

Declarations, Clauses, Conditions, Restrictions and Architectural Quality Standards

Community Regulations November 2024 Edition

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Note: the initialism APDB stands for *Association des Propriétaires du Domaine Balmoral* and is used within this document to indicate the homeowners’ association.

1 Mission

The Association of Owners of Domaine Balmoral, (hereinafter referred to as APDB), in partnership with the Municipality of Morin-Heights and Golfmont, have developed and established regulations and architectural quality standards to promote the visual appearance of the properties of the Domain and also to establish a 'good neighbor' policy in the interest of our community. Among the documents available to all residents, we find the general regulations, the code of ethics and the architectural quality standards, which will be described in detail in this document.

We are privileged to live here, i.e. near the Le Balmoral Golf Club, near the alpine and cross-country ski centers, cycle paths, etc. and this is why Domaine Balmoral continues to attract individuals who are looking for a high-quality environment and living environment.

It is essential that all residents of Domaine Balmoral, present and future, are aware of the declarations, clauses, conditions, restrictions and standards of architectural quality, contained in the APDB regulations so that the principle of OWNERS – PARTNERS is understood by everyone. Council members cannot act alone! All residents must do their part so that Domaine Balmoral becomes an important voice within the Municipality of Morin-Heights, neighboring communities as well as with our economic partners.

The sale of properties and land to new owners requires that the latter agree with and are bound by the clauses of this easement and the regulations. In addition, they become members of the APDB and must respect the regulations and pay the annual dues.

1.1 *Objectives of Regulations and Architectural Quality Standards*

The regulations and standards of architectural quality constitute a legal document governing the property rights and obligations of all owners of Domaine Balmoral.

These regulations and architectural quality standards are intended to address specific concerns by describing in detail and with greater precision the styles of additions and modifications to properties that are permitted. The goal is to ensure that all owners are aware of architectural quality standards, restrictions and maintenance responsibilities, so as to minimize any confusion and deviations from standards.

1.2 *What is a Restrictive Clause?*

A restrictive clause is in fact a contractual agreement allowing, or not allowing, certain actions to be taken. In the case of the construction project review process – this involves refraining from constructing or significantly modifying a property without obtaining permission from the authority in place. In the case of Domaine Balmoral, this authority includes the members of the APDB council, the Architectural Quality Standards Control Committee (CCA) and the rights transferred to the APDB by Golfmont (the rights specific to architectural standards, restrictions, and maintenance issues). These committees are

made up of Domaine owners, including professional consultants (architects) if necessary. The members of the CCA are appointed by the members of the APDB council.

1.3 Benefit of Architectural Standards

A well-designed and well-administered system of architectural quality principles will produce substantial economic and aesthetic benefits for the entire community. Instead of becoming a burden on residents, architectural quality controls will improve our quality of life and make our community even more attractive.

The key to success in establishing architectural quality standards, maintenance guidelines and restrictions is to put in place reasonable standards that have the support of the entire community to enforce them fairly and equitably.

2 Domaine Balmoral Homeowners Association and the Municipality of Morin-Heights – Relationship

2.1 Agreement between the Municipality and the APDB

No construction should be started before having obtained all permits from the Municipality as well as prior acceptance from the APDB and Golfmont. Any new application for a building permit will be submitted to the APDB and the Municipality must inform the applicant that the application must obtain approval from the APDB before being able to issue the building permit. **Let us also remember that deforestation of land requires obtaining a permit for this purpose.**

2.2 Construction Permit – Approval Process

The applicant for a building permit must contact the architectural consultant appointed by the APDB. The name of the consultant will be provided by the offices of the Municipality of Morin-Heights. Documents will be reviewed within 5 business days of request.

Any substantial modification or addition to an existing property must also obtain approval from the APDB before beginning construction.

2.3 Means of Control

Pursuant to and in compliance with the articles of constitution issued on July 9, 1996, the members of the Board of Directors of the APDB, representing resident members and acting in the best interests of its members, have duly and legally adopted changes to the standards Architectural Quality and Community Building Guide.

