



eDAS File #: 2015-02180

Date: Jun/10/2015

Ministry of Environment - Fish & Wildlife  
205 Industrial Road G  
Cranbrook, British Columbia V1C 7G5

Attention: Doug Martin

**Re: Proposed Conventional Subdivision Application for:  
4527 Highway 93/95 Skookumchuk BC  
Lot 1, DL 265, Kootenay District, NEP19694**

Enclosed is a copy of a proposed Strata Subdivision Application regarding the above noted location on Hwy 93 And 95 in Skookumchuk BC.

It would be appreciated if you would examine this application from the viewpoint of your regulations and policies and give us your comments; we are particularly interested in the species at risk (noted in the attached map). Please send your reply to this office, with a copy to the applicant:

Springbrook Management Ltd  
c/o Margaret Jean Henne  
4527 Highway 93/95  
Skookumchuk BC  
V0B 2E0

Phone: (250)422-3563

The applicant has been advised of this referral and might contact you to discuss their proposal. In order to expedite the processing of the application, your agency's response would be appreciated within 30 days, after which we will prepare recommendations for the Approving Officer's decision.

Contact the applicant for any additional information you may require. If you have any questions please feel free to call Christine Nichol at (250) 426-1202.

Please quote file number 2015-02180 when contacting this office.

Yours truly,

Christine Nichol  
Development Approvals Technician (TELP)

Local District Address
Rocky Mountain District 129 10th Avenue S Cranbrook, BC V1C 2N1 Canada Phone: (250) 426-1500 Fax: (250) 426-1523

SPRINGBROOK MANAGEMENT LTD

(Developer)

*FOR*

A SHARED INTEREST IN LAND WITH THE RIGHT TO USE A LOT

*KNOWN AS*

# **“Springbrook Resort”**

March 7, 2007

***Amendment May 18, 2014***

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**THE DISCLOSURE STATEMENT***OF***SPRINGBROOK MANAGEMENT LTD.**

(Developer)

*FOR*

A SHARED INTEREST IN LAND WITH THE RIGHT TO USE A LOT

*KNOWN AS***“Springbrook Resort”**

Date of Disclosure Statement: March 7, 2007

There is no Real Estate Company on Behalf of Developer: The Developer will use its own employees to market the shares. The employees are not licensed under the Real Estate Services Act and are not acting on behalf of a purchaser.

**DISCLAIMER:**

“Neither the Superintendent of Real Estate nor any other authority of the government of British Columbia has in any way passed on the merits of the matters dealt within this Disclosure Statement. This Disclosure Statement will be sent to the Superintendent of Real Estate but he the Superintendent has not determined whether or not it complies with the Real Estate Act.”

**RIGHT OF RESCISSION:**

The purchaser Shares may rescind (cancel) the contract of purchase and sale by serving written notice on the developer or the developer's brokerage, within 7 days after the later of the date the contract was entered into or the date the purchaser received a copy of this Disclosure Statement.

The rescission notice may be served by delivering or sending by registered mail, a signed copy of the notice to: (a) the developer at the address shown in the disclosure statement received by the purchaser. (b) The developer at the address shown in the purchaser's purchase agreement. (c) The developer's brokerage, if any, at the address shown in the disclosure statement received by the purchaser. (d) The developer brokerage, if any, at the address shown in the purchaser's purchase agreement.

## 1. **DEVELOPER**

NAME: Springbrook Management Ltd. (inc# BC0754026)

Is a British Columbia Corporation Incorporated on April 5, 2006

The Developer has a service address of:

4527 Highway 93/95

P.O. Box 99

Skookumchuck, B. C. V0B 2E0

### **DIRECTORS AND OFFICERS OF THE DEVELOPER:**

Name: Margaret Jean Henne

Position: Director and Secretary

Occupation: Businesswoman

Address: 4527 Highway93/95, Skookumchuck, B.C. VOB 2EO

Name: Barney John Timmers

Position: Director and President

Occupation: Businessman

Address: 4527 Highway93/95, Skookumchuck, B. C. VOB 2EO

## 2. **LEGAL DESCRIPTION**

The present fee simple Registered Owner of the said Lands is, Springbrook Management Ltd,

Directors: Barney John Timmers and Margaret Jean Henne, (the "Developer")

The Certificate of Title number XJ000889 is registered at the Nelson Land Title Office and legally described as:

Lot 1, District Lot 265, Kootenay District, Plan NEP19694

Located within the East Kootenay Regional District, of British Columbia.

(hereinafter referred to as the "said Lands").

The property is located in the Cranbrook Assessment Area under Parcel Identifier (PID) 017-704-596

### **3. TYPE OF OWNERSHIP**

Springbrook Resort is a resort located at Skookumchuck, British Columbia. The development as A SHARED INTEREST IN LAND WITH THE RIGHT TO USE A LOT. The basis of a shared interest development is that the developer transfers to purchasers undivided fee simple shares in Springbrook Management Ltd. which grants the exclusive use of a Lot within the Lands pursuant to the terms of a Cabin / RV owners Agreement a copy of which is attached hereto as **Schedule " 4 "** the "Cabin / RV Owner's Agreement".

PLEASE NOTE: A SHARED INTEREST IS NOT A CONDOMINIUM OR STRATA LOT AND IS NOT GOVERNED BY THE STRATA PROPERTY ACT.

PLEASE NOTE: OWNERS ARE NOT ELIGIBLE TO CLAIM A HOME OWNER GRANT IN RESPECT OF THEIR PROPORTIONATE SHARE OF PROPERTY TAXES AND PURCHASERS ARE NOT ELIGIBLE TO QUALIFY FOR AN EXEMPTION UNDER THE PROPERTY TRANSFER TAX ACT PURSUANT TO THE FIRST TIME HOME BUYERS PROGRAM.

### **4. GENERAL DESCRIPTION**

(a) THE DEVELOPMENT is a shared interest development. The development will consist of the forty (40) designated areas shown on **Schedule "2"** (hereinafter individually referred to as a "Lot" and collectively as "Lots"). Each of the 40 areas will be not less that 30' wide and 70' long. Springbrook Management Ltd is the registered owner of the lands described in clause 2 (the Land) and a purchaser will receive shares in Springbrook Management Ltd rather than a registered interest in the Lands as the Lands consist only of one (1) parcel of land and the Lots are all located on the one (1) parcel.

Each Lot shall contain a driveway and grass and connections for power, water, and sewer – all provided by the Developer -- Prior to a completed sale and the occupancy of an individual Lot.

The Developer is responsible to provide the following common facilities and recreational facilities:

Communal Water System - completed

Communal Sewage Disposal System – completed

Internal Roads & Walkways – completion June 15, 2008

Street Lighting – completed

Common Beach Area - completed

(b) Only two hundred (200) shares will be issued as the authorized capital of Springbrook Management Ltd. The shares are all common shares without par value ("shares") The shares will have attached to them the exclusive use of a Lot together with access to and from the Lot over the Lands. The Lots shall be assigned Share Certificates as Set out in **Schedule "3"** the exclusive use of a Lot shall be transferable, but only to the transferee of a share.

(c) All income derived from the sale of Shares shall be for the benefit of the Developer. No other shareholder other than the Developer shall receive dividends or income of any kind.

(d) A purchaser will not be shown as a registered owner of the land in the Land Title Office. A purchaser's legal interest will consist of shares in Springbrook Management Ltd. rather than title to land and will be recorded as a shareholder in the Minute Book of Springbrook Management Ltd. The developer recommends that each purchaser obtain independent legal advice.

(e) The RV Lots are offered for use as recreational summer properties. It is anticipated that the water, sewer and electricity will be available from April to October each year. The Cabin Lots are offered for use as recreational properties. It is anticipated that water, sewer and electricity will be available year round, with limited snow removal in the winter.

(f) Construction on Lots shall be allowed with approval of the Board of Directors of Springbrook Management Ltd and any applicable restrictions set from time to time by the Regional District of East Kootenay. All construction must follow the rules and regulations of Springbrook Resort **Schedule "5"**

(g) All purchasers will be required to enter into the agreement attached as **Schedule "4"** Cabin / RV Owner's Agreement.

(h) Springbrook Management Ltd. has no other assets other than the lands and the utilities and services infrastructure.

(i) Voting rights are one vote per share as set out in **Schedule "3 "**. There will not be more than 200 voting shares, and no more than 200 share holders.

(j) This is not a phased development, all 200 shares are assigned to Lots and the Developer may sell any or all of its shares.



## 5. **LEGAL & FINANCIAL MATTERS**

### (a) ENCUMBRANCES

The following Encumbrances are registered against the said Lands at the Nelson Land Titles Office:

a first Mortgage to the; Kootenay Savings Credit Union (to be discharged on completion of sale of certificate #43, 44, 45, 46, 47, 48 Springbrook Resort Lot # 7)

a Statutory Right of Way in favor of B.C. Hydro;

a Statutory Right of Way in favor of Telus Communications

a Notice of Interest is filed with respect to the property owned by Springbrook Management Ltd. which will limit the right of any contractor, sub contractor, workman or material supplier to file any Builders Liens.

### (b) DEPOSITS AND PURCHASE FUNDS

All monies received from a purchaser shall be held in trust at Smaill Law Office in the manner required by the Real Estate Act until:

(i) the completion date of the sale of the shares

### (c) TURNOVER DATE

As set out in the Cabin / RV Owners Agreement the Developer will manage the development until the earlier of:

(i) The date when the last shared interest is sold by the Developer; OR

(ii) The date at which the Developer determines that sufficient sales have been made and chooses to transfer management responsibility to the Association. (Hereinafter referred to as "Turnover Date")

Thereafter the development will be managed by a Society known as "Springbrook Resort Owners Association"

### (d) LITIGATION

There is no litigation in connection with the Lands.

## 6. DEVELOPMENT CONSISTING OF SHARED INTERESTS:

- (a) An "Owners Association" under the name of "Springbrook Resort Owners
- (b) Association" shall be formed by January 1, 2008 (hereinafter referred to as "the Association"). The Constitution and Bylaws for the Association was completed April 5, 2006 and will be come part of these documents know as Schedule " 9".
- (c) The Developer shall control the Association until the Turnover Date. After that date, the share holders will then have the opportunity to vote on among other things, the annual budget, electing of directors and all other matters affecting the Association.
- (d) All Development costs herein are the responsibility of the Developer, including the cost of all utility servicing to and within the Lands and Lots. No performance bonds, guarantees, or letters of credit have been submitted to any public authority to guarantee the completion of any of the utilities in the development of these Lands.
- (e) Zoning: The Lands are located in the Regional District of East Kootenay. The Zoning By law establishes the Zone of the Lands as Commercial "4".
- (f) Based on a physical examination of these Lands, the Developer is not aware of flooding danger to these Lands. Approval for this Development from the Ministry of Environment is not required in regard to flooding matters.
- (g) The Developer knows of no outstanding Orders on record or file. There are no registrations regarding special waste on the property(s), the property(s) have not been declared a contaminated site. There are no outstanding environmental complaints on file regarding this property. There have been no investigations and/or inspections of the properties by any government agency nor are any planned. There are no orders contemplated with respect to this property."
- (h) MANAGEMENT – The Developer will manage the Association for an annual fee as stated in **Schedule " 7 "**.
- (i) COMMON EXPENSES – The following maintenance items are those typical to Owners. The Association will be required to maintain the following utilities, services and improvements to the Lands. The typical categorized maintenance items, but not limited to the following are as follows:

Management and Administration of the Association,

License, Fees and dues,

Liability Insurance,

Landscape maintenance,

Maintenance of water & sewage system, telephone and electrical system,

Garbage pick up from the on site location of the central garbage bin,

Electricity for the common property,

Internal road maintenance (example winter snow removal for access to the resident lots),

Other matters relating to the use of Lands and facilities by the Cabin-Owners and /or RV Owners

The **Developer will not contribute Annual Maintenance Fees** on any unsold Shared Interests up to the Turnover Date but will pay all costs and expenses of the development and/or Association over and above the amounts contributed by the Owners. Prior to the Turnover Date the Developer shall be at liberty to use and retain the collected fees for the operational expenses of the development and/or Association.

(j) **MAINTENANCE RESERVE FUND** – The yearly operating and maintenance fee budget attached hereto as **Schedule “ 6 ”** has a designated amount of money for ongoing maintenance expense known as the Maintenance Reserve Fund. The typical formula, but not limited to, for calculation purposes is 5% of the annual budget.

(k) **COMMON PROPERTY** – The Common Property is - walkways, paths, roadways, playground and all other areas of the Lands not contained within a designated Lot as set out in **Schedule “ 2 ”** and as Common Property is available for the use of the share holders.

(l) **PROPERTY TAXES** – The Land portion of the property taxes will be paid by the Developer / Springbrook Management Ltd. /and or the Owners Association The improvements (cabin, decks, sheds etc) portion of the property taxes will be paid for by the Cabin/RV owner.

(m) **SERVICES RELATING TO THE DEVELOPMENT.** The Developer pays all costs in connection to the interior services of the development/Lands in full: until the turnover Date

(i) **ACCESS ROAD**

Legal access to the Development connects to the Highway 93/95.

## (ii) INTERNAL SIDEWALKS &amp; ROADWAYS

## (iii) DRINKING WATER SYSTEM

The Developer is the holder of a Permit to Operate a Drinking Water System from the Ministry of Health. This Permit may have an annual upkeep fee. The yearly cost would be covered in the common expenses of the Association.

## (iv) WASTE MANAGEMENT SYSTEM

The Developer has a Permit under the Provisions of the Waste Management Act to discharge effluent to the ground by the Ministry of Environment, Lands and Parks. Each Lot is serviced with a discharge connection for the disposal of effluent waste. These annual costs are covered in the common expenses of the Association.

## (v) ELECTRICITY

Each available site is serviced with underground wiring for service connection to electricity. Each Cabin Lot is provided with a typical electrical connection box, a 100-amp electrical breaker service panel, and an electrical meter, which monitors the electrical consumption, used on each individual Cabin Lot. Each RV Lot is provided with a typical electrical connection box, 30-amp breaker on a common panel.

B.C. Hydro or the Developer or the Association as levied by B.C. Hydro will invoice usual user consumption charges to the user of each individual Lot.

## (vi) TELEPHONE

Each available Site is serviced with underground conduit for a telephone line service connection. Hook up and user charges with a service provider will be the responsibility of the Owner.

## (vii) SATELLITE AND OR CABLE

Hook up and user charges with a service provider will be the responsibility of the Owner.

## (ix) STREET LIGHTING

Some dusk to dawn lighting is provided on the common property.

## (x) GARBAGE COLLECTION



Private garbage collection is available using an on site cage.

(xi) FIRE PROTECTION

There is no organized fire protection system in place.

(xii) POLICE PROTECTION

Is provided by the RCMP who have a detachment at Kimberley, B.C.

(xiii) SCHOOL FACILITIES

The students in the local area attend Kimberley Schools, Rocky Mountain School District.

(n) LOT IMPROVEMENTS

Prior to a completed sale of a Lot the developer will provide the following improvements:

A graded gravel parking pad for a vehicle; and

Landscaping – specifically grass.

The on going maintenance cost of the individual improvements will be the responsibility of the individual owner.

(o) PARKING

Each Lot provides parking for two standard size passenger car or light truck (up to  $\frac{3}{4}$  ton).

(p) CONSTRUCTION AND EQUIPMENT WARRANTIES

Upon the Developer turning over the Lands to the Association, the Developer will not maintain or provide any warranties or guarantees other than those provided by equipment suppliers or sub-contractors.

(q) INSURANCE

The Developer has placed all risk and public liability insurance on the property.

(r) MARKETING AND SIGNAGE

The Developer may, at its discretion, market some of the Shares with the use of a Licensed Real Estate Agent. The Developer is selling and, intends to sell some of the Shares directly to the public and it reserves the right to set up Cabin Display Models together with appropriate accessories, on some of the Lots for such purpose. The Developer will place and keep

marketing signage on the common property for so long as the Developer continues to market any Shares in the Development, such as the Developer or its Real Estate Agents may require.

## **7. RENTAL POLICY**

### **(a) DISCLOSURE BY THE DEVELOPER**

- (i) The Developer, until turnover date, may at its discretion rent out any unsold Lots and will be free to operate without let or hindrance or any duty to account for his profits or gain to the Association or Owners,

### **(b) RENTAL BY A CABIN / RV OWNER**

The Developer prohibits the renting and leasing of a Cabin or RV Lot or a Cabin or RV on a Cabin Lot or RV Lot by the Owner, prior to the Turnover Date, without written permission of the Developer, Springbrook Management Ltd, and or the Owners Association.

## **8. RESALE OF A LOT**

Any Owner selling his or her Shares shall make it a condition of such sale that Springbrook Management Ltd. has first right of purchase at fair market value.

## **9. THE OFFERING**

The Developer intends to offer For Sale, Share Certificates of Springbrook Management Ltd. for Eight Cabin Owner Lots and Twelve RV Owner Lots, but not limited to.

## **DECLARATION**

*The disclosure statement as amended by the foregoing declarations constitute full, true and plain Disclosure of all facts relative to the Development referred to above, whether proposed to be sold, rented or leased, as required by the Real Estate Act of the Province of British Columbia as of March 6, 2007*

## **SPRINGBROOK MANAGEMENT LTD**

By its duly authorized signatories

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Margaret Jean Henne

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Barney John Timmers

MOTI File: 2015 – 02180

Springbrook Management Ltd  
4527 Highway 93/95  
Skookumchuck, BC V0B 2E0

July 17, 2015

Attention: Leslie Elder  
Provincial Approving Officer  
Rocky Mountain District – Cranbrook

Thank you for your letter of July 9th, 2015.

With respect to the proposed subdivision plan / sketch, the plan / sketch has already been forwarded to legal counsel retained by some of the shareholders of Springbrook Management Ltd.. Therefore, we have no issue if you wish to do so.

Enclosed is a copy the Disclosure Statement which was provided to shareholders at the time of the purchase of shares. Springbrook Management Ltd. did not have the benefit of legal advice at the time, and the impetus to subdivide the property arises from a need to regularize the ownership arrangements of the property, separating the portion of land occupied by "recreational shareholders" from the balance of the company's property. It is the intention at this time that once the subdivision process is complete, the portion of land occupied by the recreational shareholders will be transferred to an entity controlled by those shareholders, in exchange for a surrender of their shares in the company.

A minority of the shareholders of the Company, being some, but not all, of the "recreational shareholders", have expressed dissatisfaction with respect to a variety of issues regarding the management of the resort, primarily with respect to maintenance issues, and their rights as shareholders of the company. It is hoped that on subdivision of the property, any outstanding issues with the recreational shareholders will be able to be addressed and resolved to the satisfaction of all parties.

Regards

Margaret Jean Henne

Page 014 to/à Page 015

Withheld pursuant to/removed as

s.14

Page 016

Withheld pursuant to/removed as

DUPLICATE

From: [Elder, Leslie TRAN:EX](#)  
To: [s.22](#)  
Cc: [Nichol, Christine TRAN:EX](#)  
Subject: Springbrook Resort  
Date: Thursday, July 23, 2015 8:31:19 AM

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Good Morning [s.22](#) - I wanted to take a moment to let you know that I am still working through the concerns brought forward in your letter of June 20, 2015. I have requested permission from Springbrook Management Ltd to disclose information related to the subdivision application and am awaiting a response. Please know that I take your concerns seriously and will be providing you with a detailed response as soon as I am able.

Thanks for your patience.

*Leslie Elder*

*Provincial Approving Officer, Rocky Mountain District - Cranbrook*

Office: (250) 426-1509 / Cell: (250) 919-2444 / Ministry website: <http://www.th.gov.bc.ca/DA>



From: [Elder, Leslie TRAN:EX](#)  
To: [s.22](#)  
Cc: [Nichol, Christine TRAN:EX](#)  
Subject: MOTI File No. 2015-02180  
Date: Wednesday, July 29, 2015 3:38:29 PM  
Attachments: [image001.png](#)  
[2015-02180 Proposed Subdivision Layout.pdf](#)  
[2015-02180 C7 Zoning Text.pdf](#)  
[Scan\\_20150729.pdf](#)  
[Disclosure Statement May 18 2014 Version.pdf](#)

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Good Afternoon – I have now had time to review the application received for subdivision of the lands known as Springbrook Resort, and to consider your email of June 20, 2015. Hopefully I can provide you with some answers to your questions and concerns.

Firstly, I have asked the Applicant whether or not they agree to release of the subdivision plan as requested, and they have provided me with their approval. Therefore, please find attached a copy of the subdivision plan as provided to me with the application package, along with other relevant documents and mapping.

With respect to your comments within Item B of your email, I am not able to identify Lots 41-44 as referenced. It appears from the lot layout plan that was included in the Disclosure Statement documents that the buildings labelled as “motel”, “office”, “burger barn”, “power house”, “pump house”, “water shut off” and a couple of buildings labelled “shed”, all fall within proposed Lot C of the plan provided to me. Are these the buildings you refer to?

The application for subdivision is for the creation of 3 Strata Lots. I have requested additional information from the Applicant with respect to the continued operation of “Springbrook Resort” as a Shared Interest in Land, as per the Disclosure Statement dated March 7, 2007 (Amended May 18, 2014). I have included a copy of this document for your records. I have not received a response at time of writing this email.

I have requested additional information from the Applicant with respect to the proposed accesses. Currently the proposed access route would fall within proposed Lot A and would connect to the public highway right of way in its current location between the Burger Barn and Lot 27 of the siting plan that was included in the Disclosure Statement documents. (Copy Attached). Proposed Lot B would require an easement to be registered on the newly created titles for all lots and would include language to ensure unrestricted access, how maintenance would be dealt with, as well as a mechanism for dispute resolution, all of which is standard in a reciprocal access easement agreement. Proposed Lot C has frontage on the public highway right of way (Frontage road), but could also be included in the registered reciprocal access easement agreement as well if deemed necessary and reasonable. However, all of that being said, it would appear that the intent is to create the 3 proposed lots as strata lots which would require a “common access route” to be dedicated at time of subdivision. This would provide all 3 strata lots with equal share of the “common access route” which would require an agreement to address matters of maintenance, etc., similar to the access easement agreement. So you are aware, I have also asked the Applicant for additional information related to this matter and am as of this date awaiting a response. Matters related to servicing, such as water and sewer will be further addressed through the subdivision review process that I am still working through. The Regional District of East Kootenay has a Subdivision Servicing Bylaw in place that has specific criteria that must be met in order to satisfy the requirements for subdivision. Sharing of servicing over multiple lots is not permitted under this Bylaw. However, the Applicant has indicated that a community system will be the source

for both water and sewer. Again, I have requested additional information from the Applicant before I can speak more on this subject.

Similar to the “common access route”, a strata development is required to provide “common areas”. These “common areas” can be made up of a variety of things, such as roads, community utility systems (i.e. water & sewer), green spaces, community halls, recycling centres and the like. The proposed subdivision plan at this time does not identify any common spaces. Again, additional information has been requested from the Applicant.

Your concerns related to future uses of the land are a matter for the Regional District of East Kootenay as it relates to their zoning bylaws. Currently, the land is zoned as C-& Tourist Commercial. This land use allows for a long list of uses, which does include campground, hotel, motel and other tourist accommodation. I have included a copy of this zoning for your review. On another matter, I am returning one of the documents you sent as an enclosure with your letter, namely a copy of a letter dated November 17, 2014 from Glen Purdy, Q.C. and marked “WITHOUT PREJUDICE”. It is unclear to me whether or not I am at liberty to refer to this letter and in any event I do not understand its relevance to the subdivision application or to your concerns. Perhaps you will want to take legal advice on the use of such a letter when corresponding with an Approving Officer, such as myself. As well, I note that you indicate that you are writing with “authorization” of other shareholders, but I did not find any signed and witnessed authorization, which would be normal practice. Again, you may want to take legal advice as to how to proceed – regardless of authorizations and a specific format for gaining those signatures and witness signatures. On a final note, I note you are asking for materials from the Applicant but your letter of June 20, 2015 does not, on its face, include a copy to the Applicant; would you be prepared to send your letter and enclosures to the Applicant? It might be fairest for all parties to exchange materials on an on-going basis, to understand more fully what is going on in regards to this subdivision process. In any event, do not hesitate to contact me directly if you have concerns about this or any other matters as it relates to the subdivision application.

*Leslie Elder*

*Provincial Approving Officer, Rocky Mountain District - Cranbrook*

Office: (250) 426-1509 / Cell: (250) 919-2444 / Ministry website: <http://www.th.gov.bc.ca/DA>

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# Customer Satisfaction Survey 2015

Tell us what you think.



California High-Speed Rail  
Authority

Pages 20 of 271 TRA-2017-  
73594

Kootenay River

according to Plan NEP19694

present natural boundary

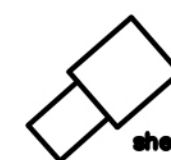
1  
Plan 2535



B  
Area = 0.810 ha



power house



A  
Area = 0.810 ha



C  
Area = 1.49 ha



Highway 93/95  
Frontage road access

Plan of Proposed Subdivision of Lot 1,  
District Lot 265, Kootenay District, Plan NEP19694.

Scale 1:500



Legend

All distances are in metres.

**4.23 TOURIST COMMERCIAL: C-7 ZONE****(1) Permitted uses**

Within the C-7 zone, the following uses and no others are permitted:

**(a) The following retail trade and service industries:**

- (i) food store,
- (ii) general store,
- (iii) liquor store or agency,
- (iv) gas service station,
- (v) *recreational vehicle* dealer,
- (vi) boat sales and service,
- (vii) motor *vehicle* repair shop,
- (viii) service to *buildings* and *dwelling units*,
- (ix) sporting goods store,
- (x) gift, novelty and souvenir shop,
- (xi) antique shop,
- (xii) tack shop,
- (xiii) lawn, garden and landscaping,
- (xiv) *primary attack base*, including other natural resource management operations;

**(b) The following personal services:**

- (i) laundry and cleaning service, Laundromat,
- (ii) post office,
- (iii) barber and beauty shop;

**(c) The following accommodation and food services:**

- (i) *campground*, subject to section 1.16,
- (ii) food service,
- (iii) neighbourhood pub,
- (iv) hotel, motel,
- (v) other tourist accommodation;

**(d) The following amusement and recreation services:**

- (i) miniature golf,
- (ii) archery range,
- (iii) fitness centre, racquet club, health spa,
- (iv) billiard hall, bowling alley, dance hall, amusement arcade,
- (v) curling, skating, and roller skating rink,
- (vi) skateboard park,
- (vii) swimming pool, waterslide;

**(e) Museum;****(f) School and studio for art, music, theatre, dancing.****(2) Accessory uses****(a) *Concession stand* accessory to a permitted use;****(b) Clubhouse accessory to a permitted use;****(c) *Dwelling unit* accessory to a permitted use;****(d) Uses, *buildings* and *structures* accessory to a permitted use, subject to subsection 4.23(4)(e).**

(3) Regulations

In the C-7 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel size	4000 m <sup>2</sup>
(b) Minimum <i>setbacks</i> : All <i>buildings</i> and <i>structures</i> from: <ul style="list-style-type: none"><li>▪ <i>front parcel line</i></li><li>▪ <i>rear parcel line</i></li><li>▪ <i>interior side parcel line</i></li><li>▪ <i>exterior side parcel line</i></li></ul>	 7.5 m 6 m 7.5 m 7.5 m
(c) Maximum <i>height</i> for all <i>buildings</i> and <i>structures</i>	12 m
(d) Maximum <i>parcel coverage</i>	70%

(4) Other Regulations

- (a) All businesses and undertakings must be conducted within a completely enclosed *building* except for:
  - (i) *Off-street parking* and *loading spaces* and driveways,
  - (ii) Storage yards,
  - (iii) Display, rental and sales areas.
- (b) All display, rental and sales areas must be finished with a durable dust free surface.
- (c) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.
- (d) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:
  - (i) be designed and constructed as an integral part of the *principal building*;
  - (ii) be self-contained;
  - (iii) have an entrance provided from outside the *building*, separate from that of the *principal use*;
  - (iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.
- (e) On parcels with a *campground* as an *accessory use*, uses *accessory* to a *campground* are identified in the "Regional District of East Kootenay – Campground Bylaw No. 2403, 2012", as amended from time to time.



SPRINGBROOK MANAGEMENT LTD

(Developer)

FOR

A SHARED INTEREST IN LAND WITH THE RIGHT TO USE A LOT

KNOWN AS

# **“Springbrook Resort”**

March 7, 2007

***Amendment May 18, 2014***

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**THE DISCLOSURE STATEMENT**  
*OF*  
**SPRINGBROOK MANAGEMENT LTD.**  
(Developer)  
*FOR*  
A SHARED INTEREST IN LAND WITH THE RIGHT TO USE A LOT  
*KNOWN AS*

**“Springbrook Resort”**

Date of Disclosure Statement: March 7, 2007

There is no Real Estate Company on Behalf of Developer. The Developer will use its own employees to market the shares. The employees are not licensed under the Real Estate Services Act and are not acting on behalf of a purchaser.

**DISCLAIMER:**

"Neither the Superintendent of Real Estate nor any other authority of the government of British Columbia has in any way passed on the merits of the matters dealt within this Disclosure Statement. This Disclosure Statement will be sent to the Superintendent of Real Estate but he the Superintendent has not determined whether or not it complies with the Real Estate Act."

**RIGHT OF RESCISSION:**

The purchaser Shares may rescind (cancel) the contract of purchase and sale by serving written notice on the developer or the developer's brokerage, within 7 days after the later of the date the contract was entered into or the date the purchaser received a copy of this Disclosure Statement.

The rescission notice may be served by delivering or sending by registered mail, a signed copy of the notice to: (a) the developer at the address shown in the disclosure statement received by the purchaser. (b) The developer at the address shown in the purchaser's purchase agreement. (c) The developer's brokerage, if any, at the address shown in the disclosure statement received by the purchaser. (d) The developer brokerage, if any, at the address shown in the purchaser's purchase agreement.

(hereinafter referred to as the "said Lands").

The property is located in the Cranbrook Assessment Area under Parcel Identifier (PID) 017-704-596

### **3. TYPE OF OWNERSHIP**

Springbrook Resort is a resort located at Skookumchuck, British Columbia. The development as A SHARED INTEREST IN LAND WITH THE RIGHT TO USE A LOT. The basis of a shared interest development is that the developer transfers to purchasers undivided fee simple shares in Springbrook Management Ltd. which grants the exclusive use of a Lot within the Lands pursuant to the terms of a Cabin / RV owners Agreement a copy of which is attached hereto as **Schedule "4"** the "Cabin / RV Owner's Agreement".

PLEASE NOTE: A SHARED INTEREST IS NOT A CONDOMINIUM OR STRATA LOT AND IS NOT GOVERNED BY THE STRATA PROPERTY ACT.

PLEASE NOTE: OWNERS ARE NOT ELIGIBLE TO CLAIM A HOME OWNER GRANT IN RESPECT OF THEIR PROPORTIONATE SHARE OF PROPERTY TAXES AND PURCHASERS ARE NOT ELIGIBLE TO QUALIFY FOR AN EXEMPTION UNDER THE PROPERTY TRANSFER TAX ACT PURSUANT TO THE FIRST TIME HOME BUYERS PROGRAM.

### **4. GENERAL DESCRIPTION**

(a) THE DEVELOPMENT is a shared interest development. The development will consist of the forty (40) designated areas shown on **Schedule "2"** (hereinafter individually referred to as a "Lot" and collectively as "Lots"). Each of the 40 areas will be not less that 30' wide and 70' long. Springbrook Management Ltd is the registered owner of the lands described in clause 2 (the Land) and a purchaser will receive shares in Springbrook Management Ltd rather than a registered interest in the Lands as the Lands consist only of one (1) parcel of land and the Lots are all located on the one (1) parcel.

Each Lot shall contain a driveway and grass and connections for power, water, and sewer – all provided by the Developer – Prior to a completed sale and the occupancy of an individual Lot.

The Developer is responsible to provide the following common facilities and recreational facilities:

Communal Water System - completed

Communal Sewage Disposal System – completed



## 5. LEGAL & FINANCIAL MATTERS

### (a) ENCUMBRANCES

The following Encumbrances are registered against the said Lands at the Nelson Land Titles Office:

a first Mortgage to the; Kootenay Savings Credit Union (to be discharged on completion of sale of certificate #43, 44, 45, 46, 47, 48 Springbrook Resort Lot # 7)

a Statutory Right of Way in favor of B.C. Hydro;

a Statutory Right of Way in favor of Telus Communications

a Notice of Interest is filed with respect to the property owned by Springbrook Management Ltd. which will limit the right of any contractor, sub contractor, workman or material supplier to file any Builders Liens.

### (b) DEPOSITS AND PURCHASE FUNDS

All monies received from a purchaser shall be held in trust at Smaill Law Office in the manner required by the Real Estate Act until:

(i) the completion date of the sale of the shares

### (c) TURNOVER DATE

As set out in the Cabin / RV Owners Agreement the Developer will manage the development until the earlier of:

(i) The date when the last shared interest is sold by the Developer; OR

(ii) The date at which the Developer determines that sufficient sales have been made and chooses to transfer management responsibility to the Association. (Hereinafter referred to as "Turnover Date")

Thereafter the development will be managed by a Society known as "Springbrook Resort Owners Association"

### (d) LITIGATION

There is no litigation in connection with the Lands.

Liability Insurance,

Landscape maintenance,

Maintenance of water & sewage system, telephone and electrical system,

Garbage pick up from the on site location of the central garbage bin,

Electricity for the common property,

Internal road maintenance (example winter snow removal for access to the resident lots),

Other matters relating to the use of Lands and facilities by the Cabin-Owners and /or RV Owners

The **Developer will not contribute Annual Maintenance Fees** on any unsold Shared Interests up to the Turnover Date but will pay all costs and expenses of the development and/or Association over and above the amounts contributed by the Owners. Prior to the Turnover Date the Developer shall be at liberty to use and retain the collected fees for the operational expenses of the development and/or Association.

