

# Broadmead Covenants

## A Closer Look

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## President's Message

I am always amazed that residents are surprised to find out their property comes with restrictions. Your lawyer and/or realtor should have provided you with a copy of your property's Covenants at the time you purchased your home. Even if neither your lawyer nor realtor mentioned the restrictions, they are listed on the title of your property, which is now registered in your name and for which you are responsible. The Covenants are the legally binding documents that outline the list of restrictions that are a part of the building scheme that applies to approximately 2,000 homes in our community.

The Broadmead Covenants are not new, and they have been written about for years, for more than 25 years to be more specific. They were placed on the properties by Broadmead Farms when the area was developed for housing. The intention was, and still is, to keep Broadmead as a special place. It is a beautiful area where properties are well maintained; streets are not cluttered with cars; boats, trailers and commercial vehicles do not line our driveways; fencing is invisible or discreet; and landscaping respects neighbours. With your help, we can keep it this way.

The Broadmead Area Residents' Association (BARA) is a volunteer group of community members elected by the residents to assist in managing these Covenants. BARA did not make the rules and did not invent the covenants. The Board is made up of 14 individuals who believe that people living in Broadmead do so because of its look, atmosphere, and lifestyle.

Managing the Covenants is a shared responsibility between the residents and BARA. If you have questions about the rights or restrictions of the area, please contact us. If we have questions about your property, you can expect to hear from us. Communication is key and is an investment in the future of Broadmead.



**Jim Griffith**

## Legal Ease - Covenants and Building Schemes

The Broadmead area was subdivided over a period of approximately 40 years by principally Broadmead Farms Ltd and a small number of other developers. They wished to maintain and preserve the unique character and appearance of Broadmead for the future. To accomplish this goal, the developers registered restrictive covenants or building schemes (the Covenants) against the title to almost all of the subdivided Broadmead lots. The Covenants therefore 'run with the land' and are enforceable against both current and future owners of each lot.

These Covenants vary slightly between subdivisions but all contain negative provisions that restrict the use of each lot to single family use, prohibitions against illegal suites or the use of the property for commercial use. In addition, most covenants or building schemes have restrictions governing the appearance of the property including parking and vehicle/boat/trailer storage, tree cutting, the unsightly or untidy condition of the property and restrictions relating to the display of signs including 'for sale' signs. The BARA website has a more detailed and helpful description of the standard covenant provisions.

The Municipality of Saanich has authority to regulate and enforce the municipal bylaws that apply to the Broadmead area. These include the restricted use of a residence to single family use only, the municipal noise bylaws, and the tree preservation provisions.

Most owners will have received a copy of the applicable covenants as part of the conveyancing process when they purchased their property. If the copy of that covenant has disappeared into one's filing system, a copy of the covenant for any specific Broadmead lot may be obtained by searching the title for that lot at the Land Titles Office, 110 - 1321 Blanshard Street, Victoria BC, V8W 9J3, and requesting a copy of that registered covenant or building scheme. These documents are part of the public record. BARA is currently preparing a readily accessible directory of property addresses and the applicable restrictive covenant or building scheme.

The Broadmead Area Residents' Association is the successor authority responsible for the management of the covenants in Broadmead. If a dispute cannot be resolved by agreement, then BARA would engage in a process to determine the most feasible way to work as the agent of the dominant tenement owner (the resident and BARA member entitled to enforce compliance) to achieve compliance and if necessary, seek to achieve compliance as the dominant tenement owner's agent against a non-compliant resident.

That ultimately might include an application to the Supreme Court of British Columbia for an injunction or other relief and costs against the non-compliant resident. To date, it has not been necessary to resort to legal action to achieve compliance in Broadmead.

BARA recommends that each owner involved in a compliance dispute seek legal counsel to ensure that the owner's individual rights are correctly understood and protected.

**Bob Isbister**

## What's Your Sign?

Under Land Use and Signage, we have a valuable covenant regarding any display of advertising in Broadmead. One doesn't have to go far beyond our area to realize how important this is in retaining the appeal of our neighbourhood.

