

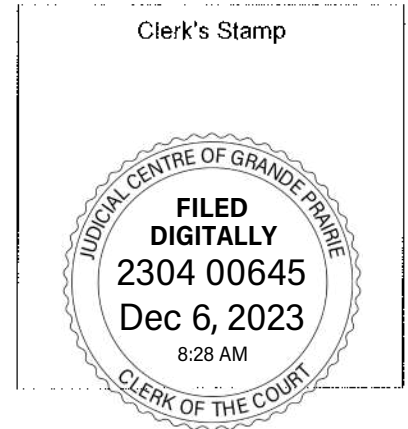
COURT FILE NUMBER 2304 00645

COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE GRANDE PRAIRIE

IN THE MATTER OF THE LAND TITLES
ACT, RSA 2000 c. L-4, AS AMENDED

IN THE MATTER OF THE MODIFICATION
OF CERTAIN RESTRICTIVE COVENANTS
REGISTERED ON TITLE TO LANDS
LOCATED IN THE SUBDIVISION OF
WEDGEWOOD IN THE COUNTY OF
GRANDE PRAIRIE NO. 1

APPLICANT(S) WEDGEWOOD HAMLET HOMEOWNERS
ASSOCIATION



DOCUMENT **AFFIDAVIT OF SERVICE**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT BURNHAM LAW GROUP
#101, 10309-98 Street
Grande Prairie, AB T8V 2E7
T: (780) 539-3710 F: (780) 532-2788
File No. 26833 TJB/jc
ATTN: TIMOTHY J. BURNHAM

Affidavit of Joelle Christensen, Sworn on December 5th, 2023

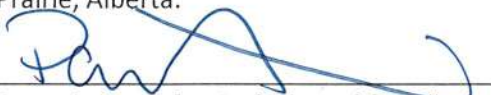
I, Joelle Christensen of the City of Grande Prairie, Alberta, MAKE OATH AND SAY AS FOLLOWS:

1. In accordance with the Order granted on November 6, 2023, I did on the 10th day of November, 2023, mail by regular mail to the list of Affected Landowners (as defined in the Affidavit of James Hammond filed on October 11, 2023 and enumerated in Exhibit "N" thereof) a letter advising that the Applicant has obtained the Procedural Order granted November 6, 2023 and advising that the Applicant intends to bring the Modification Application on December 19, 2023 and enclosing filed copies of the Modification Application and the Procedural Order.
2. A copy of the correspondence that was sent to the Affected Land Owners is attached hereto and marked as Exhibit "A".
3. In accordance with the Order granted on November 6, 2023, I did cause a copy of the letter to the Affected Landowners, the Procedural Order granted November 6, 2023, and the Modification Application and Affidavit in support to be posted at www.grandeprairie.ca/services/court-documents on November 8, 2023.
4. In accordance with the Order granted on November 6, 2023, I did on the 8th day of November, 2023, serve the Registrar of Land Titles Office, with Procedural Order filed November 6, 2023, the

Affidavit of James Hammond filed October 11, 2023, and Originating Application filed October 11, 2023, by sending an electronic copy by email to Curtis.woollard@gov.ab.ca

- 5. Attached hereto this my Affidavit as Exhibit "B" is a copy of the reply email accepting service on behalf of the Land Titles Office.

- 3. I am an adult over the age of 18 years and not a party to this action.

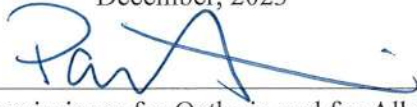
SWORN/AFFIRMED BEFORE ME on)
December 5, 2023, at the City of Grande)
Prairie, Alberta.)
)
Commissioner for Oaths in and for Alberta)


Joelle Christensen

PAYTON RAE MORRIS
A Commissioner for Oaths
in and for Alberta
My Commission Expires Jan. 29, 2024.

EXHIBIT

This is Exhibit "A" referred to in the
Affidavit of
Joelle Christensen
Sworn before me this 5th day of
December, 2023

A handwritten signature in blue ink, appearing to read "Payton", written over a horizontal line.

A Commissioner for Oaths in and for Alberta

PAYTON RAE MORRIS
A Commissioner for Oaths
in and for Alberta
My Commission Expires Jan. 29, 20²⁴.

WEDGEWOOD HAMLET HOMEOWNERS ASSOCIATION

November 7th, 2023

RE: Modification of Wedgewood Restrictive Covenants for Fire Safety

To Whom It May Concern:

Background

The Wedgewood Hamlet Homeowners Association, an Alberta Society representing the homeowners of the Wedgewood Subdivision in the County of Grande Prairie No. 1, is applying for a Court order to modify various Restrictive Covenants affecting the roofing materials permitted within the community. This application is scheduled to be heard on December 19th, 2023, at 1:00 P.M. at the Grande Prairie Courthouse.

