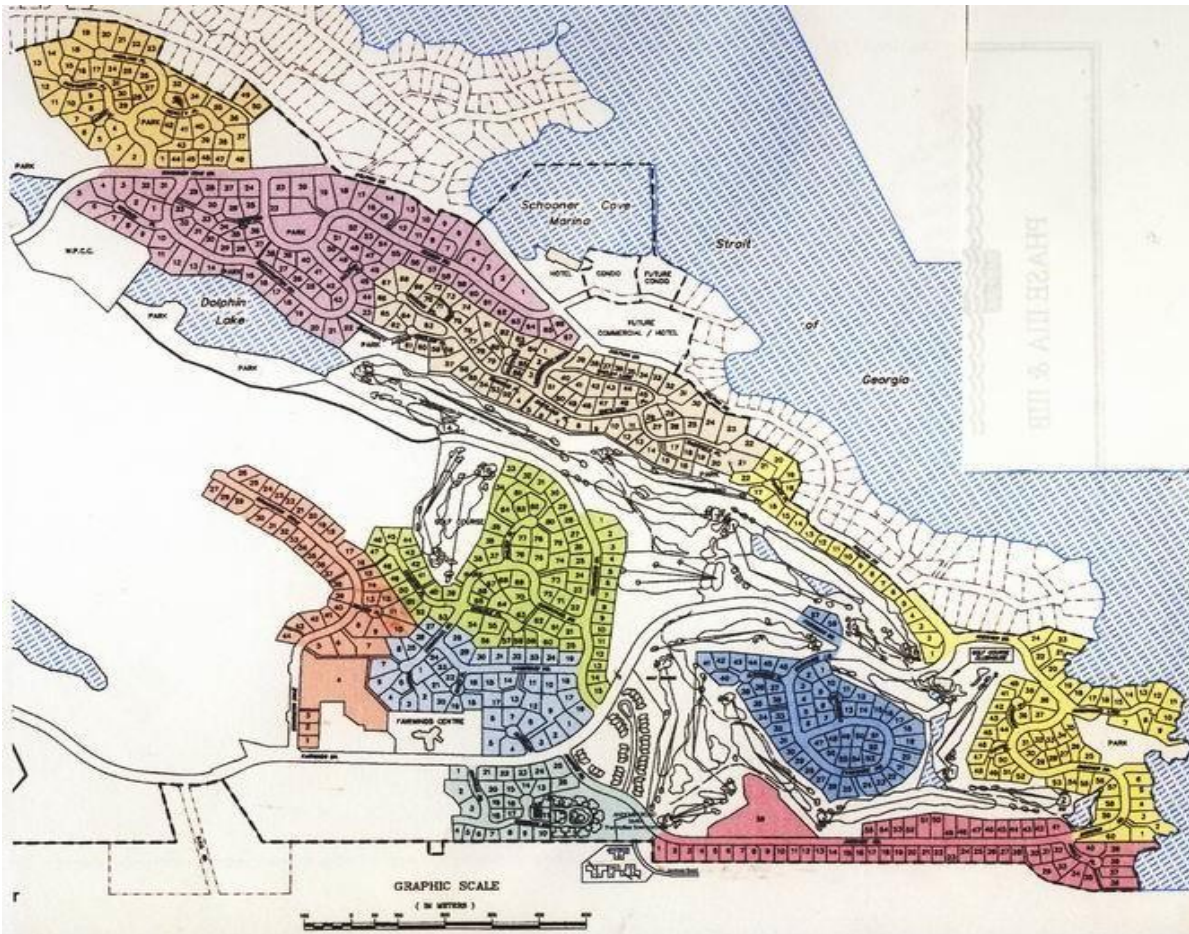


FCA Roofing Report of July 2010

as compiled by Keith Thompson

These Guidelines are provided as a courtesy only for your reference. The FCA has no authority or jurisdiction in implementing or enforcing Roofing Guidelines. Any issues must be resolved between the complainant and offending neighbor personally or failing this, through a legal process.

Fairwinds is a multi-phased master planned community. Since 1988, 472 (2014-548) single family homes have been built in eight phases. This site map below shows the location of each Phase at Fairwinds. Approximately 40% of the existing houses at Fairwinds have cedar shake or cedar shingle roofs. Generally, cedar roofs have a useful life of between 20 and 30 years. This report has been prepared to assist homeowners at Fairwinds who are considering replacing their cedar roofs.