Other than in the case of elections, garage sales, and open house events which are temporary, any commercial signage is illegal. Realtors are required to use our signage and we have had their cooperation in this regard. Contractors and various trades are allowed to display their business signs while working on a property but must remove any advertising when the job is completed. Residents cannot park vehicles displaying advertising outside.

While home security is an important issue, displaying a monitoring service's sign is technically advertising, and we would request it be on a window or near a door rather than out in the front yard.

Respecting this and all the covenants will ensure that Broadmead remains a special and desirable area to live.

**Nancy Craig**

## Secondary Suites Not Allowed

The Covenants on the properties throughout Broadmead are clear that no building shall be used for any purpose other than as a single family residence. That is, secondary suites for the purposes of rental income are not allowed. As well, the Covenants state that no lot shall have erected upon it more than one dwelling for one family or household.

As with the other Covenants on Broadmead properties, the intent is to preserve the fundamentally single-family dwelling character of neighbourhoods in Broadmead. For residents wanting to enjoy the tranquil and 'close to nature' aspects of our community, these Covenant provisions serve the function of limiting excess street parking, traffic congestion, and noise.

It is not just the Covenants that are violated when a resident constructs a secondary suite and then rents it out. Such suites violate Saanich bylaws. The Broadmead area is zoned for single family residences, with the exception of strata properties. The recently approved policy on legal suites in the area of Saanich north of MacKenzie does not change this, because Broadmead has been specifically excluded from this change (as have lands within the Agricultural Land Reserve). So residents, with the assistance of BARA, can not only pursue actions in civil court if their neighbours violate covenants, but they can also approach the municipality to enforce its bylaws and to stop the use of illegal suites. Anyone with a concern about a secondary suite is encouraged to contact BARA.

It is important that realtors advise their clients about the Covenants on the properties in the Broadmead area, including the provisions about secondary suites. If your real estate agent is unclear about any details of the Covenants, BARA would

## (Some) Parking Allowed

Of the many issues that generate complaints in Broadmead, parking is probably the most frequent one. Most homes in Broadmead have covenants attached to them specifying the number and type of vehicles that can be parked in the driveway. Most properties in Broadmead are limited by the Covenants to having three cars visibly parked. One aspect of the overall appearance of the neighbourhood depends on adherence to these specific covenants.

Street parking is becoming a big problem. For the most part, Broadmead does not have sidewalks, and street parking forces people and children on bikes to go around vehicles, exposing them to other traffic. The vision of the original developers was to have clean, clutter-free streets that should only be used as parking for temporary visitors to your home. Some homes often have numerous vehicles regularly parked along our streets, much to the annoyance of other residents. This practice also changes our streetscape and radically diminishes the natural beauty of the Broadmead environment.

Parking of boats, trailers, campers, and trucks with campers attached should be screened from street view as specified in the Covenants. It is acceptable to park recreational vehicles such as these for a short period of time to prepare them for use early in the season or after returning from vacation to clean and deposit your vacation items; however, they should be returned to storage as soon as possible.

Vehicles are an important part of our lives and may be essential for transportation to shopping and work. These vehicles can also be a problem for the esthetics and safety of our neighbourhood. We encourage homeowners to follow the Covenant guidelines and to refrain from street parking.

**Paul Stringer**



## Members Only

The Broadmead Area Residents' Association (BARA) recently received a legal opinion which states that, in order to act on behalf of a resident regarding a possible covenant violation, the resident making the complaint must be a member of BARA. This allows BARA to act as a legal 'agent' on behalf of the complainant.

Membership does not automatically come with residency in Broadmead. It is just \$15.00 each year. In addition to being an essential part of managing the Covenants on the properties in Broadmead, membership fees support the other projects of BARA. These include the delivery of a Welcome Package to each new resident, the production and distribution of the Bugle, the organization of an all-candidates meeting prior to an election, and the organization of the very successful Community Day. BARA also communicates routinely with Saanich staff and councillors about issues which affect all Broadmead residents.

Please consider a membership in BARA to support the volunteers who work to maintain Broadmead in a way which benefits everyone!

**Lorie Bradley**

## Ask Before You Alter

Broadmead was a visionary project from the beginning—unique residences on good-sized, varying lots in harmony with a stunning natural environment, preserved to the degree possible in its original state. And the planners had the foresight to institute restrictive covenants so that our landscape would remain the star of the show and our residences the supporting cast. That is our legacy.