The Restrictive Covenants currently in place were designed to maintain the architectural and design standards of the community. However, given the increasing risk of forest fires in Alberta, including within the County of Grande Prairie, there is a pressing need to update these covenants to allow the use of fire-rated roofing materials.

Wildfire Safety

In light of the growing wildfire risks, the Government of Alberta has initiated the FireSmart program, aimed at reducing the risk of wildfire damage to homes and communities. One of the key recommendations is the use of fire-resistant building materials. For more information, please refer to the FireSmart guidelines available at <https://www.alberta.ca/firesmart>.

Why You Are Being Notified

You are receiving this notice because a search at the Land Titles Office has identified that you are the registered owner of lands that are also subject to one or more of the Restrictive Covenants in question.

Please note that if the Court approves our application, the Restrictive Covenants affecting your property will be modified to allow the use of fire-rated roofing materials, provided they maintain the general architectural and design standards of the community. No further action is required on your part unless you wish to participate in the Court proceedings.

The Association has obtained a Procedural Order outlining how further information regarding the application will be provided and how affected parties may participate if they wish to do so.

Filed copies of the Procedural Order and the Application are enclosed with this letter for your reference.

WEDGEWOOD HAMLET HOMEOWNERS ASSOCIATION

Proposed Changes

The Restrictive Covenants currently include one or the other of the following provisions pertaining to roofing materials:

"Only cedar shakes, cedar shingles, pine shakes, pine shingles or clay tiles shall be utilized as roof covering on the residence and garage.";

or

"Only cedar shakes, cedar shingles, or clay tiles shall be utilized as roof covering on the residence and garage. For the initial residence to be constructed on the lands Wedgewood Developments Ltd. may approve an acceptable alternative product for roofing material other than asphalt shingles."

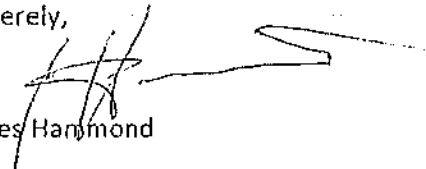
The proposed modifications to the roofing material language of the Restrictive Covenants are as follows:

"Only cedar shakes, cedar shingles, pine shakes, pine shingles, clay tiles, or Class A fire-rated roofing materials that have the appearance of clay tiles, wood shakes or wood shingles shall be utilized as roof covering on the residence and garage. Any roofing material that was compliant with the Restrictive Covenant, as it was written prior to this amendment, shall continue to be permitted. However, any changes to the roofing material shall be made in compliance with this clause."

Additional Information

For more details on this application, please visit www.grandeprairielaw.ca/services/court-documents. This webpage will also be used to post court documents that have been filed in relation to the application.

Sincerely,



James Hammond

Secretary -Wedgewood Hamlet Homeowners Association

Clerk's Stamp



COURT FILE NUMBER

2304 00645

COURT

COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE

GRANDE PRAIRIE

IN THE MATTER OF THE LAND TITLES ACT, RSA
2000 c. L-4, AS AMENDED

IN THE MATTER OF THE MODIFICATION OF
CERTAIN RESTRICTIVE COVENANTS REGISTERED
ON TITLE TO LANDS LOCATED IN THE SUBDIVISION
OF WEDGEWOOD IN THE COUNTY OF GRANDE
PRAIRIE NO. 1

APPLICANT(S)

WEDGEWOOD HAMLET HOMEOWNERS
ASSOCIATION

DOCUMENT

PROCEDURAL ORDER

ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF PARTY FILING THIS
DOCUMENT

BURNHAM LAW GROUP
#101, 10309-98 Street
Grande Prairie, AB T8V 2E7
T: (780) 539-3710 F: (780) 532-2788
File No. 26833 TJB/jc
ATTN: TIMOTHY J. BURNHAM

DATE ON WHICH ORDER WAS PRONOUNCED:	November 6, 2023
LOCATION WHERE ORDER WAS PRONOUNCED:	Grande Prairie, Alberta
NAME OF JUSTICE WHO MADE THIS ORDER:	Justice R. A. Jerke

UPON THE APPLICATION of the Applicant; AND UPON having read the Affidavit of James Hammond; AND UPON hearing Counsel for the Applicant;

IT IS HEREBY DECLARED, ORDERED, AND DIRECTED THAT:

1. An Originating Application (the "Modification Application") shall be brought on *Tuesday, December 19, 2023* at *1 pm* at the Court House in Grande Prairie, Alberta before a Justice in Motions Court, to modify certain restrictive covenants on title to lands

TJB

owned by the Affected Land Owners, as that term is defined in the Affidavit of James Hammond, which lands are located within the Wedgwood Subdivision in the County of Grande Prairie No. 1 ("Wedgewood").