(j) **MAINTENANCE RESERVE FUND** – The yearly operating and maintenance fee budget attached hereto as **Schedule " 6 "** has a designated amount of money for ongoing maintenance expense known as the Maintenance Reserve Fund. The typical formula, but not limited to, for calculation purposes is 5% of the annual budget.

(k) **COMMON PROPERTY** – The Common Property is - walkways, paths, roadways, playground and all other areas of the Lands not contained within a designated Lot as set out in **Schedule " 2 "** and as Common Property is available for the use of the share holders.

(l) **PROPERTY TAXES** – The Land portion of the property taxes will be paid by the Developer / Springbrook Management Ltd. /and or the Owners Association. The improvements (cabin, decks, sheds etc) portion of the property taxes will be paid for by the Cabin/RV owner.

(m) **SERVICES RELATING TO THE DEVELOPMENT.** The Developer pays all costs in connection to the interior services of the development/Lands in full: until the turnover Date

(i) **ACCESS ROAD**

Legal access to the Development connects to the Highway 93/95.

Private garbage collection is available using an on site cage.

(xi) FIRE PROTECTION

There is no organized fire protection system in place.

(xii) POLICE PROTECTION

Is provided by the RCMP who have a detachment at Kimberley, B.C.

(xiii) SCHOOL FACILITIES

The students in the local area attend Kimberley Schools, Rocky Mountain School District.

(n) LOT IMPROVEMENTS

Prior to a completed sale of a Lot the developer will provide the following improvements:

A graded gravel parking pad for a vehicle; and

Landscaping – specifically grass.

The on going maintenance cost of the individual improvements will be the responsibility of the individual owner.

(o) PARKING

Each Lot provides parking for two standard size passenger car or light truck (up to ¾ ton).

(p) CONSTRUCTION AND EQUIPMENT WARRANTIES

Upon the Developer turning over the Lands to the Association, the Developer will not maintain or provide any warranties or guarantees other than those provided by equipment suppliers or sub-contractors.

(q) INSURANCE

The Developer has placed all risk and public liability insurance on the property.

(r) MARKETING AND SIGNAGE

The Developer may, at its discretion, market some of the Shares with the use of a Licensed Real Estate Agent. The Developer is selling and, intends to sell some of the Shares directly to the public and it reserves the right to set up Cabin Display Models together with appropriate accessories, on some of the Lots for such purpose. The Developer will place and keep

# CONTRACT OF PURCHASE AND SALE

Date of offer \_\_\_\_\_ page \_\_\_\_\_ of \_\_\_\_\_

Received from \_\_\_\_\_ (the buyer)

Address \_\_\_\_\_ Phone \_\_\_\_\_

The Deposit sum of \_\_\_\_\_ Dollars \$ \_\_\_\_\_

on account of the proposed purchase of share certificate numbers \_\_\_\_\_ matching LOT# \_\_\_\_\_

**SPRINGBROOK RESORT** located on lands OWNED by Springbrook Management Ltd (INC# BC0754026)  
4527 Highway 93/95, Skookumchuck, BC :Lot 1 DL 265 Kootenay District Plan NEP19694 PID 017-704-596

For the price of \_\_\_\_\_ Dollars \$ \_\_\_\_\_

(of which all deposits will form a part) PAYABLE ON THE FOLLOWING TERMS AND SUBJECT TO THE FOLLOWING CONDITIONS, IF ANY

**THE BUYER OFFERS TO PURCHASE SHARE CERTIFICATE NUMBERS \_\_\_\_\_ OF SPRINGBROOK MANAGEMENT LTD WHICH CARRY THE RIGHT OF OCCUPANCY OF LOT # \_\_\_\_\_ OF THE SPRINGBROOK RESORT FOR THE PRICE AND ON THE TERMS AND SUBJECT TO THE CONDITIONS HEREIN SET FORTH**

1. **TITLE:** Free and clear of all encumbrances
2. **COMPLETION:** The sale will be completed on or before \_\_\_\_\_ (completion date).  
(a) Tender of payment of monies by the Buyer to the Seller will be by certified cheque, bank draft, cash or Lawyer's / Notary's trust cheque.  
(b) Time shall be of the essence hereof, and unless the balance of the cash payment is paid and such formal agreement to pay the balance as may be necessary is entered into on or before the completion date, the Seller may at the Seller's option terminate this contract and in such event the amount paid by the Buyer will be absolutely forfeited to the Seller on account of damages, without prejudice to the Seller's other remedies.
3. **COSTS:** Any legal costs will be at the expense of the The Buyer.  
A Document Possessing Fee of \$250.00 will apply to all incomplete purchase and sale contracts.
4. **POSSESSION:** The Buyer will have possession of Lot \_\_\_\_\_ on Completion of Share purchase.
5. **ADJUSTMENTS:** Any necessary adjustments for fuel, utilities and other charges will be made on Completion Date.
6. **SHARED INTEREST IN LAND DEVELOPMENT:** The Lot associated with the Share purchase is part of land within a development and The Buyer must follow all the Rules and Regulations of the Resort. The attached Schedules 1 - 9 are part of and makes up part of the binding contract of purchase and sale and conditions set forth.
7. The Schedule 4 requires signature at the time of the share purchase completion
8. The purchaser agrees that upon any subsequent sale of the said shares to include a provision that a new purchaser shall agree to the attached Schedules 1-9.

**THIS OFFER IF ACCEPTED IS LEGAL AND BINDING CONTRACT.**

8. **ACCEPTANCE:** This offer, or counter-offer, will be open for acceptance and upon acceptance of the offer, or counter-offer, by accepting in writing and notifying the other party of such acceptance there shall be a binding Contract of Purchase and Sale on the terms and conditions set forth.

witness \_\_\_\_\_ buyer \_\_\_\_\_

witness \_\_\_\_\_ buyer \_\_\_\_\_

9. Receipt of the above mentioned deposit is hereby acknowledge by the undersigned

witness \_\_\_\_\_ phone \_\_\_\_\_

address \_\_\_\_\_

10. The Seller hereby accepts the above offer and agrees to complete the sale upon the terms and conditions set out above:  
Seller's acceptance is dated \_\_\_\_\_

witness \_\_\_\_\_ Margaret Jean Henne

witness \_\_\_\_\_ Barney John Timmers

# Springbrook Resort

A shared interest in land with the right to use a lot Springbrook Management Ltd

## **Lot Map Legal Survey**

This to be completed by Spring 2007, or as weather permits

Enclosed is the concept sketch



# Springbrook Resort

A shared interest in land with the right to use a lot Springbrook Management Ltd

## Share Certificate and Voting Rights

Only Two Hundred (200) Shares will be issued as the authorized capital of Springbrook Management Ltd. The shares are all common shares without par value ("Shares"). The Shares will have attached to them the exclusive use of a Lot together with access to and from the Lot over the Lands. The Lot numbers are assigned share numbers as listed below... the exclusive use of a Lot shall be transferable, but only to the transferee of the matching shares. Prior to the registration of the transfer of any Share the transferor of such Share shall cause the transferee to enter into an agreement in the form attached as Schedule "4"

## Springbrook Management Ltd

### Cabin / RV Owner's Agreement

Dated \_\_\_\_\_ page \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ (the  
buyer)

Address \_\_\_\_\_ Phone \_\_\_\_\_

Completion of purchase of share certificate numbers \_\_\_\_\_ matching  
**LOT# SPRINGBROOK RESORT** located on lands OWNED by Springbrook  
Management Ltd (INC# BC0754026) 4527 Highway 93/95, Skookumchuck, BC :  
Lot 1 DL 265 Kootenay District Plan NEPI9694 PID 017-704-596,  
the Purchaser agrees to be bound by the following

1. Rules and Regulations of the Resort as stated in Schedule 5
2. Enforcement Each Cabin-Owner and/or RV Owner hereby irrevocably grants a limited power of attorney in favor of Springbrook Management Ltd. and the Association for the purpose of enforcing any and all rights of Springbrook Management Ltd, the Association or the other Owners, as contained in this agreement and as may relate to the Owners interest and that Lot to which the Owner has the exclusive use and occupation."
3. The purchaser agrees that upon any subsequent sale of the said shares to include a provision that a new purchaser shall agree to the attached Schedules 1-9.
4. The Share Holder agrees that he or she will not permit circumstances to arise that would give any contractor or material provider a right to file a lien and they acknowledge a Notice of Interest is filed with respect to the property owned by Springbrook Management Ltd. which will limit the right of any contractor, sub contractor, workman or material supplier to file any Builders Liens.

THIS schedule forms part of the contract of purchase and sale

\_\_\_\_\_  
witness

\_\_\_\_\_  
buyer

\_\_\_\_\_  
witness

\_\_\_\_\_  
buyer

\_\_\_\_\_  
witness

\_\_\_\_\_  
Margaret Jean Henne

\_\_\_\_\_  
witness

\_\_\_\_\_  
Barney John Timmers



# Springbrook Resort

A shared interest in land with the right to use a lot Springbrook Management Ltd

## **RULES & REGULATIONS**

The Rules and Regulations annexed hereto are hereby adopted as the first Rules and Regulations of the Association, and they shall remain valid until such time as they are rescinded, or revised, added to, or otherwise modified by the first duly elected Association.

The primary consideration in the adoption of these Rules has been to enable the Owners and their guests to obtain maximum enjoyment from the use of the facilities while at the same time considering the important aspects of health, safety and general welfare. These Rules and Regulations are subject to change by the Board of Directors of the Association at any time without prior notice to the Owners.

The Resort Management will, at all times, have the authority to see that each of these Rules and Regulations are carried out and to enforce such.

This Agreement of "a shared interest in land with the right to use a lot Springbrook Management LTD." shall be binding upon and ensue to the benefit of the parties hereto and their respective heirs, executors, administrators, legal personal representatives, successors and permitted assigns.

### A. GENERAL

#### **Use of the Resort**

1. The resort will be accessible year round unless otherwise determined from time to time by the Association. The Recreational facilities will be available for all Owners use along with their guests and visitors, weather permitting.
2. All Owners and their guests, visitors and others shall comply with the laws of British Columbia and the laws of Canada including the Canadian Criminal Code.
3. Resort access will be issued to each Owner.
4. All Cabins and RVs shall meet the standards set out in **Section "5" Rules and Regulations** contained herein.
5. A spare set of keys to a Cabin Owners Cabin and or RV Owners RV shall be left with resort management.
6. Profanity or immoral conduct of Owners and their guests, visitors and others shall not be permitted.

4. The resort management shall have the authority to move recreational vehicles, equipment, vehicles and belongings of the Owners, their guests, visitors and others, without notice and without liability, in the event of an emergency. However, resort management shall have no obligation to do so.

5. Each Owner shall insure and keep fully insured all of the Owner's personal and other property deemed to have value. A copy of the insurance document for Cabins / RV or other deemed valued property but not limited to must be on file at the company office. The owner is responsible, and may be deemed a delinquent Owner. Springbrook Management Ltd. and the Treasurer shall not be responsible to insure the personal property of the Owner.

### **Noise**

1. Quiet hours shall be observed from 11:00 P.M. to 7:00 A.M.

2. Any noise generating equipment such as televisions, radios, record/ CD players and generators shall be restricted in their use and time of operation for the mutual comfort and pleasure of all Owners. At no time shall the use of such equipment be permitted to cause a nuisance to other users of the area.

3. There shall be no car alarms activated while the vehicles are within the resort.

### **Parking**

1. Owners, their guests, visitors and others are to park in designated parking only or as designated by the resort management, NOT on the interior street system of the resort.

2. No more than two vehicles are permitted on any Lot, on an RV Lot the recreational vehicle is not designated as one.

3. No major repairs or adjustments shall be made to motor vehicles and boats on the resort premises. Minor servicing of motor vehicles and boats shall be approved by Resort management prior to such service.

### **Guests & Visitors**

1. All guests and visitors to the resort shall comply and be subject to the rules and regulation of the Association.

2. All resort guests, visitors and others shall register with resort management upon arrival. The Association from time to time may elect to charge a nominal fee for resort guests and visitors.

3. The number of guests and visitors for each Lot shall be limited as prescribed by the resort management.

### **Speed Limit**

1. The speed limit on all roads within the resort is 10 km/h. This speed limit applies to bicycles, skateboards, roller skates, roller blades, wagons, scooters and all motorized vehicles.

### **Lawn Care & Maintenance**

1. Resort management shall be responsible for lawn care and landscaping maintenance in all common areas.

2. Owners are responsible for individual Lot lawn care and landscaping maintenance and continual beautification of the resort. The management has the right to maintain lawn care and landscaping and bill related cost back to the Owner.

3. Owners and resort management shall work together to help the landscaping crew to do its job easily and effectively.

### **Campfires & Fireworks & Firearms**

1. Campfires are allowed only in designated pits or fireplaces as approved by resort management. Campfires are to be totally extinguished when not personally attended. Fires may be prohibited when such fires are considered either unsuitable for existing conditions or when they represent a hazard.

2. No fireworks shall be permitted within the resort unless conducted with/by the resort management during special events.

3. The use of firearms and all other weapons is strictly prohibited within the resort.

### **Private functions**

1. Owners in good standing may obtain the use of the common areas for group parties by applying to the resort management. However, no Owner shall be excluded from the common area or denied the ordinary use of the common areas while private parties are taking place. The common areas shall not be used for private parties or affairs unless resort management authorizes prior written consent. A user fee for the private use of the common areas may apply.

### **Decks & Patios**

1. Decks shall have a maximum floor height of 30 inches from ground level and a minimum clearance on the under-side of 6 inches.
2. Railings and stairs shall be built on decks that reach a height in excess of 24 inches from ground level. Railings are allowed to a maximum height of 42 inches.
3. Stairs will be required on decks that are in excess of 12 inches from ground level.

### **Storage & Storage Sheds**

1. One Shed shall be allowed on RV Lots, maximum size 100 sqft, on wooden foundation (no concrete) and must be sided with the log siding, to match Resort décor.
2. One Shed shall be allowed on Cabin Lots, maximum size 100 sqft, on wooden foundation (no concrete) and must be sided with the log siding, to match Resort decor.
3. Owners may store small rowboats and canoes on their Lot. The storage of large boats including motorboats and sailboats must be stored in designated area. After the season, a date to be determined by resort management, Owners will be allowed to store their motorboats and/or sailboats on their Lot.

## **C. BOATS**

1. The Association from time to time may charge a fee for storage of boats.
2. Gasoline and oil leaks are an environmental concern of the Association; all boats and aquatic vehicles used within the area shall be of good repair and maintenance. If a boat or other aquatic vehicle does not comply with reasonable standards, such boat or aquatic vehicle will not be permitted to use the area.

## **D. CABIN LOT**

1. The Cabin Lot is not common property and cabin lot owners are responsible for Lot maintenance. The cabin lot is not less than 4800 square feet with access on one side by a common road connecting to Highway 93/95. The development allows one cabin on one cabin lot, and must have a minimum share value of 6 shares.

## **H. Delinquency**

1. Debt which may be due by the Owner to the Company, and such default shall continue for a period of ninety (90) days after the same is due and payable, then in such event the Owner's exclusive right or possession, use occupancy and enjoyment of 'the shared interest in land with the right to use a lot' may, by resolution of the treasurer be suspended. The Company may enter upon such Lot and take possession. Should the Company take possession, the Treasurer may rent the Lot to any person, and may use the proceeds of such rental to pay all expenses incurred by them in and about the maintenance of the Lot and in payment of any monies due by the Owner whether by way of assessment or otherwise.

2. Upon payment by the Owner to the satisfaction of the Treasurer, the suspension of rights on the Owner herein before provided shall cease. The Company shall account for any monies received, and shall pay over to the Owner any balance received over the amount of its expenses incurred, charge of debt.

# Springbrook Resort

A shared interest in land with the right to use a lot Springbrook Management Ltd

## **Maintenance Reserve Fund**

On the completion of a share sale the Developer will forward to the Reserve Fund One Hundred Dollars (\$100) for every shared sold.

On the annual billing of maintenance fee, ten percent (10%) of the funds collected but not limited to will be forwarded to the Reserve Fund.

The Maintenance Reserve Fund shall be managed by the developer, until the "Turnover Date", after which the Fund they shall be managed by Springbrook Resort Owners Association.

**COMMON EXPENSES** – The following maintenance items are those typical to Owners. The Association will be required to maintain the following utilities, services and improvements to the Lands. The typical categorized maintenance items, but not limited to the following are as follows:

Management and Administration of the Association,

License, Fees and dues,

Liability Insurance,

Landscape maintenance,

Maintenance of water & sewage system, telephone and electrical system,

Garbage pick up from the on site location of the central garbage bin,

Electricity for the common property,

Internal road maintenance (example winter snow removal for access to the resident lots),

Other matters relating to the use of Lands and facilities by the Cabin-Owners and /or RV Owners

# Springbrook Resort

A shared interest in land with the right to use a lot Springbrook Management Ltd

## Annual Fee for Management

**MANAGEMENT** – The Developer will manage the Association for an annual fee

Until Turnover Date, each Share Holder (Owner) shall pay an annual maintenance fee of One Hundred Twenty-Five Dollars (\$125.00) per share per year. Each Fee shall be due and payable without notice on the 15<sup>th</sup> day of January, and shall be paid to Springbrook Management Ltd., at the company office; the Treasure of the company, shall give receipt for all payments made.

**COMMON EXPENSES** –The Association will be required to maintain the following utilities, services and improvements to the Lands. The typical categorized maintenance items, but not limited to the following are as follows:

Management and Administration of the Association,

License, Fees and dues,

Liability Insurance,

Landscape maintenance,

Maintenance of water & sewage system, telephone and electrical system,

Garbage pick up from the on site location of the central garbage bin,

Electricity for the common property,

Internal road maintenance (example winter snow removal for access to the resident lots),

Other matters relating to the use of Lands and facilities by the Cabin-Owners and /or RV Owners

Commencing the day after turnover date, each Share Holder shall be assessed by the Association, a share (the "Annual Maintenance Fee") of the costs to maintain utilities and improvements and to operate the Association. The Annual Maintenance Fee for each Share Holder shall be



# Springbrook Resort

A shared interest in land with the right to use a lot Springbrook Management Ltd

## Owner's Association

This to be completed by January 1, 2008

### TURNOVER DATE

As set out in the Cabin / RV Owners Agreement the Developer will manage the development until the earlier of:

- (a) The date when the last shared interest is sold by the Developer; OR
- (b) The date at which the Developer determines that sufficient sales have been made and chooses to transfer management responsibility to the Association. (Hereinafter referred to as "Turnover Date")

Thereafter the development will be managed by a Society known as "Springbrook Resort Owners Association"

1. The Owner's Association shall comprise of not less than 20% representation of each of the Cabin Lot owners, RV Lot Owners and Commercial Lot Owners; using the following: Cabin Lot Owners to a maximum of eight (8), RV Lot Owners to a maximum of thirty-one (31) and Commercial Lot Owner to a maximum of one (1).
2. The Owner's Association will be governed according to the Certification of Incorporation of Springbrook Management LTD. incorporated under the Business Corporations Act on April 5, 2006 at 02:06 PM Pacific Time. Number BC0754026.  
And to its bylaws And the terms of the Cabin / RV Lot Owners Agreement:  
With exception to the following:
  - a. Quorum 8.2 .... The quorum for the transaction of business at a meeting of the Owners Association (shareholders) is 3 persons who are, or who represent by proxy, shareholders who, in the aggregate, hold at least 1/3 of the issued shares in each of Cabin Lot Owners, RV Lot Owners and Commercial Lot Owners entitled to be voted at the meeting.
3. The Owners Association will be exclusively responsible for all matters relating to the management, operation, control, maintenance and administration of certain amenities, green spaces, shared property and common property within the shared interest in land with the right to use a lot Springbrook Management LTD. but not limited to and will be exclusively responsible for recovering the cost thereof from each of the Cabin / RV Lot Owners.
4. The Owners Association may be responsible for creating an annual budget for maintenance costs, retaining and supervising a property manager.

# Springbrook Resort

## **Certificate of Incorporation and Articles of Springbrook Management Ltd.**

The Authorized Share Structure

as page 3 of 3

1. No Maximum      Common Voting shares  
Without Par Value

Without Special Rights or  
Restrictions attached

We are filing an amendment to the Business Corporations Act

For 200 maximum common voting shares without par value

Kootenay River

according to Plan NEP19694

present natural boundary

1  
Plan 2535

building

B  
Area = 0.810 ha

building

power house

motel

shed

office

shed

building

A  
Area = 0.810 ha

building

District Lot 265  
Plan NEP19694

C  
Area = 1.49 ha

pump house

shed

2  
Plan NEP19694

3  
Plan NEP19694

A  
Plan 5406

Highway 93/95  
Frontage road access

Plan of Proposed Subdivision of Lot 1,  
District Lot 265, Kootenay District, Plan NEP19694.

Scale 1:500

Legend  
All distances are in metres.

**4.23 TOURIST COMMERCIAL: C-7 ZONE****(1) Permitted uses**

Within the C-7 zone, the following uses and no others are permitted:

**(a) The following retail trade and service industries:**

- (i) food store,
- (ii) general store,
- (iii) liquor store or agency,
- (iv) gas service station,
- (v) *recreational vehicle* dealer,
- (vi) boat sales and service,
- (vii) motor *vehicle* repair shop,
- (viii) service to *buildings* and *dwelling units*,
- (ix) sporting goods store,
- (x) gift, novelty and souvenir shop,
- (xi) antique shop,
- (xii) tack shop,
- (xiii) lawn, garden and landscaping,
- (xiv) *primary attack base*, including other natural resource management operations;

**(b) The following personal services:**

- (i) laundry and cleaning service, Laundromat,
- (ii) post office,
- (iii) barber and beauty shop;

**(c) The following accommodation and food services:**

- (i) *campground*, subject to section 1.16,
- (ii) food service,
- (iii) neighbourhood pub,
- (iv) hotel, motel,
- (v) other tourist accommodation;

**(d) The following amusement and recreation services:**

- (i) miniature golf,
- (ii) archery range,
- (iii) fitness centre, racquet club, health spa,
- (iv) billiard hall, bowling alley, dance hall, amusement arcade,
- (v) curling, skating, and roller skating rink,
- (vi) skateboard park,
- (vii) swimming pool, waterslide;

**(e) Museum;****(f) School and studio for art, music, theatre, dancing.****(2) Accessory uses****(a) *Concession stand* accessory to a permitted use;****(b) Clubhouse accessory to a permitted use;****(c) *Dwelling unit* accessory to a permitted use;****(d) Uses, *buildings* and *structures* accessory to a permitted use, subject to subsection 4.23(4)(e).**

(3) Regulations

In the C-7 zone, no *building* or *structure* may be constructed or placed and no plan of subdivision approved which contravenes the regulations contained in the table below. Column 1 identifies the matter to be regulated. Column 2 establishes the regulations.

COLUMN 1	COLUMN 2
(a) Minimum parcel size	4000 m <sup>2</sup>
(b) Minimum <i>setbacks</i> : All <i>buildings</i> and <i>structures</i> from: <ul style="list-style-type: none"><li>▪ <i>front parcel line</i></li><li>▪ <i>rear parcel line</i></li><li>▪ <i>interior side parcel line</i></li><li>▪ <i>exterior side parcel line</i></li></ul>	 7.5 m 6 m 7.5 m 7.5 m
(c) Maximum <i>height</i> for all <i>buildings</i> and <i>structures</i>	12 m
(d) Maximum <i>parcel coverage</i>	70%

(4) Other Regulations

- (a) All businesses and undertakings must be conducted within a completely enclosed *building* except for:
  - (i) *Off-street parking* and *loading spaces* and driveways,
  - (ii) Storage yards,
  - (iii) Display, rental and sales areas.
- (b) All display, rental and sales areas must be finished with a durable dust free surface.
- (c) Where an *accessory dwelling unit* is a *manufactured home*, it must be located on a non-permanent foundation.
- (d) Where an *accessory dwelling unit* is not a *manufactured home*, the *accessory dwelling unit* must:
  - (i) be designed and constructed as an integral part of the *principal building*;
  - (ii) be self-contained;
  - (iii) have an entrance provided from outside the *building*, separate from that of the *principal use*;
  - (iv) be located above the *first storey* of the *building* or behind the *principal use* in the *building*.
- (e) On parcels with a *campground* as an *accessory use*, uses *accessory* to a *campground* are identified in the "Regional District of East Kootenay – Campground Bylaw No. 2403, 2012", as amended from time to time.



SPRINGBROOK MANAGEMENT LTD

(Developer)

FOR

A SHARED INTEREST IN LAND WITH THE RIGHT TO USE A LOT

KNOWN AS

# **“Springbrook Resort”**

March 7, 2007

***Amendment May 18, 2014***

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**THE DISCLOSURE STATEMENT**  
*OF*  
**SPRINGBROOK MANAGEMENT LTD.**  
(Developer)  
*FOR*  
A SHARED INTEREST IN LAND WITH THE RIGHT TO USE A LOT  
*KNOWN AS*

**“Springbrook Resort”**

Date of Disclosure Statement: March 7, 2007

There is no Real Estate Company on Behalf of Developer. The Developer will use its own employees to market the shares. The employees are not licensed under the Real Estate Services Act and are not acting on behalf of a purchaser.

**DISCLAIMER:**

"Neither the Superintendent of Real Estate nor any other authority of the government of British Columbia has in any way passed on the merits of the matters dealt within this Disclosure Statement. This Disclosure Statement will be sent to the Superintendent of Real Estate but he the Superintendent has not determined whether or not it complies with the Real Estate Act."

**RIGHT OF RESCISSION:**

The purchaser Shares may rescind (cancel) the contract of purchase and sale by serving written notice on the developer or the developer's brokerage, within 7 days after the later of the date the contract was entered into or the date the purchaser received a copy of this Disclosure Statement.

The rescission notice may be served by delivering or sending by registered mail, a signed copy of the notice to: (a) the developer at the address shown in the disclosure statement received by the purchaser. (b) The developer at the address shown in the purchaser's purchase agreement. (c) The developer's brokerage, if any, at the address shown in the disclosure statement received by the purchaser. (d) The developer brokerage, if any, at the address shown in the purchaser's purchase agreement.

(hereinafter referred to as the "said Lands").

The property is located in the Cranbrook Assessment Area under Parcel Identifier (PID) 017-704-596

### **3. TYPE OF OWNERSHIP**

Springbrook Resort is a resort located at Skookumchuck, British Columbia. The development as A SHARED INTEREST IN LAND WITH THE RIGHT TO USE A LOT. The basis of a shared interest development is that the developer transfers to purchasers undivided fee simple shares in Springbrook Management Ltd. which grants the exclusive use of a Lot within the Lands pursuant to the terms of a Cabin / RV owners Agreement a copy of which is attached hereto as **Schedule "4"** the "Cabin / RV Owner's Agreement".

PLEASE NOTE: A SHARED INTEREST IS NOT A CONDOMINIUM OR STRATA LOT AND IS NOT GOVERNED BY THE STRATA PROPERTY ACT.

PLEASE NOTE: OWNERS ARE NOT ELIGIBLE TO CLAIM A HOME OWNER GRANT IN RESPECT OF THEIR PROPORTIONATE SHARE OF PROPERTY TAXES AND PURCHASERS ARE NOT ELIGIBLE TO QUALIFY FOR AN EXEMPTION UNDER THE PROPERTY TRANSFER TAX ACT PURSUANT TO THE FIRST TIME HOME BUYERS PROGRAM.

### **4. GENERAL DESCRIPTION**

(a) THE DEVELOPMENT is a shared interest development. The development will consist of the forty (40) designated areas shown on **Schedule "2"** (hereinafter individually referred to as a "Lot" and collectively as "Lots"). Each of the 40 areas will be not less that 30' wide and 70' long. Springbrook Management Ltd is the registered owner of the lands described in clause 2 (the Land) and a purchaser will receive shares in Springbrook Management Ltd rather than a registered interest in the Lands as the Lands consist only of one (1) parcel of land and the Lots are all located on the one (1) parcel.

Each Lot shall contain a driveway and grass and connections for power, water, and sewer – all provided by the Developer – Prior to a completed sale and the occupancy of an individual Lot.

The Developer is responsible to provide the following common facilities and recreational facilities:

Communal Water System - completed

Communal Sewage Disposal System – completed

## 5. LEGAL & FINANCIAL MATTERS

### (a) ENCUMBRANCES

The following Encumbrances are registered against the said Lands at the Nelson Land Titles Office:

a first Mortgage to the; Kootenay Savings Credit Union (to be discharged on completion of sale of certificate #43, 44, 45, 46, 47, 48 Springbrook Resort Lot # 7)

a Statutory Right of Way in favor of B.C. Hydro;

a Statutory Right of Way in favor of Telus Communications

a Notice of Interest is filed with respect to the property owned by Springbrook Management Ltd. which will limit the right of any contractor, sub contractor, workman or material supplier to file any Builders Liens.

### (b) DEPOSITS AND PURCHASE FUNDS

All monies received from a purchaser shall be held in trust at Smaill Law Office in the manner required by the Real Estate Act until:

(i) the completion date of the sale of the shares

### (c) TURNOVER DATE

As set out in the Cabin / RV Owners Agreement the Developer will manage the development until the earlier of:

(i) The date when the last shared interest is sold by the Developer; OR

(ii) The date at which the Developer determines that sufficient sales have been made and chooses to transfer management responsibility to the Association. (Hereinafter referred to as "Turnover Date")

Thereafter the development will be managed by a Society known as "Springbrook Resort Owners Association"

### (d) LITIGATION

There is no litigation in connection with the Lands.

Liability Insurance,

Landscape maintenance,

Maintenance of water & sewage system, telephone and electrical system,

Garbage pick up from the on site location of the central garbage bin,

Electricity for the common property,

Internal road maintenance (example winter snow removal for access to the resident lots),

Other matters relating to the use of Lands and facilities by the Cabin-Owners and /or RV Owners

The **Developer will not contribute Annual Maintenance Fees** on any unsold Shared Interests up to the Turnover Date but will pay all costs and expenses of the development and/or Association over and above the amounts contributed by the Owners. Prior to the Turnover Date the Developer shall be at liberty to use and retain the collected fees for the operational expenses of the development and/or Association.

(j) **MAINTENANCE RESERVE FUND** – The yearly operating and maintenance fee budget attached hereto as **Schedule " 6 "** has a designated amount of money for ongoing maintenance expense known as the Maintenance Reserve Fund. The typical formula, but not limited to, for calculation purposes is 5% of the annual budget.

(k) **COMMON PROPERTY** – The Common Property is - walkways, paths, roadways, playground and all other areas of the Lands not contained within a designated Lot as set out in **Schedule " 2 "** and as Common Property is available for the use of the share holders.

(l) **PROPERTY TAXES** – The Land portion of the property taxes will be paid by the Developer / Springbrook Management Ltd. /and or the Owners Association. The improvements (cabin, decks, sheds etc) portion of the property taxes will be paid for by the Cabin/RV owner.

(m) **SERVICES RELATING TO THE DEVELOPMENT.** The Developer pays all costs in connection to the interior services of the development/Lands in full: until the turnover Date

(i) **ACCESS ROAD**

Legal access to the Development connects to the Highway 93/95.

Private garbage collection is available using an on site cage.

(xi) FIRE PROTECTION

There is no organized fire protection system in place.

(xii) POLICE PROTECTION

Is provided by the RCMP who have a detachment at Kimberley, B.C.

(xiii) SCHOOL FACILITIES

The students in the local area attend Kimberley Schools, Rocky Mountain School District.

(n) LOT IMPROVEMENTS

Prior to a completed sale of a Lot the developer will provide the following improvements:

A graded gravel parking pad for a vehicle; and

Landscaping – specifically grass.

The on going maintenance cost of the individual improvements will be the responsibility of the individual owner.

(o) PARKING

Each Lot provides parking for two standard size passenger car or light truck (up to ¾ ton).

(p) CONSTRUCTION AND EQUIPMENT WARRANTIES

Upon the Developer turning over the Lands to the Association, the Developer will not maintain or provide any warranties or guarantees other than those provided by equipment suppliers or sub-contractors.

(q) INSURANCE

The Developer has placed all risk and public liability insurance on the property.

