a Members' meeting is fifteen (15) percent of Members entitled to vote at the meeting, whether present in person or by proxy. If a quorum is present at the opening of a meeting of the Members, the Members present may proceed with the business of the meeting, even if a quorum is not present throughout the meeting.

9.05 Chair of the Meeting

The Chair or their designate shall be the chair of the Members' meeting. In their absence, the Members present at any Members' meeting shall choose another Director as chair of the meeting, and if no Director is present or if all the Directors present decline to act as chair of the meeting, the Members present shall choose one of their number to chair the meeting.

9.06 Voting of Members

Business arising at any Members' meeting shall be decided by a majority of votes cast by Members present in person and by proxy unless otherwise required by the Act or the By-laws provided that:

- A. Each Ordinary Member in Good Standing or their proxyholder shall be entitled to one vote on every question put to the Members at that meeting;
- B. Each Ordinary Member and proxyholder must register in person prior to the meeting to receive their voting card;
- C. All business shall be decided by a show of hands among all Ordinary Members in Good Standing and proxyholders present, and the chair of the meeting, if a Member, shall have a vote, provided that an Ordinary Member in Good Standing or proxyholder may demand a ballot either before or after any vote by show of hands;
- D. A written ballot so required or demanded shall be taken in such manner as the chair of the meeting shall direct;
- E. If, on a show of hands, there is a tie vote, the chair of the meeting shall require a written ballot and shall not have a second or casting vote. If there is a tie vote upon written ballot, the motion is lost;
- F. An abstention shall not be considered a vote cast; and
- G. Whenever a vote by show of hands is taken on a question, unless a written ballot is required or demanded, a declaration by the chair of the meeting that a resolution has been carried or lost and an entry to that effect in the minutes shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the motion.

9.07 Adjournments

The Chair may, with the majority consent of any Members' meeting adjourn the meeting. The Members must be provided with notice of the adjourned meeting. Any business may be continued from the meeting should the need arise. Members must be notified of the date, time and place of the continuance of the meeting as per sections [9.03](#) and [11](#) of this by-law.

9.08 Persons Entitled to be Present

The only persons entitled to attend a Members' meeting are the Members, the Directors, the auditors of the Corporation (or the person who has been appointed to conduct a review engagement, if any), the designated representatives of Ordinary Members, proxyholders and such other agents who are entitled or required under any provision of the Act or the articles, or invited by the Board to be present at the meeting. Any other person may be admitted only if invited by the Chair of the meeting or with the majority consent of the Members present at the meeting.

9.09 Proxy Voters

An Ordinary Member may appoint a proxyholder to represent such Ordinary Member using the Proxy Form in [Schedule G](#). The Proxy Form must be registered with the Secretary prior to the meeting.

At any meeting of the Members, a proxyholder may speak and vote on behalf of the Ordinary Member in Good Standing whose proxy they hold.

A proxyholder must attend a meeting of Members to exercise their proxy.

A proxyholder may not be an Ordinary Member.

Notice of a meeting shall not include a solicitation for proxy votes in that notice.

Section 10 – The Road

10.01 Definition of “Road”

In this by-law, “Road” means Balsam Chutes Road from Stephenson Rd 1 E. at the south end to Pinedale Rd at the north end and the lane running to the Chutes and the lane entering into Stephenson's Property for a total length of approximately 3.0 km as defined on the property role file numbers 4442-040028-50-00 and 4442-040-028-60-00 of the Town of

Huntsville: Schedule “I” Legal Description Maps. or [Schedule “I”](#), BCRA Legal Description Map

Section 11 – Notices

11.01 Services

Any notice required to be sent to any Member or Director or to the auditor or person appointed to conduct a review shall be provided by telephone, delivered personally, or sent by prepaid mail, facsimile, email or other electronic means to any such Member or Director at their latest address as shown in the records of the Corporation and to the auditor or the person who has been appointed to conduct a review engagement at its business address, or if no address be given then to the last address of such Member or Director known to the Secretary, provided always that notice may be waived or the time for notice may be waived or abridged at any time with the consent in writing of the person entitled thereto.

11.02 Error or Omission in Giving Notice

No error or accidental omission in giving notice of any Members’ meeting shall invalidate the meeting or make void any proceedings taken at the meeting.

Section 12 – Adoption and Amendment of By-laws

12.01 Amendments to the By-Law

The Members may from time to time amend this by-law by a majority of the votes cast. Any amendment by the Board must be in writing and shall come into effect immediately upon the approval of a majority of the Directors present at a Board meeting and shall be submitted to the Members at the next meeting of Members.