So it is no accident that the first, and longest, covenant deals with permanent and semi-permanent changes to our properties, all of which must be reviewed and approved by BARA. Encompassed within that covenant are additions to the main structure as well as external accessory structures, elevation changes, landscaping projects, fences (discouraged), screening, gates, roofs, and exterior colour changes. Depending on the nature and scope of changes, plans may have to be provided. Any addition, renovation, or alteration falling within the definitions in the covenants that require approval by the Municipality of Saanich must first be approved by BARA. The goal is to maintain the required complementary balance of your private residence with adjacent properties, the area as a whole and, most important, our natural landscape. BARA provides the neighbourly second pair of eyes.

When contemplating a change to your home, read your Covenants first. They provide the framework for what's permissible. Next, go to [broadmead.ca](http://broadmead.ca), an excellent resource for non-legalese information and recommendations. And feel free to email BARA at [info@broadmead.ca](mailto:info@broadmead.ca) with questions you may have. Once you've firmed up your plan, we will promptly arrange a review. It is always best to include us early in the process, to avoid delays, changes—and neighbours' complaints to BARA! Together we can keep that original Broadmead vision alive.

**Sophie Siebert**

## Remember When

Before there was ever a Broadmead Area Residents' Association (BARA) or even the Broadmead Covenant Enforcement Society (BCES), there was the Broadmead Ratepayers' Association. We recently acquired a scrapbook about the Ratepayers' Association for the BARA archives, and the early years were especially interesting. In 1977, the association had 15 board members and five working committees including Community Planning and Development, Public Works, Education, Recreation, and Membership. It seems that growth and development were on everyone's mind, provincially and municipally. The provincial government was in the process of implanting development permits. Up until then, development had been managed through land-use contracts.

Land use issues and conflicts occupied space in the newspapers and on the agenda for the Broadmead Ratepayers' Association. The municipality, including Mayor Ed Lum and planner Gil Laursen, was considering proposals for two major regional shopping centres, that would eventually become Broadmead Village and Tillicum Centre. It was clear to most everyone that, at that time, there was capacity for only one mall, and the race was on. The Broadmead proposal had already been in the works for about 12 years when the Tillicum proposal was brought forward in 1977. According to the newspapers, Broadmead residents were concerned about traffic volume and a possible drop in their property values if the Broadmead development was approved. The Broadmead Ratepayers' Association, in conjunction with several other community associations, worked long and hard on addressing the development issue, first on creating an open and transparent dialogue with the municipality and then getting the plans halted for at least 75 days while furthering information was collected and shared. Well, that moratorium lasted a lot longer. After much 'to and fro', the plan for the Broadmead Shopping Centre was finally approved and eventually completed in 1990.

**Kathleen Bellamano**



## **BARA BOARD OF DIRECTORS**

Jim Griffith, President  
Doug Baer, Vice-President  
Lorie Bradley, Secretary  
Neil MacLean, Treasurer  
Kathleen Bellamano, Past President  
Nancy Craig, Director  
Julian Dunster, Director  
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Robert Hehn, Director  
Bob Isbister, Director  
Sulo Saravanabawan, Director  
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Paul Stringer, Director  
Chin Yuen, Director

## **OTHER VOLUNTEERS**

Membership List: Gayle MacLean  
Community Day: Sulo Saravanabawan

### Bugle Production & Distribution:

Managing Editor: Jim Griffith  
Editor: Christine Block  
Layout: Bruce More  
Ads: Neil MacLean  
Distribution: Barb Lawton,  
Glen MacDonald, Nancy Craig,  
and 50+ carriers

## **Meet Your New BARA Board Members**

### **Bob Isbister**

Born and raised in Toronto, Bob worked for a mining exploration company at the age of 18 in the Lake Babine area near Smithers and quickly came to love the beauty of this wonderful province. He completed undergraduate and law degrees in Toronto before moving to Calgary to practice in an established law firm and opening his own firm. The call of B.C. brought Bob to Victoria in 1990, where he continued his civil litigation practice as well as taking mediation and dispute resolution training. In 2004, Bob and his wife Penny moved from Oak Bay to Broadmead. They were drawn to Broadmead's beauty, tranquility, and accessibility to both cycling and walking trails, as well as convenient access to Victoria and the Island. They have come to cherish a sense of community and friendship. Bob and Penny appreciate the important role BARA plays in the maintenance of the community through the covenant-compliance process. Bob has volunteered to assist the Covenant Committee with the administration of the covenant and building scheme program. Bob and Penny enjoy cycle touring and walking trips. Their next adventure is to walk the West Highland Way and cycle in the Hebrides and the Orkney islands.