(r) MARKETING AND SIGNAGE

The Developer may, at its discretion, market some of the Shares with the use of a Licensed Real Estate Agent. The Developer is selling and, intends to sell some of the Shares directly to the public and it reserves the right to set up Cabin Display Models together with appropriate accessories, on some of the Lots for such purpose. The Developer will place and keep

# CONTRACT OF PURCHASE AND SALE

Date of offer \_\_\_\_\_ page \_\_\_\_\_ of \_\_\_\_\_

Received from \_\_\_\_\_ (the buyer)

Address \_\_\_\_\_ Phone \_\_\_\_\_

The Deposit sum of \_\_\_\_\_ Dollars \$ \_\_\_\_\_

on account of the proposed purchase of share certificate numbers \_\_\_\_\_ matching LOT# \_\_\_\_\_

**SPRINGBROOK RESORT** located on lands OWNED by Springbrook Management Ltd (INC# BC0754026)  
4527 Highway 93/95, Skookumchuck, BC :Lot 1 DL 265 Kootenay District Plan NEP19694 PID 017-704-596

For the price of \_\_\_\_\_ Dollars \$ \_\_\_\_\_

(of which all deposits will form a part) PAYABLE ON THE FOLLOWING TERMS AND SUBJECT TO THE FOLLOWING CONDITIONS, IF ANY

**THE BUYER OFFERS TO PURCHASE SHARE CERTIFICATE NUMBERS \_\_\_\_\_ OF SPRINGBROOK MANAGEMENT LTD WHICH CARRY THE RIGHT OF OCCUPANCY OF LOT # \_\_\_\_\_ OF THE SPRINGBROOK RESORT FOR THE PRICE AND ON THE TERMS AND SUBJECT TO THE CONDITIONS HEREIN SET FORTH**

1. **TITLE:** Free and clear of all encumbrances
2. **COMPLETION:** The sale will be completed on or before \_\_\_\_\_ (completion date).  
(a) Tender of payment of monies by the Buyer to the Seller will be by certified cheque, bank draft, cash or Lawyer's / Notary's trust cheque.  
(b) Time shall be of the essence hereof, and unless the balance of the cash payment is paid and such formal agreement to pay the balance as may be necessary is entered into on or before the completion date, the Seller may at the Seller's option terminate this contract and in such event the amount paid by the Buyer will be absolutely forfeited to the Seller on account of damages, without prejudice to the Seller's other remedies.
3. **COSTS:** Any legal costs will be at the expense of the The Buyer.  
A Document Possessing Fee of \$250.00 will apply to all incomplete purchase and sale contracts.
4. **POSSESSION:** The Buyer will have possession of Lot \_\_\_\_\_ on Completion of Share purchase.
5. **ADJUSTMENTS:** Any necessary adjustments for fuel, utilities and other charges will be made on Completion Date.
6. **SHARED INTEREST IN LAND DEVELOPMENT:** The Lot associated with the Share purchase is part of land within a development and The Buyer must follow all the Rules and Regulations of the Resort. The attached Schedules 1 - 9 are part of and makes up part of the binding contract of purchase and sale and conditions set forth.
7. The Schedule 4 requires signature at the time of the share purchase completion
8. The purchaser agrees that upon any subsequent sale of the said shares to include a provision that a new purchaser shall agree to the attached Schedules 1-9.

**THIS OFFER IF ACCEPTED IS LEGAL AND BINDING CONTRACT.**

8. **ACCEPTANCE:** This offer, or counter-offer, will be open for acceptance and upon acceptance of the offer, or counter-offer, by accepting in writing and notifying the other party of such acceptance there shall be a binding Contract of Purchase and Sale on the terms and conditions set forth.

witness \_\_\_\_\_ buyer \_\_\_\_\_

witness \_\_\_\_\_ buyer \_\_\_\_\_

9. Receipt of the above mentioned deposit is hereby acknowledge by the undersigned

witness \_\_\_\_\_ phone \_\_\_\_\_

address \_\_\_\_\_

10. The Seller hereby accepts the above offer and agrees to complete the sale upon the terms and conditions set out above:  
Seller's acceptance is dated \_\_\_\_\_

witness \_\_\_\_\_ Margaret Jean Henne

witness \_\_\_\_\_ Barney John Timmers

# Springbrook Resort

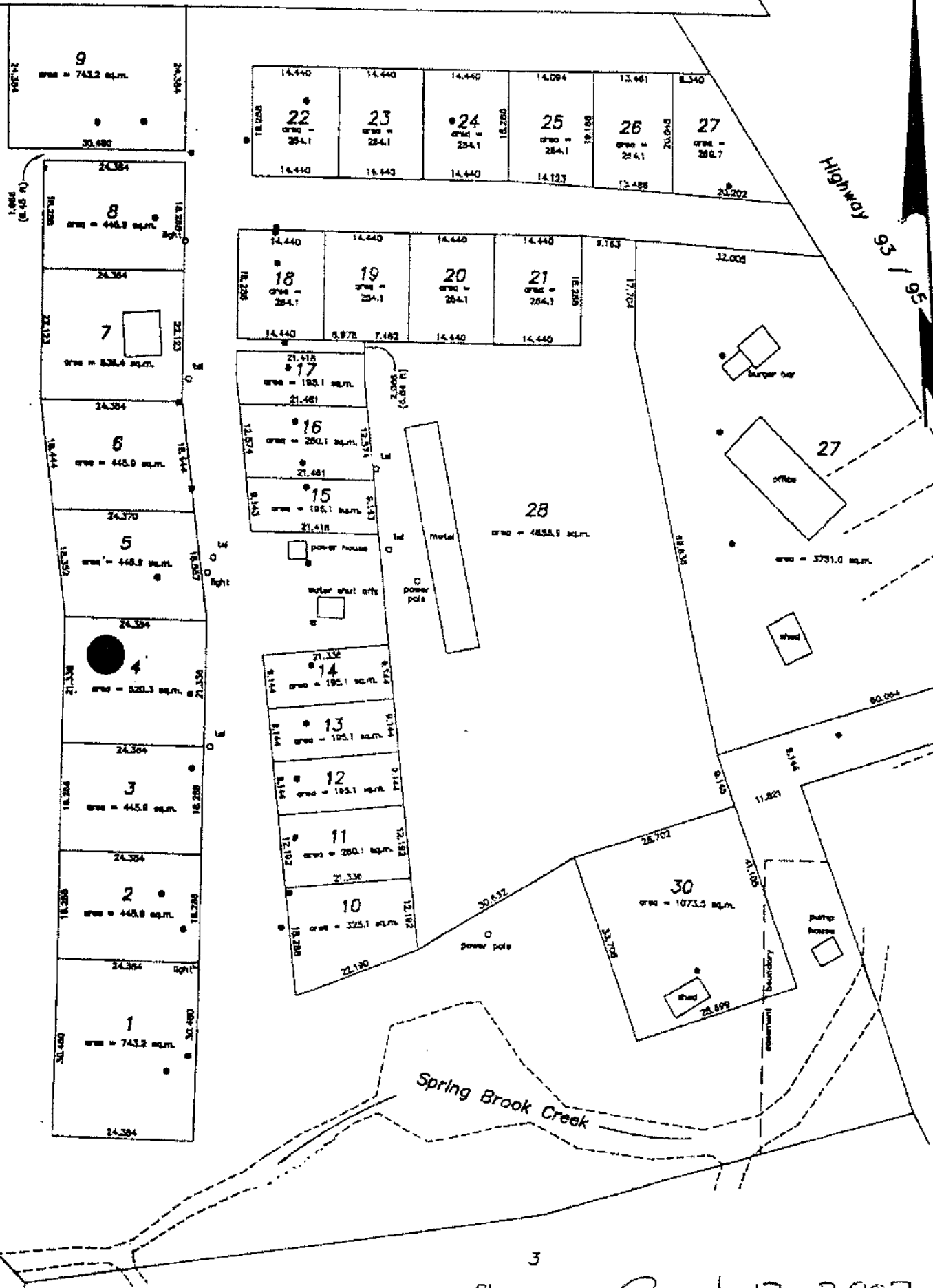
A shared interest in land with the right to use a lot Springbrook Management Ltd

## **Lot Map Legal Survey**

This to be completed by Spring 2007, or as weather permits

Enclosed is the concept sketch





3  
Plan

Sept 13, 2007

# Springbrook Resort

A shared interest in land with the right to use a lot Springbrook Management Ltd

## Share Certificate and Voting Rights

Only Two Hundred (200) Shares will be issued as the authorized capital of Springbrook Management Ltd. The shares are all common shares without par value ("Shares"). The Shares will have attached to them the exclusive use of a Lot together with access to and from the Lot over the Lands. The Lot numbers are assigned share numbers as listed below... the exclusive use of a Lot shall be transferable, but only to the transferee of the matching shares. Prior to the registration of the transfer of any Share the transferor of such Share shall cause the transferee to enter into an agreement in the form attached as Schedule "4"

## Springbrook Management Ltd

### Cabin / RV Owner's Agreement

Dated \_\_\_\_\_ page \_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ (the  
buyer)

Address \_\_\_\_\_ Phone \_\_\_\_\_

Completion of purchase of share certificate numbers \_\_\_\_\_ matching  
**LOT#** **SPRINGBROOK RESORT** located on lands OWNED by Springbrook  
Management Ltd (INC# BC0754026) 4527 Highway 93/95, Skookumchuck, BC :  
Lot 1 DL 265 Kootenay District Plan NEP19694 PID 017-704-596,  
the Purchaser agrees to be bound by the following

1. Rules and Regulations of the Resort as stated in Schedule 5
2. Enforcement Each Cabin-Owner and/or RV Owner hereby irrevocably grants a limited power of attorney in favor of Springbrook Management Ltd. and the Association for the purpose of enforcing any and all rights of Springbrook Management Ltd, the Association or the other Owners, as contained in this agreement and as may relate to the Owners interest and that Lot to which the Owner has the exclusive use and occupation."
3. The purchaser agrees that upon any subsequent sale of the said shares to include a provision that a new purchaser shall agree to the attached Schedules 1-9.
4. The Share Holder agrees that he or she will not permit circumstances to arise that would give any contractor or material provider a right to file a lien and they acknowledge a Notice of Interest is filed with respect to the property owned by Springbrook Management Ltd. which will limit the right of any contractor, sub contractor, workman or material supplier to file any Builders Liens.

THIS schedule forms part of the contract of purchase and sale

\_\_\_\_\_  
witness

\_\_\_\_\_  
buyer

\_\_\_\_\_  
witness

\_\_\_\_\_  
buyer

\_\_\_\_\_  
witness

\_\_\_\_\_  
Margaret Jean Henne

\_\_\_\_\_  
witness

\_\_\_\_\_  
Barney John Timmers

# Springbrook Resort

A shared interest in land with the right to use a lot Springbrook Management Ltd

## **RULES & REGULATIONS**

The Rules and Regulations annexed hereto are hereby adopted as the first Rules and Regulations of the Association, and they shall remain valid until such time as they are rescinded, or revised, added to, or otherwise modified by the first duly elected Association.

The primary consideration in the adoption of these Rules has been to enable the Owners and their guests to obtain maximum enjoyment from the use of the facilities while at the same time considering the important aspects of health, safety and general welfare. These Rules and Regulations are subject to change by the Board of Directors of the Association at any time without prior notice to the Owners.

The Resort Management will, at all times, have the authority to see that each of these Rules and Regulations are carried out and to enforce such.

This Agreement of "a shared interest in land with the right to use a lot Springbrook Management LTD." shall be binding upon and ensue to the benefit of the parties hereto and their respective heirs, executors, administrators, legal personal representatives, successors and permitted assigns.

### A. GENERAL

#### **Use of the Resort**

1. The resort will be accessible year round unless otherwise determined from time to time by the Association. The Recreational facilities will be available for all Owners use along with their guests and visitors, weather permitting.
2. All Owners and their guests, visitors and others shall comply with the laws of British Columbia and the laws of Canada including the Canadian Criminal Code.
3. Resort access will be issued to each Owner.
4. All Cabins and RVs shall meet the standards set out in **Section "5" Rules and Regulations** contained herein.
5. A spare set of keys to a Cabin Owners Cabin and or RV Owners RV shall be left with resort management.
6. Profanity or immoral conduct of Owners and their guests, visitors and others shall not be permitted.

4. The resort management shall have the authority to move recreational vehicles, equipment, vehicles and belongings of the Owners, their guests, visitors and others, without notice and without liability, in the event of an emergency. However, resort management shall have no obligation to do so.

5. Each Owner shall insure and keep fully insured all of the Owner's personal and other property deemed to have value. A copy of the insurance document for Cabins / RV or other deemed valued property but not limited to must be on file at the company office. The owner is responsible, and may be deemed a delinquent Owner. Springbrook Management Ltd. and the Treasurer shall not be responsible to insure the personal property of the Owner.

### **Noise**

1. Quiet hours shall be observed from 11:00 P.M. to 7:00 A.M.

2. Any noise generating equipment such as televisions, radios, record/ CD players and generators shall be restricted in their use and time of operation for the mutual comfort and pleasure of all Owners. At no time shall the use of such equipment be permitted to cause a nuisance to other users of the area.

3. There shall be no car alarms activated while the vehicles are within the resort.

### **Parking**

1. Owners, their guests, visitors and others are to park in designated parking only or as designated by the resort management, NOT on the interior street system of the resort.

2. No more than two vehicles are permitted on any Lot, on an RV Lot the recreational vehicle is not designated as one.

3. No major repairs or adjustments shall be made to motor vehicles and boats on the resort premises. Minor servicing of motor vehicles and boats shall be approved by Resort management prior to such service.

### **Guests & Visitors**

1. All guests and visitors to the resort shall comply and be subject to the rules and regulation of the Association.

2. All resort guests, visitors and others shall register with resort management upon arrival. The Association from time to time may elect to charge a nominal fee for resort guests and visitors.

3. The number of guests and visitors for each Lot shall be limited as prescribed by the resort management.

### **Speed Limit**

1. The speed limit on all roads within the resort is 10 km/h. This speed limit applies to bicycles, skateboards, roller skates, roller blades, wagons, scooters and all motorized vehicles.

### **Lawn Care & Maintenance**

1. Resort management shall be responsible for lawn care and landscaping maintenance in all common areas.

2. Owners are responsible for individual Lot lawn care and landscaping maintenance and continual beautification of the resort. The management has the right to maintain lawn care and landscaping and bill related cost back to the Owner.

3. Owners and resort management shall work together to help the landscaping crew to do its job easily and effectively.

### **Campfires & Fireworks & Firearms**

1. Campfires are allowed only in designated pits or fireplaces as approved by resort management. Campfires are to be totally extinguished when not personally attended. Fires may be prohibited when such fires are considered either unsuitable for existing conditions or when they represent a hazard.

2. No fireworks shall be permitted within the resort unless conducted with/by the resort management during special events.

3. The use of firearms and all other weapons is strictly prohibited within the resort.

### **Private functions**

1. Owners in good standing may obtain the use of the common areas for group parties by applying to the resort management. However, no Owner shall be excluded from the common area or denied the ordinary use of the common areas while private parties are taking place. The common areas shall not be used for private parties or affairs unless resort management authorizes prior written consent. A user fee for the private use of the common areas may apply.

### **Decks & Patios**

1. Decks shall have a maximum floor height of 30 inches from ground level and a minimum clearance on the under-side of 6 inches.
2. Railings and stairs shall be built on decks that reach a height in excess of 24 inches from ground level. Railings are allowed to a maximum height of 42 inches.
3. Stairs will be required on decks that are in excess of 12 inches from ground level.

### **Storage & Storage Sheds**

1. One Shed shall be allowed on RV Lots, maximum size 100 sqft, on wooden foundation (no concrete) and must be sided with the log siding, to match Resort décor.
2. One Shed shall be allowed on Cabin Lots, maximum size 100 sqft, on wooden foundation (no concrete) and must be sided with the log siding, to match Resort decor.
3. Owners may store small rowboats and canoes on their Lot. The storage of large boats including motorboats and sailboats must be stored in designated area. After the season, a date to be determined by resort management, Owners will be allowed to store their motorboats and/or sailboats on their Lot.

## **C. BOATS**

1. The Association from time to time may charge a fee for storage of boats.
2. Gasoline and oil leaks are an environmental concern of the Association; all boats and aquatic vehicles used within the area shall be of good repair and maintenance. If a boat or other aquatic vehicle does not comply with reasonable standards, such boat or aquatic vehicle will not be permitted to use the area.

## **D. CABIN LOT**

1. The Cabin Lot is not common property and cabin lot owners are responsible for Lot maintenance. The cabin lot is not less than 4800 square feet with access on one side by a common road connecting to Highway 93/95. The development allows one cabin on one cabin lot, and must have a minimum share value of 6 shares.



## **H. Delinquency**

1. Debt which may be due by the Owner to the Company, and such default shall continue for a period of ninety (90) days after the same is due and payable, then in such event the Owner's exclusive right or possession, use occupancy and enjoyment of 'the shared interest in land with the right to use a lot' may, by resolution of the treasurer be suspended. The Company may enter upon such Lot and take possession. Should the Company take possession, the Treasurer may rent the Lot to any person, and may use the proceeds of such rental to pay all expenses incurred by them in and about the maintenance of the Lot and in payment of any monies due by the Owner whether by way of assessment or otherwise.

2. Upon payment by the Owner to the satisfaction of the Treasurer, the suspension of rights on the Owner herein before provided shall cease. The Company shall account for any monies received, and shall pay over to the Owner any balance received over the amount of its expenses incurred, charge of debt.

# Springbrook Resort

A shared interest in land with the right to use a lot Springbrook Management Ltd

## **Maintenance Reserve Fund**

On the completion of a share sale the Developer will forward to the Reserve Fund One Hundred Dollars (\$100) for every shared sold.

On the annual billing of maintenance fee, ten percent (10%) of the funds collected but not limited to will be forwarded to the Reserve Fund.

The Maintenance Reserve Fund shall be managed by the developer, until the "Turnover Date", after which the Fund they shall be managed by Springbrook Resort Owners Association.

**COMMON EXPENSES** – The following maintenance items are those typical to Owners. The Association will be required to maintain the following utilities, services and improvements to the Lands. The typical categorized maintenance items, but not limited to the following are as follows:

Management and Administration of the Association,

License, Fees and dues,

Liability Insurance,

Landscape maintenance,

Maintenance of water & sewage system, telephone and electrical system,

Garbage pick up from the on site location of the central garbage bin,

Electricity for the common property,

Internal road maintenance (example winter snow removal for access to the resident lots),

Other matters relating to the use of Lands and facilities by the Cabin-Owners and /or RV Owners

# Springbrook Resort

A shared interest in land with the right to use a lot Springbrook Management Ltd

## Annual Fee for Management

**MANAGEMENT** – The Developer will manage the Association for an annual fee

Until Turnover Date, each Share Holder (Owner) shall pay an annual maintenance fee of One Hundred Twenty-Five Dollars (\$125.00) per share per year. Each Fee shall be due and payable without notice on the 15<sup>th</sup> day of January, and shall be paid to Springbrook Management Ltd., at the company office; the Treasure of the company, shall give receipt for all payments made.

**COMMON EXPENSES** –The Association will be required to maintain the following utilities, services and improvements to the Lands. The typical categorized maintenance items, but not limited to the following are as follows:

Management and Administration of the Association,

License, Fees and dues,

Liability Insurance,

Landscape maintenance,

Maintenance of water & sewage system, telephone and electrical system,

Garbage pick up from the on site location of the central garbage bin,

Electricity for the common property,

Internal road maintenance (example winter snow removal for access to the resident lots),

Other matters relating to the use of Lands and facilities by the Cabin-Owners and /or RV Owners

Commencing the day after turnover date, each Share Holder shall be assessed by the Association, a share (the "Annual Maintenance Fee") of the costs to maintain utilities and improvements and to operate the Association. The Annual Maintenance Fee for each Share Holder shall be

# Springbrook Resort

A shared interest in land with the right to use a lot Springbrook Management Ltd

## Owner's Association

This to be completed by January 1, 2008

### TURNOVER DATE

As set out in the Cabin / RV Owners Agreement the Developer will manage the development until the earlier of:

- (a) The date when the last shared interest is sold by the Developer; OR
- (b) The date at which the Developer determines that sufficient sales have been made and chooses to transfer management responsibility to the Association. (Hereinafter referred to as "Turnover Date")

Thereafter the development will be managed by a Society known as "Springbrook Resort Owners Association"

1. The Owner's Association shall comprise of not less than 20% representation of each of the Cabin Lot owners, RV Lot Owners and Commercial Lot Owners; using the following: Cabin Lot Owners to a maximum of eight (8), RV Lot Owners to a maximum of thirty-one (31) and Commercial Lot Owner to a maximum of one (1).
2. The Owner's Association will be governed according to the Certification of Incorporation of Springbrook Management LTD. incorporated under the Business Corporations Act on April 5, 2006 at 02:06 PM Pacific Time. Number BC0754026.  
And to its bylaws And the terms of the Cabin / RV Lot Owners Agreement:  
With exception to the following:
  - a. Quorum 8.2 .... The quorum for the transaction of business at a meeting of the Owners Association (shareholders) is 3 persons who are, or who represent by proxy, shareholders who, in the aggregate, hold at least 1/3 of the issued shares in each of Cabin Lot Owners, RV Lot Owners and Commercial Lot Owners entitled to be voted at the meeting.
3. The Owners Association will be exclusively responsible for all matters relating to the management, operation, control, maintenance and administration of certain amenities, green spaces, shared property and common property within the shared interest in land with the right to use a lot Springbrook Management LTD. but not limited to and will be exclusively responsible for recovering the cost thereof from each of the Cabin / RV Lot Owners.
4. The Owners Association may be responsible for creating an annual budget for maintenance costs, retaining and supervising a property manager.

# Springbrook Resort

## **Certificate of Incorporation and Articles of Springbrook Management Ltd.**

The Authorized Share Structure

as page 3 of 3

1. No Maximum      Common Voting shares  
Without Par Value

Without Special Rights or  
Restrictions attached

We are filing an amendment to the Business Corporations Act

For 200 maximum common voting shares without par value



File: P 715 406

June 11, 2015

Margaret Henne  
4527 Highway 93/95  
PO Box 99  
Skookumchuck BC V0B 2E0

Dear Ms. Henne:

**Re: Subdivision Referral – Springbrook Management Ltd.  
PID: 017-704-596 - Lot 1, DL 265, Kootenay District, Plan NEP19694**

The Ministry of Transportation and Infrastructure has referred your application to the RDEK for comment.

- The RDEK subdivision examination fee for this proposal is \$340.00.
- Return the attached FEE SLIP with your \$340.00 payment to the RDEK reception desk.

We will examine the application and provide comments when payment is received. If you have questions call me at 250-489-0314 or toll free 1-888-478-7335.

Sincerely,

Jean Terpsma  
Planning Technician

JT/hch

Enclosure

pc: Ministry of Transportation (file 2015-02180)

From: [Elder, Leslie TRAN:EX](#)  
To: [s.22](#)  
Cc: [Nichol, Christine TRAN:EX](#)  
Subject: Springbrook Resort (MOTI File 2015-02180)  
Date: Wednesday, July 29, 2015 3:46:37 PM  
Attachments: [springbrook 014.jpg](#)  
[springbrook 015.jpg](#)

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Hello Again – My apologies as I forgot to include the return of the letter from Glen Purdy as noted in my letter of earlier today.

*Leslie Elder*

*Provincial Approving Officer, Rocky Mountain District - Cranbrook*

Office: (250) 426-1509 / Cell: (250) 919-2444 / Ministry website: <http://www.th.gov.bc.ca/DA>



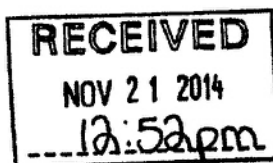
# Majic, Purdy

LAW CORPORATION

G. S. Majic, Q.C. (d. 2003)  
G. A. Purdy, Q.C.  
C.E. Smith\*

REPLY TO: 592 - 2<sup>nd</sup> Avenue  
P.O. Box 369  
Fernie, British Columbia  
Canada, V0B 1M0  
Telephone: (250) 423-4497  
Facsimile: (250) 423-6714

OUR FILE: 10130 FBU  
YOUR FILE:



\*Denotes Professional Corporation

Nov. 17, 2014

## WITHOUT PREJUDICE

Sinclair Law Office  
Suite 202, 2505 - 17<sup>th</sup> Ave. SW  
Calgary, AB T3E 7V3

Attention: Bradley V. Sinclair

Dear Mr. Sinclair:

**Re: Springbrook Resort**

Please be advised that we have been retained by Springbrook Resort in relation to resolution of the outstanding differences with the purchasers of shares at Springbrook Management Ltd.

We have a copy of your email to Ms. Henne of October 15, 2014.

As you may be aware, it is not possible to register a lease in British Columbia for a term in excess of three years, over part of a parcel of land, without the approval of the approving officer, which in this case is the Ministry of Transportation and Infrastructure. The process to create the "parcel" for registration of the lease is little different than a subdivision of the land. Further, a lease in excess of three years that is not registered is not enforceable. While it would be, theoretically, possible to register leases against the entire parcel, including the commercial business, that is not something that our clients are prepared to entertain.

That being said, it is important that a resolution be had to the matter. At this time, our clients are commencing a process to subdivide the land, to create a separate parcel for the commercial business, and a separate parcel for the recreational portion. As you may appreciate, this process will take time. However, the overall intention, once the subdivision is complete, is to transfer the recreational portion to the recreational lot owners, and that the recreational lot owners, in consideration of the transfer of the land, surrender their shares to the company.

It may be that the transfer of the recreational component of the land to the owners would in fact be to a new company, the shareholders of which are the existing "recreational lot" owners, and that the recreational

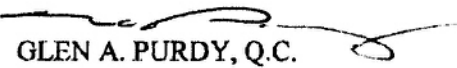
Page 1 of 2

owners enter into a shareholders' agreement, providing for the sharing of costs and right to the use and occupation of a particular portion of the recreational lands; it would be up to the recreational owners to decide which format best suits their needs.

This letter may not be construed as an assurance that the subdivision process will be completed, however, our clients intend on making best efforts to effect the subdivision.

Either our office, or our client, will keep you apprised as matters progress. However, generally, the subdivision process can take up to a year, or in some cases, longer, to complete.

Yours truly,  
MAJIC, PURDY  
LAW CORPORATION, per:



GLEN A. PURDY, Q.C.  
GAP/jwf

From: [Elder, Leslie TRAN:EX](#)  
To: ["Marnie"](#)  
Cc: [Nichol, Christine TRAN:EX](#)  
Subject: MOTI File 2015-02180 (Springbrook Resort)  
Date: Wednesday, July 29, 2015 11:32:39 AM  
Attachments: [Scan\\_20150729.pdf](#)

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Hello Marnie – Thank you for providing me with the additional information regarding the Disclosure Statement, etc. Chris Nichol, our District Development Technician and I are working through your application and have some questions that require clarification. Your application for subdivision indicates that you are applying for a Strata Subdivision. Please confirm this to be accurate. I will assume this to be true and my questions/comments will reflect this assumption. If this is not the intention then my questions and comments will differ than those here to some extent.

In reviewing the proposed layout as a strata development, I have the following questions/comments:

- a. I have reviewed the proposed layout provided (prepared by Griffith Surveys), which is undated. I have taken that proposed layout and attempted to overlay the proposed lot lines of the site plan that was included in the Disclosure Statement, dated Sept 13, 2007. Can you please confirm that my interpretation is accurate (copy attached). If not, please provide an accurate site plan that includes the existing lot lines as represented in the Disclosure Statement.
- b. As a 3-Lot Strata subdivision you will be required to provide "common lands", which typically include the access route and/or community services and infrastructure, such as shared facilities. The plan prepared by Griffith Surveys does not provide any evidence of "common" areas.
- c. With respect to servicing (i.e. water & sewer), can you please provide more clarity on the location of the community servicing and how the infrastructure to service the proposed 3 strata lots will be addressed. If the intention is for one community service then the infrastructure needs to be contained within "common lands".
- d. Is the intention after registration of the strata subdivision to continue operating the "resort" as a Shared Interest development? If so, I am wondering how separating the "Shared Interest" lots between the 3 proposed strata lots will allow for efficient operation of the Shared Interest or the Strata?

Further to the community services (water & sewer), can you clarify on the site plan the location of the water source, and what the source is. If it is from a surface water source please provide a copy of your current Water Licence. It will be a requirement of subdivision to obtain approval from the Comptroller of Water Rights for the operation of a community water system. It is recommended that you review the requirements for making application to operate a water utility and in making application for approval from the Comptroller of Water Rights. I have provided a link for your information



[http://www.env.gov.bc.ca/wsd/water\\_rights/water\\_utilities/utilities\\_application\\_index.html](http://www.env.gov.bc.ca/wsd/water_rights/water_utilities/utilities_application_index.html)

With respect to the community septic system, I draw your attention to the Environmental Management Act which you will be required to adhere to if you believe the discharge rates fall within the parameters referenced in Section 2 below. If not, then any requirements of the Interior Health Authority must be addressed, in addition to satisfying the Subdivision Servicing Bylaw 1954 of the Regional District of East Kootenay. We have had initial contact with David Butt with Interior Health Authority (IHA) who requires some additional information prior to providing our office with his official comments, primarily with respect to the intent to subdivide into 3 Strata Lots versus conventional fee simple lots. Your response to the questions in this email will assist IHA in responding appropriately.

**Section 4 of the Environmental Management Act - Municipal Wastewater Regulation 87/2012 states:**

***(1) In this section, "parcel", "sewerage system" and "strata lot" have the same meanings as in the Sewerage System Regulation, B.C. Reg. 326/2004.***

***(2) Subject to subsection (3), this regulation applies to all discharges***

***(a) to ground, if the discharge***

***(i) is equal to or exceeds maximum daily flows of 22.7 m<sup>3</sup>/d, and***

***(ii) is from a sewerage system or combination of sewerage systems that serve structures on one or more parcels or strata lots, or on a shared interest, and***

***(b) to water.***

In general, I am having difficulty in understanding the intention of your application for a 3 lot strata subdivision, as presented. I am challenged to understand how you intend to address the existing "shared interest lots" with the creation of a 3 lot strata subdivision. It would seem to me that the creation of 3 lots under the Bare Land Strata Regulations is the first step in fulfilling your intentions. The next step would be to either further subdivide each of those 3 lots further into additional strata lots, or to operate a shared interest development within each of these 3 strata lots. Since there are existing lots, owned by the "shareholders" of Springbrook Management Ltd, it is important for me to understand how to address these existing interests in the land. I would appreciate you providing me with some clarity on your intentions. I have included an excerpt from the Bare Land Strata regulations for your information.

**Bare Land Strata Regulations 75/78 states:**

**Requirements for approval**

***3 (1) In considering an application for the approval of a bare land strata plan, the approving officer may***

***(a) at the cost of the owner-developer, personally examine or cause an examination and report to be made on the land intended to be included in the bare land strata plan,***

***(b) hear from all persons who, in his opinion, are affected by the bare land strata plan,***

***(c) require an owner-developer to state in writing the intended use of the strata lots being created by a bare land strata plan,***

***(d) require the owner-developer to provide such plans, designs, specifications and reports as the approving officer may reasonably require in order to consider the bare land strata plan for approval,***

***(e) refuse to approve the bare land strata plan, if he considers that***

***(i) the anticipated development would injuriously affect the established amenities of adjoining or reasonably adjoining properties,***

***(ii) the deposit of the bare land strata plan is against the public interest,***

***(iii) the bare land strata plan does not comply with the provisions of these regulations relating to access and the sufficiency of highways required to be dedicated pursuant to these regulations,***

***(iv) the highways required to be dedicated prior to the approval of the bare land strata plan by the approving officer are not cleared, drained, constructed and surfaced to his satisfaction, or unless, in such circumstances as he considers proper, security in an amount and in a form acceptable to him is provided by the owner-developer,***

***(v) it contains land that because of inadequate drainage is not suitable for the intended use or any other prospective use the approving officer considers likely,***

***(vi) the land is subject or could reasonably be expected to be subject to flooding, erosion, land slip or avalanche,***

***(vii) the cost of providing the public utilities or other works or services would be excessive, or***

***(viii) the development would adversely affect the natural environment to an unacceptable level.***

***(2) If land in respect of which a bare land strata plan is submitted for approval is subject to any of the conditions described in subsection (1) (e) (v) or (vi), the approving officer may approve it if the owner-developer agrees in writing to enter into such covenants registrable under section 182 of the Land Title Act as the approving officer considers advisable.***

On a final note I would appreciate some clarification on some statements made in your letter to me, dated July 17, 2015. You have indicated that a copy of the proposed subdivision plan has been forwarded to legal counsel retained by some of the shareholders of Springbrook Management Ltd., does this legal counsel you refer to represent the minority of the shareholders of the Company, being some, but not all, of the "recreational shareholders" of Springbrook Resort? Do you believe it to be necessary to provide a copy of all correspondence to this legal counsel, and perhaps to yours if you currently have retained your own legal counsel? With this in mind, I am interested to hear from all interested parties to ensure there is a full understanding of the impacts of the proposed subdivision on their rights as a shareholder in Springbrook Management Ltd. It is important for me to have a level of confidence that the majority of the shareholders are in favour of the intentions of

your application for subdivision, not just “a minority of the shareholders of the Company”, as you have referred to. In the meantime, I will proceed with providing my feedback to those that have made inquiries as to the subdivision application.

At this time I will await your response and clarification on the items raised here, but I suspect I will likely have some additional questions as I continue my review of your application. If you have any questions or require clarification on any of the above please do not hesitate to contact me directly.

Thanks for providing me with responses to date.

*Leslie Elder*

*Provincial Approving Officer, Rocky Mountain District - Cranbrook*

Office: (250) 426-1509 / Cell: (250) 919-2444 / Ministry website: <http://www.th.gov.bc.ca/DA>

Page 077 to/à Page 078

Withheld pursuant to/removed as

DUPLICATE

From: [Elder, Leslie TRAN:EX](#)  
To: [Wiekenkamp, Melissa M TRAN:EX](#)  
Subject: FW: 2015-02180 Proposed Subdivision  
Date: Friday, November 20, 2015 8:36:47 AM

---

I guess this will be your file now....for the file please.

---

From: Marnie [mailto:marnie@springbrookresort.com]  
Sent: Wednesday, November 18, 2015 10:10 AM  
To: Elder, Leslie TRAN:EX  
Subject: Re: 2015-02180 Proposed Subdivision

Good morning Leslie

An agreement in principal has been worked out with the shareholders, and we are just finalizing some details, and that we expect to be able to advise you within a month that an agreement has been reached.