Any Ordinary Member may propose a By-law change to any Director for consideration at a Board meeting. If the Member’s proposal is not successful, any five (5) Ordinary Members may propose a By-law change to the Board for consideration by the Board and/or membership.

ENACTED by the Directors as a By-Law of **BALSAM CHUTES ROAD ASSOCIATION** this ____ day of _____, 20__.

Chair

Secretary

CONFIRMED by the Members of **BALSAM CHUTES ROAD ASSOCIATION** in accordance with the *Not-for-Profit Corporations Act, 2010* on the ____ day of _____, 20__.

Chair

Secretary

Schedules

Schedule A – Duties of the President

The **President** provides leadership to the Board and shall be responsible for implementing the strategic plans and policies of the Corporation and subject to the authority of the Board, have general supervision of the affairs of the Corporation. The President shall, when present, attend all meetings of the Board and Members, preside over meetings if also holding the office of Chair, serve as the Board's primary contact with the public, sign all documents requiring their signature, ensure meetings are effective and efficient for the performance of governance work, ensure that a schedule of Board meetings is prepared annually and that a work plan is developed and implemented that includes annual goals for the Board and embraces continuous improvement, set a high standard for Board conduct and enforce policies and By-laws concerning Directors' conduct, ensure that all Directors contribute fully, and address issues associated with underperformance of individual Directors. The President shall also perform other such duties as may be required by law or as the Board may determine from time to time.

Schedule B – Duties of the Treasurer

The **Treasurer** shall have the custody of the funds and securities of the Corporation and shall keep full and accurate accounts of all assets, liabilities, receipts and disbursements of the Corporation in the books belonging to the Corporation and shall deposit all monies, securities and other valuable effects in the name and to the credit of the Corporation in such chartered bank or trust company, or, in the case of securities, in such registered dealer in securities as may be designated by the Board from time to time. The Treasurer shall sign all documents requiring their signature, disburse the funds of the Corporation as may be directed by proper authority taking proper vouchers for such disbursements, and shall render to the Directors at the regular meeting of the Board, or whenever they may require it, an accounting of all the transactions and a statement of the financial position, of the Corporation.

Financial Statement

The Treasurer shall present to the Members at the AGM as part of their annual report, the financial statements of the Corporation as approved by the Board together with the report of the auditor or of the person who has conducted the review engagement. The Treasurer shall also perform such other duties as may be required by law or as directed by the Board from time to time.

Schedule C – Duties of the Secretary

The **Secretary** supports the President in maintaining a high standard for Board conduct and uphold policies and the By-laws regarding Directors' conduct, with particular emphasis on fiduciary responsibilities.

Document Management

The Treasurer shall keep a roll of the names and addresses of the Members, ensure the proper recording and maintenance of minutes of all meetings of the Corporation, the Board and Board committees, attend to correspondence on behalf of the Board including e-mails to admin@balsamchutes.com, have custody of all minute books, documents, registers and ensure that they are maintained as required by law, ensure that all reports are prepared and filed as required by law or requested by the Board.

Meetings

The Secretary shall give such notice as required by the By-Laws of all meetings of the Members, the Board and Board committees, and shall attend all meetings of the Members, the Board and Board committees.

Schedule D – Duties of the Road Superintendent/Road Team

The **Road Superintendent** inspects the road, reports the present condition and works collaboratively with the Board and Road Team. Twice annually the Road Superintendent will travel the Road with the Road Team to record conditions on an annual Road Report.

The Road Superintendent is responsible for transferring contractor quotes and invoice data to the Road Report and shall secure contractors' quotes for maintenance and repairs based on the report and submit such quotes to the Board. The Road Superintendent or designated director shall be responsible for obtaining snow clearing contracts, monitoring the road conditions in winter to order snow clearing, salt etc. and reporting problems if any to the contractor. The Road Superintendent reports to the Board with recommendations and quotes (if any) no less than twice annually by April 30 and November 30 in each year, so the Board may review and make decisions for priority attention. The Road Superintendent will prepare an annual road report and Board recommendations to the Members at each annual AGM and shall be responsible for other such duties as may be required by law or as the Board may determine from time to time.

