

# **Birch Island Residential Property Owner's Association**

## **Minutes of the Annual General Meeting, Sunday, August 6, 2006**

### **Introductions**

The meeting was convened at 10:10 am. Orland thanked everyone for coming and for the support received from members this past year. Everyone introduced themselves via name and lot number. Owners of the following lots attended: 1, 12, 15, 24, 29, 27, 50, 57, 59, 63, 64, 75, 86, 94, 95, 97, 99, 100

### **Minutes of 2005 AGM**

Since minutes of last year's AGM have been posted on the web site for several months, no paper copies were distributed.

Motion to  
approve made  
by Ralph  
Robertson,  
seconded S.  
Curley: so  
moved.

### **President's Report**

Orland provided an overview of initiatives undertaken by the executive in the past year some of which would be covered later in the meeting. The focus this year has been on gaining more members and making the cottage association activities visible to members. Unfortunately two directors resigned last year which meant some wished-for activities had to be put on the back burner. We are encouraging members to volunteer for committees or small projects - whatever they feel they could commit so that it is possible to address all members' priorities.

### **Treasurer's report : Alice Howarth**

Alice provided her financial report highlights of which are noted below. The report was accepted. (Moved by A. Howarth, seconded B. Cavanagh; carried.)

- As of July 1<sup>st</sup>, 2005 the balance on account was \$6,244.15.
- As of Aug 1<sup>st</sup>, 2006, the balance on account was \$5,043.61
- Outstanding debits (director's insurance, FOCA membership & additional signs ) approx. \$1300
- Note that approximately 14 members have prepaid their 2007 dues .

### **Membership report: Sharron Curley**

Sharron reported that there are 82 property owners on Birch Island, as compiled from township records with a breakdown of

16 US and 66 CDN owners. We've seen a very healthy increase in members this year which is very encouraging.

2005 paid members: 22

2006 paid members: 37 (as of end of meeting)

### **Directors Insurance: Sharron Curley**

The need for Directors Insurance was mentioned at the last AGM. It is a sad but true fact of life these days that members of cottage associations and their executives need liability insurance. Good faith and common sense are not enough protection. Even if a legal action has no merit, it would cost considerably in legal fees to contest. Previous quotations were in the area of \$1000 upwards. We were able to take advantage of less expensive coverage negotiated by FOCA (Federation of Ontario Cottage Associations) on behalf of its members. Cost for coverage was \$837.00 including taxes.) The coverage comes in 2 policies - one for the Cottage Association, the second for Director's Insurance. Members and volunteers (working on behalf of the association) are also covered. Examples of coverage: fraud protection, medical payments, employer's liability, property damage, forest fire expense, water craft and advertising liability.

### **Federation of Ontario Cottagers (FOCA): Sharron Curley <http://www.foca.on.ca>**

BIRPOA has joined FOCA in order to take advantage of the low insurance rates for members.

FOCA represents 600 cottage associations representing more than 250,000 Ontario property owners. There are many other areas of benefit such as FOCA'S strong representation to provincial bodies on property taxes, water quality (Clean Water Act), Municipal Elections, fishing regulations, Lake Steward programs, etc. FOCA also provides excellent guidance via their member programs with products for - Associations' Tool Kit, Cottage Times - FOCA News, Newsletters, Brochures, Risk Management, Cottage Watch and Docktalk.

FOCA supports and works with two ratepayer associations.

- WRAFT (Waterfront Ratepayers after Fair Taxation) composed of 225 waterfront ratepayers associations representing 100,000 ratepayers. <http://www.wraft.com>
- CAPTR (Coalition after Property Tax Reform) represents over a million ratepayers with a broad base of interests (seniors, waterfront, residential & rural) <http://www.captr.org/>

### **MPAC □ Cottage assessments: Sharron Curley**

The information provided here comes from "Getting it Right" a study done by the Ombudsman Ontario office.