Phase I	Andover Road, Dolphin Drive, Foxrun Place
Phase II	The "E" streets
Phase III	The "C" streets
Phase IV	The "R" streets
Phase IV(b)	The "H" streets
Phase V	Schooner Ridge; The "S" streets
Phase VI	Brickyard Bay
Phase VII	Observation Point
Phase VIII	not developed at this time
Phase IX(a)	Rockcliff Park
Phase IX(b)	Bonnington Heights: the "B" street

Summary of approved Roofing Materials by Phase

Phase	Duroid	Asphalt	Fibreglass Laminate	Tile excluding concrete or clay	Straight Line Metal Roof
1	not permitted	not referred to	not referred to	not permitted	not permitted
2	not permitted	not referred to	not referred to	not permitted	not permitted
3	not permitted	not referred to	not referred to	not permitted	not permitted
4a	not permitted	not referred to	not referred to	not permitted	not permitted
4b	not permitted	not referred to	not referred to	not permitted	not permitted
4c	no restriction in declaration				
5	not permitted	not referred to	not referred to	not permitted	not permitted
6	not permitted	not referred to	not referred to	not permitted	not permitted
7	not permitted	not permitted	Permitted	not permitted	not permitted
8	not developed				
9a	not permitted	not permitted	not permitted	not permitted	not permitted
9b	not permitted	not referred to	not referred to	not permitted	not permitted

1. BUILDING SCHEME AND DESIGN GUIDELINES AT FAIRWINDS

A statutory building scheme (the “Scheme”) is an agreement which is filed at the Land Title Office and is used by a developer to ensure that all properties covered by the Scheme share common architectural characteristics. Schemes also specify building materials which may not be used in home construction. Over the last 25 years, the Fairwinds developers have filed separate Schemes for each Phase at Fairwinds except for the Gleneagles condominium project located at 2655 Andover Road which is not subject to a Scheme. The Schemes at Fairwinds also refer to design guidelines which further define the architectural characteristics of the respective Phases. Each Scheme runs with the land and binds all existing and future owners in each Phase.

Although lot owners are required to have their building plans approved by Fairwinds prior to receiving a building permit for home construction from the Regional District of Nanaimo, the Schemes do not require the owner to obtain approval from *Fairwinds Community and Resort* prior to replacing an existing roof. Each Scheme at Fairwinds does limit the kinds of roofing materials that can be used in a particular Phase. If an owner fails to comply with the Scheme requirements, then either *Fairwinds Community and Resort* or any property owner in that Phase may commence court action to compel compliance with the Scheme and force the removal of non-complying roofing materials. A roof which does not comply with the Scheme may impact the value and saleability of the home at time of resale.

2. APPROVED AND PROHIBITED ROOFING MATERIALS

Although the eight Schemes at Fairwinds are similar, they are not identical and there is some variation from Phase to Phase. Generally, duroid shingle are prohibited in all Phases at Fairwinds and asphalt fibreglass shingles are also prohibited in all Phases except Phases 7 (Observation Point) and 9(b) (Bonnington Heights) which allow fibreglass laminate shingles (FLS) but restrict duroid shingles. The term “duroid shingle” is not defined in any of the Schemes or design guidelines. However, in the BC Supreme Court decision of *Swiatlowski v Jackman and Hansen* (2000 BCSC 553) Mr Justice Vickers when reviewing a statutory building scheme for a project in Duncan, BC, determined that “duroid shingles” is

a term used to refer to all asphalt-based shingles and also includes asphalt-based fibreglass shingles. Metal roofs and tile material other than clay or concrete tiles are also prohibited in all Phases at Fairwinds. The Design Guidelines generally approve the use of cedar shakes, cedar shingles and tar & gravel roofs for those houses that have a flat roof. (See below for a summary of all roofing restrictions specific for each Phase at Fairwinds.

The range of roofing materials has been expanded over the last 20 years and Mr. Dave Scott, development manager for *Fairwinds Community & Resort* has approved four new roofing products for use in all Phases at Fairwinds. The four roofing products are ideal substitutes for cedar roofs because the new roofing material is light enough to be installed on existing homes without requiring any change to the existing roof trusses. Please refer to section 5 below for additional information on *Enviroshake*, *Roofrock*, *Pro-Shake* and *Moderne Slate*.