Marnie  
250-422-3563  
URL: <http://springbrookresort.com>

On 11/17/2015 9:21 AM, Elder, Leslie TRAN:EX wrote:

Hello Marnie – I thought I would inquire as to the status of your ongoing discussion with the shareholders in Springbrook and your intentions to move forward with the subdivision application. We still have your file as pending and in order for me to provide you with a response on your application I still require additional information. If there is a possibility that the subdivision application will not be moving forward then we should close your file until such time as an agreement has been reached and we can proceed.

Please let me know your thoughts and direction for this application. Thanks kindly.

***Leslie Elder***

*Provincial Approving Officer, Rocky Mountain District - Cranbrook*

Office: (250) 426-1509 / Cell: (250) 919-2444 / Ministry website: <http://www.th.gov.bc.ca/DA>



**From:** [Elder, Leslie TRAN:EX](#)  
**To:** [Wiekenkamp, Melissa M TRAN:EX](#)  
**Subject:** FW: In response to your voicemail  
**Date:** Monday, November 30, 2015 2:28:21 PM

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[For the file....](#)

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**From:** Elder, Leslie TRAN:EX  
**Sent:** Tuesday, November 24, 2015 3:24 PM  
**To:** 'Marnie'  
**Subject:** In response to your voicemail

Hi Marnie – It is hard to speak in general terms when it comes to setbacks from water features. There are some best management practices that were developed by Ministry of Environment several years ago that work as a rule of thumb, but it really needs to be determine by undertaking a review/assessment of the land by a professional engineer.

The setbacks range from a minimum of 7.5m up to 30.0m, but could be more or less than that. I believe there is a covenant on your title currently that speaks directly to a setback. I have not reviewed that covenant in this response but I would suggest that may help to answer any questions.

If you are looking for something different, in that I have not answered your question, please let me know and I try to provide some clarity.

*Leslie Elder*

*Provincial Approving Officer, Rocky Mountain District - Cranbrook*

Office: (250) 426-1509 / Cell: (250) 919-2444 / Ministry website: <http://www.th.gov.bc.ca/DA>

**From:** [Elder, Leslie TRAN:EX](#)  
**To:** [Wiekenkamp, Melissa M TRAN:EX](#)  
**Subject:** FW: 2015-02180 Proposed Subdivision  
**Date:** Wednesday, December 2, 2015 9:14:44 AM  
**Attachments:** [Signed confirmation Don Kawano, Glen Purdy dated November 30, 2015.pdf](#)  
[2015-11-25 Proposed Property Lines.PDF](#)  
[2015-11-25 Proposed Easements.PDF](#)

---

**From:** Marnie [mailto:marnie@springbrookresort.com]  
**Sent:** Tuesday, December 1, 2015 4:53 PM  
**To:** Elder, Leslie TRAN:EX  
**Subject:** Re: 2015-02180 Proposed Subdivision  
Hi Leslie

We have reach a unanimous agreement on proceeding with the subdivision application  
I am attaching the Signed confirmation between all parties with the sketches  
I have requested a new layout from the surveyor and will forward as soon as possible  
On the Preliminary Subdivision Application we request Bare Land Strata We will need to change this  
to a Conventional Subdivision  
Please let me know that you have received and if there is anything else you will need immediately

Thank-you

Marnie & Barney  
Springbrook Resort, Cabin, Motel & RV Park  
4527 Hwy 93/95  
Skookumchuck, BC V0B 2E0  
Tel: 250-422-3563  
Fax: 250-422-3079  
TF : 877-422-3563  
URL: <http://springbrookresort.com>

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Marnie  
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URL: <http://springbrookresort.com>

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Please let me know your thoughts and direction for this application.

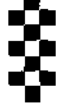
Thanks kindly.

***Leslie Elder***

*Provincial Approving Officer, Rocky Mountain District - Cranbrook*

Office: (250) 426-1509 / Cell: (250) 919-2444 / Ministry website:

<http://www.th.gov.bc.ca/DA>



# RELLA PAOLINI & ROGERS

## LAWYERS

ALLAN RELLA\*  
DONALD PAOLINI\*  
WESLEY ROGERS\*  
DONALD N. KAWANO QC  
JEREMY MITCHELL

Second Floor, 6 – 10<sup>th</sup> Avenue South  
Cranbrook British Columbia V1C 2M8  
Telephone: (250) 426-8981  
Fax: (250) 426-8987  
Toll Free: 1-866-426-8981  
Email: [donk@rellapaolini.com](mailto:donk@rellapaolini.com) or  
[kristals@rellapaolini.com](mailto:kristals@rellapaolini.com)

Reply Attention of: Donald N. Kawano QC  
Our File No: 17939 DNK  
Your File No: 10130 FBU

November 30, 2015

BY FAX ONLY: 1-250-423-6714

Majic, Purdy  
Barristers & Solicitors  
592 2<sup>nd</sup> Ave.  
PO Box 369  
Fernie, BC V0B 1M0

Attention: Glen Purdy, QC

Dear Sir :

**Re: Springbrook Resort**

Further to our recent communications and discussions regarding settlement of issues, I confirm that I have instructions from my clients Linda Nickerson, Jerry Horvat and Sheri Jolly (Sheri has recently changed her surname to "Jolly", but she and Jerry are still co-owners of lot 4), Gordana Patrie, Wendy and Fynn Jensen, Bradley Sinclair Professional Corporation, Wanda and Peter O'Neill, Blair Young Estate, Pat Lawton and Fred Martin, Coral and Doug Kuhn, and Steve Martin to agree on their behalf to the terms as set forth herein.

For clarity, I refer to the new parcels to be created as "Parcels A, B, C", and Individual Lots as "lots".

\*Denotes personal law corporation

Received Time Nov. 30. 2015 9:56AM No. 2834

My clients agree that the terms of settlement are as follows:

- a) A new lot 5 will be added to Parcel A, 40 ft. in width and 80 ft. in length (that is the size of lot 4 from the road to the river bank), to be situate adjacent to lot 4 which is owned by Jerry Horvat and Sheri Jolly. In exchange, Steve Martin will vacate and give up his right to lot 24 to your clients for their inclusion in Parcel C,
- b) The present dimensions of lots 15, 16, and 17, need not be altered,
- c) The present lots 15, 16 and 17 owned by the Blair Young Estate, Pat Lawson and Fred Martin, and Coral and Doug Kuhn are to be placed within Parcel A,
- d) The two rv lots, being lots 2 & 3 along the river presently owned by your clients are to be included in Parcel A without compensation by my clients,
- e) Mutual easements are to be provided and signed for the areas as per the enclosed sketch. The easements are to provide that no building, structures, or fences are permitted within the easement areas. Neither party will erect a fence or place a barrier extending the fence from lot 10 to the southerly border of Parcel A and C. The access easement through the proposed Parcel B, along the river, and along the southerly boundary of Parcel A will be restricted to non-motorized access only, except for the purpose of maintenance. The easement through the proposed Parcel B will be 3 metres in width. The easement along the river shall be at the setback line from the river as may be required by the Ministry of Transportation and Infrastructure (MOTI). The easement through the southerly portion of Parcel A is to be a minimum of 3 metres in width on either side of the watercourse, where possible. An easement will be granted to Parcel A to the electrical building, and the owners of Parcel A will be provided with a key to access such building as and when required,
- f) Mutual easements to the sewer and electrical supply systems will be created and signed by the parties. It appears that no easement will be required for water servicing but if necessary the parties will sign one.
- g) Your clients will provide a written license or written permission for access in favour of the registered owners of Parcel A, and their invitees, for a maximum of 3 metres in width from the natural high water mark of the pond and watercourse on Parcel C, but such

\*Denotes personal law corporation

license or permission shall not include use for picnics, tenting, fishing, swimming, or wading.

h) As to the utilities:

- (i) my clients agree to pro-rata sharing of expenses relating to maintenance of the septic system, but decisions relating to necessary expenditures must be made in consultation with and upon the written agreement of both parties, except in the case of emergencies when the designated representative of my clients cannot reasonably be contacted,
  - (ii) your clients will install a well and pump in the area between the road and the electrical building, and will either provide an easement for access to the well, or include that portion within Parcel A (approx. area of easement or inclusion of 175 sq. ft), at their expense. Your clients will connect the new pump and well to the existing water line servicing the lots within the proposed Parcel A. The water system within Parcel A will be owned and maintained by the Parcel A owners. There will not be any "usage" costs imposed by your clients on mine relating to the water system within Parcel A. Maintenance of the well and pump will be at my client's expense. Your clients will provide a water key, without charge, to my clients to enable them to turn on and off the water valves within Parcel A, as required,
  - (iii) my clients will jointly participate in discussions and decisions relating to all B.C. Hydro matters including the matter of separate electrical meters within Parcel A,
  - (iv) your clients will provide such "as built" maps or sketches as necessary to show the location of all underground servicing including electrical, water lines, sewer lines, telephone lines, etc.
  - (v) my clients are to be provided with a key to the electrical services building and will have access to the electrical service building as per the necessary easement agreement,
- h) You will provide the survey plans for the proposed subdivision as soon as possible. In addition, my clients will be given a copy of your clients' final application for subdivision to confirm that the proposal is in accordance with the terms of settlement. If so, and the survey plans are in accordance with the attached sketch, my clients will provide their written approval to the Approving Officer

\*Denotes personal law corporation

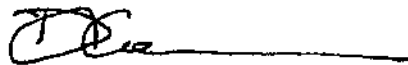
forthwith,

- i) Majic Purdy will provide the easement documents and will provide them to my clients for review, prior to your clients making the final application for subdivision. Some, if not all, of the easements will be required by MOTI to be deposited with the subdivision plan.
- j) Upon creation of Parcel A, and registration of the easements as set out herein, our clients will provide a Form A Transfer of Parcel A, to be prepared by our office, and to be provided to your office showing transfer into the such name or names as my clients direct, upon execution thereof and confirmation of registration in the Land Title Office, my clients will exchange all of their shares in Springbrook Management Ltd., whether transferred to your clients or surrendered to the company, as your clients' accountant may advise. All costs of registration of the Form A Transfer shall be at our clients' sole expense.
- k) Our clients, if deemed necessary, will sign a comprehensive Mutual Release and Settlement Agreement containing all of the terms herein or alternatively a Mutual Release releasing each other from any and all claims, past, present, or future upon completion of the subdivision as contemplated herein.
- l) The terms of settlement set forth herein, as endorsed by counsel for the parties, shall be binding to full extent as if each of the parties duly executed an agreement containing these terms.

I look forward to return of this letter as confirmed by you on behalf of your clients as indicated.

Upon receipt and approval of the survey plans, easements, and a copy of your clients' application for subdivision my clients, through me, will provide their consent to the Approving Officer.

Yours truly,  
RELLA PAOLINI & ROGERS



DONALD N. KAWANO QC

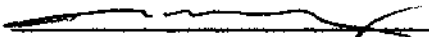
DNK/ks  
Copy: clients

(CONFIRMATION PAGE follows)

\*Denotes personal law corporation

**CONFIRMATION OF TERMS OF SETTLEMENT**

I hereby confirm that my clients Springbrook Resort, Springbrook Management Ltd., Margaret Jean Henne and Barney John Timmers agree to the terms of settlement as set forth herein.

  
Dated this 30 day of November, 2015

Glen Purdy QC

\*Denotes personal law corporation

Received Time Nov. 30. 2015 9:56AM No. 2834



This sketch forms part of the November 25, 2015 letter signed by Counsel for the parties.

Springbrook

proposed  
property  
lines



B

C

A

2015-11-25

signed by Counsel for the parties.

Springbrook

proposed  
Easements

B

C

A



2015-11-03

Springbrook

proposed  
property  
lines



B

C

A

2015-11-25



Springbrook

proposed  
Easements



B

C

A

2015-11-25

Page 092 to/à Page 100

Withheld pursuant to/removed as

DUPLICATE

From: [Elder, Leslie TRAN:EX](#)  
To: ["Marnie"](#)  
Cc: [Wiekenkamp, Melissa M TRAN:EX](#)  
Subject: RE: 2015-02180 Proposed Subdivision  
Date: Wednesday, December 2, 2015 9:14:16 AM

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Thanks for providing this information Marnie. I will have a thorough review and let you know what else is required in order for our office to proceed with the application process. It would be helpful if we had the preliminary survey plan that is being prepared by the BCLS, so it might be beneficial to wait until we have that in hand before proceeding. I will be in touch early next week to let you know what else we may require.

Thanks again, Leslie

---

**From:** Marnie [mailto:marnie@springbrookresort.com]  
**Sent:** Tuesday, December 1, 2015 4:53 PM  
**To:** Elder, Leslie TRAN:EX  
**Subject:** Re: 2015-02180 Proposed Subdivision  
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Thank-you

Marnie & Barney  
Springbrook Resort, Cabin, Motel & RV Park  
4527 Hwy 93/95  
Skookumchuck, BC V0B 2E0  
Tel: 250-422-3563  
Fax: 250-422-3079  
TF : 877-422-3563  
URL: <http://springbrookresort.com>

On 11/18/2015 10:10 AM, Marnie wrote:

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URL: <http://springbrookresort.com>

On 11/17/2015 9:21 AM, Elder, Leslie TRAN:EX wrote:

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application I still require additional information. If there is a possibility that the subdivision application will not be moving forward then we should close your file until such time as an agreement has been reached and we can proceed.

Please let me know your thoughts and direction for this application.

Thanks kindly.

***Leslie Elder***

*Provincial Approving Officer, Rocky Mountain District - Cranbrook*

Office: (250) 426-1509 / Cell: (250) 919-2444 / Ministry website:

<http://www.th.gov.bc.ca/DA>



# Interior Health

June 18, 2015

Margaret Jean Henne  
Springbrook Management  
4527 Highway 93/95  
Skookumchuk, BC V0B 2E0

Dear Margaret Jean Henne:

**RE: IH Requirements - Subdivision File # 2015-02180**

The IH Healthy Built Environment Team has received the above captioned subdivision referral from the Subdivision Approving Officer.

Interior Health charges a processing fee of \$200, which includes one lot, plus \$100 per each additional lot needing technical assessment. Therefore, a payment to Interior Health of **\$400.00** is required based on 3 lots of this proposal needing technical review. Payment can be made at any Health Protection office, by mail to the address below or by credit card by calling 1-855-744-6328 option 1. ***Please include a copy of this letter when making a payment or if paying by credit card over the phone please have your Subdivision File number available.***

In addition, our preliminary review indicates the information we require, in order to provide meaningful comments to the Approving Officer, has not been included. Please ensure for all proposed lots 5 acres (2.02 hectares) or smaller the information, as indicated below, is provided to the Approving Officer. Please reference the above subdivision file number with all correspondence.

- X **Site Plan** – A site plan which accurately shows all existing structures, sewerage system dispersal area(s), drinking water supply(s), etc.
- X **Soils Information** – A report completed by a Registered Onsite Wastewater Practitioner with Planner designation, Professional Engineer or a Geoscientist.
- X **Drinking Water Information** – Identify the drinking water source for each proposed lot: individual wells, independent connection to water licence point of extraction, or connection to a new or existing community water system. If proposing connection to an existing water system, provide the name of the system.

**Note:** Refer to Subdivision Report Criteria for Authorized Persons (see attached) for a detailed list of what should be included in the site plan, soils tests and report.

Additional information can be found on our [Land Development webpage](#). Please understand, ***incomplete applications will not be processed and if payment is not received within 45 days this file will be inactivated.***



If you have any questions, concerns or require additional explanation, please feel free to contact [HBE@interiorhealth.ca](mailto:HBE@interiorhealth.ca) or phone 1-855-744-6328 option 4.

Sincerely,



Healthy Built Environment Team

Cc: Leslie Elder, Approving Officer, MOTI, [leslie.elder@gov.bc.ca](mailto:leslie.elder@gov.bc.ca)

Att: Subdivision Report Criteria for Authorized Persons

From: [Elder, Leslie TRAN:EX](#)  
To: ["Marnie"](#)  
Cc: [Wiekenkamp, Melissa M TRAN:EX; "Jean Terpsma"](#)  
Subject: MOTI File 2015-02180 (Springbrook Resort Ltd)  
Date: Monday, December 14, 2015 3:16:12 PM

---

Good Afternoon Marnie – Thanks for coming in to see me on Friday and explaining your proposed plan of subdivision. This afternoon Melissa and I met with Jean Terpsma from the RDEK to discussing your new proposed layout. I will try to put into bullet form the things we talked about and options for moving forward, based on the layout you provided me on Friday Dec 11<sup>th</sup>.

1. Lot Layout

a. In order to meet the minimum parcel size of .4ha, excluding the panhandle access, there are a couple options as we see it.

Option 1 – include a portion of Lot C to make up the difference in the area being utilized within the panhandle. This could be achieved a couple different ways.

- You could include a portion of Lot C that contains the sewage disposal area into Lot B. Jean has confirmed that the septic system could be contained within both Lot B and C with an easement in place to protect the split between the two lots.
- Or, take a portion of Lot C that would be hooked across the panhandle access road. For example those lands that contain Sites 18 & 19.

Option 2 – eliminate Lot B and create a two lot subdivision

Option 3 – apply for an amendment to the minimum parcel size, which may or may not be approved. You would have to have a very strong case for this to be supported by the RDEK Board.

2. Sewage Disposal – The existing system can be maintained as is to service the entirety of the lots but you will have to apply to the Ministry of Forest, Lands & Natural Resource Operations (Environment) for a permit to operate a “community sewage system” under the Municipal Wastewater Regulations.

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4. Access – Panhandle access is acceptable but it has to be able to accommodate two way traffic, so the desirable minimum is 10 metres. A reciprocal access easement agreement will be required to protect the shared physical access.

Hoping that clarifies some of your questions from Friday last week. Please feel free to contact myself or Jean at the RDEK if you have any questions.

*Leslie Elder*

*Provincial Approving Officer, Rocky Mountain District - Cranbrook*

Office: (250) 426-1509 / Cell: (250) 919-2444 / Ministry website: <http://www.th.gov.bc.ca/DA>

From: Marnie  
To: [Elder, Leslie TRAN:EX](#)  
Cc: [Wiekenkamp, Melissa M TRAN:EX; "Jean Terpsma"](#)  
Subject: Re: MOTI File 2015-02180 (Springbrook Resort Ltd)  
Date: Wednesday, December 16, 2015 4:47:15 PM  
Attachments: [Springbrook Subdivision Layout Dec 16 2015 MM15037 Prop4.pdf](#)  
[Proposed Property Line Dec 16 2015.PDF](#)

---

Good afternoon Leslie and Jean  
attached is the new layout for the Springbrook Management Ltd Subdivision  
could you please do a quick examination and see if I have missed anything  
then I will have the surveyor print off as many copies as needed and deliver to your respective  
offices  
thanks

Marnie  
250-422-3563

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Office: (250) 426-1509 / Cell: (250) 919-2444 / Ministry website: <http://www.th.gov.bc.ca/DA>



Kootenay River

according to Plan NEP19694

present natural boundary

1  
Plan 2535

Part C  
Part area = 0.13 ha

B  
Area = 0.44 ha  
(not including access)

A  
Area = 0.96 ha  
(not including access)

C  
Part area = 1.41 ha

Highway 93/95  
Frontage road access

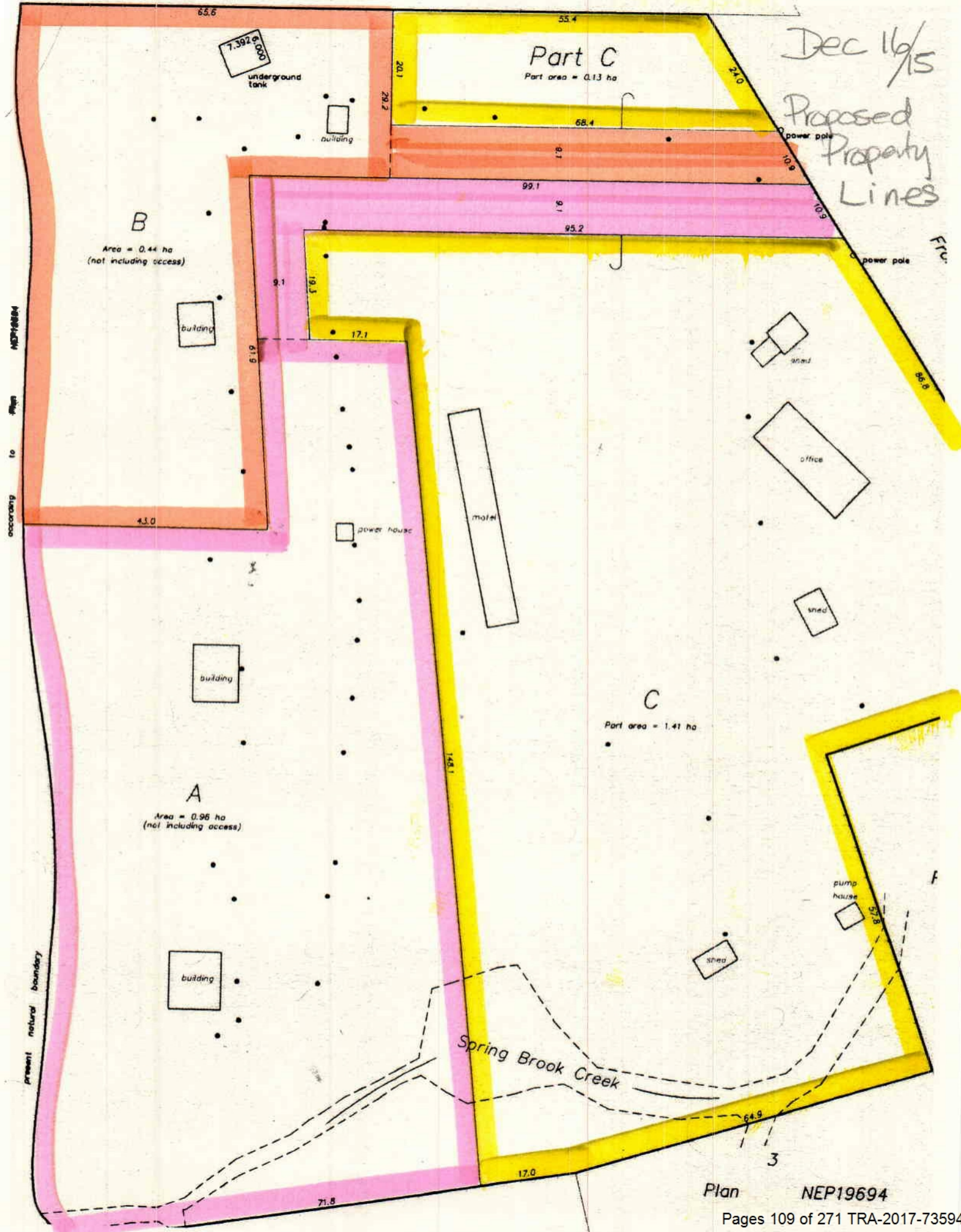
2  
Plan NEP19694

3  
Plan NEP19694

A  
Plan 5406

Spring Brook Creek

Dec 16/15  
 Proposed  
 Property  
 Lines





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according to Plan NEP19694

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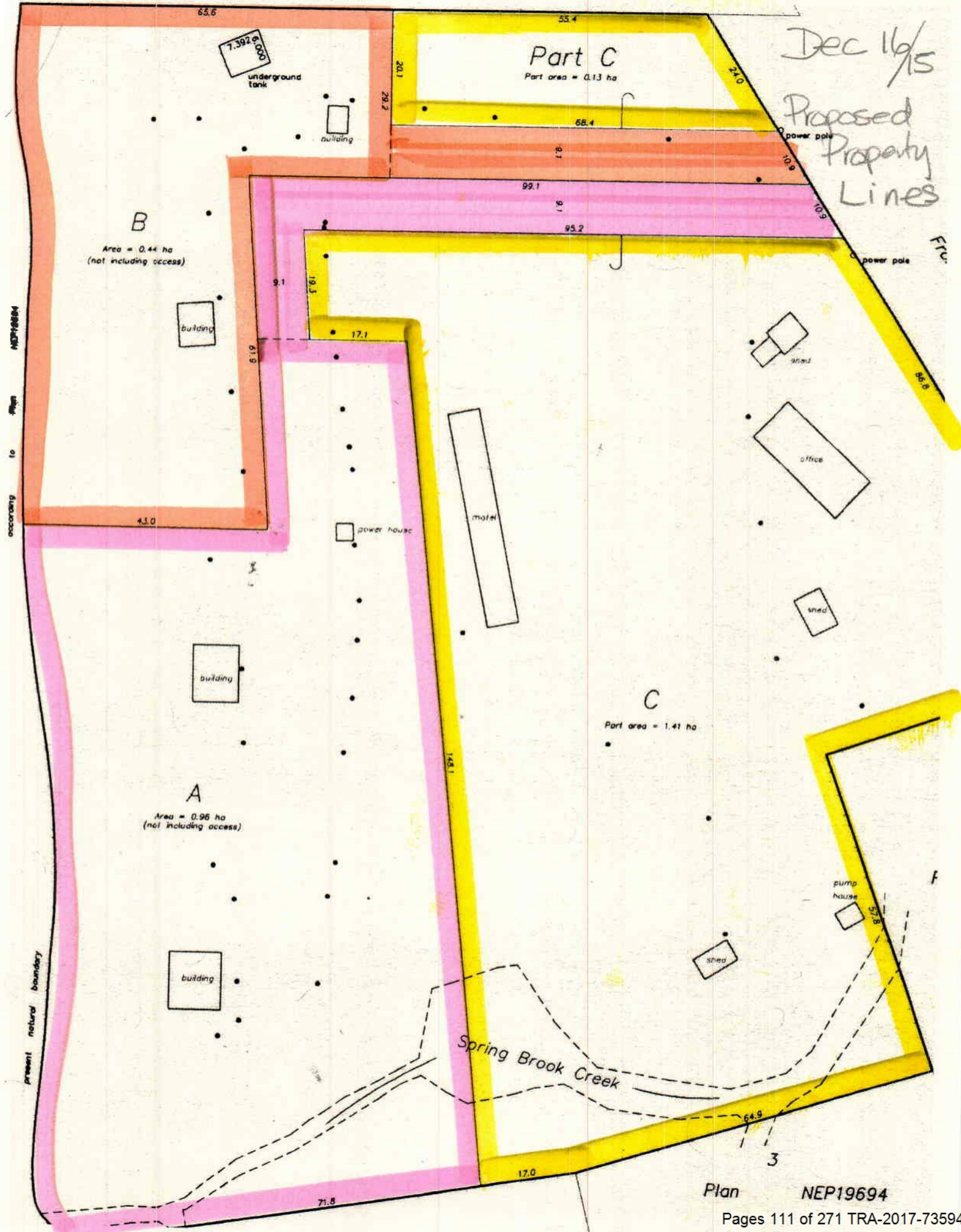
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Dec 16/15  
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Lines





**From:** Jean Terpsma  
**To:** [Marnie; Elder, Leslie TRAN:EX](#)  
**Cc:** [Wiekenkamp, Melissa M TRAN:EX](#)  
**Subject:** RE: MOTI File 2015-02180 (Springbrook Resort Ltd)  
**Date:** Thursday, December 17, 2015 8:58:09 AM

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Thank you Marnie. This revised plan looks good for RDEK requirements, for now. I don't need any copies dropped off, I have printed off the emailed version. Once the survey has been completed and the final plan of subdivision has been prepared I will need a final copy from the BC Land Surveyor.

Jean Terpsma

Planning Technician

Regional District of East Kootenay

19 - 24th Avenue S

Cranbrook BC V1C 3H8

Tel: 250-489-2791

Fax: 250-489-1287

email [jterpsma@rdek.bc.ca](mailto:jterpsma@rdek.bc.ca)



Please consider the environment before printing this e-mail

---

**From:** Marnie [<mailto:marnie@springbrookresort.com>]  
**Sent:** December-16-15 4:47 PM  
**To:** Elder, Leslie TRAN:EX  
**Cc:** Wiekenkamp, Melissa M TRAN:EX; Jean Terpsma  
**Subject:** Re: MOTI File 2015-02180 (Springbrook Resort Ltd)

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Office: (250) 426-1509 / Cell: (250) 919-2444 / Ministry website: <http://www.th.gov.bc.ca/DA>

From: [Elder, Leslie TRAN:EX](#)  
To: ["Marnie"](#)  
Cc: [Wiekenkamp, Melissa M TRAN:EX; "Jean Terpsma"](#)  
Subject: RE: MOTI File 2015-02180 (Springbrook Resort Ltd)  
Date: Thursday, December 17, 2015 9:15:43 AM

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Good Morning Marnie – I have reviewed the proposal it appears to fit within the parameters as we discussed. It is not necessary for you to submit paper copies of the proposal, as we can utilize the emailed version at this time to re-initiate your application process. Please confirm when you are ready to commence the process. s.22

s.22

Sorry for any inconvenience this

may cause.

Please let me know if you have any questions.

*Leslie Elder*

*Provincial Approving Officer, Rocky Mountain District - Cranbrook*

Office: (250) 426-1509 / Cell: (250) 919-2444 / Ministry website: <http://www.th.gov.bc.ca/DA>

---

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**Sent:** Wednesday, December 16, 2015 4:47 PM  
**To:** Elder, Leslie TRAN:EX  
**Cc:** Wiekenkamp, Melissa M TRAN:EX; 'Jean Terpsma'  
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From: [Elder, Leslie TRAN:EX](#)  
To: [Wiekenkamp, Melissa M TRAN:EX](#)  
Subject: FW: FW: Springbrook RE: MOTI File 2015-02180 (Springbrook Management Ltd)  
Date: Thursday, December 17, 2015 1:07:12 PM

---

For your attention – please and thanks.

---

From: Marnie [mailto:marnie@springbrookresort.com]  
Sent: Thursday, December 17, 2015 1:05 PM  
To: Elder, Leslie TRAN:EX  
Subject: Fwd: FW: Springbrook RE: MOTI File 2015-02180 (Springbrook Management Ltd)  
Good afternoon Leslie

Please proceed with our application process  
as stated below in the email from Minority Shareholders' Lawyer all are on side  
We all look forward to hearing from you in the New Year

thanks

Marnie  
250-422-3563  
URL: <http://springbrookresort.com>

----- Forwarded Message -----

**Subject:**FW: Springbrook  
**Date:**Thu, 17 Dec 2015 19:08:36 +0000  
**From:**Glen Purdy  
**To:**Marnie

Marnie  
See following from Don Kawano. I suggest providing his email to Ms. Elder indicating that the  
“shareholders” are on side.

Regards

GLEN A. PURDY, Q.C.

**Majic, Purdy**

Law Corporation

592-2<sup>nd</sup> Avenue, P.O. Box 369

Fernie, B.C. V0B 1M0

Phone: (250) 423-4497

Fax: (250) 423-6714

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---

From: Don Kawano [mailto:DonK@rellapaolini.com]

**Sent:** December-17-15 11:15 AM  
**To:** Glen Purdy  
**Cc:** Brad Sinclair; Kristal Simpson  
**Subject:** RE: Springbrook  
Thanks Glen:

I have forwarded your email and attachments to my client. On behalf of my clients I approve of the changes set forth in your email.

Clearly, the terms of the settlement agreement letter dated November 30, 2015, as endorsed by us as counsel are amended with respect to the wording of paragraph h. (ii) at page 3 of the letter, and elsewhere as applicable as a result of the inclusion of the electrical lot within Parcel A, and the easement back to your clients for access to the electrical building. Further, the sketches attached to your email of yesterday afternoon replace the sketches attached to the November 30<sup>th</sup> letter. Please provide the final subdivision plans for review/approval, after PLA has been granted.

Regards,  
Don Kawano

---

**From:** Glen Purdy [<mailto:glenpurdy@majicpurdy.com>]  
**Sent:** December-16-15 4:45 PM  
**To:** Don Kawano <[DonK@rellapaolini.com](mailto:DonK@rellapaolini.com)>  
**Subject:** Springbrook

Don

My client met with Lesley Elder. See following email from Lesley Elder to my client.

My client has opted to go with the second component of Option 1. The result is Lot A is enlarged to a considerable extent, with the electrical building being located on Lot A. RDEK set back requirements require a minimum of 7.5 meters for any building from the property line.

Attached is the revised layout prepared by the surveyor. As well, attached are my client's sketches with respect to the easement layout, and property line layout. The only distinction with respect to the easements is that there is now an easement in favour of Lots B and C to the Electrical Building, and the septic field easement is now on both Lots B and C.

Our client has forwarded that attached to Leslie Elder, as she is going on holiday on Friday for the Christmas Season.

Please confirm your clients are agreeable to these changes. I suggest they should be as they now acquire substantially more land.

Regards  
GLEN A. PURDY, Q.C.

**Majic, Purdy**  
Law Corporation

592-2<sup>nd</sup> Avenue, P.O. Box 369  
Fernie, B.C. V0B 1M0  
Phone: (250) 423-4497  
Fax: (250) 423-6714

*This electronic mail transmission and any accompanying documents contain confidential information intended only for the use of the individual or entity named above. Any dissemination, distribution, copying or action taken in reliance on the contents of this communication by anyone other than the intended recipient is strictly prohibited. If you have received this communication in error please notify the sender at the above e-mail address or by telephone at (250) 423 -4497 and delete this e-mail and any attachments. Thank you for your cooperation.*

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Ministry of Environment – Environmental Protection  
Division  
Attn: Wendy Murdoch, Environmental Protection  
Officer  
205 Industrial Road G  
Cranbrook, BC V1C 7G5

eDAS File #: 2015-02180  
Date: Dec 17, 2015

Dear Wendy Murdoch:

**Re: Proposed Conventional Subdivision Application for Lot 1, DL 265,  
Kootenay District, NEP19694**

Enclosed is a copy of a proposed Conventional Subdivision Application regarding the above noted location on Bradford Rd and Hwy 93/95.