<http://www.ombudsman.on.ca>

**Paragraphs with an asterisk \* are recommended changes made in the report.**

**(Note: this is a synopsis of 94 pages so bear with the length here.)**

Ontario has had a system based on "current value assessments" for 30 years. The current assessment body is MPAC (Municipal Property Assessment Corporation). Certain areas and property types have seen huge increases in value. This has causes volatility in assessment values and does not realistically reflect ability to pay. Downloading of services to

municipalities means the taxpayer is no longer paying for “services” but social services and a host of other costs. For those such as seniors, retirees and waterfront owners, huge increases in assessments and hence taxes may mean the loss of home or cottage. The system has been compared to a tax on unrealized capital gains rather than everyone paying their “fair share”.

A private member’s bill, “The Homestead Act”, seeks to cap annual assessment increases at 5%. It has received 2<sup>nd</sup> reading. Lobby your MPP, as this will go nowhere without support.

Other jurisdictions have implemented variations in their CVA.

- Nova Scotia caps annual increases at 5%
- Manitoba puts the onus on the assessment corporation, not the ratepayer, in justifying reassessments
- Florida has full disclosure of all assessment data

The 2003 assessments caused considerable public outcry and the government asked the Ontario Ombudsman to review the entire assessment process and particularly MPAC itself. This study produced 21 recommendations for change. It was highly critical of MPAC and noted that taxpayers have lost faith in the system: “MPAC has failed to ensure property owners are provided with sufficient and timely assessment information to enable them to understand and fairly challenge their property assessment. Its conduct is unreasonable, unjust, oppressive and wrong”. Assessments were cancelled for 2004.

Despite strong voices from the public and ratepayers associations, the provincial government proceeded with a 2005 assessment. Again a huge public outcry resulted in the current status that sees assessments cancelled for 2006 and 2007.

### ***How MPAC works***

Municipalities supply property data to a company called Teranet who in turn feeds MPAC. Teranet has exclusive rights to the data based on an agreement with the provincial government. This exclusive right to data is used by MPAC as rationale for their reluctance to provide taxpayers with wider access to what information is held regarding their property. MPAC performs assessments based in large part on a mass modeling computer system. They sell various products based on these results with revenues in the area of \$4 million annually.

\* Although not within the scope, the Ombudsman report suggests the questions: As MPAC is funded by taxpayers and is in essence an agent of the Crown - should they be in the business of selling data and worrying about loss of “intellectual property”. Should Teranet have exclusive rights to data if this means less transparency of information?

### ***Know your rights***

When a taxpayer receives his assessment notice and is not in agreement there are 2 options. The first is to file a request for reconsideration with MPAC and the second is go to the Assessment Review Board (an independent body)

<http://www.arb.gov.on.ca>

\* Currently, you must file with the ARB by a set date regardless of whether you have had a response from MPAC to your request for reconsideration. In future, an ARB appeal date will be open until the ratepayer has received their MPAC response.

An owner can contact MPAC via a central help desk or use their online property database to request information.

\* MPAC discourages giving out regional office phone numbers. (Walk-ins are welcome.) It is recommended that MPAC provide these numbers in the future.

You are entitled to assessment data for your property and 12 other properties of your choice. In addition, you can also ask MPAC to provide you with “12 comparable properties”.

### **Be aware**

The information MPAC has in its database for your property can be in error, incomplete, or out of date. Data inaccuracies of up to 50% were noted. The modeling program that calculates your assessment tries for a plus or minus accuracy of 15% - considered good in the industry but probably not too reassuring to the taxpayer.

\* Your current assessment notice shows the % increase for the homeowner and a % increase for the municipality. However, your assessment is based more specifically on your “neighbourhood” values. In future, you will also be provided with this more useful statistic.

\* Property owners who had previously received an assessment reduction whether by the appeal process or by ruling of the Assessment Review Board would often find their next assessment did not reflect these previous reductions and they were forced to repeat themselves all over again.

\* MPAC agrees that in future these reductions will stand from year to year. It is also recommended that individual assessment records reflect these changes along with the rationale for the reductions.