The **Road Team** shall work collaboratively with the Road Superintendent and consist of not less than 1 other person, who shall be an Ordinary or Auxiliary Member. No less than twice annually the Road Team shall inspect the Road and record the current conditions on the Road Report. In winter, the Road Team may assist the Road Superintendent in monitoring

conditions and shall also be responsible for such other duties as may be required by law or as the Board may determine from time to time.

Schedule E - Nomination Form for Directors

Directors are volunteers who live permanently or seasonally on the Road and meet as required in person or electronically. The Board manages the Road's maintenance, repair, and related administrative affairs, finances and fee collections for a 2-year term and can be elected for a maximum of three consecutive terms, subject [s. 2.01](#) of this by-law, as amended from time to time. Candidates for election to the Board are needed for every Director whose term is ending.

Qualifications required to be a Director are as set out at [s. 2.02](#) of this by-law, as amended from time to time, and are repeated here:

- A. Being an Ordinary Member in Good Standing;
- B. Being financially solvent;
- C. Being over 18 years of age.;
- D. Being willing to serve the length of the proposed term;
- E. Being an Auxiliary Member who has been chosen by an Ordinary Member in Good Standing to represent their Lot in the elections of the Directors, provided that ideally one (1) Member in respect of any single Lot should be a Director at any given time unless no other Member is available for the term, and if two (2) Members in respect of any single Lot are elected or appointed at any given time they may be elected for ensuing terms by the Members at an AGM;
- F. Commitment and adherence to the By-laws;
- G. Commitment and adherence to any Corporate Code of Conduct Policy adopted by the Board whose subject matter may include guidelines for personal and electronic communications pertaining to respect, transparency, integrity, nondisclosure and advancing the work of the Board; and
- H. Being willing to attend at least 8 meetings per year in person or by electronic means.

In addition to completing the following form, please write a brief profile about yourself and any relevant experience for distribution to Members to assist them in voting your acceptance at the AGM. Profiles should not exceed 100 words.

Nominations must include a reference from an Ordinary Member in Good Standing.

Welcomed at any time by the Secretary at admin@Balsamchutes.com

NOMINATION FORM

Name of Nominee _____

Balsam Chutes Address _____

Telephone _____

Email Address _____

Profile and Experience or skills _____

☐ I will attend up to 8 Board meetings per year and as many in person as possible.

Signature _____ Date _____

Name of Ordinary Member in Good Standing Supporting the

Nominee _____

Balsam Chutes Address _____

Email Address _____

Telephone _____

Signature _____ Date _____

Schedule F – Payment Terms for Annual Maintenance Fees and Special Assessments

MAINTENANCE FEE annual invoices go out March 1st by email or regular mail and are due within 30 days.

Reminder Notices for those who have not paid, are sent out April 30th – 60 days after billing. Registered letters, for those who have still not paid, go out 30 days after the Reminder Notices.

SPECIAL ASSESSMENTS are due within 30 days of (a) the date the Board notifies the Owner of a Special Assessment, or (b) [4.06 2](#) the date of the meeting of the Members at which a Special Assessment payable by all Ordinary Members is approved.

INTEREST of 1.25% per month will be added to any unpaid fees on the last day of each month.

PAYMENT PLANS can be set up by contacting roadfees@balsamchutes.com. A Member who has initiated a payment plan will be considered a Member in Good Standing if payments are made according to the plan set up.

Any amount due to the Corporation and not paid in **60 days** classifies the Member in arrears as **Member Not in Good Standing**.

Schedule G – Voting Proxy for Member Meeting

For use at the Annual or Special Meetings of Members to be held on _____

The undersigned is an Ordinary Member of Balsam Chutes Road Association, and by signing and delivering this Proxy hereby confirms to the Corporation that the undersigned is entitled to vote in accordance with the articles and by-laws of the Corporation.

The undersigned hereby appoints _____ the Secretary of the Corporation, or instead of the foregoing, _____ as proxyholder, to attend, and to vote for and on behalf of the undersigned at the Meeting or if that meeting is adjourned, at the meeting that continues the adjourned meeting. The said proxyholder is instructed to vote as specified below:

1. To vote on the motion to: _____
_____:

FOR _____ AGAINST _____ WITHHELD _____,

2. Or on any amendments or variations to matters identified in the notice of the Meeting and on any other matters that may properly come before the Meeting, in such manner as the said proxyholder may see fit.

The vote represented by this proxy will be voted or withheld from voting or voting against on any motion, in accordance with any indicated instructions.