It would be appreciated if you would examine this application from the viewpoint of your regulations and policies and give us your comments. Please send your reply to this office, with a copy to the applicant:

Springbrook Management Ltd.  
c/o Margaret Henne  
4527 Hwy 93/95  
Skookumchuk, BC V0B 2E0  
Phone: 250-422-3563

The applicant has been advised of this referral and might contact you to discuss their proposal. In order to expedite the processing of the application, your agency's response would be appreciated within 30 days of this letter, January 17, 2016, after which we will prepare recommendations for the Approving Officer's decision.

Contact the applicant for any additional information you may require. If you have any questions please feel free to call Melissa Wiekenkamp at 250-426-1510.

Please quote file number 2015-02180 when contacting this office.

Yours truly,

Melissa Wiekenkamp  
District Development Technician

Local District Address
Rocky Mountain District 129 10th Avenue S Cranbrook, BC V1C 2N1 Canada Phone: (250) 426-1500 Fax: (250) 426-1523



**PRELIMINARY  
SUBDIVISION APPLICATION****Submit this application to the Ministry of Transportation and Infrastructure District Office in your area.****A. PROPOSAL***This is an application for preliminary layout approval for all properties involved*

Applicant File Number

Ministry File Number

**Subdivision Type**☐ Conventional (fee simple) Subdivision☒ Bare Land Strata☐ Other (Specify)No. of Lots  
Including remainder

3

**Full Legal  
Description(s) per  
State of Title  
Certificate(s)**

Lot 1, District Lot 265, Kootenay District, Plan NEP19694

**Full Civic Address**

4527 Highway 93/95, Skookumchuk, BC, V0B 2E0

**Property Location**55 Kilometres ☒ North ☐ South ☐ East ☐ West from Cranbrook Local Gov't RDEK

Access Road

Highway 93/95

Property Zoning

C4

Existing Land Use

Recreation Campground

Intended Land Use

Recreation

**Surrounding Land Use**

North

Recreation

South

Motel/RV Park

East

Gas station/store

West

Kootenay River

**Proposed  
Sewage Disposal**☐ Septic Tank☐ Community System☒ Other (specify) T3 - 22,478 litres/day**Proposed Water Supply**☐ Well☒ Community System (name of existing system)☐ Water Licenses (License #)☐ Other (specify)**B. APPLICATION INFORMATION** Incomplete applications will not be accepted**Required items include:**

- ☐ Subdivision application form.
- ☐ The Preliminary Subdivision Application fee. Please make cheques payable to the Minister of Finance. (see page 2)
- ☐ An authorization letter from the owner(s) if someone else is applying on the owner's behalf. (Permission to Act as an Agent H1275)
- ☐ A copy of BC Assessment Authority Property Assessment Notice showing property tax classification.
- ☐ All new lots MAY require a sewage report—please contact your local Transportation office for clarification.
- ☐ One copy of the current State of Title Certificate so that property encumbrances can be checked.
- ☐ Copies of any covenants, easements, rights-of-way or other charges registered against the title. These are available through the Land Title Office.
- ☐ A copy of Contaminated Sites Profile form or Contaminated Sites declaration statement, duly completed and signed.
- ☐ Original copy and a .PDF file of a scaleable sketch plan of proposed layout with metric dimensions.

Properly engineered drawings will be required for final approval. The sketch must contain:

- ☐ the date it was drawn
- ☐ the scale
- ☐ north arrow
- ☐ legal description of the property being subdivided, and its adjacent properties
- ☐ outline of the subdivision in heavy black line
- ☐ all proposed lots, remainders, parks, rights-of-way, easements and roads showing metric dimensions and areas
- ☐ any existing property lines or roads proposed to be removed, closed or relocated
- ☐ all steep banks or slopes exceeding 2 m high and all slopes of 25% or greater, within or adjacent to the proposal area
- ☐ location of existing buildings and structures, wells and sewage disposal fields on the property, as well as adjacent properties within 30 m of property boundaries
- ☐ location of any onsite water sources to be developed (wells, surface)
- ☐ approximate location of all existing and proposed utility services
- ☐ existing access roads and other roads and trails on the property (state names of roads)
- ☐ location of all water courses (seasonal or otherwise) and water bodies

**Include these items as well, where applicable**

- ☐ A copy of the Provincial Agricultural Land Commission application (if located within ALR). While a developer can apply for subdivision approval before he or she receives permission to proceed from the Agricultural Land Commission or the local government if it has been delegated the authority, the Provincial Approving Officer can only give approval if the property has cleared the Land Commission process in the meantime.
- ☐ One copy of any test required by the Regional Health Authority.
- ☐ A Development Permit and plan where applicable.

C. SUBDIVISION APPLICATION FEES		Make cheques payable to the Minister of Finance	PAYABLE UPON (see below)
1. Preliminary Subdivision Application	\$350.00	Per lot or shared interest, including remainders, to a maximum of \$70,000	Application
2. Final Conventional Plan Exam	\$50.00	Per examination	Final Subdivision Plan Submission
	\$100.00	Per lot, including remainders, on the final plan	
3. Final Strata Plan Examination	\$100.00	Per examination	
	\$100.00	Per lot, including remainders, on the final plan	
4. Other Strata Fees	\$100.00	To examine Form P for any phased development	Application
	\$100.00	Approval (Form Q) for each phase of a phased building strata plan	Application for phase approval

*Note: These fees may change without notice or amendment on this form. There may be other provincial and local government fees associated with your subdivision. To find out more, contact the local government in which the land is located, or contact the Islands Trust if located on the Gulf Islands.*

#### D. FURTHER INFORMATION AND COMMENTS (Attach a separate sheet if more space is required)

#### E. OWNER(S)/APPLICANT INFORMATION

Property Owner(s) Full Name(s) <b>Springbrook Management Ltd.</b>		Home Telephone
Address <b>4527 Highway 93/95</b>		Business Telephone
<b>Skookumchuk, BC, V0B 2E0</b>	E-Mail	Fax
Agent Full Name <b>Margaret Jean Henne</b>		Home Telephone
Address <b>4527 Highway 93/95</b>		Business Telephone <b>250-422-3563</b>
<b>Skookumchuk, BC, V0B 2E0</b>	E-Mail	Fax <b>250-422-3079</b>

**I certify that all the information about and on all plans and other attachments is true, correct and complete.**

**I understand that this submission constitutes a preliminary application only.**

**No approvals are implied prior to receipt of written preliminary approval from the Ministry of Transportation and Infrastructure.**

Applicant/Agent Signature

Date (yyyy/mm/dd)

2015/04/27

#### COLLECTION INFORMATION

The personal information on this form is collected under the authority of the Land Title Act. The information collected will be used to process your preliminary subdivision application, and it may be necessary for the ministry to provide this information to other agencies involved in the review and approval process. If you have any questions about the collection, use and disclosure of this information, contact District Development Technician at the nearest Ministry of Transportation and Infrastructure Office.

**The information in this application may be subject to disclosure under the Freedom of Information and Privacy Act.**

**Further information can be found at <http://www.gov.bc.ca/citz/lao/foi/submit/general/>**



Region and area address: Rocky Mountain District

129 - 10th Avenue S.

Cranbrook, BC, V1C 2N1

Provincial Approving Officer  
Ministry of Transportation and Infrastructure

Date: 27 / 04 / 2015

I, Springbrook Management Ltd, hereby give permission for Margaret Jean Henne

to act as my agent on my behalf for the attached preliminary subdivision application. Any and all correspondence shall be sent to my agent.

Additional Comments:

M. Henne  
Owner

27 / 04 / 15

Date

M. Henne  
Agent

Barney Timmins  
Witness

4527 Highway 93/95, Skookumchuk

Address

British Columbia

V0B 2E0

Postal Code

250-422-3563

Phone

250-422.3079

Fax

marnie@springbrookresort.com

E-mail

The personal information on this form is collected under the authority of the Land Title Act. The information collected will be used to process your preliminary subdivision application, and it may be necessary for the ministry to provide this information to other agencies involved in the review and approval process. If you have any questions about the collection, use and disclosure of this information, contact District Development Technician at the nearest Ministry of Transportation and Infrastructure Office.

**The information in this application may be subject to disclosure  
under the Freedom of Information and Privacy Act.**

**Further information can be found at <http://www.gov.bc.ca/citz/iao/foi/submit/general/>**



BRITISH  
COLUMBIA

Ministry of Transportation  
and Infrastructure

Ministry of Transportation and  
Infrastructure District Office  
Rocky Mountain District  
129 – 10<sup>th</sup> Avenue S.  
Cranbrook, BC, V1C 2N1

Provincial Approving Officer  
Ministry of Transportation and Infrastructure

Date: \_\_\_\_\_  
File: \_\_\_\_\_

I, Margaret Jean Henne, hereby acknowledge that the *Environmental Management Act*, 2003,  
is effective as of March 31st, 2005.

Legal description of property: Lot 1, District Lot 265, Kootenay District, Plan NEP19694

Based on my personal knowledge of the property in question, I do not believe that it is or has been used for any of  
the industrial or commercial purposes and activities specified in Schedule 2 of the regulations. Accordingly, I  
elect not to complete and submit a 'site profile', as outlined in Section 40.(1) of the Act.

I further acknowledge that this election does not remove any liability, which may otherwise be applicable under  
the legislation.

X M. Henne 30 / 04 / 2015  
Owner/Agent dd mm yy

X B. Limmer 30 / 04 / 2015  
Witness dd mm yy

Margaret Jean Henne  
Print name

X \_\_\_\_\_ / /  
Owner/Agent dd mm yy

\_\_\_\_\_  
Print name

The personal information on this form is collected under the authority of the Land Title Act. The information collected will be  
used to process your preliminary subdivision application, and it may be necessary for the ministry to provide this information to  
other agencies involved in the review and approval process. If you have any questions about the collection, use and  
disclosure of this information, contact District Development Technician at the nearest Ministry of Transportation and  
Infrastructure Office.

The information in this application may be subject to disclosure  
Under the Freedom of Information and Privacy Act.  
Further information can be found at <http://www.gov.bc.ca/citz/lao/foi/submit/general/>

Page 124 to/à Page 125

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Page 126 to/à Page 127

Withheld pursuant to/removed as

DUPLICATE



File: P 715 406  
MoTI File: 2015-02180

July 21, 2015

Christine Nichol  
District Development Technician  
Ministry of Transportation & Infrastructure  
129 – 10<sup>th</sup> Avenue South  
Cranbrook BC V1C 2N1

Dear Ms. Nichol:

**Re: Subdivision Referral – Springbrook Management Ltd.  
PID: 017-704-596 - Lot 1, DL 265, Kootenay District, Plan NEP19694**

The subject land lies outside the Agricultural Land Reserve.

The proposed subdivision, to create two 0.81 ha parcels (Lots A and B) and a 1.49 ha parcel (Lot C), must comply with Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014. The subject land is currently zoned C-7, Tourist Commercial Zone which requires a minimum parcel area of 0.4 ha.

Bylaw No. 2502 also requires a minimum usable site area of 1670 m<sup>2</sup> for each proposed parcel. Usable site area means a contiguous area of land with an average slope not exceeding 15%, no portion of which is subject to land slip, avalanche, rock fall, flooding or high water table hazard.

The subject property lies adjacent to the Kootenay River and Spring Brook. Floodplain management provisions apply and flood concerns must be addressed to the satisfaction of the Ministry of Transportation and Infrastructure.

The subdivision must comply with RDEK Subdivision Servicing Bylaw No. 1954. All new parcels must be provided with sufficient quantities of potable water and adequate sewage disposal method.

Unless a Community Water System is to be the source of potable water, the sharing of one well between two or more parcels is not permitted. A Community Water System is defined as: "a system of waterworks serving more than one parcel that is owned, operated and maintained by a local government or improvement district as defined by the *Local Government Act*, or a Strata corporation as defined by the *Strata Property Act*, or a water utility, as defined by the *Water Utility Act*;

AND for systems owned, operated and maintained by a Strata corporation or private water utility for which a Certificate of Public Convenience and Necessity (CPCN) has been issued by the Comptroller of Water Rights for the Ministry of Environment;

.../2

AND which is approved under the *Drinking Water Protection Act* and any other provincial regulations that may apply."

It is my understanding the current water supply on the property would not meet the bylaw definition of a Community Water System.

Before final approval is granted by the Ministry of Transportation and Infrastructure the owner/applicant must:

1. undertake an agreement with the RDEK for the groundwater well;
2. adhere to the Sewerage System Regulation (BC Reg. 326/2004) for the existing sewerage system; and

submit to the RDEK the following documents:

- a. A well construction report signed by a registered well driller or a Professional Engineer for each well on proposed Lots A and B. The well construction report must verify that the well is a minimum 15 metres (49 feet) deep. If the well is less than 15 metres deep, the well construction report must be accompanied by a letter from a Professional Engineer confirming the groundwater is suitable for domestic use.
- b. Pumping test results in accordance with Schedule "H" of Bylaw 1954 proving availability of at least 2270 litres of water per day for each well on proposed Lots A and B. The pump tests must include drawdown and recovery information and be signed by a qualified well driller, qualified well pump installer or Professional Engineer.
- c. A letter substantially in the form of Schedule "M" of Bylaw 1954, and laboratory test results from an accredited water testing laboratory confirming that water from each well on proposed Lots A and B is within the criteria limits established by the current Guidelines for Canadian Drinking Water Quality, specifically referencing the aesthetic, chemical and microbiological parameters.
- d. A Restrictive Covenant agreement, pertaining to the wells on proposed Lots A and B, between the owners and the RDEK substantially in the form of Schedule "I" with reference to the water quality as per item 1(a) of Schedule "I". If the water test results indicate the water does not meet the aesthetic parameters the restrictive covenant must also reference item 1(b) of Schedule "I".
- e. A notarized statement, in substantial accordance with Schedule "J" of Bylaw No. 1954 attesting to the use and quality of water for the water source connected to the buildings situated on proposed Lot C.
- f. Confirmation from the owner of the Community Sewer System that all parcels proposed can be connected to the sewer system and that connection fees have been paid.

.../3



- g. Written confirmation from the Ministry of Environment or a Professional Engineer that the Community Sewer System can service the proposed parcels in compliance with the *Health Act* or Municipal Sewer Regulation and related permits.
- h. A letter from a BC Land Surveyor, or other qualified professional, confirming minimum usable site area as defined in Bylaw 1925, for each parcel and that the existing structures meet the minimum required setback distances as set out in Bylaw No. 2502.
- i. A copy of the survey plan proposed for registration in the Land Title Office. It is recommended that the land be surveyed after the Ministry of Transportation and Infrastructure grants preliminary layout approval.

RDEK comments are valid for a period of 24 months after which a new application fee must be paid and new comments issued.

If you have questions concerning these comments call me at 250-489-0314.

Sincerely,



Jean Terpsma  
Planning Technician

JT/hch

Enclosure

pc: Margaret Henne



# Interior Health

## RECORD OF SEWERAGE SYSTEM

Please complete this entire form. If the form is incomplete, the filing may not be accepted and it will be returned to the Authorized Person.

TAX ASSESSMENT ROLL P Roll No. 22-703-02237.1 and PID 017-704-596		<input type="checkbox"/> NEW CONSTRUCTION <input checked="" type="checkbox"/> ALTERATION		<input type="checkbox"/> REPAIR <input type="checkbox"/> AMENDMENT/UPDATE ONLY		<input type="checkbox"/> ORDER ATTACHED	
1. LOT INFORMATION Where sewerage system is to be constructed		LEGAL DESCRIPTION Lot 1, District Lot 265 Plan NEP 19694, Kootenay District.					
		STREET ADDRESS OR GENERAL LOCATION 4527 Highway 95		CITY Skookumchuck		POSTAL CODE V8B 2E0	
2. OWNER INFORMATION		NAME OF LEGAL OWNER OR STRATA CORPORATION Springbrook Management Ltd.		MAILING ADDRESS (PO BOX #, SUITE #, STREET #, STREET NAME) 4527 Highway 95			
		CITY Skookumchuck		PROVINCE B.C.		POSTAL CODE V8B 2E0	
				TELEPHONE NUMBER 250 422-3563			
3. AUTHORIZED PERSON INFORMATION		NAME OF AUTHORIZED PERSON Allan Dakin, P. Eng.		MAILING ADDRESS (PO BOX #, SUITE #, STREET #, STREET NAME) 4965 Cordova Bay			
		CITY Victoria		PROVINCE B.C.		POSTAL CODE V8Y 2K1	
				TELEPHONE NUMBER 250 744-1357		REGISTRATION NUMBER 7666	
4. FACILITY INFORMATION		SEWERAGE SYSTEM WILL SERVE <input type="checkbox"/> SINGLE FAMILY DWELLING <input checked="" type="checkbox"/> OTHER (SPECIFY): Campground		NO. OF BEDROOMS see Table 1		EST. DAILY SEWAGE FLOW (l/day) 22,478	
				TOTAL LIVING AREA (m <sup>2</sup> ) n/a		LOT SIZE (m <sup>2</sup> ) 3.2	
5. SITE INFORMATION		DISTANCE OF PROPOSED DISCHARGE AREA FROM (IN METRES): >1 WATER LINES >7.5 BREAKOUT POINT >30 OWN WELL		>15 STREAM OR LAKE >30 NEIGHBOURING WELLS >30 DOMESTIC WATER		DEPTH OF EXISTING RILL IN THE DISCHARGE AREA (cm) 0	
				TOTAL DEPTH TO HIGHEST WATER TABLE OR RESTRICTIVE LAYER (cm) >168		<input checked="" type="checkbox"/> SOIL TEXTURE AND STRUCTURE INFO ATTACHED <input checked="" type="checkbox"/> PERMEABILITY AND/OR PERCOLATION RATES ATTACHED	
				DISCHARGE AREA WILL BE <30m TO ANY SOURCE OF DRINKING WATER. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		SLOPE (%) 1	
		ARE THERE ANY RESTRICTIVE COVENANTS/EASEMENTS WHICH WILL AFFECT THE DESIGN OR LOCATION OF THE SEWERAGE SYSTEM? IF YES PLEASE EXPLAIN AND ATTACH SUPPORTING DOCUMENTS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
6. SYSTEM INFORMATION		VERTICAL SEPARATION BETWEEN BOTTOM OF DISCHARGE AREA TO HIGHEST WATER TABLE OR RESTRICTIVE LAYER (cm) >80		TOTAL FINISHED DEPTH TO HIGHEST WATER TABLE OR RESTRICTIVE LAYER (cm) >168		TREATMENT METHOD <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3	
		SEPTIC TANK MANUFACTURER Bode's Precast Inc.		MATERIAL OF SEPTIC TANK Concrete		IF TYPE 2 OR 3 IS PROPOSED, GIVE MAKE AND MODEL Go-Green SL 5000	
				LIQUID VOLUME OF TANK(S) (litres) 50,875		TREATMENT CAPACITY (l/day) 22,478	
		DISCHARGE AREA <input type="checkbox"/> BED <input type="checkbox"/> SAND HOUND <input type="checkbox"/> TRENCH <input type="checkbox"/> LAGOON: SIZE (m <sup>2</sup> )		<input checked="" type="checkbox"/> OTHER (SPECIFY): Infiltrator		EFFLUENT PUMP <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
				METHOD OF EFFLUENT DIST. <input type="checkbox"/> GRAVITY <input checked="" type="checkbox"/> PRESSURE <input type="checkbox"/> OTHER		LOADING RATE (kg/m <sup>2</sup> ) 182	
7. PLANS AND SPECIFICATIONS		<input checked="" type="checkbox"/> PLAN (TO SCALE) AND SPECIFICATIONS ARE ATTACHED, AS PER THE STANDARD PRACTICE MANUAL.					
8. FREEDOM OF INFORMATION		This form is required to administer the Sewerage System Regulation (326/2004) and the collection of personal information complies with the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection or use of this information, please contact your local Health Protection Office.					
9. AUTHORIZED PERSON'S SIGNATURE AND SEAL		The information on this form is accurate and true to the best of my knowledge. I am an Authorized Person according to Sewerage System Regulation BC Reg 326/2004. The plans and specifications attached to this form are consistent with standard practice and will not contribute to a health hazard. <input checked="" type="checkbox"/> I have consulted with the Ministry of Health's publication "Sewerage System Standard Practice Manual". <input type="checkbox"/> I have consulted with another source of standard practice - copy attached, or listed here.					
		AUTHORIZED PERSON'S SEAL 		OFFICER'S USE RECEIPT NUMBER 383907 DATE FORM RECEIVED			
				DATE ACCEPTED FOR FILING 08.05.21 IHA-East Kootenay Service Area MAY 21 2008 20 - 23 Ave. S. Cranbrook BC V1C 5V1 FILING NUMBER 12-252-00015			
		DATE May 12, 2008					

820082 Feb 06

Distribution: White - Health Protection    Canary - Owner    Pink - Building Authority    Blue - Authorized Person



# Interior Health

## Sewerage System Letter of Certification

Tax Assessment Roll #: 22-703-02237.6 Date: 3 Nov 2008  
(Day/Month/Year)

To: Interior Health

Re: Sewerage system at: 4527 Highway 93/95  
Street Address or General Location

Lot 1 Plan NEP 19694 D.L. 265 Kootenay L.D.

Legal Description

Planner: R.A. Dakin P.Eng. Installer: Go-Green Wastewater Ltd.

Owner: Sprongbrook Management Ltd.

The construction of the proposed sewerage system on the above described property was completed on 10 July 2008  
(Day/Month/Year)

I, the undersigned, am an authorized person as defined in the Sewerage System Regulation, BC Reg. 326/2004 and certify that:

1. the owner will be provided with
  - a copy of the sewerage system plans and specifications as they were built;
  - a maintenance plan for the sewerage system that is consistent with standard practice; and,
  - a copy of this letter of certification;
2. the sewerage system has been constructed in accordance with standard practice;
3. the sewerage system has been constructed substantially in accordance with the plans and specifications filed with the Health Authority;
4. the estimated daily domestic sewage flow through the sewerage system will be less than 22,700 litres; and,
5. if operated and maintained as set out in the maintenance plan, the sewerage system will not cause or contribute to a health hazard.

A plan of the sewerage system as it was built and a copy of the maintenance plan for the sewerage system have been appended to this letter.

<p>AUTHORIZED PERSON'S SEAL</p> <p><i>[Signature]</i></p>	<p>DATE LETTER OF CERTIFICATION ACCEPTED</p> <p>IHA-East Kootenay Service Area</p> <p>DEC 04 2008</p> <p>20 - 23 Ave. S. Cranbrook BC V1C 5V1</p>
---	---

SEPTIC CAPABILITY ASSESSMENT  
SPRINGBROOK RESORT  
LOT 1, DL 265, KD PLAN NEP 19694

By

Dr. Anthony A. Salway, P.Geo.  
Integrated Hydropedology Ltd.  
2954 Six Mile Road  
Nelson, BC  
V1L 6W3



For

Margaret Henne and Barney Timmers  
4527 Highway 93/95  
Skookumchuck, BC  
V0B 2E0

March 4, 2008

Integrated Hydropedology Ltd.

Springbrook Resort

March 4, 2008

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FIGURE 1 – Location Map for Springbrook Resort	
FIGURE 2 – Lot Plan – Springbrook Resort	
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## INTRODUCTION

Integrated Hydropedology Ltd (IHP) was commissioned by Margaret Henne to conduct a septic capability assessment of Springbrook Resort, Lot 1, DL 265, KD Plan NEP 19694 (the subject property). Figure 1 is a location map showing the subject property in relation to Cranbrook and Kimberly, and Figure 2 is lot plan of the property. Dr. Anthony Salway, P.Geo. conducted a comprehensive survey on November 28 and 29, 2007, accompanied by Ms. Henne and her assistant. Photographic, video and GPS documentation was obtained.

## FIELD INVESTIGATION

The following is a summary of the work completed. Figure 3 indicates GPS waypoint locations and Table 1 shows the locations and coordinates for each waypoint. The following photographs are contained in Appendix 1.

Photos 1 and 2 (WP 20) show the Springbrook Resort main office and store looking northwesterly and northerly. Photo 3 (WP 33) shows the Springbrook Motel. Cabins are under construction and Photo 4 (WP 31) shows a cabin foundation in the foreground and trailers in the background. Photo 5 (WP 30) shows the wooden retaining wall below the foundation shown in Photo 4. A cabin has been completed and is shown in Photo 6 (WP 29).

Water features exist on the property. Photo 7 (WP 22) shows a pond on the south side of the property looking northeast and Photo 8 (WP 22) shows the same pond on the south side of the property looking southwest. Photo 9 (WP 23) shows a footbridge over Springbrook Creek, just above its confluence with the Kootenay River. Photo 10 (WP 24) was taken looking south towards the highway bridge from the Springbrook Creek confluence. Photos 11 and 12 (WP 24) show the opposite west bank of the Kootenay River from the Springbrook Creek confluence and the retaining wall location, identified previously at WP 30, taken from WP 25. It is obvious that the highwater level of the Kootenay river coincides with the lower bench from which these photographs were taken. Photo 13 (WP 26) was taken showing the continuation of the lower bench trail to the northeast. Photo 14 (WP 27) shows the camping and RV sites along the north portion of the property.

The existing septic system consists of a 5,000 imperial gallon septic tank and 500 feet of perforated pipe field. Photo 15 (WP 15) shows the septic tank with the lid removed, and Photo 16 (WP 16) shows the pump tank with the lid removed.

A soils test pit, T1, was excavated at WP 32 and documented (Photos 17 and 18), and a percolation test hole, P1, was also excavated and documented near the test pit (WP 32).



**TABLE 1: WAYPOINTS**

<b>WP</b>	<b>Approximate Location</b>	<b>Coordinates</b>
011	SE Corner of Lot 1	N49 54.804 W115 44.053
013	SW Corner of Lot 1	N49 54.762 W115 44.191
015	Septic Tank	N49 54.859 W115 44.185
016	Pump Tank	N49 54.864 W115 44.181
017	D-Box	N49 54.864 W115 44.170
020	Office and Store	N49 54.814 W115 44.087
022	Pond on Creek	N49 54.759 W115 44.109
023	Footbridge	N49 54.751 W115 44.186
024	Kootenay River (top of lower bank)	N49 54.758 W115 44.210
025	Kootenay River (top of lower bank)	N49 54.808 W115 44.214
026	Trail	N49 54.845 W115 44.210
027	RV Sites	N49 54.852 W115 44.203
028	NW Corner of Lot 1	N49 54.866 W115 44.217
029	Cabin	N49 54.837 W115 44.195
030	Retaining Wall	N49 54.808 W115 44.195
031	Foundation	N49 54.804 W115 44.187
032	Test Pit T1 (Close to Perc hole P1)	N49 54.859 W115 44.136
033	Motel Unit #2	N49 54.809 W115 44.133

## SOIL TEST PIT AND PERCOLATION TEST HOLE

The following soil profile was obtained for test pit, T1:

<u>Depth</u>	<u>Soil Description</u>
0 - 0.25 feet	Topsoil
0.25 - 5.5 feet	Gravelly cobbly silty sand (30% coarse fragments)

The seasonal water table is greater than 4 feet deep and there are no restrictive layers in the profile.

The percolation rates for percolation test hole, P1, were

7 mins 45 secs  
8 mins 10 secs  
8 mins 0 secs

The average rate is 7 mins 58 secs.

## CONDITION OF SEPTIC TANK

The septic tank was found to be 9 feet deep with 1 foot of scum (crust), 5 feet of liquid and 2 feet of sludge on the bottom. It was therefore deemed to be fully functional.

## SEPTIC CAPABILITY CALCULATIONS

Two scenarios were suggested, by Ms. Henne and Mr. Timmers, for handling the existing and proposed daily sewerage discharge from the office and store, motel, cabins and RV sites. The Sewerage System Standard Practice Manual Version 2 (Sept. 2007) (SPM), was used to estimate daily design flow rates.

The following values were abstracted from Tables 2-1 – Minimum Daily Design Flow Rates for Residences (SPM, p.18) and 2-3 – Facility Daily Design Flow Rates (SPM, pp. 23-25). All rates are in imperial gallons per day.

Office and Store (equivalent to a 3-bedroom residence up to 175 m<sup>3</sup>) – 300 gpd  
Laundromat in apartment, per machine – 250 gpd  
Motel, per housekeeping unit – 100 gpd  
Cabin (2 bedrooms) – 250 gpd  
RV sites – 80 gpd



### Current system

The current system consists of a 5,000 imperial gallon septic tank and 500 feet of perforated pipe field. The current system will be upgraded to handle the office and store (which is also used as a residence for the managers), 1 laundry machine, 6 motel units, 5 cabins and 10 RV sites. Table 2 lists the residence/facilities that will be served by the existing system after it has been upgraded, but prior to the proposed systems.

**TABLE 2: Upgraded Existing Septic System Minimum Daily Design Flow Rates**

No.	Residence/Facility	Discharge Rate	Total Daily Discharge
1	Office and Store	300	300
1	Laundromat	250	250
6	Motel Unit	100	600
5	Cabin	250	1250
10	RV site	80	800
Total			3200

According to Table 3-3 – Minimum Septic Tank Volume (SPM, p. 90), the above scenario requires a total septic tank volume of 7500 gallons (appropriately rounded). This volume will be satisfied if a second septic tank with a capacity of 2500 gallons is installed in series with the existing 5000 gallon tank.

Table 2-8 – Soil Hydraulic Loading Rates for Residential Strength Wastewater (SPM, p. 41) indicates that for a percolation rate of 8 minutes in fine sand/fine loamy sand, single grained, the loading rate is 0.55 gallons per ft<sup>2</sup> per day for a Type 1 system. Assuming that the trenches are 3 feet wide, the total field length required is  $3200/(3 \times 0.55) = 1940$  feet, i.e. an additional 1440 feet of field is required.

### Proposed Systems

A new system is planned to handle the motel and office and store, leaving the current system and its additional tank and field capacity for an increased number of cabins and RV lots. Table 3 shows the proposed use of the upgraded existing system, but excluding the office and store, laundromat and motel.

**TABLE 3: Proposed Upgraded Existing Septic System Minimum Daily Design Flow Rates**

No.	Facility	Discharge Rate	Total Daily Discharge
9	Cabin	250	2250
12	RV site	80	960
Total			3210

Note that the total daily discharge for the facilities in Table 3 is almost identical to that for Table 2. Hence the same upgraded system can handle the facilities described in Table 3.

Table 4 shows the proposed use of a new system.

**TABLE 4: New Septic System Minimum Daily Design Flow Rates**

No.	Residence/Facility	Discharge Rate	Total Daily Discharge
1	Office and Store	300	300
1	Laundromat	250	250
8	Motel Unit	100	800
Total			1350

The new system will likely be installed just south of the motel unit (see Figure 2). From Table 3-3 – Minimum Septic Tank Volume (SPM, p. 90), the required tank capacity is 4000 gallons (appropriately rounded). Assuming that the percolation rate is still about 8 minutes per inch, the new field length will be  $1350/(3 \times 0.55) = 820$  feet.

## REFERENCE

British Columbia On Site Sewage Association, September 21, 2007. Sewerage System Standard Practice Manual Version 2. For Ministry of Health Services.

## CLOSURE

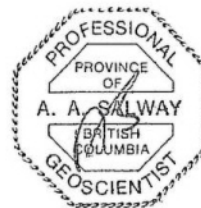
The hydrological and soil observations were those obtained on the survey dates and interpretations were largely based on those observations. Deviations in hydrology may occur as a result of differing meteorological conditions, and in soil profiles and percolation rates, as a result of development and construction activities.

The services performed by IHP on this project were consistent with the level of skill ordinarily exercised by members of the profession, currently practicing under similar conditions in the jurisdiction in which such services are provided. Professional judgement has been applied in developing the conclusions and recommendations in this report. No warranty or guarantee, express or implied, is made concerning the contents of this report.

This report is for the exclusive use of Margaret Henne and Barney Timmers. It is presented to the Regional District of East Kootenay for the purpose of obtaining building permits. Any other use, without the joint express written permission of Margaret Henne, Barney Timmers and IHP is prohibited. Any use which a third party makes of this report (with or without permission) is the responsibility of the third party. IHP does not accept responsibility for damages, if any, suffered by any third party, as a result of decisions made or actions based on this report.

Respectfully submitted,

*Anthony A. Salway*



*MARCH 4, 08*

Dr. Anthony A. Salway, P.Geo.