The APDB's declarations, clauses, conditions, restrictions and architectural quality standards entitle it to enforce remedies for violations of its clauses, including violations of

architectural quality standards, restrictions and maintenance standards, detailed in this document. Enforcement procedures will include placing liens on the property and taking legal action against owners in violation of these regulations. APDB Board members can and will take legal measures to ensure compliance with the rules, however, legal measures will be applied as a last resort. We must hope that differences in architectural quality, restrictions and maintenance issues will be resolved satisfactorily without resorting to costly legal action.

The goal is to ensure that all owners are aware of architectural quality standards, restrictions and maintenance responsibilities, so as to minimize confusion and contravention of standards, and to maximize compliance and understanding. It should be noted that the standards of architectural quality, maintenance and restrictions are currently recorded in legal title as an easement of Golfmont, as specified in a deed of easement, minute number 280388, dated September 16, 1996, a legal right encumbering your property, (see appendix – minute easement number 280388), applicable to the owner of Domaine Balmoral.

3 “Neighbour– Partner” - Restrictions and Guidelines

Most issues relating to specific restrictions are those mandated and enforced by the Municipality (Municipal By-Laws) and are those supported in this document. The additional guidelines are those issued by the APDB in agreement with the members of the board and are incorporated in this document. **The APDB is of the opinion that compliance with community regulations as well as the directives set out in the Construction Guide is much better. Let's be proud of our community!!**

3.1 *Members and Dues*

1. The municipality provides its services to all properties (road, snow removal, etc.). Therefore, contributions apply to each parcel of land.
2. The board of directors of the Association establishes the amount of annual and special membership contributions. **The rate is set at \$150 per residence and/or land if the contribution is paid before January 1, \$200 after December 31 to March 31, and \$300 April 1 onward. Dues that remain unpaid will be sent to a collection agency.**
3. These regulations bind all owners of Domaine Balmoral.

3.2 *Visual and Noise Pollution: Owner Obligations*

1. The Association and Golfmont no longer tolerate the use of real estate signs as a method of sale. The proliferation of “For Sale” signs in the Estate has a negative influence on the value of the property. Alternatives to the sign in front of the house, such as access to the Association's website or social networks are suggested. A tab on the Domaine Balmoral website will be

available for this purpose.

2. No motorized mobile home, trailer, snowmobile, watercraft, all-terrain vehicle, boat, or tent may be installed or arranged on a property. The presence of a motorhome can be tolerated for a maximum period of 72 hours. The Municipality and the APDB will apply the regulations strictly. Snowmobile and recreational vehicle traffic on the Balmoral grounds and on its streets is prohibited.
3. Mowing lawns and the use of mechanical or electric clearing tools such as chainsaws, chippers and blowers are prohibited on Saturday afternoons, Sundays and public holidays. For any emergency that requires the use of such tools, please notify the APDB as well as your neighbors of the nature of the work.
4. The use of exterior loudspeakers is prohibited at all times unless a permit has been previously issued by the municipality (municipal by-law).
5. Clotheslines are prohibited and for the installation of a satellite dish, the owner must have obtained written consent from the APDB.
6. "Tempo" style car shelters are prohibited, i.e. plastic or metal structures used during the winter
7. Above-ground swimming pools are prohibited. Fences surrounding the pool must be transparent.
8. Winter protection for trees and shrubs must be discreet. The use of invisible or green mesh nets is recommended while light or fluorescent colors should be avoided.
9. Additions to homes such as sheds require approval from the APDB before construction begins. Additions must be harmonized with the property in terms of color and construction style.
10. If you have a complaint, please communicate via the internet at the APDB address (info@ledomainebalmoral.com) and please address it to one of the members of the committee.

3.3 Vehicle Traffic

1. The maximum speed on the roads of Domaine Balmoral is 40 kilometers per hour. (Municipal by-law).
2. Parking of motor vehicles on the roads of Domaine Balmoral is prohibited in all. (Municipal by-law).