### **Nancy Craig**

Nancy is a native of Victoria. Her grandfather started the Newport Taxi in Oak Bay, which her father took over in the '50s. After attaining her BFA at UVic in 1974, she found her niche in newspapers, lucky to stay in Victoria. She worked for the weekly *Penny Saver*, later becoming the *Victorian*, until it folded in the mid-'70s. Nancy and the production staff went on to work as printers in the Composing Room of the *Victoria Times* and the *Daily Colonist*, where she met her husband Bill Pearce. By 1983, the papers had become one publication and Nancy began a 23-year career in the Advertising Department as a designer/copywriter. Bill and Nancy bought their home on Donwood Drive in 1985. A good neighbour, Bill sadly passed away in 2001. Nancy retired in 2008. After almost 30 years in the neighbourhood, Nancy is pleased to give back and work with the Covenant Management Committee. You may know her as the lady



with two turtles, two Suzuki Hayabusa motorcycles and '90 and '14 Corvettes. She is always happy to talk Vettes and bikes, and don't get her started on the subject of Red Eared Sliders, part of the household since 1998. Would you care to adopt one?

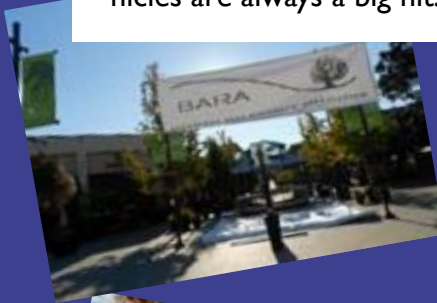


# Broadmead Community Day



The fifth annual Broadmead Community Day was a great success with more than 600 people in attendance. Thanks to the volunteers, local merchants, and the support from our 42 sponsors, it was our best effort yet.

There were 21 exhibits and stations consisting of information booths, games for children, face painting, draw prizes donated by local merchants, and free giveaways. The 'Bouncy Castle' sponsored by Pharmasave and the 'Obstacle Course' sponsored by Marlin Travel were two of the most popular events. The Saanich Police and Fire Department vehicles are always a big hit.



# September 7, 2014



Many positive comments were received from community members about the 'family atmosphere.' Live entertainment was provided by a group of jazz musicians from Reynolds. All food items were free, and more than 600 hot dogs were prepared by our volunteer chef. Thrifty Foods, Romeo's Restaurant, Starbucks, Pharmasave, Baan Thai Restaurant, and Dairy Queen were our food and beverage suppliers.

The tents were provided by Investors Group and Thrifty Foods. As you can see from the pictures, a good time was had by all. Mark your calendar for next year **Sunday, September 13, 2015.**



## Saanich Matters

Fortunately, most residents of Broadmead bought into the area and agreed to the covenants because they appreciated the ambiance created by thoughtful planning in a beautiful natural setting. However, sometimes problems do arise regarding an owner's responsibilities for maintaining their property. When this does occur, the subject of covenants and their enforcement might arise, and it's important to remember that a covenant is between two parties, and enforcement flows from that relationship.

For those of us who have chosen to purchase properties in Broadmead, we agreed to respect the Broadmead covenants. Those covenants are private, and the Municipality of Saanich is not a party and therefore does not play a role in their enforcement. The details of those covenants are discussed in other articles in this edition of the BARA Bugle.

However, there are instances where Saanich has similar or the same bylaws to address items covered by the Broadmead covenants, and in these instances, the Municipality of Saanich does have an enforcement role. Some areas that might fall into this category are unsightly premises, additions that don't meet the setback requirements, or secondary suites. There may be issues that in fact are not captured under either authority, such as certain noise levels that are governed by the Right to Farm legislation.

