



OWNER COMPLAINT PROCEDURE REGARDING CONSTRUCTION AND LANDSCAPING

Owners may from time to time make complaint to the POA office regarding matters that impact Old Fort Bay. In circumstances where the complaints relate to construction or landscaping concerns of other Owners properties the following policy shall apply:

I. FILING COMPLAINT

1. An Owner and member of the POA must submit complaint in writing to the Home Owners Architectural Review Committee (HARC) to email address harc@oldfortbaypoa.com with a copy to the POA Manager poamanager@oldfortbaypoa.com.
2. The complaining Owner must state their name and address.
3. The complaining Owner must provide sufficient details of the complaint or suspected non-compliance along with details of the nature of the complaint including any relevant information such as dates, name of parties and location along with any supporting information upon which the owner determines that an investigation is warranted.

II. CONSIDERATION OF COMPLAINT

4. Receipt of the complaint will be acknowledged.
5. HARC will consider the nature of the complaint within seven (7) days of receipt and commence (as determined by HARC and the Board of Directors as appropriate) an investigation within fourteen (14) days of receipt of the complaint.
6. Upon completion of the investigation HARC shall make a final determination.
7. The final determination will be communicated to the complaining Owner and the Owner for which the complaint was directed.

III. COMPLAINTS NOT INVESTIGATED

The POA will not investigate a complaint in the following circumstances:

8. It falls outside the control of the POA.
9. The complaint is received anonymously.
10. The complaint is vexatious or unreasonable.
11. The owner has been threatening, abusive or disrespectful to HARC, POA employees and staff in communicating the complaint.
12. Depending on the nature of the complaint, if after receipt of the complaint the POA proceeds to act on the complaint and requests additional information or discussion with the complaining Owner and the complaining Owner does not reply within 5 days HARC reserves the right to not proceed further.

IV. RESPONSIBILITY FOR EXPENSES INCURRED

13. If HARC or the Owner accused of a breach incurs any actual paid expense to investigate or respond to a claim and after investigation the complaint is determined to be unfounded, the complaining owner shall be liable to pay all of the costs incurred by the Owner for which the complaint was lodged and HARC in investigating and defending the complaint including but not limited to architectural, engineering and professional fees.
14. If after investigation the complaint is determined to be valid, the owner who breached protocols or requisite approvals shall pay all charges incurred.
15. If HARC subsequently approves a deviation after it is brought to HARC's attention, the offending property owner shall pay all expenses and costs incurred by HARC as set out in Clause above.

V. RECORD KEEPING

16. A record of each complaint shall be maintained by the POA.

The costs can be submitted to HARC and/or included in a Special Assessment billed to the appropriate property owner as outlined above.

The purpose of the policy is to ensure that false or inaccurate claims are not made at the expense of an innocent party and property owners who violate known provisions which are then discovered are assigned the costs related to their misconduct.