3. FREQUENTLY ASKED QUESTIONS

a)	Q:	How do I know which Phase at Fairwinds my home is in?
	A:	Each of the Phases is colour-coded on the map above. Locate your property on the map and refer to the index. After locating your Phase, refer to the Summary of Roofing Restrictions for that Phase below.
b)	Q:	Do I need a permit from the RDN to replace an existing roof?
	A:	Generally, no permit will be required from the RDN if you are not making any structural changes to your house or any changes to the electrical or plumbing systems. However, if there is any question in your mind, contact the Nanaimo Regional Permit Department at 250-390-6530
c)	Q:	Do I have to get approval for the replacement roof materials from <i>Fairwinds Community and Resort</i> ?
	A:	No. No approval is required by <i>Fairwinds Community & Resort</i> under the Schemes.
d)	Q:	Should I advise my building supply company and roofing company of the roofing restrictions at Fairwinds?
	A:	Yes, You may also want to print off a copy of this report and provide it to them in order that your supplier and installer fully understands the roofing at Fairwinds
e)	Q:	Where can I get additional information about replacing my roof?
	A:	1. Fairwinds Community Association - president@fairwindscommunityassociation.org
		2. Fairwinds Community & Resort - 3455 Fairwinds Dr., Nanoose Bay, BC (Dave Scott) 250-468-7054 local 224
		3. Regional District of Nanaimo, Permits Dept - 6300 Hammond Bay Rd, Nanaimo 250-390-6530
		4. Roofing Store www.roofingstore.ca
		5. Enviroshake Quality engineered Roofing www.enviroshake.com
		6. Roof Rock www.roofrock.com
		7. US Tile: a Boral Roofing Company www.ustile.com
		8. Tire Recycling Atlantic Canada Company www.tracc.ca or www.modernslate.com
f)	Q:	Will Fairwinds approve other new roofing products?
	A:	Yes, Mr. Dave Scott may approve new materials from time to time.

g)	Q:	Is it possible to modify or cancel a building scheme?
	A:	Yes. A building scheme can be modified with the unanimous consent off ALL property owners in a Phase, however, the probability of obtaining unanimous consent of all owners covered by a building scheme is extremely low. In addition, an application may b made to the Supreme Court of British Columbia to cancel a building scheme in exceptional circumstances.
h)	Q:	Where can I locate a copy of the building schemes for my Phase in Fairwinds?
	A:	The Schemes are posted on the FCA website under Architectural Guidelines.

4. SUMMARY OF ROOFING RESTRICTIONS FOR EACH PHASE

PHASE I(a) & (b)		Andover Road, Dolphin Drive, Foxrun Place
1.	Building Scheme	registered over title to each lot under #EB106038
4.	Date of Design Guidelines Review	November 17, 1988
PHASE II		"E", Evanshire, Elginwood, Eaglesfield
1.	Building Scheme	registered over title to each lot under #EC087497
4.	Date of Design Guidelines Review	August 31, 1989
PHASE III (a) & (b)		"C", Collingwood, Carlisle, Chelsey, Covington, Casey, Carmichael
1.	Building Scheme	registered over title to each lot under #ED100368 (a) & ED131357 (b)
4.	Date of Design Guidelines Review	September 21, 1990
PHASE IV (a) & (b)		"R" & "H", Rolson, Radford, Redden, Highland, Huntington, Hobart, Henley
1.	Building Scheme	registered over title to each lot under #EE114979 (4a) & ED134377 (4b)
4.	Date of Design Guidelines Review	October 15, 1990 (4a) & December 24, 1990 (4b)
<i>following are common to all of the above:</i>		
2.	Modification of Building Scheme	none registered at land titles office
3.	Design Guidelines	The Building Scheme refers to Architectural Development Guidelines
5.	Ability to Amend Design Guidelines	no reservation by Developer to amend Design Guidelines
6.1	Prohibited roof types	None
6.2	Prohibited roof material	no duroid, metal, or tile material other than concrete or clay tiles
6.3	Can Developer approve use of restricted roofins	No
6.4	Roofing materials approved in Design Guidelines	see building schemes
6.5	Roofing product approved by Fairwinds for use in this phase and which could be supported by a standard truss system	Envirshake, RoofRoc, Pro-Shake, Moderne Slate