For cases handled by Saanich, the objective of the bylaw enforcement officer is to achieve compliance after following up on citizen complaints. The types of issues handled and how they are addressed may provide a good topic for a meeting of the BARA executive or membership, and the municipality would be pleased to provide a speaker for such a meeting.

I was reminded in early September just how special our Broadmead community is, when I attended Broadmead Community Day at the shopping centre, and we enjoyed laughter and fellowship in a supportive setting. I want to thank the executive of BARA and all the volunteers who again helped to bring this heart into our neighbourhood.

Susan Brice, Saanich Councillor



## Broadmead Talk

Rumour has it that Thrifty's at Broadmead Village is seeking to increase its footprint. Look for other changes at Broadmead Village.

Saanich has excluded Broadmead and the developments in the area of Praisewood, Faithwood, Donwood, Pheasantwood, and Gracewood from the study area north of MacKenzie Ave. that is being considered for rezoning to allow secondary suites.

Friday night music was a big hit. It will be back next year.

A record crowd (more than 600) attended BARA Community Day on September 7, 2014.

Thanks to Jean Ives, Bill Wong, and Jim Griffith for looking after the Bugle. They have moved on and we will introduce you to the new team next issue.

Interested in joining the BARA board? Contact us at [info@broadmead.ca](mailto:info@broadmead.ca).

Jim Griffith

## Saanich Parks and Recreation

### *Rithet's Bog 2014 Cattail Removal Work Party a Success!*



Residents came out in force for an invasive cattail removal work party on Saturday, September 13, 2014. Volunteers from the Rithet's Bog Conservation Society, Saanich Pulling Together Program, Ducks Unlimited Canada, TREX unit of the Victoria Girl Guides, and the general public worked with Saanich Parks staff to remove invasive cattails from Rithet's Bog.

Approximately 30 volunteers worked tirelessly for five hours in the heat to remove approximately 1,400 square metres of non-native cattails. The invasive and hybrid cattails have been choking out the open water areas of the bog and reducing critical habitat. The removal of the cattails involves cutting the stems to ground level in order for the 'stumps' to be submerged in water over the wet winter months. This essentially drowns out the plants,

preventing re-growth from the root system. Opening up the bog to increased standing water greatly improves the wildlife habitat for numerous species including shorebirds and waterfowl such as sandpipers and teals.

This annual event happens every summer when the water level is at its lowest, to limit disturbance to the bog. Please look for posters in the kiosk or check the Pulling Together webpage at [www.saanich.ca](http://www.saanich.ca) for next year's non-native cattail removal work party. We hope to see you there.

Cory Manton, Manager, Saanich Parks





# Saanich Emergency Program

## Free Emergency Preparedness Presentations

When disaster strikes, your chances of staying safe, healthy, and comfortable are much better if you are prepared. This 90-minute presentation offers the information you need to prepare yourself and your family to survive on your own for up to seven days after any type of disaster. Each household participating in the presentation will receive a free take-home information package to help with emergency planning.

Wednesday, November 19, 2014 – 7-8:30 p.m.  
G.R. Pearkes Recreation Centre, 3100 Tillicum Road  
Register for Course #611704 at 250-475-5400

Tuesday, December 2, 2014 – 7-8:30 p.m.  
Gordon Head Recreation Centre, 4100 Lambrick Way  
Register for Course #613845 at 250-475-7100

*To arrange this free presentation for your Block Watch, church, strata, neighbourhood or other Saanich group, call 250-475-7140 or send an e-mail to [SEP@Saanich.ca](mailto:SEP@Saanich.ca).*

## Land Use Considerations at Rithet's Bog

Rithet's Bog is not subject to Broadmead covenants, but a discussion of land use seems to fall within the spirit of this issue of the Bugle. The area we think of as Rithet's Bog is actually two municipal parks, Rithet's Bog Conservation Area and Shadywood Natural Area Park, which is on the north and northeast edge of Rithet's Bog.

Rithet's Bog Conservation Area is zoned P5 Conservation Zone, which means it is a nature sanctuary, so the first priority at Rithet's Bog is to preserve habitat for native plants and animals. Human use is a secondary consideration that must be compatible with the park's function as a nature sanctuary. However, providing the public with opportunities to experience and appreciate nature are also important functions of this park.