\* MPAC agrees to no longer show up at ARB hearings with “new” comparable properties. All comparable to be used at a hearing will be shared with the ratepayer beforehand.

**In conclusion**, here are some steps to take.

- Check your complete assessment information with MPAC to ensure it is correct. MPAC has information on your access (water or road), a seasonal flag, site information, sales history, buildings, quality of construction etc. They don't know if you are located next to a swamp, high traffic area etc. This can be pointed out in requesting a reduction. Also ensure that any previous reassessments are noted.
- If you'd like to go further, ask MPAC for 12 comparables and then look at 12 other properties that you feel are similar.
- If you want more information, you can access municipal assessment data at no cost.
- To ensure the current system is fixed, lobby for change, and/or support the “Homestead Act”:
  - Write to the Ontario Ombudsman who is keeping track of MPAC's implementation of recommendations
  - Write to the Minister of Finance (who oversees MPAC)
  - Write to your provincial member of parliament
  - Write to your municipality
  - Join and support your ratepayer association
- As an association, form a committee to collect & disseminate assessment information as well as note

inconsistencies.

### **Web site: John Curley**

The site is a mix of news, reference and archival information including directions, maps, minutes, newsletters, Birch Island history, etc. However, John is always looking for content whether it is photos, local events, useful contact numbers and anything else members would find useful. Send him your input. Contributors welcome. The site averages 10 visits a day, each visit looking at 3.5 pages on average. [If you want site stats and graphs, click on the little number at bottom left of any birchisland.info web page.]

The only cost is the \$25 for the domain name registration. John Feltmate has copies of the original site plans for the island and plans are to get this data on the site shortly. Orville Marshall hopes that someone will volunteer to update his "History of Birch Island".

### **Dock carts: John Curley**

There are 2 carts located at the marina to help get things from car to boat. Lisa Glover reports they are being heavily used. As one long time cottager wrote "For 35 years I've hauled my stuff from car to end of dock. Thanks to whoever came up with this."

### **Signage & Trails: John Feltmate**

John had a sample pole and signs to show off the new signage. He was also able to point out where the remainder of signs would be going using a large laminated map of the island. It was very useful to see the properties, rights of way and interior lots and envisage where the signs would go. This is a one time expense as there should be no maintenance required.

Cottagers are encouraged to purchase a cottage/lot sign. Cost is \$10 for one sign and lower if you need two. You can order yours by contacting John Feltmate or Alice Howarth.

John also clarified that easements such as hydro lines are not the same as a right of way. Access here is by permission only.

Trail Maintenance: Nothing has been done to date as we did want to get insurance as a first step. Plans are to hire someone to do trimming. John would like input from owners on the south shore to help him as to where to place markers.

### **Loon Count: Chuck Laudermilch**

Loon counts are done on behalf of the Canadian Lakes Survey. Chuck is taking over from Bob Shank - who has sold his cottage. Everyone wished the Shanks well. They will be missed. Bob reported that there are 21/22 loons this year with 6/7 young. This represents a stable population in comparison to other years. There is an additional osprey nest. Anyone interested in assisting Chuck, give him a call.

### **2006 membership survey: Orland French**

Responses to the survey (25) indicated the following areas of interest were ranked high

- List of property owners

- Website
- Trails
- Representation
- Water Quality
- Safe boating & canal traffic

### **Township & Marina Business**

- Orland is waiting to hear back from the township on his written request for improvements to the parking area and boat launch at the end of Glovers Road.
- He is also following township plans for curb side garbage collection and how that may be implemented for the island.
- Orland spoke to the Marina asking for their policy on dock slips when cottages are sold. Current policy is to allow slips to pass to the new owner *provided their boat is no larger than the current one*.
- He also mentioned there is a petition the Marina is asking folks to sign that requests improvements to the Sand Lake road. Of note, the marina estimates that 118 properties are accessed via their road.
- The Hortons have been working with the township to have a lot severed in order to build a new cottage. They noted that a new bylaw presents a problem: for lots that are severed today (or in the past 3 years), the owners must own property on the mainland for access.
- Municipal elections 2006 are scheduled for Monday, Nov. 13, 2006. The township of Rideau Lakes will offer mail-in ballots. The executive will canvas candidates on matters of interest to Birch Island - details to be posted on the website. We encourage all to vote in the upcoming election.
- There is a new bylaw which provides grants to ratepayers on "private roads". The executive will investigate any benefits we may reap here.
- Township of Rideau Lakes website: <http://www.twprideaulakes.on.ca/> "