Get Google Maps on your phone

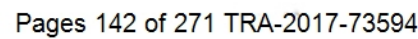
Text the word "GMAPS" to 466453



FIGURE 1  
LOCATION MAP



# SPRING BROOK RESORT



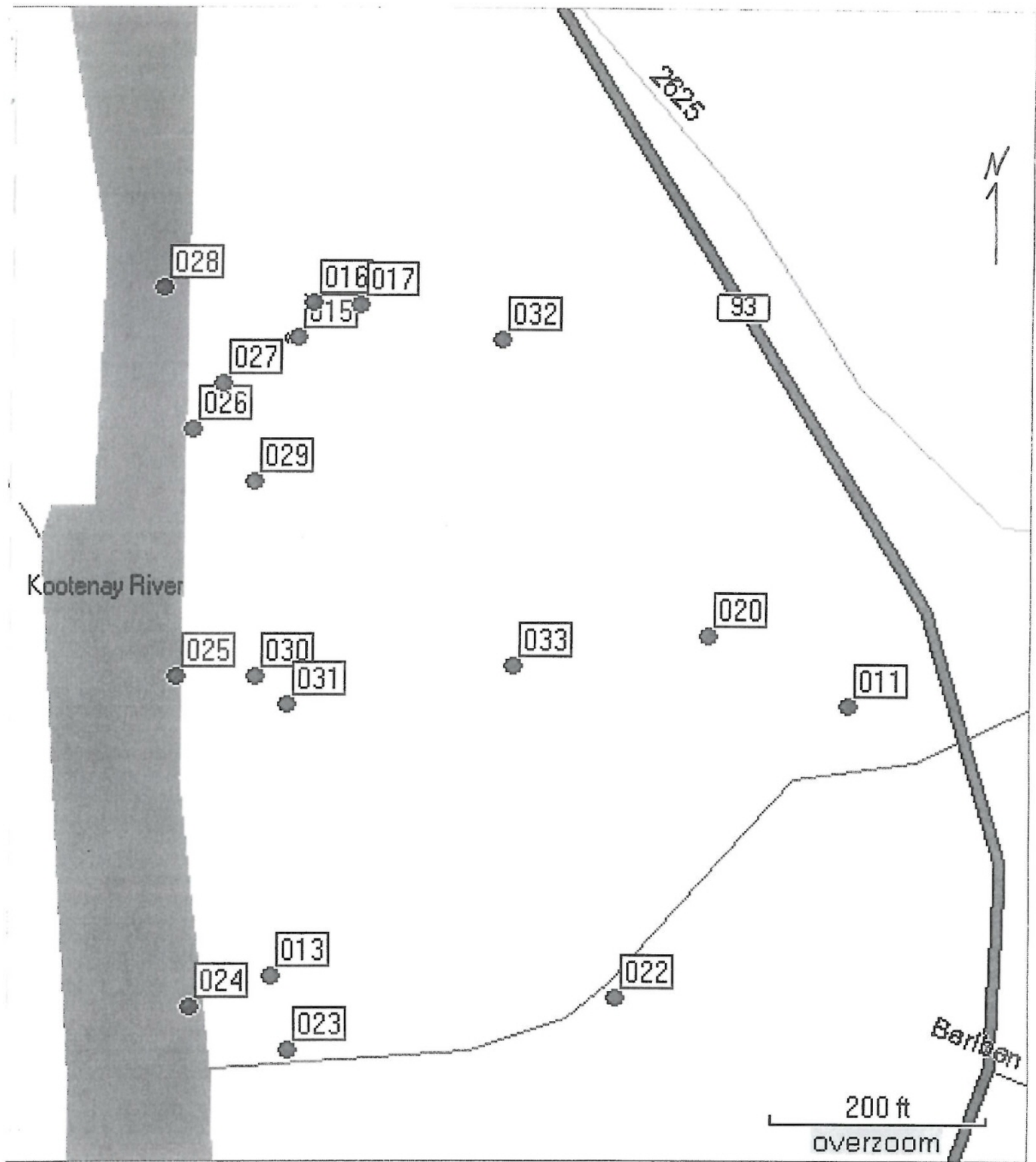


FIGURE 3  
GPS WAYPOINT LOCATION MAP

APPENDIX 1  
PHOTOGRAPHS



**Photo 1 – Springbrook Resort**



**Photo 2 – Springbrook office and store (WP 20)**



**Photo 3 – Springbrook Motel (Unit #2) (WP 33)**



**Photo 4 – Cabin foundation (WP 31)**

**Photo 5 – Gravel, cobbles and coarse sand behind wooden retaining wall (WP 30)**



**Photo 6 – New cabin (WP 29)**



**Photo 7 – Pond on south side of property looking northeast (WP 22)**



**Photo 8 – Pond on south side of property looking southwest towards the Kootenay River  
(WP 22)**

**Photo 9 – Footbridge over Springbrook Creek (WP 23)**



**Photo 10 – Kootenay River looking south towards highway bridge, from Springbrook Creek confluence (WP 24)**



**Photo 11 – Opposite bank of Kootenay River from Springbrook Creek confluence (WP 24)**



**Photo 12 – Opposite bank of Kootenay River from WP 25**

**Photo 13 – Continuation of trail looking northeasterly (WP 26)**



**Photo 14 – Camping and RV sites along north portion of property (WP 27)**

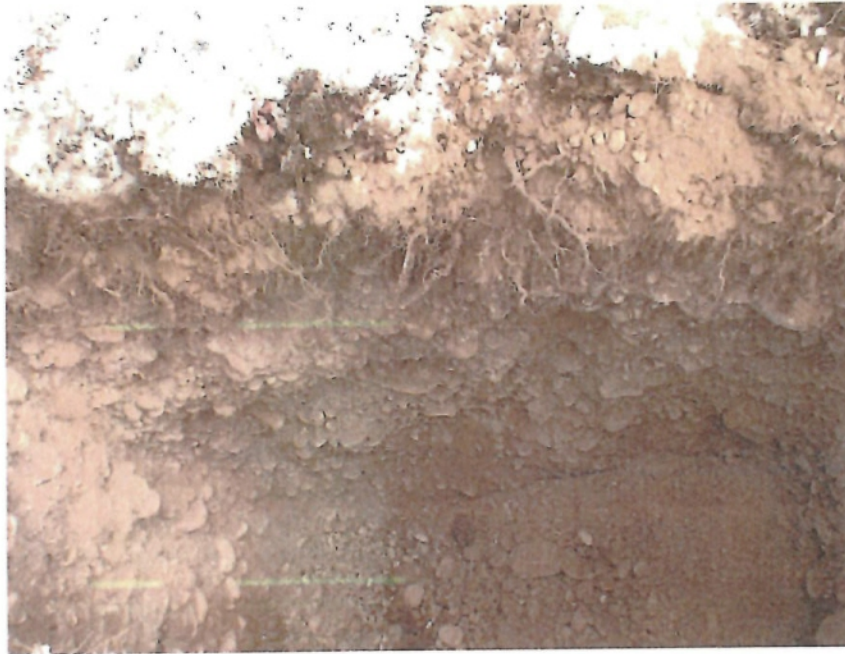


**Photo 15 – Septic tank with lid removed (WP 15)**



**Photo 16 – Pump tank with lid removed (WP 16)**

**Photo 17 – Test pit T1, looking north (WP 32)**



**Photo 18 – Test pit T1, looking east (WP 32)**



**Photo 19 – Percolation hole P1, looking southeast (WP 32)**



GO-GREEN

WASTEWATER LTD.

1136 Alderside Road, Port Moody, B.C., V3H 3A6

PHONE: 604-657-2724 FAX: 604-461-8011

WASTEWATER TREATMENT SYSTEMS

[www.gogreenwastewater.com](http://www.gogreenwastewater.com) Email: [go\\_green@telus.net](mailto:go_green@telus.net)

*Copy  
only*



## GO-GREEN ON-SITE WASTEWATER SYSTEM

### OPERATION AND MAINTENANCE PLAN

FOR

SPRINGBROOK RESORT, 4527 HIGHWAY 93/95, SKOOKUMCHUCK

IHA-East Kootenay  
Service Area

DEC 04 2008

20 - 23 Ave. S.  
Cranbrook BC V1C 5V1

IHA-East Kootenay  
Service Area

DEC 04 2008

20 - 23 Ave. S.  
Cranbrook BC V1C 5V1



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## APPENDIX A

Typical forms used by maintenance personnel.



## Section 1.0

### INTRODUCTION

#### 1.1 Benefits of the Go-Green Waste Treatment System

- Approved by the Ministry of Health for British Columbia, under the program for Innovative Design Technologies that are new to British Columbia.
- The GO-GREEN concept has been in use for more than 25 years and its simplicity with no filters and no added chemicals, has made the GO-GREEN system preferable with environmentally concerned purchasers.
- Aeration motor is on 24 hours, to give the GO-GREEN system effluent quality that consistently meets Type 3 system effluent quality.
- Aeration motor is placed in a sealed tank, which in most installations is inaudible.
- The GO-GREEN system has a built in flow rate control for even effluent treatment.
- All tanks (either pre-cast concrete or polyethylene) are sealed for containing contaminants and for odor control.
- The service warranty is free for the first year, when the system is operated normally.
- GO-GREEN systems come in a variety of sizes (large, medium or small).
- Performs well in adverse soil and groundwater conditions.
- Energy cost effective.

#### 1.2 Process Description

The GO-GREEN system is a fixed biofilm wastewater treatment system that includes a series of bioreactors, which carry out secondary biological treatment. The flow chart on the following page (Figure 1) illustrates how the wastewater flow between the anaerobic bioreactor (fermentation tank) and the aerobic bioreactor (aeration tank) is controlled by a flow rate controller. This controller relies on gravitational flow.

The activities of microorganism (such as bacteria) in an anaerobic environment provides primary treatment. In the GO-GREEN system this stage provides substantial reduction in chemical oxygen demand (COD). Untreated sewage wastewater has a COD of 500-600 milligrams per liter (mg/L) and effluent from typical primary treatment systems is in the range 300-360 mg/L. The anaerobic treatment in the GO-GREEN typically produces effluent with COD concentrations in the range 150-200 mg/L. This significantly helps with the aerobic treatment that follows.

The aerobic process utilizes microorganisms that exist and flourish in the presence of oxygen. In the GO-GREEN system a submerged porous media is provided to promote the growth of microorganisms on its surface (a fixed film substrate). As organic matter and nutrients are absorbed from the wastewater, the film of microorganisms grows and thickens. Once mixed or agitated with effluent, they are exposed to oxygen, which is injected into the chambers (bioreactors). Under these conditions in the presence of inorganic nutrients present in the



waste water the microorganisms follow a life cycle that oxidizes the organic matter in the effluent.

The GO-Green system consistently removes a substantial number of coliforms from the effluent. Without any disinfection, it typically has counts well under the 400 counts/100mL limit, set out for Type 3 effluent.



## Section 2.0

## OPERATION AND MAINTENANCE

2.1 General

Residents of the homes should be aware of the limitations and basic operational requirements for their wastewater treatment system and the effluent dispersal field. For example: the disposal of the following items through the system should be discouraged:

- \* Food scraps, e.g. egg shells and coffee grounds
- \* Grease and cooking oils
- \* Plastic and rubber goods
- \* Toxic substances, e.g. petroleum oils, paint thinners, solvents and bleach

2.2 Inspection and Servicing Frequency

For a typical household system the servicing frequency is:

Repair or replace aerator	5 to 10 Years
Break up scum in clarifier	not required
Pump sludge from aeration chamber	no sludge
Pump sludge from settling (septic) tanks	5 to 10 Years
Check surge control wear	6 months
Check filter in clarifier chamber	6 months

The thicknesses of sludge and scum should be measured and recorded during each field inspection (see a typical recording format in Appendix A). Typically, when scum layer is about 400 mm thick and/or when the sludge blanket reaches a depth of 300 mm it is removed by pump out truck.

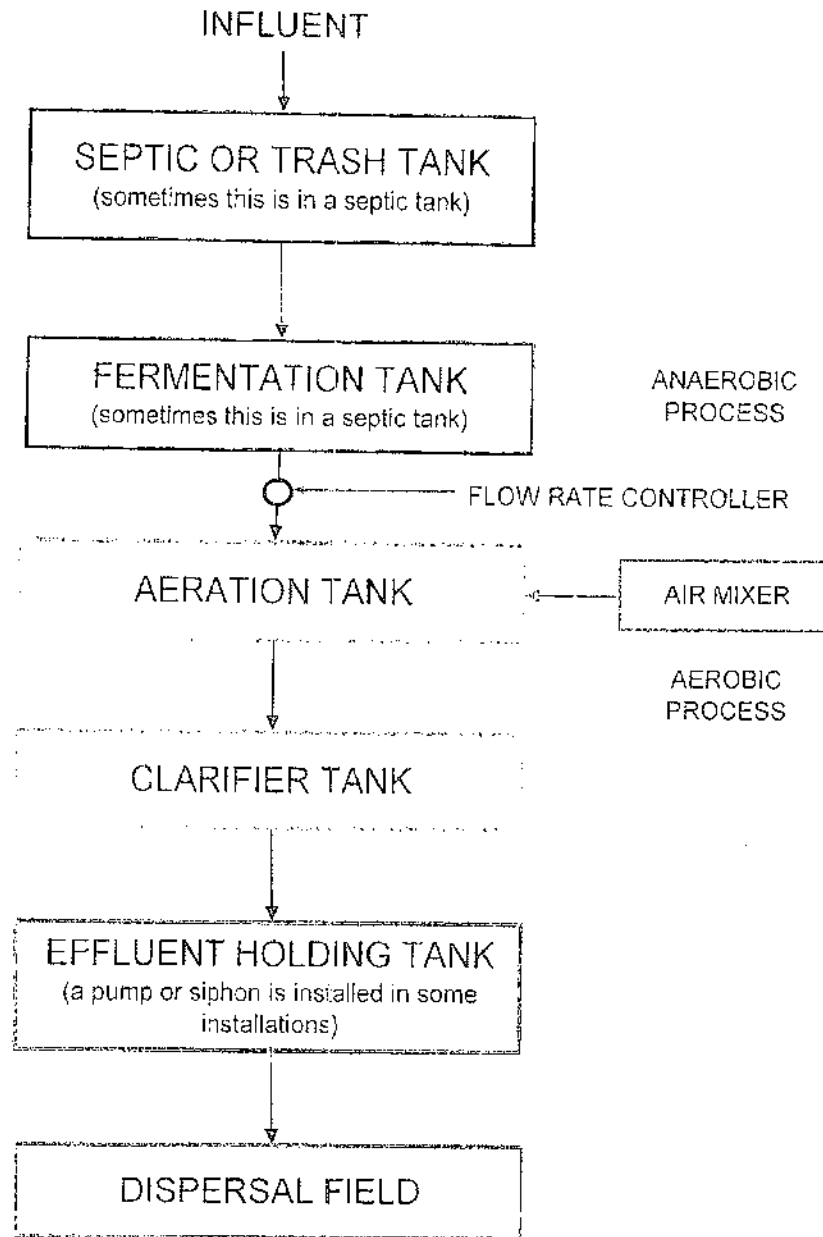
The filter installed in the clarifier chamber can easily be washed and reinstalled. Proper functioning of this filter is important, as it reduces the suspended solids content in the effluent reaching the distribution pipes in the dispersal field. This minimizes the potential for plugging of orifice pipes and the soil interface in the dispersal field. These filters need to be readily accessible and cleaned at least once a year. Go-Green recommends that they be checked and washed semi-annually.

2.3 Effluent Collection and Dispersal Pipes

Collection pipes are small diameter because the solids are taken out in the waste water treatment system. Clean-outs are provided throughout the system to enable flushing of the lines if it becomes necessary. As indicated in Appendix A, these clean-outs should be regularly checked. However, if the tanks and filters are properly maintained, flushing should not be required.

FIGURE 1

**GO-GREEN WASTE WATER  
SYSTEM FLOW CHART**



Notes:

- 1) See drawings in Section 5 for details of wastewater treatment system.





## 2.4 Effluent Sampling

A sample of effluent discharged from the wastewater treatment system should be collected once a year and sent to a laboratory for analysis of suspended solids and Biological Oxygen Demand (BOD) concentrations as well as a coliform count. Go-Green will carry out the initial sampling after the systems has been in operation for at least 6 months.



## Section 3.0

### OPERATOR EDUCATION AND SERVICE CONTACT

#### 3.1 Maintenance Personnel.

A qualified operator or contractor with qualified service personnel approved by Go-Green will be required once the treatment plant is installed and in operation. It is important that the home owner be aware of the following:

- how the system works
- how to minimize potential problems
- how to identify problems
- how to rectify any issues should they arise
- appropriate contacts for assistance

#### 3.2 Maintenance Contact.

The primary maintenance firm will be Go-Green Wastewater Ltd., who has dealt with wastewater treatment and effluent dispersal systems for over 12 years.

For information and assistance contact Erling Kjerside at Go-Green Wastewater Ltd., 3032 Maplewood Court, Coquitlam, B.C., V3E 3P3. Phone: 604 657-2724, Fax 604 468-7373, Cell: 604 657-2724. e-mail: Erling@gogreenwastewater.com



## Section 4.0

### **MAINTENANCE AGREEMENT**

A maintenance service contract document and signed home owner agreement form is provided on the following two pages.

**GO-GREEN  
WASTEWATER LTD.**

3032 Maplewood Court, Coquitlam, B.C., V3E 3P3  
PHONE: 604-657-2724 FAX: 604-468-7373  
[www.gogreenwastewater.com](http://www.gogreenwastewater.com) Email: [go\\_green@telus.net](mailto:go_green@telus.net)



WASTEWATER TREATMENT SYSTEMS

**INSPECTION SERVICE CONTRACT**

**Basic Service**

The GO-GREEN pricing includes the first year, with a semi-annual inspection service contract. The GO-GREEN units are inspected by approved and trained technicians.

The following inspection service policy is standard on all residential models of GO-GREEN wastewater treatment products for the first year of operation:

*Regular six month inspections of mechanical and electrical components. An effluent quality inspection shall be performed, consisting of; a visual check for colour, turbidity, scum overflow and an examination for odors.*

*If any improper operation cannot be corrected at the time of inspection, the Service Agent will notify the owner of the improper operating condition(s) and shall provide an estimated cost to correct, if any, and the date for such a correction to occur.*

*An annually renewable service policy affording the same coverage is available upon installation or after the said first year.*

We shall also provide, at no charge, a one-time onsite after-installation inspection to review and provide a written report on whether the system is installed in accordance to manufacturer's specifications and recommendations.

Installation manuals and specifications are available to the installation contractor at any time at no charge.

**Optional Site Supervision**

The Authorized GO-GREEN Service Agent is available, if required, for a fee to provide additional onsite supervision during the installation, or for service calls beyond regular maintenance. We, as the Distributor, are available at a cost of \$250.00 per day plus travel, meals and accommodation expenses.

Thank you for this opportunity to quote you on your needs. If you have any questions or comments, please do not hesitate to contact us directly.

Yours Truly,

**Go-Green Wastewater Ltd.**

A handwritten signature in cursive script.

Erling Kjerside, Consultant.

# GO-GREEN WASTEWATER LTD.

1136 Alderside Road, Port Moody, B.C., V3H 1A6  
PHONE: 604-657-2724 FAX: 604-651-8011  
www.go-green-wastewater.com Email: go@go-green.com



WASTE TREATMENT SYSTEMS

## INNOVATIVE SEWAGE DISPOSAL SYSTEM MAINTENANCE CONTRACT

Attention: .....

Date: 1 Nov 2008

Dear Sirs,

Re: SARIN & DENISE MARINELLI INC. LTD.  
(Owner)

4527 ALBANY AVE. INTERSECTION CHURCH ST.  
(Civic Address)

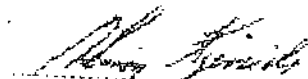
LOT 1 DISTRICT LOT 265 FROM MAP 1A074.  
MORTENAY DISTRICT: ROLL # 22-703-02237-1  
(Legal Description) CDP OF TEN-154.


### Innovative Sewage Disposal System - Maintenance Contract Agreement

We Go-Green hereby agree to and guarantee the ability to maintain and inspect the Innovative Sewage Disposal System(s) located at the above captioned property on an on-call basis. In order to confirm that the system is operating properly, after between six and twelve months of operation, Go-Green will arrange for samples of the effluent to be collected and submitted to a commercial laboratory for analysis.

This contract is valid for a period of one year from the date of signing. This contract shall not be altered, or allowed to expire without first obtaining written permission from Go-Green.

Should you have any questions regarding the foregoing, please contact the undersigned at 604-657-2724

  
(Signature of Contractor)

  
(Signature of Registered Property Owner)

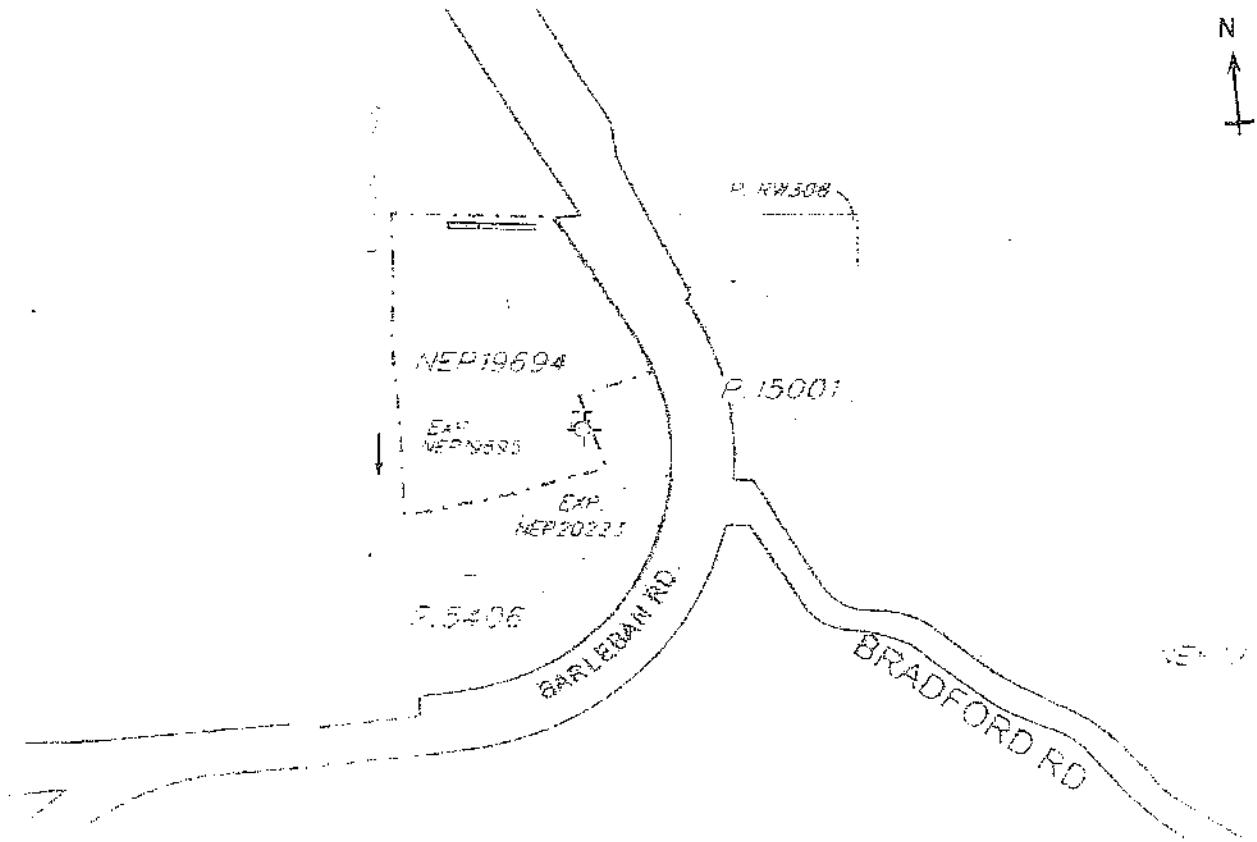


## Section 5.0

### AS-BUILT SYSTEM DRAWINGS AND DESIGN SPECIFICATIONS

As-built site layout and system drawings, along with a specification sheet are provided in the following.





Scale (1:5,000)  
0 100 200m

### Legend

- Subject property line (Springbrook Resort)
- Drilled water supply well
- Go-Green wastewater treatment system (see details on Fig. 5)
- Dispersion trench line (see details on Figs. 2 and 3)

### NOTES

- 1) Map from Regional District of East Kootenay website..
- 2) All dimensions are in metres.
- 3) See plan of drainfield on Fig. 3 and details of wastewater treatment system on Fig. 5.
- 4) Coordinates of center of drainfield = 49° 54' 51.5" N, 115° 44' 9.1" W.

AS BUILT

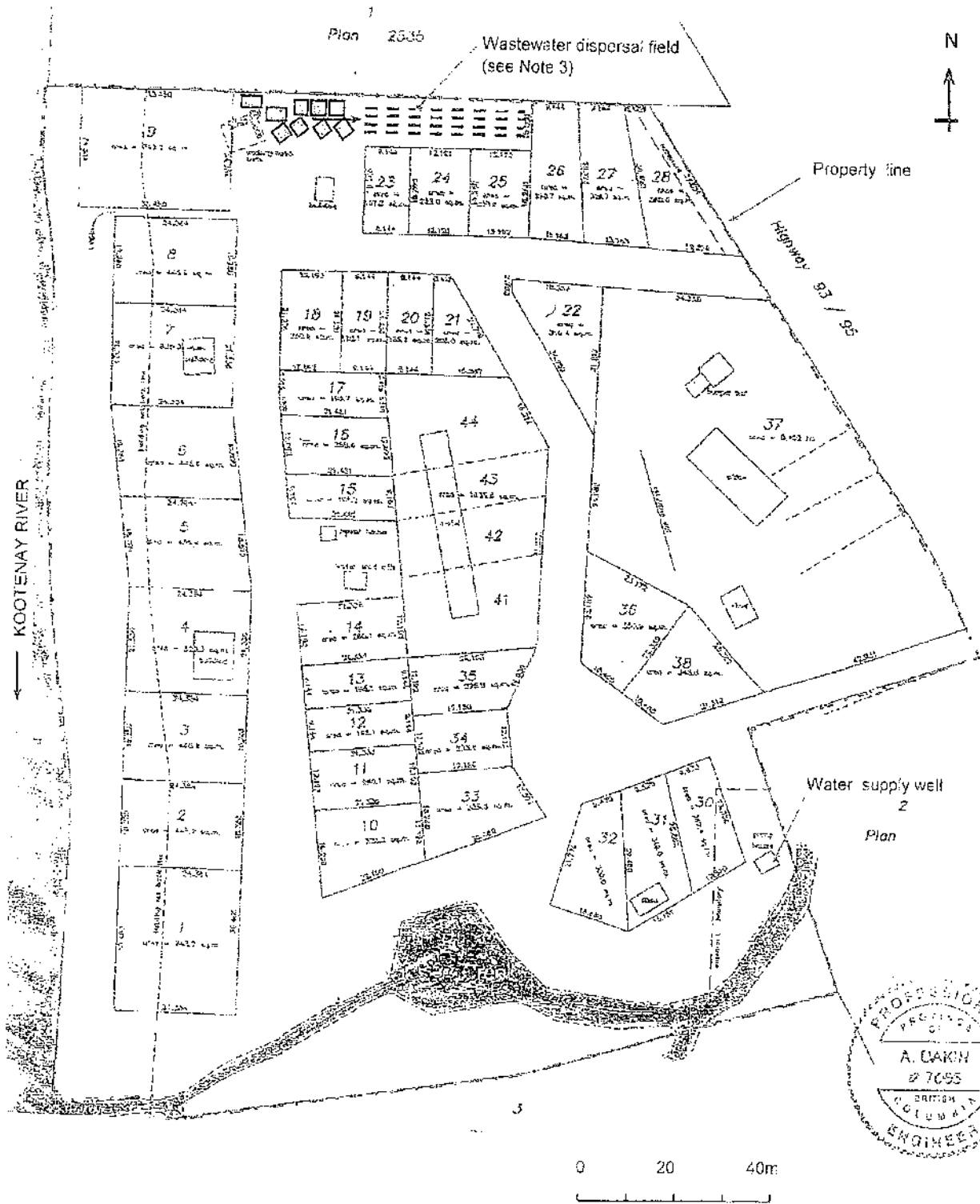
GO-GREEN WASTEWATER LTD.

ELANCO ENTERPRISES LTD.  
Victoria, B.C. (250 744-1357)

SEWERAGE SYSTEM FOR 22.48 M<sup>3</sup>/D  
(4950 IGPD) WASTEWATER TREATMENT  
SYSTEM FOR 4527 HIGHWAY 95,  
SKOOKUMCHUCK, B.C.

### PLAN OF PROPERTY

Drawn:	Date Oct. 2008
Approved: 	Fig. 1



NOTES

- 1) See location of the Property on Fig. 1
- 2) All dimensions are in metres.
- 3) See plan of drainfield on Fig. 3 and details of wastewater treatment system on Fig. 5.


AS BUILT

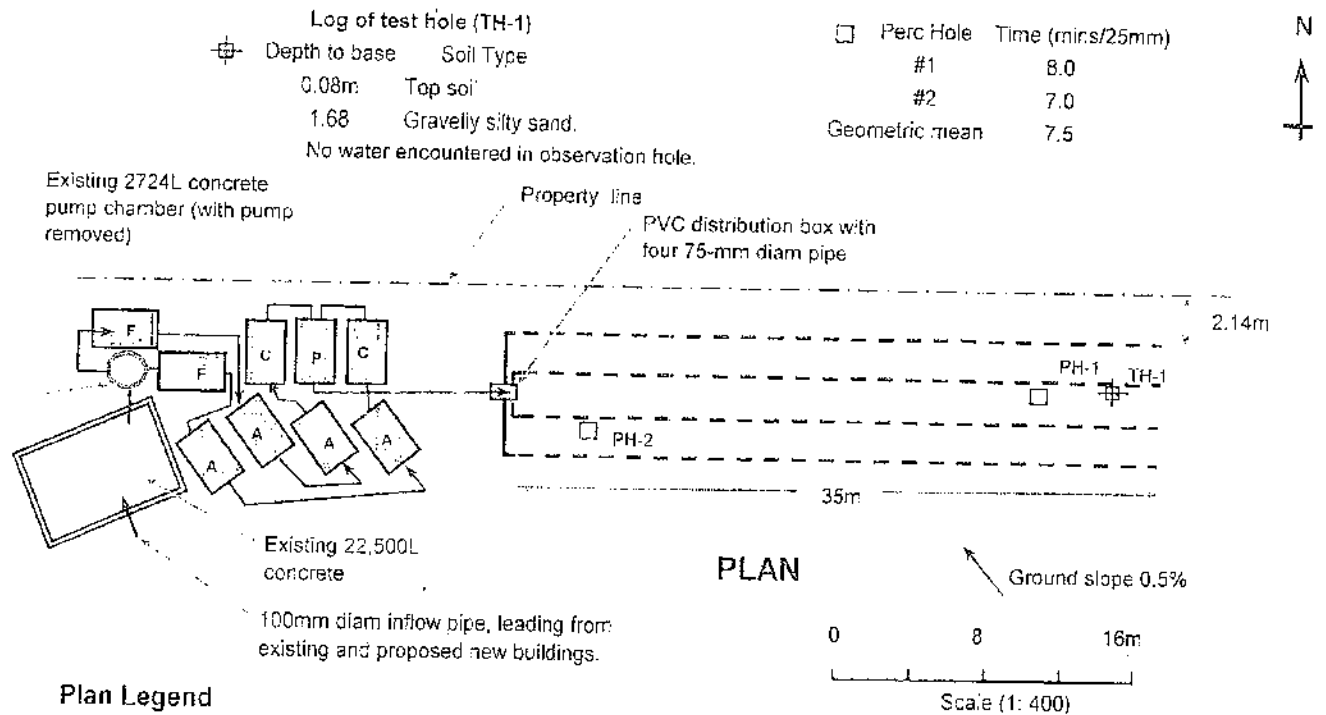
GO-GREEN WASTEWATER LTD.

ELANCO ENTERPRISES LTD.  
Victoria, B.C. (250 744-1357)

SEWERAGE SYSTEM FOR 22.48 M<sup>3</sup>/D  
(4950 IGPD) WASTEWATER TREATMENT  
SYSTEM FOR 4527 HIGHWAY 95,  
SKOOKUMCHUCK, B.C.

PLAN OF PROPERTY

Drawn:	Date Oct. 2008
Approved: 	Fig. 2

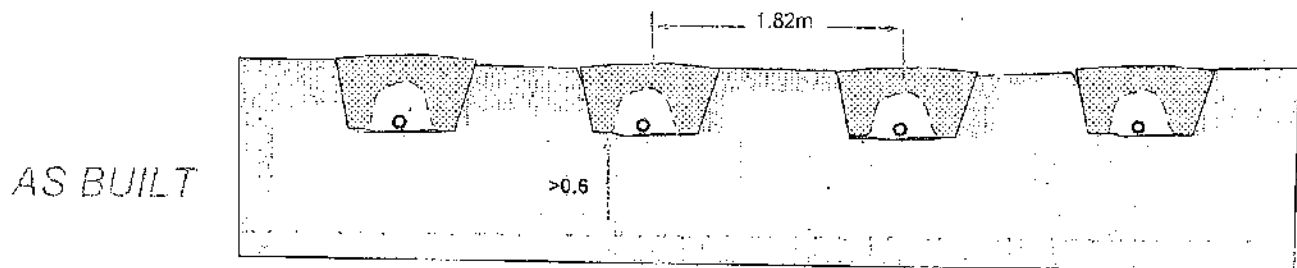


### Plan Legend

- Effluent dispersal trench with 34-inch wide infiltrator (see Fig. 3) and profile below.
- Buried 5675 L concrete tank (see profile on Fig. 5)
- F = Fermentation tank, A = Aeration tank, C = Clarifier tank and P = Pump chamber.
- 75-mm diam Schedule 40 pvc pipe connecting each tank, with gravity flow.

### Section Legend

- Potential high water table
- Filter cloth
- Natural, backfilled sediments
- Natural, undisturbed sediments
- 75mm diam. pvc pipe with 12.5mm diam holes at 0.6m centers (see Note 2).
- Four 35m long and 0.91m wide trenches, with 34-inch wide infiltrators installed.



### NOTES

- See location of the site on Fig. 2 and details of seepage trenches on Fig. 4.
- See system design specifications and calculations on Table 1 and construction details on Fig. 5.