In recognition of Rithet's Bog Conservation Area being a nature sanctuary, the Saanich Animal Control Bylaw states dogs must be kept on the perimeter trail and on a leash while in the park. Our pets are invasive species in a nature sanctuary and must be carefully controlled to minimize their impact on native species. The most obvious concerns are for birds nesting at ground level and in low bushes, but other critters such as mink, muskrats, garter snakes, red legged frogs and pacific tree frogs may also be impacted.

Shadywood is a natural area park meant to provide a more equal balance between ecological and public use considerations.

The Saanich website presents the principles used to manage natural area parks under Parks and Recreation/ Parks/Natural Areas/Parks Natural Areas.

There are several other items regulating land use at Rithet's Bog, but they mostly reinforce the principles set in place by zoning. Rithet's Bog is part of the Agricultural Land Reserve. It is also part of a Saanich Environmental Development Permit Area and contains some Streamside Development Permit Areas. These two requirements ensure that sensitive ecosystems and streamside areas are not degraded by development.

The Rithet's Bog Conservation Society is a registered non-profit society dedicated to the care and stewardship of the Rithet's Bog Conservation Area.



[www.rithetsbog.org](http://www.rithetsbog.org)



## Editor's Corner

We bought our first house in Edmonton in 2005. I still have the picture of us standing outside, insanely proud. It stood two stories with clean white siding and red shutters. Exterior housing colours and styles had been regulated in the neighbourhood, but there were no other covenants in place. The houses were newer and narrow. We parked in our detached garage behind our house, but it wasn't common. Parking on our street was tight, a free-for-all, cars jockeying for position, parking in front of your neighbour's house to keep the space in front of your own home free. Welcome to the neighbourhood!

Excited to host our first Thanksgiving, our family, including my young cousin in university, joined us. Half-an-hour later, someone rapped on our door. Our neighbour was unhappy because my cousin had parked in front of his house. Unhappy was an understatement. Raising his voice, he told her to move her car. She did. He continued to park in front of our house when he wanted. No one was breaking any rules, but we learned early in homeownership the conflicts unspoken expectations can cause.

I'm happy to live in Broadmead now, where the covenants are on title. I feel like we're all in agreement in honouring our environment and our neighbours. My mother would call me a rule follower. When we honour the covenants we agreed on in purchasing our homes, we are respecting our neighbours, saying 'your feelings are as important as mine' and 'we are equal.' We foster the beauty and peace felt in our neighbourhood. When we don't follow the covenants, we say the opposite to our neighbours and environment. This Thanksgiving, the only door-knocking on our street involved our neighbour lending us a steel square and calling my three-year-old son 'her favourite person.' We live in a lovely neighbourhood.

Christine Block

## The Big Shred



Mark your calendar! Volunteers from Broadmead Care along with Island Document Storage and Shredding are hosting The Big Shred on Saturday, February 21, 2015, from 9 a.m. to 1 p.m. The IDSS team will shred your documents in the parking lot of the Lodge at Broadmead, 4579 Chatterton Way. You can watch as volunteers heave your papers into Island Document's giant shredding truck. Shredding is by donation to help the veterans, seniors, and adults with disabilities served by Broadmead Care. Suggested minimum donation is \$8 per box.

# !! MEMBERSHIP RENEWAL TIME - 2015 !!

BARA MEMBERSHIP FORM (January 1—December 31, 2015)

Complete & mail this form with your cheque for \$15.00 payable to BARA, for a 1 year household membership, to: Broadmead Area Residents' Association, Box 53527, Broadmead RPO, Victoria, BC V8X 5K2.

Renewing Member:  New Member:  Cheque:  Cash:

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Address: \_\_\_\_\_

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(Email addresses are protected and not placed on any website)

You may inquire about the status of your membership or update your email address by sending an email to [info@broadmead.ca](mailto:info@broadmead.ca) or by mail to the postal address above.

A Welcome Package with The Broadmead Story will be delivered to new members.



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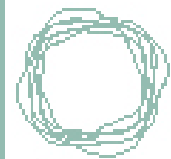


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