

# Summer Village of Ghost Lake Policy For Dock Space Allocations

## Purpose

1. The purpose of this policy is to provide a clear understanding to Summer Village of Ghost Lake property owners and residents on how dock spaces are allocated and the obligations of property owners with regards to dock space allocations.

## Definitions

2. The following definitions will be used in this policy:
  - a. *Council* means the Council of the Summer Village of Ghost Lake.
  - b. *Chief Administrative Officer* means the Chief Administrative Officer of the Summer Village of Ghost Lake as appointed by the Council.
  - c. *Dock Sub-Committee* is a Summer Village of Ghost Lake sub-committee, established by Council and serving under the Public Works Committee.
  - d. *Property Owners* mean individuals or corporations named on Summer Village of Ghost Lake Land Titles as registered at the South Alberta Land Titles Office.
  - e. *Tenant* means a person who is permitted by the Property Owner to occupy residential premises at the Summer Village of Ghost Lake under a residential tenancy agreement.

## Background

3. The land situated on the shoreline, abutting the Summer Village municipal boundary, and the land situated in the Ghost Reservoir, is owned by Transalta Utilities.
4. The Summer Village of Ghost Lake has entered into a 5 year renewable lease with Transalta Utilities to lease those lands which lie between the Severance Line shown upon registration District and the shoreline (wherever the shore line may exist) of the Ghost Reservoir situated within Sections SE9-26-06-W5M & SW10-26—06W5M
5. The lease lands are to be used exclusively for recreation purposes for residents and or members of the Summer Village of Ghost Lake.
6. Transalta Utilities has the right to cancel the lease at any time serving 30 days notice.

## **Authority**

7. The Council of the Summer Village is the ultimate authority on the development and management of dock space allocations.
8. Council has the right to change this policy and to revoke any or all dock space allocations at any time.

## **Establishing and Using Dock Space Allocation**

9. The Council has decided to allocate portions of the lease lands to individual Property Owners of the Summer Village of Ghost Lake for placement of a dock and to moor a boat.
10. The lease provides that the Summer Village will not part with possession or control of any or all of the lease lands, therefore the Summer Village will maintain control of all of the lease lands at all times.
11. Dock space allocations constitute an informal understanding between the Summer Village and the Property Owner and do not constitute ownership or legally enforceable rights to the Property Owner. Under no circumstances does an allocation of dock space to a Property Owner constitute a sublease.
12. Council does not guarantee any current or future dock space allocations to any or all Property Owners and in the event Council revokes any or all dock space allocations for any reason, Council and the Summer Village will not be liable for any actual or perceived costs or damages experienced by any or all Property Owners as a result of lost dock space allocation.
13. Property Owners cannot associate or link dock space allocation or usage to their Summer Village Land Title deed.
14. Property Owners shall not claim, or allow their realtors to claim, that they “own” a dock space or that a dock space “is part of” a property when it is listed and/or sold. Any claim may be considered a misrepresentation on the part of the Property Owner and/or Realtor.
15. Current dock space allocations have been assigned to individual property owners based on historic use. The dock space allocation will remain with the Property Owner provided
  - a. the dock space is utilized each summer season by placing the dock in the water on or before July 31<sup>st</sup> each summer season and it remains in the water for at least 30 days each summer season;
  - b. the dock space is used exclusively by the Property Owner, except as outlined in Clauses 16 thru 18;

- c. the dock does not become a safety hazard or unsightly, in the opinion of the Council;
  - d. The dock space no longer meets the mooring requirements for the Property Owner's use, however, the Property Owner has been able to trade space allocations pursuant to Clause 36; or
  - e. Council has not revoked the dock space.
16. The dock space shall be used exclusively by the Property Owner or in the event their Ghost Lake property is leased on a monthly or annual basis, may be used by their tenant.
17. Only boats owned and registered to the Property Owner or their immediate family may be moored at the Property Owner's allocated dock space except for temporary mooring of a boat by a guest visiting the Property Owner on a short term basis of less than 72 consecutive hours.
18. The Property Owner shall not be permitted to transfer use of dock space allocation to another person or corporation except as outlined in Clause 16 and only when written notification has been provided to the Chief Administrative Officer and the Dock Sub-Committee has determined that the existing dock space meets the mooring requirements of the tenant.
19. In the event the dock space is not being used as noted in Clause 15 a., or as noted in Clauses 16 thru 18, the allocation will be forfeited from the individual property owner, without notice.
20. In the event Council deems the dock space to be a safety hazard or unsightly, the Property Owner that has been allocated the dock space will be served written notice and provided 30 days to rectify the situation to the satisfaction of Council or face having the allocation forfeited.
21. The dock space allocation will be passed to the future property owner when the property is sold, provided the space has not been forfeited pursuant to Clauses 15 thru 18.

### **Property Owner Liability Obligations**

22. Property Owners are responsible for the safe placement and the condition and use of the dock in their allocated dock space and shall ensure that they maintain a minimum of \$500,000 liability insurance in the event of a claim for injury or damages resulting from the use and/or placement of their dock.
23. The obligation and liability of safe placement and condition and use of the dock remains with the Property Owner even if the dock is being used by tenants or guests.

24. The Council has the right to request a copy of proof of insurance.
25. In the event a dock space has been forfeited, the Property Owner must remove any dock and/or boats from the space allocation within 14 days of forfeiture. In the event the dock and/boats have not been removed, the Summer Village will arrange to have the dock and/or boats removed and disposed of at the cost of the Property Owner.

### **Waiting List**

26. The Summer Village currently has a finite number of dock spaces, therefore not all property owners will be allocated dock space at the present time.
27. The Summer Village is under no obligation to provide a dock space allocation to any or all Property Owners.
28. As new dock spaces become available, they will be offered to Property Owners on the waiting list on a first-come-first-served basis.
29. Property Owners must submit their request for dock space allocation, in writing to the Chief Administrative Officer outlining the legal description of their property and their formal request for a dock space allocation.
30. In the event a Property Owner owns multiple properties in the Summer Village, dock space allocations and placement on the waiting list will be limited to one space for each registered Land Title.
31. The date the request is physically received by the Chief Administrative Officer will constitute the date of the request.
32. The request will be forwarded to the Chair of the Dock Sub-Committee for processing. The Chair will confirm the request back to the Chief Administrative Officer for placement on the waiting list.
33. The Dock Sub-Committee will manage the dock space allocation list.
34. The Chief Administrative Officer will maintain the dock space waiting list.
35. The dock space allocation assignment list will be posted on the Summer Village website

### **Changes in Dock Space Allocation**

36. Property Owners may request to trade, by their own arrangement, or relinquish their dock space assignments at any time, by submitting a written request, to the Chief Administrative Officer.

37. The Dock Sub-Committee will review all requests for trade prior to approval.
38. Any relinquished or forfeited dock space allocations will return to the dock space inventory pool and will be allocated based on the chronological order of the Waiting List and the Property Owner's boat space requirements.
39. If the available dock space allocation cannot accommodate the Property Owner's boat and the Property Owner has been unable to arrange a successful trade with another Property Owner, the space will not be allocated to that Property Owner and the next Property Owner on the Waiting List will be considered for the available space allocation.

### **Policy Review**

40. Council will review the waiting list and this policy, at a minimum, every three years.

Adopted by Council on the 13<sup>th</sup> day of November, 2014