DATED this _____ day of _____

Signature of Member**

Name of Member (*Print*)

Members who are unable to attend the Meeting may, at their sole option, complete this proxy and return it to Balsam Chutes Road Association, Box 62, Port Sydney, Ontario P1L 1T5 or email to admin@balsamchutes.com

Schedule H – Special Assessment Terms New Builds

[New Builds 4.06-1](#) Owners of New Builds will be invoiced after construction begins for a one-time assessment based on the cost of purchasing and delivering twenty-two (22) tonnes of 7/8” granite granular “A” crusher run.

Schedule I – Road Legal Description Map

Legal Description per Town of Huntsville THOM map



Schedule J – Balsam Chutes Road Association Member Registration Form

Ontario's *Not-for-Profit Corporations Act, 2010* requires all corporations keep a member register. This information will not be shared except as required by law.

Civic Number(s): Vacant Lot _____ Occupied Lot _____ Date Purchased _____

Ordinary Member's Name: _____

Email _____

Phone _____ Mailing Address _____

City _____ Postal Code _____

Do you consent to receiving email notices and invoices? Yes ☐ No ☐

Are you a member of our Balsam Chutes Private Facebook Group? Yes ☐ No ☐

Auxiliary Member: _____ Email _____ FB Y ☐ N ☐

Auxiliary Member: _____ Email _____ FB Y ☐ N ☐

Auxiliary Member: _____ Email _____ FB Y ☐ N ☐

Auxiliary Member: _____ Email _____ FB Y ☐ N ☐

I acknowledge the Maintenance Fee is set annually at the Annual General Meeting, is invoiced each year on March 1st, with payment 60 days net. Payments received after April 31st are subject to late payment fees.

I acknowledge that by applying to be an Ordinary Member of the Corporation, I agree to pay all applicable amounts described in this by-law, including this Schedule K, and I further acknowledge that the Corporation may register notice of this agreement on title to my Lot.

Signature of Member

Date

PLEASE COMPLETE THIS FILLABLE FORM and return to:

EMAIL - roadfees@balsamchutes.com and admin@balsamchutes.com

MAIL - Box 62, Bracebridge, ON P1L 1T5

DROP OFF - Unit 2A, 66 Greer Rd, Port Sydney or at 442 Stephenson Rd 1 E

Schedule K - Entrance (Driveway) Permit Application for Balsam Chutes Road

Introduction

This document serves as a comprehensive guide for Owners seeking approval to install a new entrance (driveway) on the Road. The requirements outlined herein mirror the Town of Huntsville and are designed to ensure safe, durable, and compliant access to all Lots while maintaining the integrity of the Road and adhering to all applicable laws, including municipal regulations.

In the event of any conflict between this guide and the requirements of the Town of Huntsville, the later shall prevail.

Key Components of the Entrance Permit Application

❖ Approval Process

- The approval process involves a thorough review of the proposed entrance location by the Road Superintendent or an authorized designate. This review assesses the applicant's site plan, Lot contours, and specific conditions such as slopes or bends in the Road that may affect visibility and drainage.

❖ Culvert Installation Requirements

- Depending on the grading and drainage characteristics of the Lot, a culvert may be required to manage water flow effectively. The determination and specifications for culvert installation are based on an evaluation of the site conditions provided by the applicant and must adhere to the Corporation's standards as set out in their Schedule L (the "Standards").

❖ Compliance with Bylaws and Drainage Standards

- All installations must comply with the By-laws and Entrance Policy, which shall at all times align and comply with the Town of Huntsville's regulations. This ensures that entrances are constructed safely, with appropriate drainage systems to prevent runoff onto the Road or neighboring Lots.

❖ Maintenance Obligations

- Owners are responsible for the ongoing maintenance of their driveway entrance, including snow and ice removal, to keep the access safe and clear throughout the year. This section provides guidelines to help Owners maintain their entrance according to the Standards.

❖ 911 Civic Address Requirements

- For safety and emergency response, a clearly visible 911 Municipal Civic Number sign is mandatory. This signage helps emergency services quickly locate properties and must be installed in accordance with the Town of Huntsville's by-law addressing such requirements.

Sketch/Drawing Requirements

As part of the application process, the applicant must provide a sketch or drawing of the proposed entrance (driveway). This sketch is critical for the review and approval process and must include the following details:

1. Property Boundaries:

- Indicate the full extent of the Lot's boundaries, including the positions of neighboring Lots.
- Clearly mark the location of the proposed entrance in relation to the property lines.

