

By-Law No. 1
Brandosa Beach Association

Article I - Name

This organization shall be known as Brandosa Beach Association, and shall hereinafter be referred to as "The Association".

Article II - Objects

The objects of the Association shall be as follows:

- (1) To carry on without pecuniary gain objects of a national, charitable, social, sporting character or the like.
- (2) To develop for the benefit of members a seasonal cottage and recreation area, to own and develop property for its members' use for seasonal cottages, not to be used or occupied as a permanent residence. Such operation and development shall be done without the intention of making any profit for the association or any member therein. Any monies on hand shall, apart from monies required for current operations, be spent on improvements. The accumulation of monies is to be used for the purchase of further assets.
- (3) Only the President or designated executive may approach the Town of Minnedosa, or Provincial official, regarding any business concerning Brandosa Beach Association.
- (4) Any repairs and expenses to Brandosa Beach property or equipment must be approved by a majority of the Brandosa Beach Executive or at the direction of the executive. Anyone incurring a debt without approval of the executive will be liable for payment of same.

Article III - Head Office

The Head Office of the Association shall be at the City of Brandon, in the Province of Manitoba.

Article IV - Seal

The Association shall have a seal, an imprint whereof is shown in the margin. The seal shall remain in the custody of the secretary of the Association and shall only be used on the authority of the Directors of the Association and in the presence of the President, Vice President or Secretary who shall sign each instrument to which this seal is affixed.

Article V - Membership

- (1) Membership in the Association shall be open to any person obtaining from the Association a lease of property as a cottage building site.
- (2) There shall be no fixed annual membership fee but a member shall be subject to pay his share of taxes and such annual membership fee or assessment as shall be determined and levied by the Directors

for improvements and developments for the benefit of the members at large. Any assessment made by the directors may be levied against the members in direct proportion to the frontage of the property being leased by the member.

(3) No person shall be entitled to lease a cottage building site from the association unless he is a member of the Association.

(4) A person's membership in the Association may be assigned to any other person provided only that all assessments levied up to the date of such assignment have been fully paid and the provisions of the Association's By-laws are complied with.

(5) A member shall remain in good standing provided his annual assessment of taxes and improvements is paid by September 15th of each year in the amount of the assessment given to him by the Association.

(6) As per a Motion passed at the May 27, 2021 Annual General Meeting:

A \$500.00 (five hundred dollar) penalty will be assessed for late payments after October 1st, in any year with a further 2% per month surcharge after the 15th of each month, for all late payments. If taxes and fees remain unpaid by the next general meeting the Executive shall cause a vote of the membership, at the aforesaid annual general meeting, to determine if the member's lease will be terminated.

(7) Any member issuing a NSF cheque or stopping payment will be liable for charges and will pay all costs. If payment and penalties are not received within 3 months of due date, the delinquent file will be turned over to a collection agency.

Article VI - Meetings

(1) An annual meeting of all members shall be held prior to the first day of June each year, and such other special meetings as the directors may call, or twenty-five percent of the members may request, at any time with 14 days notice to the Board of Directors such notice to be in writing presented to the President.

(2) At all annual, general or special meetings each member shall be entitled to one vote and may be given in person or by proxy to vote at any meeting provided the member has paid all assessments due to the Association. Only one vote per cottage lease is permitted.

(3) A quorum of 25% of the membership shall be required for the transaction of business at either the annual, general or special meeting. However, whereas a simple majority may pass any motion at the annual meeting, no motion shall be passed at a special meeting unless at least two-thirds of those present vote in favour of the motion. Notice must be given in writing to the president at least 21 days prior to any meeting for a motion that is to be moved calling for an expenditure in excess of \$3,000.00.

Article VII - Directors

At each annual meeting of the Association three directors shall be elected for a two year term, one from each row.

(1) The Directors shall, following their election in each year, elect from among themselves a President, Vice-President, Secretary and Treasurer, the duties of such officers to be as follows:

President: The President shall be the chief executive officer of the Association and at all meetings of the Association and at all meetings of the Directors. He shall have the general and active management of the business and affairs of the Association. He shall be an ex-officio member of all standing and special committees. He shall see that all orders and resolutions of the Directors or of the Association are carried into effect. He shall have general superintendence and direction of all other officers of the Association and shall see that their duties are properly performed.

Vice President: It shall be the duty of the Vice-President to assist the President in the discharge of his duties and to officiate in his absence.