### SECTION ACROSS FIELD

NOT DRAWN TO SCALE

**GO-GREEN WASTEWATER LTD.**

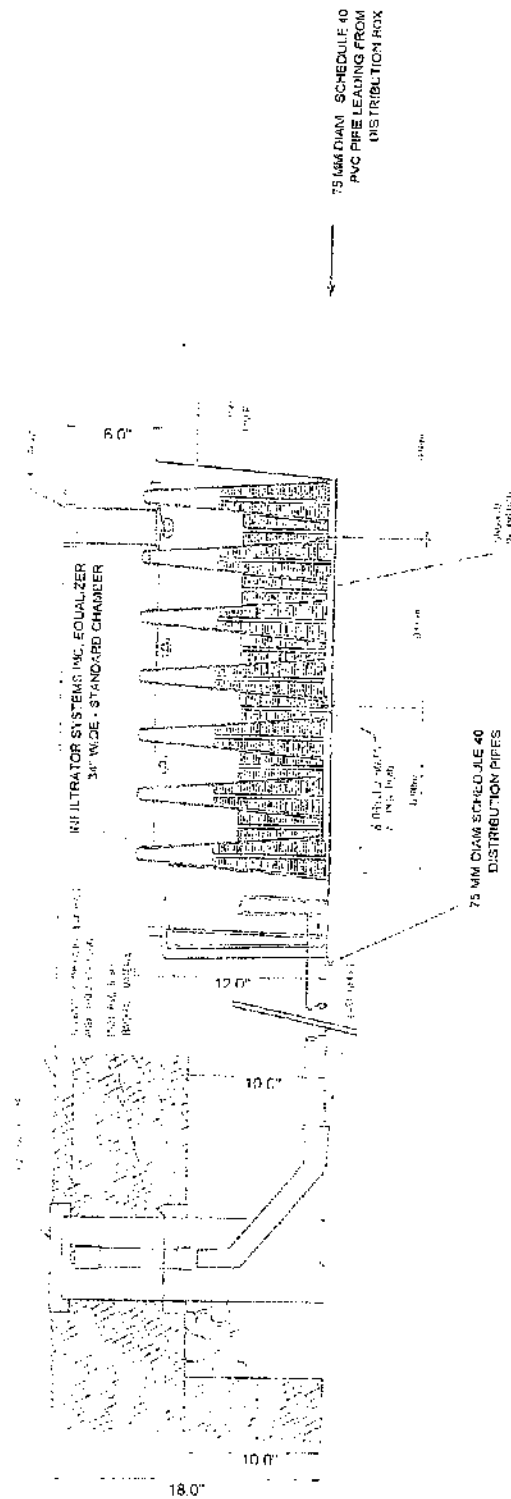
**ELANCO ENTERPRISES LTD.**  
Victoria, B.C. (250 744-1357)

**SEWERAGE SYSTEM FOR 22.48 M<sup>3</sup>/D  
(4950 IGPD) WASTEWATER TREATMENT  
SYSTEM FOR 4527 HIGHWAY 95,  
SKOOKUMCHUCK, B.C.**

### DETAILS OF DISPERSAL FIELD

Drawn: \_\_\_\_\_ Date: Oct. 2008

Approved: Fig. 3



NOTES

- 1) See locations of seepage trench and typical profile on Fig. 3.

AS BUILT

GO-GREEN WASTEWATER LTD.

ELANCO ENTERPRISES LTD.  
Victoria, B.C. (250 744-1357)

SEWERAGE SYSTEM FOR 22.48 M<sup>3</sup>/D  
(4950 GPD) WASTEWATER TREATMENT  
SYSTEM FOR 4527 HIGHWAY 95,  
SKOOKUMCHUCK, B.C.

PIPE AND INFILTRATOR DETAILS  
FOR EFFLUENT DISPERSAL  
TRENCH

Drawn:	Date
Approved:	Jul. 2008
Fig. 4	



**TABLE I**  
**SYSTEM SPECIFICATIONS**

CALCULATION SHEET		Quantity	Units
Total daily sewage flow	22,478		L/d
Maximum dose volume	4,950		igpd
Hydraulic loading rate	4,496		L
Width of trench	0.182		m <sup>3</sup> /d/m <sup>2</sup>
Length of seepage trenches	0.91		m
Number of laterals	135.5		m
Length of lateral	4		
Diameter of laterals	33.9		m
5 x volume in lateral pipe	76		mm
Manifold force main diameter	772		L
Diameter of orifice	51		mm
Orifice spacing	3.8		mm
Number of orifices per lateral	0.6		m
Number of orifices	56.0		
Orifice discharge rate	224		
Flow per lateral	0.02		L/s
Friction loss	1.21		L/s
Design dose rate	0.034		m
Equivalent length of force main, fittings and manifolds	4.8		L/s
Friction loss	22.0		m
Network head	1.9		m
Elevation head	0.5		m
Residual pressure head	1.0		m
Total dynamic head (TDH)	0.5		m
	4.0		m

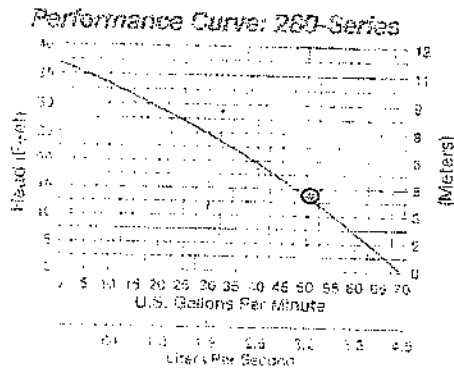
  

PUMP SPECIFICATIONS		
Name / Model number	Liberty Model 283	
Discharge capacity for two pumps at TDH	6.4	L/s
	102	USgpm
Design flow	4.8	L/s
Pump capacity ok?	yes	
Power required	0.222	Kw
	0.30	HP
Power available	0.50	HP
Pump power ok?	yes	
Design dose volume	4000	L
Time to pump dose volume	10.4	mins
Pump Chamber Capacity	5675	L
	1250	lgals
Dose to tank volume ratio	70.5%	

Notes:

- 1) See drainfield details on Fig. 3 and infiltrator trench details on Fig. 4





**Out flow in sediments down slope of drainfield.**

Hydraulic gradient =	0.1	10.0%
Soil depth =	6	m
Estimated hydraulic conductivity =	6000	mm/d
	6.9E-05	m/s
Width =	45	m
Slope flux =	162,000	L/d
Design	22,478	L/d
	Ok?	yes

**TABLE II**  
**ESTIMATED EFFLUENT DISCHARGE**

**Existing**

Item	Quantity	Unit Discharge gpd	Daily Flow gpd
Office and store	1	300	300
Laundromat	1	250	250
Motel unit	6	100	600
Cabin	5	250	1,250
RV Site	10	80	800
<b>Total</b>			<b>3,200</b>

**Proposed**

Item	Quantity	Unit Discharge gpd	Daily Flow gpd
Office and store	1	300	300
Laundromat	1	250	250
Motel unit	8	100	800
Cabin	9	250	2,250
RV Site	12	80	960
Contingency / future			390
<b>Total</b>			<b>4,950</b>





## Appendix A

### TYPICAL FORMS USED BY MAINTENANCE PERSONNEL

## APPENDIX A

### TYPICAL FORMS USED BY MAINTAINANCE PRERSONNEL

#### A.1 Wastewater System Log

Inspection Date (da/mo/yr)	Tank Chamber (See Notes 1 & 2)	Depth of Sludge	Scum Thickness	Filter checked and cleaned?	Comments
		(mm)	(mm)	Yes/No	

#### A.2 Wastewater System and Dispersal Field Check list

Inspection Date (da/mo/yr)	Pump or siphon See Notes 2 & 3.	Observation Ports See Note 4.	Dispersal field area See Note 5.	Monitoring well See Note 6.	Down slope area See Note 7.	Comments

**Notes:**

1. See table in Section 2 for recommended schedule for inspections.
2. See attached as-built drawings for locations of the chambers to be inspected. These typically include:  
1) settling (often in a septic tank), 2) fermentation, 3) aeration 4) clarifier and 5) pump chambers.
3. The operation of a pump chamber or siphon will be checked by observing its operation while on site.
4. See attached as-built drawings for locations of observation ports. These are located at the end of each seepage trench lateral. Inspection involves observing water levels, stain lines and noting odors, during and after an effluent discharge to the field.



eDAS File #: 2015-02180

Date: Jan 4, 2016

Springbrook Management Ltd.  
c/o Margaret Henne  
4527 Hwy 93/95  
Skookumchuk, BC V0B 2E0

Dear Margaret Henne:

**Re: Proposed Conventional Subdivision Application for Lot 1, DL 265,  
Kootenay District, NEP19694**

We have received your revised proposed subdivision plan on December 16, 2015, with respect to the above noted property.

We have contacted the following agencies for their comments:

Regional District of East Kootenay – Jean Terpsma – 250-489-2791  
Ministry of Environment – Wendy Murdoch – 250-489-8536

In order to ensure a timely response, please confirm with these agencies they have received all the fees and information they require to respond. We will await a response from these agencies until February 4, 2016, after which we will prepare recommendations for the Approving Officer's decision. You can expect a response from this office by March 1, 2016.

Please quote file number 2015-02180 when contacting this office.

If you have any questions please feel free to call Melissa Wiekenkamp at 250-426-1510.  
Yours truly,

Melissa Wiekenkamp  
District Development Technician

Local District Address

Rocky Mountain District

129 10th Avenue S  
Cranbrook, BC V1C 2N1  
Canada

Phone: (250) 426-1500 Fax: (250) 426-1523

**From:** Murdoch, Wendy ENV:EX  
**To:** [Wiekenkamp, Melissa M TRAN:EX](#)  
**Subject:** RE: Feedback  
**Date:** Wednesday, January 6, 2016 9:59:04 AM

---

Hi again.

I read through the package and it says that the flow is < 22.7 m3/day and that this is an IHA task.

The only exception is if they are discharging to water.

Let me know if this is the case.

Thanks

Wendy

---

**From:** Wiekenkamp, Melissa M TRAN:EX  
**Sent:** Monday, January 4, 2016 12:18 PM  
**To:** Murdoch, Wendy ENV:EX  
**Subject:** RE: Feedback

Hi Wendy,

Happy New Year.

Please accept the attached package for referral for a proposed subdivision of the Springbrook resort property in Skookumchuck. I realize from your email that you no longer accept referrals such as this, but I believe this application is an exception. The applicant has indicated that they will be using a community system for septic, and have indicated that they have one set up, but they cannot provide verification of that, nor can I find anything registered to their company or an individual. I am also not sure if the size of the system meets your requirements for a community system.

Please review the proposal in regards to your legislation and procedures and provide me with your comments by Feb 4 2016. If you have any questions, please feel free to contact me so we can discuss this further. As per my letter, please contact the applicant if you require further information.

Cheers!

Melissa

**Melissa Wiekenkamp, PAg | District Development Technician**

Ministry of Transportation and Infrastructure - Rocky Mountain District

Tel 250.426.1510 | Cell 250.421.1742 | Toll Free 1.888.613.9993 | Fax 250.426.1523

Websites: [MoTI Home](#), [Permits](#), [Subdivisions](#)

Please consider the environment before printing this email.

---

**From:** Murdoch, Wendy ENV:EX  
**Sent:** Thursday, December 17, 2015 4:12 PM  
**To:** Wiekenkamp, Melissa M TRAN:EX  
**Subject:** Feedback

- 1. If your enquiry was tied to a subdivision request, you only need the RDEK to tell you what our registration # is for their Sewage Treatment Plant. If they have an authorization # it infers that we are satisfied that they have met all the requirements around discharging.*
- 2. We don't do referrals anymore as far as Environmental Protection is concerned, unless you have a specific reason for asking us. One referral sent to our office wouldn't be that useful because there are so many branches here and we would only be answering for our concerns. You'd also want to circulate it to Fish and Wildlife (Doug Martin) and the water stewardship group (Kirsten*



Anderson) to see if they have any concerns. Nelson office was sending out a canned email response to the effect that if the flow of the plant was  $> 22.7 \text{ m}^3/\text{day}$  that they needed to contact the Ministry office for a pre-application meeting. I don't know if they are still doing this or not. Contact Brad McCandlish (usual government format for all of these names).

3. If you are asking about a new discharge, which needs an authorization (i.e. Flow of STP exceeds 5000 igallons/day ( $22.7 \text{ m}^3/\text{day}$ )) they have to apply to MoE for an authorization under the Municipal Wastewater Regulation. They initiate this by completely filling in the attached form and submitting it along with a \$200 registration fee to

Victoria Headquarters Office

Courier delivery address:

3rd Fl. 2975 Jutland Rd.

Victoria, BC V8T 5J9

Ph: (250) 387-3205 Fax: (250) 356-0299

4. Once the application is reviewed for completeness, it goes into a Sequential Application Processing queue. We process on a first in first out basis. Once it is at the top of the list it gets assigned to an EPD and we contact the client for a Pre-application meeting. In that meeting we detail what they need to do to satisfy the regulation.

5. They may need to contact FN and make them aware of what they are doing.

I hope this helps. Let me know if I need to answer anything else.

Take Care,

Wendy

s.22

**From:** [Nichol, Christine TRAN:EX](#)  
**To:** ["linda nickerson"](#)  
**Cc:** ["Gordana P"](#)  
**Subject:** RE: Subdivision Concerns File 2015-02180  
**Date:** Thursday, June 18, 2015 10:40:00 AM

---

One last thing Linda. Leslie Elder just let me know to pass on her email as well so you have the option to contact her directly:

[Leslie.Elder@gov.bc.ca](mailto:Leslie.Elder@gov.bc.ca)

Chris.

---

**From:** Nichol, Christine TRAN:EX  
**Sent:** Thursday, June 18, 2015 10:37 AM  
**To:** 'linda nickerson'  
**Cc:** 'Gordana P'  
**Subject:** RE: Subdivision Concerns File 2015-02180

Hi again,

It is helpful if you include the file number ( 2015-02180 ) in your letter and communications. And in case you prefer to send a hard copy of the letter by mail, here is the office address:

Ministry of Transportation and Infrastructure

Attn.: Christine Nichol

129 10<sup>th</sup> Avenue South

Cranbrook BC

V1C 2N1

Thanks,

Christine.

---

**From:** Nichol, Christine TRAN:EX  
**Sent:** Thursday, June 18, 2015 10:09 AM  
**To:** 'linda nickerson'  
**Cc:** Gordana P  
**Subject:** RE: Subdivision Concerns

Good morning Linda,

The best way to express your concerns about the proposed subdivision is to write a letter to the Provincial Approving Officer. It should clearly state your interest in the property if you have one; in this case I think it's important to make the shareholder relationship you refer to clear. Is this a share in the property itself or in Springbrook Management? A succinct list of concerns and impacts could be part of what informs the Approving Officer's decision if those concerns have a legitimate bearing on the proposed changes.

The best format would be to print the letter and sign it, then scan it and email to me. I will add it to the file so the Approving Officer can include it in her decision-making process. If you intend to speak on behalf of more than just yourself, then make sure anyone you include as part of your statement has signed the letter as well; this way we can be sure they agree with what has been said.

Address it to:

Leslie Elder

Provincial Approving Officer

Rocky Mountain District

Otherwise, I am the main contact for the proposed project and if you have any other concerns you can contact me.

Regards,  
Christine  
Christine Nichol  
Development Approvals  
250.426.1202  
[Christine.Nichol@gov.bc.ca](mailto:Christine.Nichol@gov.bc.ca)

---

**From:** linda nickerson | [s.22](#)  
**Sent:** Wednesday, June 17, 2015 12:12 PM  
**To:** Nichol, Christine TRAN:EX  
**Cc:** Gordana P  
**Subject:** Subdivision Concerns  
June 16 2015  
Att: Christine Nichol

I am writing to inquire about a subdivision that was applied for by Spring Brook Management LTD.

As one of nine different shareholders of this property, we would like to express our concerns with you.

Could you please advise us as the best way to go about voicing our concerns, be it by letter or in a meeting.

Thank You,  
Linda Nickerson  
[s.22](#)

**From:** Murdoch, Wendy ENV:EX  
**To:** [Wiekenkamp, Melissa M TRAN:EX](#)  
**Subject:** RE: Feedback  
**Date:** Wednesday, January 6, 2016 9:55:37 AM

---

Our involvement is triggered solely by volume. I would say that all of ours are community systems but a large portion of IHA's are also community systems. You'll have to ask them for their combined flow before we can proceed. If the combined volume exceeds 22.7m3/day (5000igallons) then they have to come to us for authorization (as opposed to IHA who do the smaller projects). I will walk them through the process. It's as simple as that initially. I have to get through 200 emails today, so would like it if you can check this out and then I'll take over. Thanks.

s.22

Take Care,  
Wendy

---

**From:** Wiekenkamp, Melissa M TRAN:EX  
**Sent:** Monday, January 4, 2016 12:18 PM  
**To:** Murdoch, Wendy ENV:EX  
**Subject:** RE: Feedback

Hi Wendy,

Happy New Year.

Please accept the attached package for referral for a proposed subdivision of the Springbrook resort property in Skookumchuck. I realize from your email that you no longer accept referrals such as this, but I believe this application is an exception. The applicant has indicated that they will be using a community system for septic, and have indicated that they have one set up, but they cannot provide verification of that, nor can I find anything registered to their company or an individual. I am also not sure if the size of the system meets your requirements for a community system.

Please review the proposal in regards to your legislation and procedures and provide me with your comments by Feb 4 2016. If you have any questions, please feel free to contact me so we can discuss this further. As per my letter, please contact the applicant if you require further information.

Cheers!

Melissa

**Melissa Wiekenkamp, PAg | District Development Technician**

Ministry of Transportation and Infrastructure - Rocky Mountain District

Tel 250.426.1510 | Cell 250.421.1742 | Toll Free 1.888.613.9993 | Fax 250.426.1523

Websites: [MoTI Home](#), [Permits](#), [Subdivisions](#)

Please consider the environment before printing this email.

---

**From:** Murdoch, Wendy ENV:EX  
**Sent:** Thursday, December 17, 2015 4:12 PM  
**To:** Wiekenkamp, Melissa M TRAN:EX  
**Subject:** Feedback

*1. If your enquiry was tied to a subdivision request, you only need the RDEK to tell you what our registration # is for their Sewage Treatment Plant. If they have an authorization # it infers that we*



are satisfied that they have met all the requirements around discharging.

2. We don't do referrals anymore as far as Environmental Protection is concerned, unless you have a specific reason for asking us. One referral sent to our office wouldn't be that useful because there are so many branches here and we would only be answering for our concerns. You'd also want to circulate it to Fish and Wildlife (Doug Martin) and the water stewardship group (Kirsten Anderson) to see if they have any concerns. Nelson office was sending out a canned email response to the effect that if the flow of the plant was  $> 22.7 \text{ m}^3/\text{day}$  that they needed to contact the Ministry office for a pre-application meeting. I don't know if they are still doing this or not. Contact Brad McCandlish (usual government format for all of these names).
3. If you are asking about a new discharge, which needs an authorization (i.e. Flow of STP exceeds 5000 igallons/day ( $22.7 \text{ m}^3/\text{day}$ )) they have to apply to MoE for an authorization under the Municipal Wastewater Regulation. They initiate this by completely filling in the attached form and submitting it along with a \$200 registration fee to

Victoria Headquarters Office

Courier delivery address:

3rd Fl. 2975 Jutland Rd.

Victoria, BC V8T 5J9

Ph: (250) 387-3205 Fax: (250) 356-0299

4. Once the application is reviewed for completeness, it goes into a Sequential Application Processing queue. We process on a first in first out basis. Once it is at the top of the list it gets assigned to an EPD and we contact the client for a Pre-application meeting. In that meeting we detail what they need to do to satisfy the regulation.

5. They may need to contact FN and make them aware of what they are doing.

I hope this helps. Let me know if I need to answer anything else.

Take Care,

Wendy

s.22

From: Marnie  
To: [Wiekenkamp, Melissa M TRAN:EX](#)  
Subject: Re: 2015-02180 Subdivision - Septic question  
Date: Wednesday, January 6, 2016 11:36:28 AM

---

Good morning Melissa

As per our documents submitted  
Go-Green On Site Wastewater System  
Figure 1 septic ends at a Dispersal Field  
Property Plan Figure 2 shows the location of the Wastewater Dispersal Field

Hope this answers your question

Marnie  
250-422-3563  
URL: <http://springbrookresort.com>

On 1/6/2016 10:47 AM, Wiekenkamp, Melissa M TRAN:EX wrote:

Good morning Marnie,  
I have reviewed the information you have included in your application regarding septic and just need clarification on one thing. The report indicates that flow is <22.7 m3/day, meaning it is a small community system and is covered by IHA. However, if it is discharged into water it becomes Ministry of Environment – Environmental Protection jurisdiction. Is the system discharged into water? Once I get clarification from you I will refer your application to IHA if needed. I have already referred it to Ministry of Environment but will cancel that if it is not needed.  
Thank you. If you would prefer to give me a call, please don't hesitate to contact me.  
Cheers!

Melissa

**Melissa Wiekenkamp, PAg | District Development Technician**  
Ministry of Transportation and Infrastructure - Rocky Mountain District  
Tel 250.426.1510 | Cell 250.421.1742 | Toll Free 1.888.613.9993 | Fax 250.426.1523  
Websites: [MoTI Home](#), [Permits](#), [Subdivisions](#)

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From: [Wiekenkamp, Melissa M TRAN:EX](#)  
To: ["referrals@ktunaxa.org"](mailto:referrals@ktunaxa.org)  
Subject: MoTI 2015-02180 NEW Referral  
Date: Monday, January 25, 2016 11:43:00 AM  
Attachments: [Jan 25 2016 FN referral pkg.pdf](#)

---

Dear Carey Garner,

Please see attached a new referral for this proposed 3 lot subdivision near Skookumchuck. I believe your organization previous received a referral for this application but the applicant has since changed the proposed layout of the subdivision.

If you have any questions regarding this file or the information that has been sent to you please don't hesitate to contact me. Cheers!

Melissa

**Melissa Wiekenkamp, PAg | District Development Technician**

Ministry of Transportation and Infrastructure - Rocky Mountain District

Tel 250.426.1510 | Cell 250.421.1742 | Toll Free 1.888.613.9993 | Fax 250.426.1523

Websites: [MoTI Home](#), [Permits](#), [Subdivisions](#)

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## Project Name – 3 Lot Subdivision - Springbrook

### Engagement Letter

MOTI File: 2015-02180

January 25, 2016

Ktunaxa Nation Council  
7468 Mission Road  
Cranbrook BC V1C 7E5

Dear Chair, Ktunaxa Nation Council:

The Province of British Columbia has received an application for the above-noted project and is initiating consultation with you to inform our decision making process. We invite your input on how this proposal may impact Aboriginal interests you may have in the area.

#### Table 1: Project Overview

ACTIVITY TYPE: Conventional subdivision into 3 fee simple lots.
PROJECT DESCRIPTION: Lots A and B will have access to the Frontage Road and Hwy 93/95 via a panhandle. Proposed Lot A is 0.96 ha (excluding panhandle), proposed Lot B is 0.44 ha (excluding panhandle) and proposed Lot C is 1.54 ha.
Provincial approach: Single-agency decision <input checked="" type="checkbox"/> or Multi-agency project <input type="checkbox"/>
PROPONENT: Springbrook Management Ltd., 4527 Hwy 93/95, Skookumchuk, BC, V0B 2E0
LOCATION: <a href="http://apps.gov.bc.ca/pub/geomark/geomarks/qm-BABB989AD32A46858C9A3DCCF9B736AE">http://apps.gov.bc.ca/pub/geomark/geomarks/qm-BABB989AD32A46858C9A3DCCF9B736AE</a>
BCGS Map Ref (1:20,000): 82G.013
AREA Size: Proposed Lot A is 0.96 ha (excluding panhandle), proposed Lot B is 0.44 ha (excluding panhandle) and proposed Lot C is 1.54 ha.
Provincial Government CONTACT PERSON: Melissa Wiekenkamp, District Development Technician, 129 10 <sup>th</sup> Ave South, Cranbrook, BC V1C 2N1 Phone: 250-426-1510, Email: <a href="mailto:melissa.wiekenkamp@gov.bc.ca">melissa.wiekenkamp@gov.bc.ca</a>
RESPONSE TIME: Please respond within 30 days from the date of this letter so that your interests can be fully considered in the decision making process.

Authorizations required for the proposal are as follows:

**TABLE 2: Provincial Authorizations**

Activity	Legislation, Tenure Type and Term	Area Size	Agency Responsible & Decision Maker (position)	File Number & Application Status
Fee Simple Land Subdivision	<i>Land Title Act</i>	<i>3 ha (+/-)</i>	MoTI	Enclosed in this package <input checked="" type="checkbox"/>

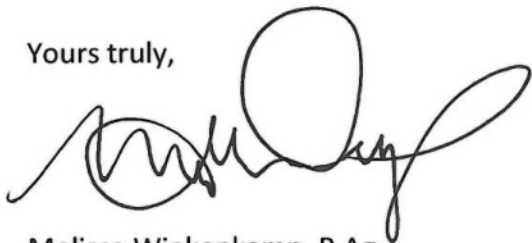
**Background Information:**

The Province has used Schedule 1 of the Ktunaxa Nation/Province of BC Strategic Engagement Agreement (SEA) to assess potential impacts of the activities proposed to Ktunaxa Nation's Aboriginal Rights.

The Province's initial assessment of the appropriate engagement level is: Level 1. A modifier has not been applied.

The Province proposes 30 days from the KLRA review Date for the KLRA to submit its comments on the application. Please direct comments to the Project Contact.

Yours truly,



Melissa Wiekenkamp, P.Ag  
District Development Technician  
Ministry of Transportation and Infrastructure  
Rocky Mountain District

**Attachments:**

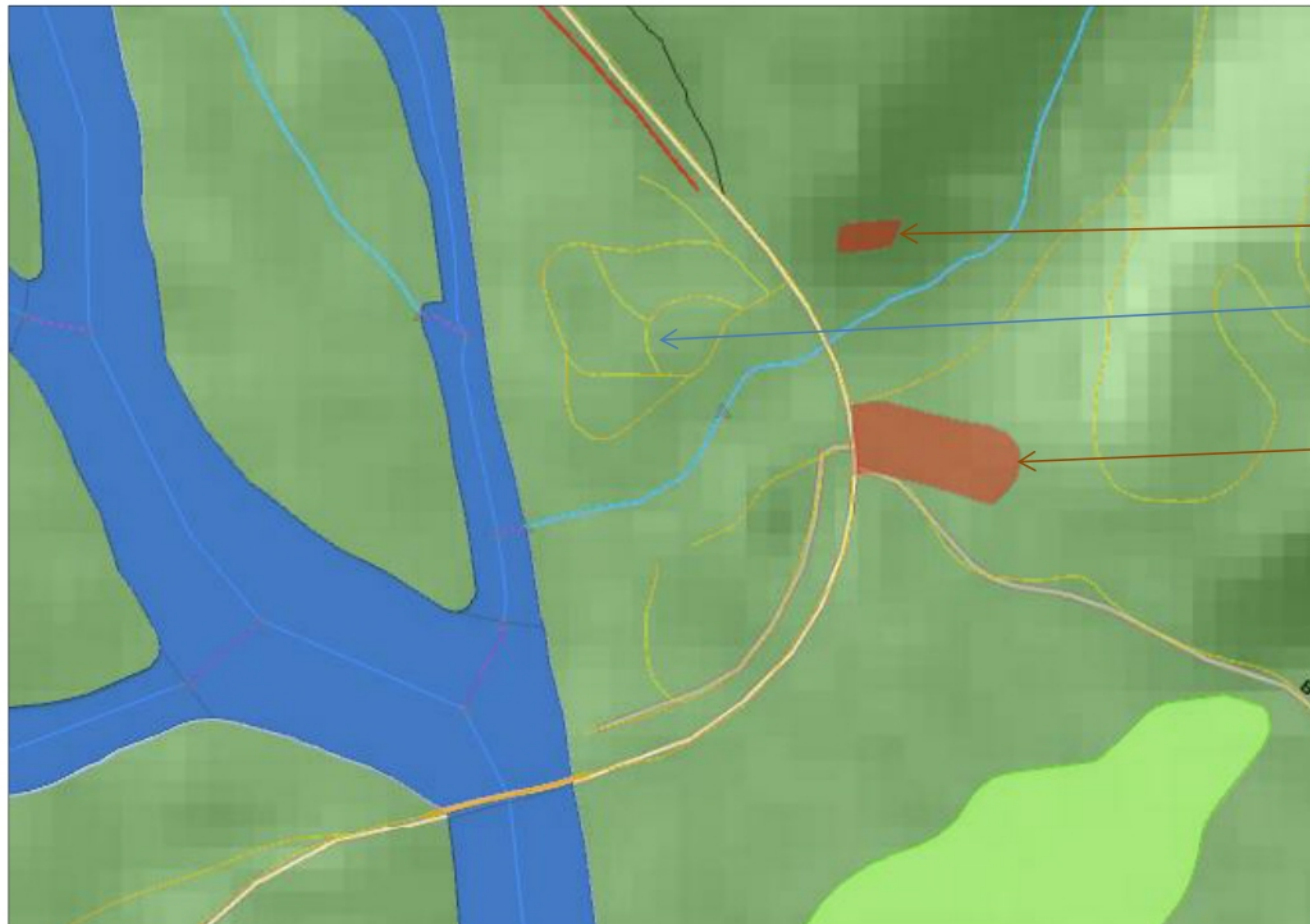
Application  
Proposed Subdivision Plan  
RAAD map

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2015-02180 Archeological Interests  
Lot 1 DL 265 KD NEP 19694  
DIP -W-17 and DIP-W-16  
Cultural interests (areas in red)



Area of cultural interest

Subject property (see  
complementary map below)

Area of cultural interest



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Page 204 to/à Page 210

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From: Jean Terpsma  
To: [Wiekenkamp, Melissa M TRAN:EX](#)  
Cc: [Marnie](#)  
Subject: 2015-02180 Proposed Subdivision  
Date: Monday, January 25, 2016 1:33:43 PM  
Attachments: [201601251233.pdf](#)

---

Hi Melissa,

Further to the revised plan of subdivision provided by the applicants I advise that my letter dated July 21, 2015 setting out the RDEK requirements for this subdivision still apply. The only change to the letter would be to state the proposal is to create three parcels: 0.44 ha, 0.96 ha and 1.54 ha in size. All other comments and requirements apply.

Jean Terpsma

Planning Technician

Regional District of East Kootenay

19 - 24th Avenue S

Cranbrook BC V1C 3H8

Tel: 250-489-2791

Fax: 250-489-1287

email [jterpsma@rdek.bc.ca](mailto:jterpsma@rdek.bc.ca)



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Page 217 to/à Page 235

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From: [Nichol, Christine TRAN:EX](#)  
To: [s.22](#)  
Subject: Skookumchuk Property - Subdivision Concerns File 2015-02180  
Date: Monday, June 22, 2015 2:25:00 PM

---

Hi Tom,

As we discussed on the phone, the best way to express your concerns about the proposed subdivision is to write a letter addressed to the Provincial Approving Officer (PAO). It should clearly state your interest in the subject property if you have one, or the physical relationship of your property to the subject property such as the shared lot line and fencing as you described. A succinct list of concerns and impacts could be part of what informs the Approving Officer's decision if those concerns have a legitimate bearing on the proposed changes.

The best format would be to print the letter and sign it, then scan it and email to me. I will add it to the file so the PAO can include it in her decision-making process.

Address it to:

Leslie Elder  
Provincial Approving Officer  
Rocky Mountain District

It is helpful if you include the file number ( 2015-02180 ) in your letter and email communications.

In case you prefer to send a hard copy of the letter by mail, here is the office address:

Ministry of Transportation and Infrastructure

Attn.: Christine Nichol

129 10<sup>th</sup> Avenue South  
Cranbrook BC  
V1C 2N1

You also have the option to contact the PAO directly, but I recommend that for general questions as with your fence inquiry I can take care of helping you out. Her email is:

[Leslie.Elder@gov.bc.ca](mailto:Leslie.Elder@gov.bc.ca)

With respect to the fence you discussed, as I suspected it is your responsibility as a property owner to keep people and animals out rather than for your neighbour to keep residents of his/her property contained. If the fence is in disrepair and crosses the property boundary, that is a separate issue (civil – you would need to talk to a lawyer). Ideally the neighbours could agree on fencing and maintain it as a team but this might not be easy for you to do. I had hoped to share an RDEK zoning map with you but the map layers are not loading for me right now – you can find your way from this link or ask the RDEK. <http://www.rdek.bc.ca/departments/mapping/> and [ftp://ftp.rdek.bc.ca/Maps/rdek\\_web%20key.pdf](ftp://ftp.rdek.bc.ca/Maps/rdek_web%20key.pdf)

I hope this helps.

Regards,

Chris.

Christine Nichol  
Development Approvals  
250.426.1202  
[Christine.Nichol@gov.bc.ca](mailto:Christine.Nichol@gov.bc.ca)

From: [Elder, Leslie TRAN:EX](#)  
To: [Gillese, Kevin JAG:EX](#)  
Subject: Fwd: MOTI File 2015-02180 (Springbrook Resort)  
Date: Monday, August 10, 2015 7:57:27 AM

---

Not sure what this means?

Sent from my iPhone

Begin forwarded message:

**From:** Marnie <[marnie@springbrookresort.com](mailto:marnie@springbrookresort.com)>  
**Date:** August 7, 2015 at 7:09:34 PM MDT  
**To:** "Elder, Leslie TRAN:EX" <[Leslie.Elder@gov.bc.ca](mailto:Leslie.Elder@gov.bc.ca)>  
**Subject: Re: MOTI File 2015-02180 (Springbrook Resort)**

Hi Leslie

We have a meeting arranged for September 4<sup>th</sup> with the minority shareholders, and hopefully we will have a "consensus" with our subdivision proposal, Hopefully addressing all your question in detail at that time.