### **Conservation issues**

### **Ralph Robertson**

Ralph reported good success in limiting illegal bass fishing. Fishermen fishing over spawning beds were advised/cautioned and a real reduction in offenders has resulted.

West Nile Virus - not deemed to be on the rise. Anyone finding a dead bird can contact the District Health Unit  
<http://www.healthunit.org/westnile/>

Information and contact info can also be found on the Ministry of Natural Resources site, or call 1-800-667-1940

A new threat is the Asian Long Horned Beetle. Caution in moving wood from one area to another.

Ralph continues to lobby the municipality to implement a septic tank re-inspection program, supported by a Rideau Valley Conservation Officer. To date, council has not shown much interest. He knows of three offending systems on the lake but ran into a bureaucratic minefield in having any action taken.

<http://www.mnr.gov.on.ca/MNR/index.html>

### **Status of Sand Lake Association: Ralph Robertson**

Due to a lack of executive members, it is likely the association will fold. Ralph needs to resign due to health. Perhaps persons from the Sand Lake association would be interested in aligning with existing lake associations.

### **BIRPOA fee increase: Orland French**

The current association fee of \$25 is unfortunately eaten up by the cost of insurance, leaving little to none in operating costs. It also means no reserve fund. However, the more members recruited, the lower the fee increase needed. **A resolution was made that "members would support an increase to bring annual dues to a maximum of \$50" (amount to be decided by the executive). Moved by Ralph Robertson, seconded by Gord Chisolm; so carried.**

### **Election of officers**

All of the current executive were willing to continue. Two additional directors were needed. John Feltmate proposed **Bill Johnson** as willing to serve. **Bob Cavanagh** indicated his interest.

Nominations of the above accepted and approved.

### **Other business**

Wendy Butler wondered why other cottage owners did not belong to the association. It was suggested that a lack of visibility and relevance may be the cause. A membership canvas and telephone campaign were suggested.

Mike Davis (also Bob Cavenagh) asked who is interested in broadband (high speed) internet access. John Feltmate and Bob Cavanagh had done some research and will pursue. Anyone interested, follow up with the above or sign up at the web site.

Septic Tank pump-outs. Past years have seen the executive taking names of those interested. However, this was awkward and did not add a lot to the process, especially given the uncertainties of the contractor's schedule. We are recommending members contact Dan O'Grady (613-283-9384) directly and he will arrange a mutually-agreeable time.

Orville Marshall #99 has free firewood (located near end of his dock). Also a steel barrel.

Bob Cavanagh noted considerable wake damage to his property. Modern boats may create more wake at non-planing speeds than when on a plane. He asked people not to do low-speed towing in his area. He also mentioned a danger to swimmers.

Hortons experienced considerable shore damage due to unloading of construction material via their sand beach despite warnings from Glovers that it was too wet for hauling. **This is private property which the Hortons generously allow used. Please check with Glovers and ensure your contractor follows their advice.**

A question was asked about the status of the BIRPOA fire pumper stored at the marina. Orland checked with David this spring who advised it was very hard to start and should not be relied on in any way. **It was moved that the executive investigate whether repairs could be made or a new pump purchased. Motion approved.**

A question was asked about testing of water at the spring. No formal testing is being done. Many cottagers have installed systems to purify lake water and don't use the spring. Anyone who uses the water on a regular basis should undertake the testing themselves.

**Adjournment: @ 12:40**