2. Proposed Entrance Location:

- Show the exact placement of the proposed driveway access, including its width and length.
- Indicate the centerline of the Road and the distance from the entrance to the nearest property line.

3. Culvert Specifications:

- If a culvert is required, specify its location, dimensions, and grade.
- Include the offset distance from the centerline of the roadway allowance of the Road.

4. Site Features:

- Mark any notable features such as existing vegetation, utility poles, drainage ditches, and water flow paths.
- Indicate any slopes, corners, or bends in the Road that may affect the driveway design.

5. Nearby Landmarks and Structures:

- Identify nearby structures (e.g., houses, sheds) and landmarks (e.g., trees, rocks) that can assist in pinpointing the entrance location.
- Include any relevant signage such as existing 911 address markers.

6. 911 Civic Address Sign Placement:

- Indicate the planned location for the installation of the 911 Municipal Civic Number sign, at the end of the driveway.

Specifications

1. Driveway Composition:

- **Gravel Base:** Minimum 8-10 inches of Pit Run gravel, topped with 3 inches of $\frac{3}{4}$ " crushed "A"-gravel.
- **Driveway Width:** Minimum of 14 feet and a maximum of 30 feet.

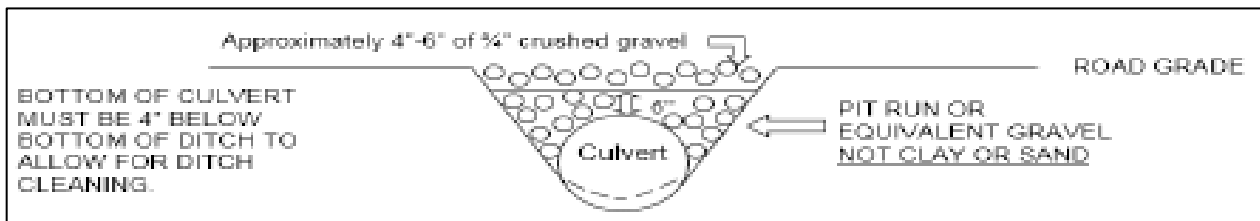
- **Approach:** Must have a minimum 25' level approach onto the Road.

2. Culvert Installation:

- Required based on Lot slope, grading, and water drainage needs.
- The applicant's drawing must specify the culvert's location, dimensions, and grade.

3. Setback Requirements:

- The entrance must be installed at least 10 feet from neighboring Lot's boundaries.
- Ditches must not be filled before a culvert is installed.



Application Process

• **Submission Requirements:**

- The applicant must be an Owner or have written consent from the Owner.
- Provide a copy of a survey of the Lot indicating property boundaries and neighboring properties.
- Include a sketch showing the desired entrance location and required specifications as outlined above.
- The sketch and drawing to be sent to the attention of the Road Superintendent at admin@balsamchutes.com

Refundable Deposit payable to: roadfees@balsamchutes.com

- A refundable deposit of **\$1,000** is required before construction begins.
- The deposit is refunded upon approval of the finished entrance by the Road Superintendent, minus any expenses incurred to meet the Standards.

Installation and Inspection

- The entrance must be installed by the Owner or a contractor hired by the Owner, following the Standards.

- Notify the Corporation at admin@balsamchutes.com for an inspection once installation is complete.
- If the installation fails to meet the Standards and corrections are not made, the Corporation reserves the right to repair or remove it at the Owner's expense.

Maintenance of Entrances

- Owners are fully responsible for the maintenance of their Lot's access to the Road, including the removal of snow and ice, and keeping the portion of their access within any right-of-way in a safe condition for vehicular traffic.
- Each entrance to the Road must be designed, constructed and maintained in a manner that will prevent surface water from the entranceway being discharged via the entrance (driveway) onto the traveled portion of the Road.
- In the event that the Corporation is required or permitted to perform maintenance to an entranceway, the Corporation will only finish the surface with gravel. Maintenance activities may include but are not limited to, culvert replacement or construction activities on the Road.

9-1-1 Address Installation Requirements

As per the Town of Huntsville, a 911 civic address is mandatory for properties with a developed entrance.

1. Rural Properties:

- Install a blue reflective sign at the driveway entrance, positioned 1.4m (4.5 ft.) to 1.6m (5.2 ft.) above ground level.
- The sign should be no more than 6m (20 ft.) from the centerline of the driveway.

Contact Information

For questions or to **schedule an initial location inspection**, please contact the Corporation via email: admin@balsamchutes.com