

LAKEVIEW ESTATES COMMUNITY ASSOCIATION (LECA)

#53-9196 Tronson Rd. VERNON, BC V1H 1E8: www.leca-vernon.ca

December 2020

LECA BOARD OF DIRECTORS:

President:	Isabel Furtado (Kestrel)
Vice-President	
Treasurer	Danielle Lindholm (Phoenix)
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Membership	Danielle Lindholm
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Social	Cheryl Kukkola (Freehold)
Director	Al Rozek (Peregrine Estates)

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Due to the recent increased Covid restrictions with distancing and group meets, LECA did not hold a Board of Directors meeting in November. However, we will bring LECA's membership up to date with this, its final Newsletter for 2020.

DEER PARK – CLE: As residents no doubt noticed, City workers were busy cleaning up the park over a 3 day period: cutting and trimming trees, cutting and removing underbrush and tree roots and raking/removing leaves.

Although the City was unable to begin construction this Fall, the park area is now prepped for work to begin in early Spring. The situation with Covid restrictions also complicated progress on the park as the City is contracting out a lot of its work. We should know by March when construction will begin on the Pickleball Court, which is the first priority item on the park work list.

LEGAL MATTER: LECA advised its members this past Fall of a pending legal challenge against it by Strata KAS 2084. Specifically that Strata 2084 is of the opinion that in accordance with the Beach Access Agreement, LECA has responsibility for the maintenance and repair of the S-Curve road that winds down to the beach, or “Easement Area C” as defined in the Easement.

LECA's initial detailed interpretation of the S-Curve or Area C was not acceptable to Strata 2084, and subsequently hired legal Counsel who agreed that LECA had responsibility for the S-Curve Road or Easement Area C. The letter from this legal firm required a written legal opinion from LECA. Failing that, it would challenge

LECA's position in Court through litigation.

LECA had no recourse but to obtain its own legal Counsel to provide a written legal opinion to the lawyer retained by Strata KAS 2084. LECA secured the services of FH&P LAWYERS in Kelowna who have now submitted a two and a half page legal opinion to LECA and to Counsel for Strata KAS 2084 on this issue.

LECA's lawyer confirmed that LECA's initial interpretation of the Beach Access Agreement on this issue was correct. Several significant points in the letter from FH&P are quoted below for your information. However, should any of LECA's members wish to read the letter in its entirety, a copy can be emailed to you by contacting Isabel Furtado at ismfurtado@gmail.com

Direct quotes - Letter from FH&P LAWYERS:

“It is our opinion that LECA does not have a responsibility to manage and regulate the maintenance, repair and use of Easement Area C which we understand to be the S-Curve area....”

“It appears that the Strata Corporation KAS 2084 and their Counsel are incorrect in their assertions and belief that LECA is required to perform maintenance obligations for the S-Curve. Easement Area C is clearly excluded from the areas in which LECA was intended to manage and regulate. To assert otherwise, clearly contradicts the express wording in the Easement Agreement itself.....”

LECA's lawyer concludes that:

“If Strata KAS 2084 wish to bring litigation in regards to this matter, they will likely find a difficult path to argue against the express terms of the Easement, as well as to argue that LECA should have a responsibility as a non-profit community association, to pay for road maintenance to which they would benefit from to the detriment of other LECA members, who would not benefit from such road maintenance, in particular during the off season in which access to the beach easement areas is restricted.”

LECA trusts that this matter has now been addressed fully.

LECA BOARD VOLUNTEERS: Some LECA Directors will be leaving in 2021 as their terms on the Board will expire. Please submit your names if you are interested in contributing to our community by joining the LECA Board. Should

you require information or have questions about Board positions, please contact Isabel Furtado.

LECA AGM: LECA will hold its AGM via a Zoom meeting in April 2021. AGM packages will be distributed by email in early April with required information including the date, time and Zoom meeting link.

POTHOLE REPAIR: CLE resident Rod Knopp submitted the following information for reporting potholes in our neighbourhood to the City of Vernon as follows:

The City of Vernon repairs potholes partially on a complaint driven basis. So, pothole repairs are based on feedback from residents. Anyone can go to the city of Vernon website at <https://www.vernon.ca/report-issue> Simply specify the problem and location, in this case “Road Surfaces and Street Signs”. It takes about 3 minutes and I have been repeatedly impressed at how quickly potholes get repaired when I submit this request.

Thanks Rod, it's good to know as we certainly need to contact the City occasionally regarding potholes on Tronson Rd.

WE WISH YOU AND YOUR FAMILIES GOOD HEALTH, HUMOUR AND HOPE FOR A BETTER 2021.

A Very Merry 2020 Christmas To All