PHASE IV(c)		"R" Rockhampton, Renwick
1.	Building Scheme	registered over title to each lot under #EG132492
2.	Modification of Building Scheme	none registered at land titles office

4.	Date of Design Guidelines Reviewed	October 8, 1993
PHASE V (a) & (b)		Schooner Ridge, "S", Scottsdale, Shelby, Schooner Drive, Sherbrook, Shetland, Sheffield, Simmons, Sinclair,
1.	Building Scheme	registered over title to each lot under #EH118320 or #EH139721
4.	Date of Design Guidelines Reviewed	August 31, 1994
PHASE VI		Brickyard Bay
1.	Building Scheme	registered over title to each lot under #EN12050
2.	Modification of Building	#EN026350
4.	Date of Design Guidelines Reviewed	November 17, 1988
<i>following are common to all of the above</i>		
3.	Design Guidelines	The Building Scheme refers to Architectural Development Guidelines
5.	Ability to Amend Design Guidelines	the Developer reserves the right to amend Architectural Guidelines
6.1	Prohibited roof types	None
6.2	Prohibited roof material	all except cedar shakes, cedar shingles, clay tiles or concrete tiles or other material approved by the developer. No duroid shingles, asphalt shingles or straight line metal roofing are permitted
6.3	Can Developer approve use of restricted roofins	No
6.4	Roofing materials approved in Design Guidelines	see Building Scheme
6.5	Roofing product approved by Fairwinds for use in this phase and which could be supported by a standard truss system	Envirshake, RoofRoc, Pro-Shake, Moderne Slate

PHASE VII		Observation Point
1.	Building Scheme	registered over title to each lot under #ET4538
2.	Modification of Building Scheme	#EV050895
4.	Date of Design Guidelines Reviewed	May 22, 2002
3.	Design Guidelines	The Building Scheme refers to Architectural Development Guidelines
5.	Ability to Amend Design Guidelines	The Developer reserves the right to amend the Architectural Guidelines
6.1	Prohibited roof types	None
6.2	Prohibited roof material	all except cedar shakes, cedar shingles, laminated fiberglass shingles, clay tiles or concrete tiles or other material approved in design guidelines No duroid shingles, asphalt shingles or straight line metal roofing are permitted
6.3	Can Developer approve use of restricted roofins	No
6.4	Roofing materials approved in Design Guidelines	see building scheme

6.5	Roofing product approved by Fairwinds for use in this phase and which could be supported by a standard truss system	Envirshake, RoofRoc, Pro-Shake, Moderne Slate
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PHASE IX(a)		Rockcliffe Park,
1.	Building Scheme	registered over title to each lot under #EX001266
2.	Modification of Building Scheme	none
4.	Date of Design Guidelines	August 2004
	Reviewed	
3.	Design Guidelines	The Building Scheme refers to Architectural Development Guidelines
5.	Ability to Amend Design Guidelines	The Developer reserves the right to amend the Architectural Guidelines
6.1	Prohibited roof types	None
6.2	Prohibited roof material	all except cedar shakes, cedar shingles, clay tiles or concrete tiles or other material approved in design guidelines No duroid shingles, fiberglass laminate shingles, asphalt shingles or straight line metal roofing are permitted
6.3	Can Developer approve use of restricted roofing	No
6.4	Roofing materials approved in Design Guidelines	see Building Scheme
6.5	Roofing product approved by Fairwinds for use in this phase and which could be supported by a standard truss system	Envirshake, RoofRoc, Pro-Shake, Moderne Slate

PHASE 9(b)		Bonnington Heights
1.	Building Scheme	registered over title to each lot under #FA048695
2.	Modification of Building Scheme	none
4.	Date of Design Guidelines Reviewed	June 2006
3.	Design Guidelines	The Building Scheme refers to Architectural Development Guidelines
5.	Ability to Amend Design Guidelines	The Developer reserves the right to amend the Architectural Guidelines
6.1	Prohibited roof types	None
6.2	Prohibited roof material	No duroid shingles, asphalt shingles or straight line metal roofing are permitted
6.3	Can Developer approve use of restricted roofing	No
6.4	Roofing materials approved in Design Guidelines	see Building Scheme
6.5	Roofing product approved by Fairwinds for use in this phase and which could be supported by a standard truss system	Envirshake, RoofRoc, Pro-Shake, Moderne Slate