

Introduction

The Corporation owns and operates all parking stalls labeled “Visitor” in Crossbow Landing. This Rule applies to these stalls and no others.

The Visitor parking stalls exist on the Common Property of Crossbow Landing Condominium Corporation. Pursuant to the By-Laws, the Board has the authority to make rules regarding the use of Common Property, including the Visitor parking stalls.

Our By-laws and this Rule contain the following general principles for use of the Visitor parking stalls:

- They are for the use of Visitors to Crossbow Landing.
- They are not for use by Crossbow Landing residents except as specifically permitted by Section 68 (a) (xxvii) of the By-Laws for a period not exceeding 48 hours.
- Visitor stays are limited to 7 consecutive days or parts thereof.

Normal Uses of Visitor Parking

Definition of a Visitor

For the purpose of using Visitors parking this Rule defines a **Visitor** as a non-Owner, non-resident person or group of persons staying in a Crossbow Landing unit or attending a social function in a unit or the Amenities Building for a period ranging from a few minutes to weeks. Such stays do not include any financial consideration in return for the stay or visit. If there is some financial consideration the person will be considered a renter and resident and thus subject to the bylaws and rules regarding rentals and residence.

Visitor Becomes a Resident

At some point, ongoing visitation becomes residence. For the purpose of enforcing the By-laws and this Rule, the Board generally makes that distinction at greater than 3 days per week or parts thereof.

Short-Period Use

Use of Visitor parking stalls by residents and Owners for very short periods of time for convenience is tolerated. Owners and residents need to exercise their discretion in use of this latitude, and not to make a habit of such use.

Vehicle Exchange

Vehicle exchange, i.e. having a Visitor use an indoor or sheltered stall while the Owner or resident parks in Visitor parking is also acceptable, subject to the rules and limitations stated above for Visitor parking. Such use does not require an application for a variance, but an Owner or resident doing this might receive a parking tag on their vehicle and in such a case would be required to provide an explanation to avoid sanction. The resident always remains fully responsible for their visitor's vehicle while it is in a sheltered or inside parking stall.

Other uses of Visitor Parking

Instances of Visitor parking stall use that fall outside the definition of usual visitor use will be investigated by the Board.

If in the Board's opinion enough evidence exists that an infraction has occurred, the Board will impose sanctions to correct the situation. Such sanctions may include but are not limited to

- Placing warning tags on the vehicle
- Towing an offending vehicle from the Visitor parking areas at the vehicle owner's cost.

Requests for Variances

The Board and the Property Manager will consider occasional requests for variances to the Visitor parking bylaws and policies. Such requests shall be submitted in writing or via email to the Property Manager and to the Board, directly or via the website.

Possible reasons for requesting a Variance include:

- Extenuating circumstances with a resident's usual titled parking space(s)
- Unusual need for a Visitor parking spot for periods exceeding seven consecutive days or parts thereof.

- Short term needs for an Owner or resident to park a vehicle or object that does not fit underground or in outdoor sheltered parking.

The information required for consideration of variances include:

- Applicant's Name
- Reason for Variance
- Vehicle plate number
- Dates for variance
- Building and unit number affected or being visited

Variances will be granted on a one-time basis only. Further variances will require additional applications.

The Property Manager in consultation with the Board will decide if the application will be approved.

If the application appears reasonable then approval will generally be granted.

Occasionally approval will not be granted. Reasons for declining an application might be:

- Not all required information is provided
- The applicant or resident has a history of visitor parking violations requiring vehicle tagging
- The need is insufficiently demonstrated
- Reasonable alternatives are available
- The timing coincides with extremely busy times for visitor parking (major holidays, long weekends)
- The application is related to a scheduled private event in the Amenities Building

Visitor Parking “Gray” areas and Board decisions

Sometimes a circumstance does not lend itself easily to being defined as pertaining to a Visitor. In such circumstances the Property Manager in consultation with the Board will make a decision on whether the person or persons are to be deemed Visitors and communicate it (1) to the unit Owner if known, or (2) to the resident, person or persons if known, or (3) by way of a letter placed on the vehicle parked in a Visitor stall, or (4) by

way of an official parking tag placed on the windshield of the vehicle if no other means of identification can be determined.

Such a decision shall be in the sole discretion of the Board and Property Manager and the reasons for such a decision shall also be communicated.

Gray areas could include but not be limited to habitual use of Visitor parking for periods exceeding three consecutive days or parts of days per week.

Examples of gray areas and the Board's decisions in each case:

Example (1) George, a resident, lives in a unit with only one titled parking stall. His family has two vehicles. He parked one of them for several weeks in Visitor parking until he was noticed, and his vehicle was tagged. After that, he parked that vehicle somewhere off property to avoid being fined for continued parking of a resident's vehicle in Visitor parking. Later, when he has out of town guests, he asks to park his vehicle in Visitor parking, "so that his guests wouldn't have to cross an icy parking lot".

Is it OK for George to park his vehicle in Visitor parking?

Answer: No. His argument in effect is "I have Visitors. If they had a car, it would be OK for them to park in Visitors. So, because they don't have a car, I can park my own car in Visitors for a week". George is violating the intent of Visitor parking. His guests don't have a vehicle. Further, George has an alternate he has established that for him is reasonable: continue to park his vehicle wherever he was before and after his friends' visit.

Example (2) Wanda lives in Edmonton. She has established a relationship with a person in Crossbow Landing. She spends 4 days per week in Unit XXX. Her vehicle is noticed in Visitor parking and tagged. Wanda appeals, saying "I am a Visitor."

Is it OK for Wanda to park in Visitors?

Answer: No. Wanda is in effect a part time resident and spends more time in Crossbow Landing than many Owners who visit every weekend and face all the restrictions on Visitor parking.

Example (3): Jack, an Owner, has a hip replacement. Post-operation he expects to be unable to look after himself for about a month. He asks his daughter Jill to drive to Canmore and stay with him until he is sufficiently well to get around by himself. He asks if Jill can park in Visitors for one month.

Is it OK for Jill to park in Visitors?

Answer: Yes. This is an unusual, infrequent occurrence.

Example (4): Doug is having major renovations done to his unit. The renos have received Board approval. The contractor keeps all his tools and supplies in a utility trailer. Doug asks if it can be placed in a visitor parking spot for one week while the renos are completed.

Is it OK for Doug to have his contractor's trailer park in Visitor parking?

Answer: Yes. This is an unusual one-time occurrence.

Example (5): Doug's renos go more slowly than expected. Doug asks for a one-week extension.

Is it OK for Doug to have his contractor's trailer park in Visitor parking for another week?

Answer: Yes. This is an unforeseen circumstance.

Example (6): The contractor goes bankrupt and abandons the trailer. Doug asks for the trailer to be stored indefinitely in Visitor parking until the Receiver decides what to do about it.

Is it OK for Doug to have his contractor's trailer park in Visitor parking indefinitely?

Answer: No. Indefinite use of Visitor parking by an Owner is unacceptable. Doug needs to take immediate action to have the trailer removed/towed. The Board may be able to assist in this process.

Passed by the Board on March 4, 2020

