

Requirements for Owner-Installed Gardens

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Front and back yards are exclusive use common elements. Any alteration of the common element (this includes digging up turf to install a flower bed) is a modification to the common element. The Board of Directors has approved these requirements for owners who would like to install a garden.

Before you Shop

To avoid costly mistakes, ensure that you comply with all the requirements contained in this document, and that you obtain written Board permission **prior** to commencing this or any installation or modifications to the common element.

1. Complete the **Application Request for Modification to the Common Elements** form. The form can be obtained from the web site:
<http://www.bethunecondo.ca/exterior> or from the Property Manager.
2. With the application, include:
 - a) a written description of the number, type and location of proposed plants, and all landscaping materials and colours;
 - b) a diagram of the bed or landscaping plan, labelled to indicate all landscaping materials and planting and the space each plant will occupy at maturity, relative to common element structures such as the foundation, steps, fences, walkway, driveway, and patio;
 - c) the expected time-frame for the planting to be completed. Garden space planned for annuals may be simply labelled as such; it is understood that the type of annual may be changed from year to year as the owner wishes. Highly poisonous annuals such as, but not limited to, daturia, are not permitted.
3. Send the completed form and all related inclusions to the Property Manager for Board review and written Board approval.

Items such as but not limited to statuary, composters, water features, obelisks, stones, edging, and retaining material are garden features which require prior Board permission.

Requirements

All **plant varieties** must be non-invasive, site-appropriate, and located to take into account their habits (for example drooping and spreading) and size at maturity so that none are in contact with or interfere in any way with common element turf or structures such as but not limited to foundations, walls, and fences.

Beds may be curved, but must generally follow the contour of the foundation wall or fence. No planting may extend beyond 5 feet out from the foundation or fence. Random beds or "spot" planting at various locations throughout the turf result in a jumbled appearance, adds significantly to time and costs of contractors' weekly mowing and

Bethune Condominium CCC#67
Repuirements for Owner–Installed Gardens

trimming, and are not permitted. Planting along walkways, driveways and retaining walls hasten deterioration of these common elements, and are not permitted.

All planting must be contained within the original, approved boundaries of the planting beds. Foliage that extends beyond the edge of the planting bed interferes with grounds maintenance and must be trimmed back or contained promptly by the owner, otherwise the corporation may trim or remove the planting with the cost of work added to the owner's common expenses. Similarly, any plant that extends beyond the exclusive-use boundaries of a unit may be pruned or removed by the corporation, with the cost of the work added to the common expenses of the owner.

Soil must be graded in a positive slope away from the foundation, starting at a point where a minimum of six inches (15 cm) of parging is exposed below the bottom course of brick. No bed or additional soil is permitted around trees. To accommodate supplemental garden soil, an equal amount of the original soil must be removed and disposed of at an appropriate city disposal site. No bedding soil can be added to raise the planting bed more than two inches above the level of the common element turf. No edging or retaining material or raised soil is permitted to be in contact with any parts of a fence; all added soil, retaining material, edging material and vegetation must be maintained at least two inches away from any structure at all times.

No planting beds are allowed around trees. Where an owner's tree has been removed from a lawn area, the stump must be ground to below grade and the site returned to turf. Garden beds are not permitted in tree removal sites.

Edging and retaining materials such as wire or vinyl fence-style edging of any height, borders of round stones, raised edging of any kind, or "decorative" edging all cause problems for trimmers and are not permitted. Plain edging such as tube-edge black vinyl, or brown edging pavers are permitted to be installed, provided they are dug in, flush to the turf. Raised, stand-alone beds are permitted only in specific rear yard sites where the yard grade does not accommodate a dug-in bed. In these sites, retaining material of not more than 6 inches in height, either wood similar to the fence, or landscaping stone to harmonize with the brick, are permitted, and must be constructed at least two inches away from any fence and at least two feet away from the building.

Mulch colour must be brown or black; red-dye mulch is not permitted. Materials such as pea stone may be permitted in limited quantity, if correct landscaping practice is followed with edging, grading and landscape fabric underlay properly anchored.

On a case-by-case basis, a **tree** may be approved as part of a garden plan, but only with consideration of factors such as but not limited to appropriate species, site location, and other trees, turf and planting nearby. A list of approved species for small sites such as the front and back yards, is available from the Property Manager.

Statuary, pots, planters, boulders, and other decorative outdoor items are landscaping features, and as such require prior permission. Birdbaths are breeding grounds for mosquitos and are no longer accepted in landscaping plans submitted by owners. Pots and

Bethune Condominium CCC#67
Repuirements for Owner–Installed Gardens

planters, up to a limit of three of any size, may be placed within planting beds, either on the ground or hung on a shepherd’s hook within a planting bed. Numerous pots placed on steps, walkways, and driveways present a tripping hazard to delivery people and visitors to the property. For risk management reasons, planters and pots in these locations are limited as follows:

- One on the top step to the left of the entry door
- one on the ground at the garage wall.

Neither may exceed 18 inches in diameter. No planters or pots are permitted on standard walkways.

Installation and Common Element Disturbance

Once commenced, the planting project must be completed promptly. Problems such as prolonged time-frame or materials left on site tend to disturb fellow owners and degrade the appearance of the area. In such cases the corporation may finish the work to the satisfaction of the Board, with the cost added to the owner’s common expenses.

To prevent damage to the common element turf, sufficient boards must be placed under wheeled equipment at all times; any damage caused to the turf or any other part of common element in the course of such work, will be repaired by the Corporation to the satisfaction of the Board, with the cost of the repairs added to the common expenses of the owner.

Any alteration or addition to a garden modification requires prior, written Board approval.

Maintenance

As with other modifications, gardens must be maintained to the satisfaction of the Board of Directors. In the case of gardens, maintenance requirements are intensive and must be conducted continually from early spring to late fall, otherwise the corporation has the right to return the area to its original (as-built) turfed state, to the satisfaction of the Board, with the cost of the work added to the common expenses of the owner.