3.4 Domestic Animals

1. It is prohibited to allow a dog to roam within the estate and on the private land of other owners. No pets are allowed on the golf club grounds.
2. It is mandatory to collect dog excrement everywhere on the Domaine and place the bag of excrement in your waste bin.
3. It is prohibited to allow a dog to bark in such a way as to disturb the peace and quiet of other owners.

3.5 Environment

4. Tree Cutting
 - a. Tree cutting is subject to strict application of municipal by-laws. The cutting of trees is only permitted on the condition that these trees are cut selectively, with regard to maintaining the natural appearance of the region and after obtaining a permit issued by the Municipality after the visit of a municipal inspector. Tree cutting must comply with municipal laws and regulations as well as limitations in place in property titles. (Municipal by-law)
 - b. Land adjacent to the golf course: the limitations specified in the property titles require a margin of 50 ft (15.24 m). Any cutting of trees within this margin is prohibited. These regulations will be strictly applied and cut trees must be replaced at the owner's expense.
5. Cords of wood and residue must be hidden from view. Stacking of firewood should be done in a suitable shelter.
6. It is strongly recommended to have chimneys swept at least every two years.
7. Outdoor fires require a permit issued by the Municipality. (Municipal by-law).
8. Waste, garbage or scrap of any kind must under no circumstances be thrown away or left on the side of the path or in any other place on Domaine Balmoral. Garbage and residual materials must be placed in sturdy plastic bins provided by the Municipality. Except on the same day or evening before collection, the bins must be stored in a place not visible from the public highway or in a structure reserved exclusively for the storage of bins. Removing bins from the street constitutes a security issue and demonstrates that someone occupies the residence.

3.6 Maintenance and Miscellaneous

1. Road repairs.
 - a. Road repairs – new roads have been and will be built on Domaine Balmoral. If there is damage to roads caused by a contractor (development or construction work) hired by a resident for work on their property, the resident will be responsible for the costs of repairing the road. It is important to inform the contractor in advance
 - b. The owner will be invoiced directly by the Municipality or the owner will provide the Municipality with detailed information on the contractor (Name of the contractor's company, address, telephone number, contact name with written report providing as much information as possible). If the Municipality approves the report, it will send the invoice directly to the contractor. It is strongly recommended that when heavy equipment is used, that it be placed on the property whenever possible. The cost of road repairs can be very high.
2. All lawns must be maintained regularly and have a good appearance, including the curb and the ditch facing each person's property.
3. Owners must prevent the growth of noxious weeds (ragweed, etc.) and weeds.
4. Owners whose water is supplied by the Municipality must respect the annual restrictions decreed by the Municipality. Properties with wells are not subject to this regulation. (Municipal by-law).
5. Cleaning of septic tanks – if applicable.
 - a. **Mandatory periodic cleaning - Mandated by the Municipality**
 - b. **For permanent residents: every 2 years. For seasonal residents (180 days per year or less): every 4 years.**
 - c. **The receipt must be sent to the Municipality. Most cleaning companies send the receipt automatically to the city planning department, but if they don't, you must send it to the municipality. Check with your cleaning company.**
 - d. Vacant lots – fallen trees and debris constitute a fire hazard and must be removed from vacant lots, especially trees visible from the public road. In the event of non-compliance, please notify the APDB of this situation who will contact the owner. The owner of the vacant land must maintain the portion of the land adjacent to the street.
6. Owners are required to display the civic address of their property so that it is visible

from the street, on both sides, in order to facilitate the work of the police, fire department and ambulance crews. (Municipal by-law).

In accordance with and in compliance with the articles of constitution issued on July 9, 1996, the members of the Board of Directors of the Association of Owners of Balmoral Estate, representing member residents and acting in the best interests of its members, have duly and legally enacted changes to the Architectural Quality Standards, and Community Building Guide. These regulations were approved by the members of the Council on January 18, 2014. The new modifications were approved at the Annual Meeting held in July 2020.

In the name of the committee members of the Domaine Balmoral Homeowners' Association,

Michel Castonguay
President, APDB