Secretary: The Secretary shall issue notices for all meetings of the Directors or Association. He shall have charge of the minute books of the company and the roll of membership. He shall sign with the President or other signing officer or officers of the Association such instruments that require his signature and shall perform such other duties as the terms of his engagement require or the Directors may from time to time properly require of him. He shall act as Secretary of all meetings of the Directors of the Association and shall prepare and keep a written account of the proceedings of such meetings. The Secretary shall mail out to the members the minutes of all annual or special meeting within 45 days of each meeting.

Treasurer: The Treasurer shall keep all the accounts of the Association and shall collect and receive all membership fees. He shall receive all other monies payable to the Association and shall keep a full and complete system of accounts showing all monies received and expended by the Association and allotted to the various accounts of the Association. He shall, with the President or such other officer that may be designated, sign all proper cheques, drafts and other orders for the payment of monies on behalf of the Association.

(2) Four members of the Directors shall constitute a quorum for the transaction of the business.

(3) Any Director or Directors may be removed from office and another appointed in his or their stead by resolution passed by at least three-fourths of the votes cast at a special general meeting of the members of the company called for that purpose.

Article VIII - Duties of Directors

(1) The management of the business of the Association shall be vested in the Directors and the Directors may exercise all such powers and do all such acts and things that may be exercised or done by the Association in general meeting.

(2) In particular, and by way of explanation, and without in any way prejudicing the general powers confirmed by the last preceding section and the other powers confirmed by these by-laws, the Directors are hereby expressly empowered:

(i) To pay the costs, charges and expenses, preliminary and incidental to the promotion, formation, establishment and registration of this Association.

(ii) To purchase or otherwise acquire for the Association any property rights or privileges which the Association is authorized to acquire at such price and generally on such terms and conditions as they, the Directors, shall think fit.

(iii) To invest and deal with any of the monies of the Association not immediately required for the purposes thereof in such manner as may be authorized by the Trustee Act.

(iv) To enter into all such negotiations and contracts and rescind and vary all such contracts and execute and do all such acts, deeds and things in the name of and on behalf of the Association as they may consider expedient for or in relation to any of the matters aforesaid or otherwise for the purpose of the Association,

(v) To entrust to and confer upon the officers such of the powers exercisable under these presents by the Directors as they may think fit, and may confer such other powers for such time and to be exercised for such objects and purposes and upon such terms and conditions and with such restrictions they think fit.

(vi) To pay taxes on the Association property and assess and collect from members such taxes and other amounts as may be authorized by resolution passed at any annual, general or special meeting, for general improvements for the benefit of all members.

(vii) The Directors may, in any and all years, expend monies for the purposes of the Association in the annual amount of \$3,000.00 without the approval of the Association but any expenditure in excess of this total must be approved by a resolution passed at the annual or at a general or special meeting of the Association.

(viii) The Directors shall have the right to employ any person or persons on a full time or part time basis to do work for the benefit of the Association as may from time to time be required.

Article IX - Finance

(1) The Bank of the Association shall be the TD Canada Trust Bank at Brandon, Manitoba or such other bank as the Directors may from time to time select.

(2) Capital Account - A Capital account shall be established into which shall be deposited all monies received from the memberships, leases of property, annual assessments or taxes or improvements and from any other project that may result in profits or monies receivable by the Association.

(3) Reserve Account - A Reserve account may be established for the purpose of accumulating funds for improvements and developments to the property of the Association. Any profits on hand at the end of each year may be transferred from the capital to the reserve account.

Article X - Borrowing Powers

(1) The Directors of the Association are hereby authorized and empowered to borrow monies from time to time required for the purposes of the Association from the bank of the Association or from any other chartered bank or from any individual, individuals or corporation, upon the credit of the Association,

upon motion stating the purpose from which the loan is required and the amount of the proposed loan.

(2) The Directors may authorize the issuance and execution by the proper officers of the Association, of any promissory notes or other negotiable paper, any securities by way of mortgage, hypothecation or pledge covering all or any of the property and assets of the Association as security for indebtedness, or any other assurances that may be necessary to bind the Association and when necessary the Seal of the Association shall be affixed thereto, provided same are properly authorized at the annual general meeting or a special meeting called for that purpose.

(3) Nothing herein contained shall be construed as authorizing the pledging of the personal credit of any member or members of the Association.

Article XI - Committees

The President with the approval of the Executive may appoint such committees as may from time to time be required for the purposes or in connection with business of the Association.

Article XII - Remuneration

No member of the Association shall be entitled to be paid for the services performed by him on behalf of the Association, however, he shall be entitled to be paid his actual traveling or other expenses incurred while engaged on the business of the Association.

Article XIII - Amendment

The by-laws of the Association may be made, repealed or amended at the annual meeting of the Association or at any special meeting called for this purpose by a two-thirds vote of the members present provided that written notice of the intended amendment has been given to all members in good standing at least fourteen days prior to the meeting at which the amendment is to be considered.