Marnie Henne  
Springbrook Resort, Cabin, Motel & RV Park  
4527 Hwy 93/95  
Skookumchuck, BC V0B 2E0  
Tel: 250-422-3563  
Fax: 250-422-3079  
TF : 877-422-3563  
URL: <http://springbrookresort.com>

On 7/29/2015 11:32 AM, Elder, Leslie TRAN:EX wrote:

Hello Marnie – Thank you for providing me with the additional information regarding the Disclosure Statement, etc. Chris Nichol, our District Development Technician and I are working through your application and have some questions that require clarification.

Your application for subdivision indicates that you are applying for a Strata Subdivision. Please confirm this to be accurate. I will assume this to be true and my questions/comments will reflect this assumption. If this is not the intention then my questions and comments will differ than those here to some extent. In reviewing the proposed layout as a strata development, I have the following questions/comments:

- <!--[if !supportLists]-->a. <!--[endif]-->I have reviewed the proposed layout provided (prepared by Griffith Surveys), which is undated. I have taken that proposed layout and attempted to overlay the proposed lot lines of the site plan that was included in the Disclosure Statement, dated Sept 13, 2007. Can you please confirm that my interpretation is accurate (copy attached). If not, please provide an accurate site plan that includes the existing lot lines as represented in the Disclosure Statement.
- <!--[if !supportLists]-->b. <!--[endif]-->As a 3-Lot Strata subdivision you will be required to provide "common lands", which typically include the access route and/or community services and

infrastructure, such as shared facilities. The plan prepared by Griffith Surveys does not provide any evidence of "common" areas.

<!--[if !supportLists]-->c. <!--[endif]-->With respect to servicing (i.e. water & sewer), can you please provide more clarity on the location of the community servicing and how the infrastructure to service the proposed 3 strata lots will be addressed. If the intention is for one community service then the infrastructure needs to be contained with "common lands".

<!--[if !supportLists]-->d. <!--[endif]-->Is the intention after registration of the strata subdivision to continue operating the "resort" as a Shared Interest development? If so, I am wondering how separating the "Shared Interest" lots between the 3 proposed strata lots will allow for efficient operation of the Shared Interest or the Strata?

Further to the community services (water & sewer), can you clarify on the site plan the location of the water source, and what the source is. If it is from a surface water source please provide a copy of your current Water Licence. It will be a requirement of subdivision to obtain approval from the Comptroller of Water Rights for the operation of a community water system. It is recommended that you review the requirements for making application to operate a water utility and in making application for approval from the Comptroller of Water Rights. I have provided a link for your information [http://www.env.gov.bc.ca/wsd/water\\_rights/water\\_utilities/utilities\\_application\\_index.html](http://www.env.gov.bc.ca/wsd/water_rights/water_utilities/utilities_application_index.html)

With respect to the community septic system, I draw your attention to the Environmental Management Act which you will be required to adhere to if you believe the discharge rates fall within the parameters referenced in Section 2 below. If not, then any requirements of the Interior Health Authority must be addressed, in addition to satisfying the Subdivision Servicing Bylaw 1954 of the Regional District of East Kootenay. We have had initial contact with David Butt with Interior Health Authority (IHA) who requires some additional information prior to providing our office with his official comments, primarily with respect to the intent to subdivide into 3 Strata Lots versus conventional fee simple lots. Your response to the questions in this email will assist IHA in responding appropriately.

**Section 4 of the Environmental Management Act - Municipal Wastewater Regulation 87/2012 states;**

***(1) In this section, "parcel", "sewerage system" and "strata lot" have the same meanings as in the Sewerage System Regulation, B.C. Reg. 326/2004.***

***(2) Subject to subsection (3), this regulation applies to all discharges***

***(a) to ground, if the discharge***

***(i) is equal to or exceeds maximum daily flows of 22.7 m<sup>3</sup>/d, and***

***(ii) is from a sewerage system or combination of sewerage systems that serve structures on one or more parcels***



***or strata lots, or on a shared interest, and  
(b) to water.***

In general, I am having difficulty in understanding the intention of your application for a 3 lot strata subdivision, as presented. I am challenged to understand how you intend to address the existing “shared interest lots” with the creation of a 3 lot strata subdivision. It would seem to me that the creation of 3 lots under the Bare Land Strata Regulations is the first step in fulfilling your intentions. The next step would be to either further subdivide each of those 3 lots further into additional strata lots, or to operate a shared interest development within each of these 3 strata lots. Since there are existing lots, owned by the “shareholders” of Springbrook Management Ltd, it is important for me to understand how to address these existing interests in the land. I would appreciate you providing me with some clarity on your intentions. I have included an excerpt from the Bare Land Strata regulations for your information.

**Bare Land Strata Regulations 75/78 states:**

***Requirements for approval***

***3 (1) In considering an application for the approval of a bare land strata plan, the approving officer may***

***(a) at the cost of the owner-developer, personally examine or cause an examination and report to be made on the land intended to be included in the bare land strata plan,***

***(b) hear from all persons who, in his opinion, are affected by the bare land strata plan,***

***(c) require an owner-developer to state in writing the intended use of the strata lots being created by a bare land strata plan,***

***(d) require the owner-developer to provide such plans, designs, specifications and reports as the approving officer may reasonably require in order to consider the bare land strata plan for approval,***

***(e) refuse to approve the bare land strata plan, if he considers that***

***(i) the anticipated development would injuriously affect the established amenities of adjoining or reasonably adjoining properties,***

***(ii) the deposit of the bare land strata plan is against the public interest,***

***(iii) the bare land strata plan does not comply with the provisions of these regulations relating to access and the sufficiency of highways required to be dedicated pursuant to these regulations,***

***(iv) the highways required to be dedicated prior to the approval of the bare land strata plan by the approving officer are not cleared, drained, constructed and surfaced to his satisfaction, or unless, in such circumstances as he considers proper, security in an amount and in a form acceptable to him is provided by the owner-developer,***

*(v) it contains land that because of inadequate drainage is not suitable for the intended use or any other prospective use the approving officer considers likely,*

*(vi) the land is subject or could reasonably be expected to be subject to flooding, erosion, land slip or avalanche,*

*(vii) the cost of providing the public utilities or other works or services would be excessive, or*

*(viii) the development would adversely affect the natural environment to an unacceptable level.*

***(2) If land in respect of which a bare land strata plan is submitted for approval is subject to any of the conditions described in subsection (1)***

***(e) (v) or (vi), the approving officer may approve it if the owner-developer agrees in writing to enter into such covenants registrable under section 182 of the Land Title Act as the approving officer considers advisable.***

On a final note I would appreciate some clarification on some statements made in your letter to me, dated July 17, 2015. You have indicated that a copy of the proposed subdivision plan has been forwarded to legal counsel retained by some of the shareholders of Springbrook Management Ltd., does this legal counsel you refer to represent the minority of the shareholders of the Company, being some, but not all, of the "recreational shareholders" of Springbrook Resort? Do you believe it to be necessary to provide a copy of all correspondence to this legal counsel, and perhaps to yours if you currently have retained your own legal counsel? With this in mind, I am interested to hear from all interested parties to ensure there is a full understanding of the impacts of the proposed subdivision on their rights as a shareholder in Springbrook Management Ltd. It is important for me to have a level of confidence that the majority of the shareholders are in favour of the intentions of your application for subdivision, not just "a minority of the shareholders of the Company", as you have referred to. In the meantime, I will proceed with providing my feedback to those that have made inquiries as to the subdivision application. At this time I will await your response and clarification on the items raised here, but I suspect I will likely have some additional questions as I continue my review of your application. If you have any questions or require clarification on any of the above please do not hesitate to contact me directly.

Thanks for providing me with responses to date.

***Leslie Elder***

***Provincial Approving Officer, Rocky Mountain District - Cranbrook***

***Office: (250) 426-1509 / Cell: (250) 919-2444 / Ministry website: <http://www.th.gov.bc.ca/DA>***

From: [Elder, Leslie TRAN:EX](#)  
To: ["Marnie"](#)  
Cc: [Nichol, Christine TRAN:EX](#)  
Bcc: [Gillese, Kevin JAG:EX](#)  
Subject: MOTI File 2015-02180 (Springbrook Resort)  
Date: Wednesday, July 29, 2015 11:32:00 AM  
Attachments: [Scan\\_20150729.pdf](#)

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Hello Marnie – Thank you for providing me with the additional information regarding the Disclosure Statement, etc. Chris Nichol, our District Development Technician and I are working through your application and have some questions that require clarification. Your application for subdivision indicates that you are applying for a Strata Subdivision. Please confirm this to be accurate. I will assume this to be true and my questions/comments will reflect this assumption. If this is not the intention then my questions and comments will differ than those here to some extent.

In reviewing the proposed layout as a strata development, I have the following questions/comments:

- a. I have reviewed the proposed layout provided (prepared by Griffith Surveys), which is undated. I have taken that proposed layout and attempted to overlay the proposed lot lines of the site plan that was included in the Disclosure Statement, dated Sept 13, 2007. Can you please confirm that my interpretation is accurate (copy attached). If not, please provide an accurate site plan that includes the existing lot lines as represented in the Disclosure Statement.
- b. As a 3-Lot Strata subdivision you will be required to provide "common lands", which typically include the access route and/or community services and infrastructure, such as shared facilities. The plan prepared by Griffith Surveys does not provide any evidence of "common" areas.
- c. With respect to servicing (i.e. water & sewer), can you please provide more clarity on the location of the community servicing and how the infrastructure to service the proposed 3 strata lots will be addressed. If the intention is for one community service then the infrastructure needs to be contained with "common lands".
- d. Is the intention after registration of the strata subdivision to continue operating the "resort" as a Shared Interest development? If so, I am wondering how separating the "Shared Interest" lots between the 3 proposed strata lots will allow for efficient operation of the Shared Interest or the Strata?

Further to the community services (water & sewer), can you clarify on the site plan the location of the water source, and what the source is. If it is from a surface water source please provide a copy of your current Water Licence. It will be a requirement of subdivision to obtain approval from the Comptroller of Water Rights for the operation of a community water system. It is recommended that you review the requirements for making application to operate a water utility and in making application for approval from the Comptroller of Water



Rights. I have provided a link for your information

[http://www.env.gov.bc.ca/wsd/water\\_rights/water\\_utilities/utilities\\_application\\_index.html](http://www.env.gov.bc.ca/wsd/water_rights/water_utilities/utilities_application_index.html)

With respect to the community septic system, I draw your attention to the Environmental Management Act which you will be required to adhere to if you believe the discharge rates fall within the parameters referenced in Section 2 below. If not, then any requirements of the Interior Health Authority must be addressed, in addition to satisfying the Subdivision Servicing Bylaw 1954 of the Regional District of East Kootenay. We have had initial contact with David Butt with Interior Health Authority (IHA) who requires some additional information prior to providing our office with his official comments, primarily with respect to the intent to subdivide into 3 Strata Lots versus conventional fee simple lots. Your response to the questions in this email will assist IHA in responding appropriately.

**Section 4 of the Environmental Management Act - Municipal Wastewater Regulation 87/2012 states;**

***(1) In this section, "parcel", "sewerage system" and "strata lot" have the same meanings as in the Sewerage System Regulation, B.C. Reg. 326/2004.***

***(2) Subject to subsection (3), this regulation applies to all discharges***

***(a) to ground, if the discharge***

***(i) is equal to or exceeds maximum daily flows of 22.7 m<sup>3</sup>/d, and***

***(ii) is from a sewerage system or combination of sewerage systems that serve structures on one or more parcels or strata lots, or on a shared interest, and***

***(b) to water.***

In general, I am having difficulty in understanding the intention of your application for a 3 lot strata subdivision, as presented. I am challenged to understand how you intend to address the existing "shared interest lots" with the creation of a 3 lot strata subdivision. It would seem to me that the creation of 3 lots under the Bare Land Strata Regulations is the first step in fulfilling your intentions. The next step would be to either further subdivide each of those 3 lots further into additional strata lots, or to operate a shared interest development within each of these 3 strata lots. Since there are existing lots, owned by the "shareholders" of Springbrook Management Ltd, it is important for me to understand how to address these existing interests in the land. I would appreciate you providing me with some clarity on your intentions. I have included an excerpt from the Bare Land Strata regulations for your information.

**Bare Land Strata Regulations 75/78 states:**

**Requirements for approval**

***3 (1) In considering an application for the approval of a bare land strata plan, the approving officer may***

***(a) at the cost of the owner-developer, personally examine or cause an examination and report to be made on the land intended to be included in the bare land strata plan,***

***(b) hear from all persons who, in his opinion, are affected by the bare land***

*strata plan,*

*(c) require an owner-developer to state in writing the intended use of the strata lots being created by a bare land strata plan,*

*(d) require the owner-developer to provide such plans, designs, specifications and reports as the approving officer may reasonably require in order to consider the bare land strata plan for approval,*

*(e) refuse to approve the bare land strata plan, if he considers that*

*(i) the anticipated development would injuriously affect the established amenities of adjoining or reasonably adjoining properties,*

*(ii) the deposit of the bare land strata plan is against the public interest,*

*(iii) the bare land strata plan does not comply with the provisions of these regulations relating to access and the sufficiency of highways required to be dedicated pursuant to these regulations,*

*(iv) the highways required to be dedicated prior to the approval of the bare land strata plan by the approving officer are not cleared, drained, constructed and surfaced to his satisfaction, or unless, in such circumstances as he considers proper, security in an amount and in a form acceptable to him is provided by the owner-developer,*

*(v) it contains land that because of inadequate drainage is not suitable for the intended use or any other prospective use the approving officer considers likely,*

*(vi) the land is subject or could reasonably be expected to be subject to flooding, erosion, land slip or avalanche,*

*(vii) the cost of providing the public utilities or other works or services would be excessive, or*

*(viii) the development would adversely affect the natural environment to an unacceptable level.*

*(2) If land in respect of which a bare land strata plan is submitted for approval is subject to any of the conditions described in subsection (1) (e) (v) or (vi), the approving officer may approve it if the owner-developer agrees in writing to enter into such covenants registrable under section 182 of the Land Title Act as the approving officer considers advisable.*

On a final note I would appreciate some clarification on some statements made in your letter to me, dated July 17, 2015. You have indicated that a copy of the proposed subdivision plan has been forwarded to legal counsel retained by some of the shareholders of Springbrook Management Ltd., does this legal counsel you refer to represent the minority of the shareholders of the Company, being some, but not all, of the "recreational shareholders" of Springbrook Resort? Do you believe it to be necessary to provide a copy of all correspondence to this legal counsel, and perhaps to yours if you currently have retained your own legal counsel? With this in mind, I am interested to hear from all interested parties to ensure there is a full understanding of the impacts of the proposed subdivision on their rights as a shareholder in Springbrook Management Ltd. It is important for me

to have a level of confidence that the majority of the shareholders are in favour of the intentions of your application for subdivision, not just “a minority of the shareholders of the Company”, as you have referred to. In the meantime, I will proceed with providing my feedback to those that have made inquiries as to the subdivision application.

At this time I will await your response and clarification on the items raised here, but I suspect I will likely have some additional questions as I continue my review of your application. If you have any questions or require clarification on any of the above please do not hesitate to contact me directly. Thanks for providing me with responses to date.

*Leslie Elder*

*Provincial Approving Officer, Rocky Mountain District - Cranbrook*

Office: (250) 426-1509 / Cell: (250) 919-2444 / Ministry website: <http://www.th.gov.bc.ca/DA>



Page 245

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Page 246 to/à Page 251

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s.14

From: [Ihas, Michele D TRAN:EX](#)  
To: ["marnie@springbrookresort.com"](#)  
Cc: [Graydon, Melissa M TRAN:EX](#); ["donk@rellapaolini.com"](#); ["glenpurdy@majicpurdy.com"](#)  
Subject: Springbrook Resort  
Date: Tuesday, May 10, 2016 1:51:24 PM

---

Good afternoon, Ms. Henne.

As you may know Leslie Stevens (Elder) is now working for a different ministry and I am assisting the Rocky Mountain District as Provincial Approving Officer in the interim.

I am currently reviewing your subdivision file and request clarification regarding shareholder ownership. Can you explain what is meant by "minority shareholders"? I understand shareowners of 10 share-lots are being represented by Mr. Kawano. Are there other share-lots that have been sold, and if so, have those shareholders come forward with any concerns regarding the subdivision? Finally how many share-lots are currently owned by yourself and/or Mr. Timmers?

Thank you.

Best regards,

*Michele Ihas*

Provincial Approving Officer

West Kootenay District, BC MOT, 310 Ward Street, Nelson BC V1L 5S4; Ph: 250.354.6526 Fax: 250.354.6547

From: Glen Purdy  
To: [Marnie; Ihas, Michele D TRAN:EX](#)  
Cc: [Graydon, Melissa M TRAN:EX](#); ["donk@rellapaolini.com"](mailto:donk@rellapaolini.com)  
Subject: RE: Springbrook Resort  
Date: Wednesday, May 11, 2016 8:20:52 AM

---

Good morning;

Mr. Kawano does represent all of the minority shareholders in the Company.

Regards

GLEN A. PURDY, Q.C.

**Majic, Purdy**

Law Corporation

592-2<sup>nd</sup> Avenue, P.O. Box 369

Fernie, B.C. V0B 1M0

Phone: (250) 423-4497

Fax: (250) 423-6714

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**From:** Marnie [mailto:marnie@springbrookresort.com]

**Sent:** May-10-16 11:25 PM

**To:** Ihas, Michele D TRAN:EX

**Cc:** Graydon, Melissa M TRAN:EX; 'donk@rellapaolini.com'; Glen Purdy

**Subject:** Re: Springbrook Resort

Good morning Michele

Attached a list of shareholders

I understand that Mr. Kawano represents some, but maybe not all of the minority shareholders, this owners group could hold up to s.22 of the shares in Springbrook Management Ltd. The Henne - Timmers own s.22 of the shares in Springbrook Management Ltd.

Hope this answers your question

Marnie  
250-422-3563  
URL: <http://springbrookresort.com>

On 5/10/2016 1:51 PM, Ihas, Michele D TRAN:EX wrote:

Good afternoon, Ms. Henne.

As you may know Leslie Stevens (Elder) is now working for a different ministry and I am assisting the Rocky Mountain District as Provincial Approving Officer in the interim.

I am currently reviewing your subdivision file and request clarification regarding shareholder ownership. Can you explain what is meant by "minority shareholders"? I understand shareowners of 10 share-lots are being represented by Mr. Kawano. Are there other share-lots that have been sold, and if so, have those shareholders come forward with any concerns regarding the subdivision? Finally how many share-lots are

currently owned by yourself and/or Mr. Timmers?

Thank you.

Best regards,

*Michele Ihas*

Provincial Approving Officer

West Kootenay District, BC MOT, 310 Ward Street, Nelson BC V1L 5S4; Ph: 250.354.6526 Fax:  
250.354.6547

From: Anita Charest  
To: [Graydon, Melissa M TRAN:EX](#)  
Cc: [Jean Terpsma](#)  
Subject: RE: 2015-02180 Springbrook  
Date: Tuesday, May 10, 2016 9:20:56 AM

---

Good morning Melissa,

I spoke with Andrew about IHA's comments this morning and he said it doesn't change anything from our end. Paragraphs D through G in our comment letter should still satisfy our requirements relating to water and sewer.

Thank you for checking with us though. I've cc'd Jean on this email as well so she is aware of it. If she has any further questions or concerns, I'm sure she'll contact you **s.22**

**s.22**

## Anita Charest

Development Clerk

Regional District of East Kootenay

19 – 24<sup>th</sup> Avenue South

Cranbrook BC V1C 3H8

Ph: 250-489-2791 / toll free 1-888-478-7335

Fax: 250-489-1287

Email: [acharest@rdek.bc.ca](mailto:acharest@rdek.bc.ca)



Please consider the environment before printing this e-mail.

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**From:** Graydon, Melissa M TRAN:EX [mailto:[Melissa.Graydon@gov.bc.ca](mailto:Melissa.Graydon@gov.bc.ca)]

**Sent:** May-09-16 2:42 PM

**To:** Anita Charest

**Subject:** FW: 2015-02180 Springbrook

Hi Anita,

I sent this to Jean but **s.22**

If you are able to, could you review

these comments from IHA and see if that changes anything on your end? Thanks. Please feel free to contact me if you have any questions. Not sure if Andrew is aware of this one, he may be of some assistance.

Thanks.

Melissa

**Melissa Graydon, DAo | District Development Technician**

Ministry of Transportation and Infrastructure – Okanagan Shuswap District - Vernon

Tel 250.426.1510 | Cell 250.503.8835 | Toll Free 1.888.613.9993 | Fax 250.426.1523

Websites: [MoTI Home](#), [Permits](#), [Subdivisions](#)

Please consider the environment before printing this email.

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**From:** Graydon, Melissa M TRAN:EX

**Sent:** Monday, May 9, 2016 2:37 PM

**To:** 'Jean Terpsma'

**Subject:** 2015-02180 Springbrook

Hi Jean,

Michele, our new Approving Officer, requested that I forward comments from IHA on the Springbrook subdivision to you for your consideration, particularly regarding the status of their water system.



Please feel free to call and discuss if you want. Just wondered if these comments change any of your requirements. I am hoping that we can have their letter out soon.

Melissa

**Melissa Graydon, PAg | District Development Technician**

Ministry of Transportation and Infrastructure – Okanagan Shuswap District - Vernon

Tel 250.426.1510 | Cell 250.503.8835 | Toll Free 1.888.613.9993 | Fax 250.426.1523

Websites: [MoTI Home](#), [Permits](#), [Subdivisions](#)

Please consider the environment before printing this email.

From: Marnie  
To: [Ihas, Michele D TRAN:EX](#)  
Cc: [Graydon, Melissa M TRAN:EX](#); "[donk@rellapaolini.com](mailto:donk@rellapaolini.com)"; "[glenpurdy@majicpurdy.com](mailto:glenpurdy@majicpurdy.com)"  
Subject: Re: Springbrook Resort  
Date: Tuesday, May 10, 2016 11:25:53 PM  
Attachments: [List Owners.doc](#)

---

Good morning Michele

Attached a list of shareholders

I understand that Mr. Kawano represents some, but maybe not all of the minority shareholders, this owners group could hold up to ~~s.22~~ of the shares in Springbrook Management Ltd. The Henne - Timmers own ~~s.2~~ of the shares in Springbrook Management Ltd.

Hope this answers your question

Marnie  
250-422-3563  
URL: <http://springbrookresort.com>

On 5/10/2016 1:51 PM, Ihas, Michele D TRAN:EX wrote:

Good afternoon, Ms. Henne.

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Thank you.

Best regards,

*Michele Ihas*

Provincial Approving Officer

West Kootenay District, BC MOT, 310 Ward Street, Nelson BC V1L 5S4; Ph: 250.354.6526 Fax: 250.354.6547

List of Owners at July 4, 2012

s.22

Lot 1	Linda Nickelson	
Lot 4	Jerry Horvat	
Lot 4	Sherri Horvat	
Lot 10	Gordana Patrie	
Lot 11	Finn Jensen	
Lot 12	Wendy Jensen	
Lot 13	Brad Sinclair	
Lot 14	Albert Richer	(sold to O'Niell Sept 4, 2014)
Lot 15	Blair Young	s.22
Lot 16	Pat Lawton	
Lot 16	Fred Martin	
Lot 17	Coral Sequin	
Lot 17	Doug Kuhn	
Lot 24	Steve Martin	
	Henne - Timmers	

200 total shares issued

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eDAS File #: 2015-02180

Date: May 16, 2016

Springbrook Management Ltd.  
c/o Springbrook Management  
4527 Hwy 93/95  
Skookumchuck, BC V0B 2E0

Dear Marnie Henne:

**Re: Proposed Subdivision of Lot 1, DL 265, Kootenay District, NEP19694**

Your proposal for a 3 lot Conventional subdivision has not been given preliminary approval by the Provincial Approving Officer for the following reasons:

- a. Interior Health Authority has not confirmed that the proposal has the capacity or capability for on-site sewage disposal. Interior Health Authority has not confirmed that the existing water system meets their requirements for safe drinking water. Applicant to submit written confirmation from Interior Health Authority that their concerns as described in their letter dated March 18th, 2016 have been satisfied;
- b. The following clauses are provided for information should you resolve to the satisfaction of the Provincial Approving Officer the reason for issuance of the Preliminary Layout Not Approved (PLNA). These clauses are provided for guidance only and may be amended depending on the positive resolution of the concerns above. If you do not resolve the concerns within one year; and still wish to proceed, a new application and new fees will be required.

Should the above reason(s) be overcome additional conditions must be met before approval of the subdivision will be considered. These include but are not limited to:

1. Prior to submitting final plans to Ministry of Transportation and Infrastructure, applicant is to provide a copy of the final subdivision plan, restrictive covenants, easement documents and other pertinent documents to the Regional District of East Kootenay for review. Applicant must obtain written confirmation from the local government that they have reviewed plans and documents and that all their bylaw requirements have been satisfied.
2. Prior to final subdivision approval, the applicant shall submit written confirmation from the "minority shareholders" (shareholders other than Ms. Henne and/or Mr. Timmers), confirming the minority shareholders' concerns have been satisfied.

Local District Address

Rocky Mountain District  
129 10th Avenue S  
Cranbrook, BC V1C 2N1  
Canada

Phone: (250) 426-1500 Fax: (250) 426-1523

3. Further to Condition A above, the applicant shall submit a suitably worded easement agreement to protect the shared septic system between proposed Lots A, B and C. A letter of undertaking from the registering agent is required to ensure the easement is registered in the Land Title Office with the subdivision plan. The easement document is to include details regarding how the shared septic system will be maintained, how the responsibility will be shared, and how disputes will be resolved. The applicant to submit a copy of the easement documents with the final plans.
4. Proposed panhandles for Lots B and C shall be a minimum of 10 metres wide.
5. Applicant to submit a written request for relief from 10% minimum frontage requirements to the Provincial Approving Officer for proposed Lots A and B, as per Section 6.08 (2) of the Local Services Act, BC Regulation 262/70.
6. Please ensure that the Survey Plan Certificate and Application to Deposit make reference to File Number 2015-02180.
7. Please ensure that the appropriate signature notations are provided on the Application to Deposit, as per the requirements of the Land Title & Survey Authority of BC document Electronic Plans and Approvals Template. The following link will provide examples of the required signature templates:  
<http://www.ltsa.ca/cms/documents-to-guide-preparation-of-electronic-plans>
8. The property being subdivided is within a wildfire interface area and may be subject to a hazard of wildfire. It is therefore recommended that the owner consult the Firesmart Manual for information about reducing the risk. Contact the Ministry of Forests, Land & Natural Resource Operations for more information or review their website at: <http://www.bcwildfire.ca/prevention/firesmart.htm> . Appropriate protection measures should be implemented and maintained, and property purchasers should be advised of the risk.
9. Please be advised that the subject property is within an area identified to contain red or blue listed species at risk. You are advised to review the Ministry of Environment BC Conservation Data Centre website for additional information.
10. Provincial records indicate the proposed development is located within an area with only limited potential to contain archaeological sites protected by the Heritage Conservation Act.

However, the applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads and other stone tools, or even buried human remains. If such material is encountered during demolition or construction, a Heritage Conservation Act Permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Please contact the Archaeology Branch immediately at (250) 953-3334 if archaeological site deposits are encountered on the subject property.

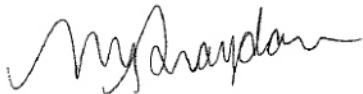


Please note that addressing all of the above will not automatically bring approval. Also, at any time changes in acts, regulations, bylaws or policy may make this review invalid. Therefore, it's recommended that you obtain a preliminary layout approval before proceeding with your proposal. A new application may be required.

If you have any questions or wish to set up an appointment please do not hesitate to contact this office at 250-426-1500.

Please quote file number 2015-02180 when contacting this office.

Signed on behalf of Provincial Approving Officer  
by

A handwritten signature in black ink, appearing to read 'Melissa Graydon', written in a cursive style.

Melissa Graydon  
District Development Technician

Attachments – Proposed subdivision plan

cc: Interior Health Authority  
Regional District of East Kootenay

#18-2640 Warren Ave.  
Kimberley, BC, V1A 1T5

June 20, 2015

Ministry of Transportation and Infrastructure  
Rocky Mountain District  
129 - 10<sup>th</sup> Avenue S.  
Cranbrook, BC V1C 2N1  
(250) 426-1500

Attention: Ms. Leslie Elder  
Provincial Approving Officer

Dear Ms. Elder:

Re: Proposed subdivision of PID: 017-704-596  
Lot 1, District Lot 265, Kootenay District, Plan NEP19694  
Springbrook Resort: Your File number 2015-02180

I am writing as a shareholder and representative of the following owners of shares in Springbrook Management Ltd., the registered owner of the above noted property.

I am enclosing:

- a) Copy of title search
- b) Copy of BC Company Summary
- c) Copy of title page and first 4 pages of Disclosure Statement (which has never been filed with the Superintendent of Real Estate)
- d) Copy of letter from Mr. Glen Purdy, QC, informing Mr. Brad Sinclair of his clients' application to subdivide the property
- e) Copy of plan showing unsubdivided RV lots within the property

The shareholders who have authorized me to write this letter, and their share certificate/lot numbers are:

Linda Nickerson and Ben Nickerson	#1
Sheri Horvat and Jerri Horvat	#4
Gordana Patrie	#10
Wendy Jensen and Finn Jensen	#11

Bradley Sinclair Professional Corporation (Bradley and Pam Sinclair)	#12
Pat Lawton and Fred Martin	#16
Coral Sequin and Doug Kuhn	#17
Steve Martin	#24

s.22

in this matter at this time. As far as I know, all of the other RV lots shown on the enclosed are still owned by Springbrook Management Ltd., the Developer Company. Therefore, I speak for 80% of the shareholders who will be affected by this proposed development.

I have been told that I can write this letter to you to express our concerns about the proposed subdivision. While we see this as a generally positive way to resolve present issues between ourselves and the developers, Ms. Marnie (Margaret) Henne and Mr. Barney Timmers, who created Springbrook Management Ltd. and this development, we are opposed to any subdivision unless the following concerns are addressed and met:

- a) We have not been given any information as to how the proposed subdivision is going to be divided to create separate parcels, one for our owners and the other for Ms. Henne/Mr. Timmers or Springbrook Management. Please provide a copy of the proposed subdivision plan/sketch.
- b) Further, we do not know if the proposed subdivision will provide a parcel for the existing non-developer shareholders that will be limited to our group, or will include portions of unsold shares/lots such as lots 2,3, 5-9, 13, 18-23, 25 and above. If that is the proposal, it will be wholly impractical and unsuitable to the needs of our owner group. At the very least, there should be one north/south dividing line between two or more parcels, such as indicated on the enclosed sketch.

It is important to note that the outline of the building shown on lots 41-44 is a utility building containing washrooms/showers/laundry facilities. It is our view that the building was "promised" to be owned by the rv owners years ago, but the developers have since retracted that position and are in fact charging our guests separate



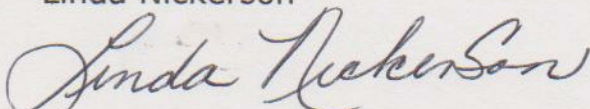
fees to use it. A subdivision that places that building within the parcel to be owned by the developers will seriously affect our use and enjoyment of our lots.

- c) There has to be separate access to Highway 93/95. We strongly object to having to access the highway by an easement over the developers' property, but if that is the only viable alternative, we have to be assured that the easement will give us unrestricted access, without charge, to/from the highway for us, our guests, and anyone else who has to visit us at our lots for any reason. It would be much better if our parcel extends to the highway.
- d) We must have our separate water supply. It cannot be taken from the adjacent river. We are now serviced by a well but have had major problems with getting adequate water from Ms. Henne/Mr. Timmers.
- e) We need some common areas within a new parcel for the use and enjoyment of our owners.
- f) We need assurances that we will have adequate electrical servicing, telecommunications and sewage/garbage disposal. We have to be independent of the developers, meaning that we pay directly to service/utility providers, not charged by the developers.
- g) There have to be restrictive covenants on the developers' parcel to make sure that they do not use their new lot to develop something that will have a negative effect on the value of our lots. For example, they should not be able to use it for a tent park or small trailer park, and we would be restricted from using our parcel for those purposes as well.

Please let me know how these concerns are going to be addressed. If you would like to meet with me and more of our owners to discuss these matters, please let me know. My telephone number is <sup>s.22</sup> [REDACTED] (Kimberley number) or 250-422-9277 (Springbrook Resort number) and my email is <sup>s.22</sup> [REDACTED]

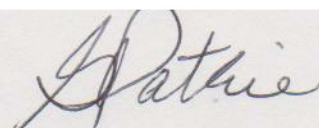
Yours truly,

Linda Nickerson



GORDANA PATRIE

<sup>s.22</sup> [REDACTED]





MOTI File: 2015-02180

July 9, 2015

Springbrook Management Ltd.  
4527 Highway 93/95  
Skookumchuk, BC V0B 2E0

Attention: Margaret Jean Henne

**RE: Proposed Subdivision Application - Lot 1, DL 265, Kootenay District, NEP19694**

I have received a letter dated June 20, 2015 from shareholder(s) in your corporation concerning your subdivision application of May 5, 2015. Among other things, the shareholder(s) seek information from me, and have asked me to provide a copy of the proposed subdivision plan/sketch. Could you please let me know if you agree that I am at liberty to send a copy to them?

I would also request that you provide me with a copy of the Disclosure Statement associated with the operation of Springbrook Resort as a shared interest development.

Also, if you are having a dispute with your shareholders, would you kindly advise and provide particulars?

Thank you.

Leslie Elder  
Provincial Approving Officer  
Rocky Mountain District - Cranbrook

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