I certify the foregoing to be a true and correct copy of By-Law No. 1 Brandosa Beach Association passed by the Directors and the members of the said Association at the general meeting held the 17th day of May A.D. 2009.

SUPPLEMENTARY BY-LAWS

Brandosa Beach Association

By virtue of a general meeting of the Brandosa Beach Association held in the Town of Minnedosa, in the Province of Manitoba on the 17th day of May, 2009, the following By-Laws were added to the general by-laws of the Association.

Article XVIII - Addition and Renovations

No member of the Association shall increase the exterior dimensions of any fixture or building located on Association property without first obtaining written consent from the Association's President and Secretary and without restricting the generality of the foregoing, no member shall be allowed to

construct a new cottage, add to an existing cottage, build a shed, garage, fence, T.V. satellite antenna, in-ground pool or an above-ground pool greater than one foot in depth, without first obtaining the aforementioned written consent and complying with the current municipal requirements. Building location certificates are for satisfying local municipal building requirement only and are not meant to convey proprietary rights to Association lease holders.

Article XXIV - Permanent Residence

No member will be allowed to assign his lease from the Association and the Association will not consent to such an Assignment without first obtaining and providing to the Secretary of the Association a signed acknowledgment by the proposed new member of the Association indicating that the new member is aware that the use of the Association property is to be for seasonal use only and specifically is not to be used as an ordinary place of residence for more than 185 days in one calendar year.

Article XX - Leaseholders & Associate Members Responsibilities

(1) All leaseholders and guests are to observe a "quiet time" beginning at 11:00p.m. through to 7:00 a.m. as per Town of Minnedosa By-law #2493. Loud voices, electronics, music, fireworks and noise makers of all kind are prohibited after 11:00p.m.

(i) A complaint can be made by a member in writing within 14 days of the occurrence to the President of the Association.

(ii) If the complaint is judged valid by the executive, the Secretary will immediately issue a letter warning the leaseholder about the complaint.

(iii) If a second complaint about the same leaseholder in the same season is judged valid by the Executive, the Secretary will notify the leaseholder of a compulsory \$100.00 fine which will be added to the taxes of the leaseholder for the current year's amount.

(iv) If a further complaint about the same leaseholder in the same season is judged valid by the Executive, the Executive will meet with the leaseholder to discuss further disciplinary action in addition to an automatic \$200.00 fine.

(2) All activities supported by the Association require that the organizing committees provide detailed income and expense statement to the treasurer within 14 days of the event.

(3) Trailers, motor homes, and campers, used by guests or members of the Association will be limited to a maximum of 14 days on any lot. Extensions may be granted in the discretion of the executive on written request from leaseholders.

(4) Environmental Issues - As per Motion passed at the May 20, 2007 Annual General Meeting Any cottages sold as of January 1, 2008 must conform to current local and provincial regulations regarding the disposal and storage of waste water.

A copy of the registration certificate must also be provided to Brandosa Beach and all Cottage Owners are requested to provide a copy of their registration for the waste water tanks they currently use.

And for further clarification, an amendment to the previous motion was passed at the 2011 Annual General Meeting stating that: Effective the 2011 AGM sewage holding tanks shall meet provincial code any time that a Brandosa cottage changes ownership.

(5) Responsibility of Lease Holder Members Regarding Dogs and Cats (Town of Minnedosa)

No lease holder shall:

(i) Permit his dog or cat to run at large. When a dog or cat is found running at large, its owner shall be deemed to have failed or refused to comply with this subsection.

(ii) Permit his dog to bark or howl in any other way that unduly disturbs the quiet of any person or persons anywhere on Association property.

(iii) Permit his dog or cat to defecate on any property other than the property of its owner. Where a dog or cat defecates on property other than the property of its owner, the owner shall cause such excrement to be removed forthwith.

(iv) Permit his dog or cat to defecate on his property in a manner which constitutes an environmental or health concern for neighbors.

(v) Permit his dog or cat to damage public property or private property other than that of the owner. Where public or private property has been damaged by a dog or cat, its owner shall be deemed to have failed or refused to comply with this subsection.

(vi) Permit his dog to pursue, bite, wound or worry any person or animal, whether or not on the property of the owner.

(vii) Permit his dog on any playground or beach.

(viii) Permit his dog on public property (including parkland areas) unless the dog is on a leash (which leash shall be no longer than ten (10) feet in length, fully extended) and the dog is in the actual custody and effective control of the owner of a person competent to control it.

(ix) Permit his dog or cat to upset waste receptacles or otherwise litter.