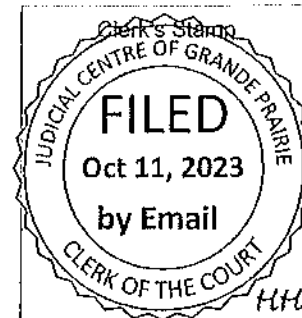
2. The Applicant's efforts to develop a list of the contact information of all registered owners of lands identified as being subject to the Restrictive Covenants which are proposed to be modified, being the Affected Landowners, are deemed good and sufficient.
3. The Applicant shall, within 10 days of the filing of this Procedural Order:
 - (a) Send a letter by regular mail to the Affected Landowners:
 - (i) Advising the Applicant has obtained this Procedural Order;
 - (ii) Advising the Applicant intends to bring the Modification Application on the date set in Originating Notice; and
 - (iii) Enclosing filed copies of this Procedural Order and the Modification Application.
 - (b) Post a copy of the letter to the Affected Landowners, this Procedural Order, the Modification Application, and any affidavits in support at www.grandeprairie.ca/services/court-documents

(the "Website").
4. Good and sufficient service of this Modification Application is effected by the Applicant's compliance with paragraph 3 of this Procedural Order.
5. The Applicant is directed to serve the Registrar of Land Titles, Land Titles Office with filed copies of this Procedural Order and the Modification Application.
6. The Applicant shall post any court documents the Applicant is served with in this matter on the Website within 5 days after the day on which the Applicant was served.
7. The Applicant or any Affected Landowner may apply to this Court to vary or amend this Procedural Order:
 - (a) on not less than 7 days' written notice by way of posting to the Website, in the case of an application by the Applicant.
 - (b) on not less than 7 days' written notice to the Applicant, in the case of an application by any other party.



JUSTICE IN CHAMBERS

COURT FILE NUMBER 2304 00645
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE GRANDE PRAIRIE



IN THE MATTER OF THE *LAND TITLES ACT*,
RSA 2000 c. L-4, AS AMENDED

IN THE MATTER OF THE MODIFICATION
OF CERTAIN RESTRICTIVE COVENANTS
REGISTERED ON TITLE TO LANDS
LOCATED IN THE SUBDIVISION OF
WEDGEWOOD IN THE COUNTY OF
GRANDE PRAIRIE NO. 1

APPLICANT(S) WEDGEWOOD HAMLET HOMEOWNERS
ASSOCIATION

DOCUMENT ORIGINATING APPLICATION

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT BURNHAM LAW GROUP
#101, 10309-98 Street
Grande Prairie, AB T8V 2E7
T: (780) 539-3710 F: (780) 532-2788
File No. 26833 TJB/jc
ATTN: TIMOTHY J. BURNHAM

NOTICE TO THE RESPONDENT(S)

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Date: November 6, 2023
Time: 9:00 AM
Where: Court House, Grande Prairie, Alberta
Before: Justice in Motions Court

Go to the end of this document to see what you can do and when you must do it.

Basis for this claim:

1. The Applicant is an Alberta Society made up of the homeowners of the Wedgwood Subdivision in the County of Grande Prairie No. 1 ("Wedgwood").
2. During the development of Wedgwood, various restrictive covenants were registered against the lots within Wedgwood to establish certain architectural and design standards to maintain the general character of the community, namely:

- a. Restrictive Covenant 152 159 093;
- b. Restrictive Covenant 942 275 087;
- c. Restrictive Covenant 972 145 018;
- d. Restrictive Covenant 922 221 745;
- e. Restrictive Covenant 892 341 666;
- f. Restrictive Covenant 892 176 032;
- g. Restrictive Covenant 902 086 921;
- h. Restrictive Covenant 982 087 948;
- i. Restrictive Covenant 982 181 128;
- j. Restrictive Covenant 002 227 758;
- k. Restrictive Covenant 992 245 954; and
- l. Restrictive Covenant 012 356 900.

(collectively, the "Restrictive Covenants")

- 3. The Restrictive Covenants contain, in part, restrictions concerning the roofing materials that are permitted within Wedgewood, and depending on the specific restrictive Covenant, include one or the other of the following provisions:
 - a. "Only cedar shakes, cedar shingles, pine shakes, pine shingles or clay tiles shall be utilized as roof covering on the residence and garage."; or
 - b. "Only cedar shakes, cedar shingles, or clay tiles shall be utilized as roof covering on the residence and garage. For the initial residence to be constructed on the lands Wedgewood Developments Ltd. may approve an acceptable alternative product for roofing material other than asphalt shingles."
- (collectively the "Roofing Material Clauses")
- 4. In response to the increase in forest fires in Alberta and British Columbia in recent years, and including the recent forest fires that threatened homes in the County of Grande Prairie No. 1, and noting the continuing risk of forest fires in the area immediately surrounding Wedgewood, the Applicant desires to modify the Restrictive Covenants to permit fire-rated roofing materials to be utilized on homes in Wedgewood, provided that those materials have the appearance of clay tiles, wood shakes or wood shingles to preserve the architectural and design standards already in place and to maintain the general character of the community.
 - 5. The proposed modification to the Roofing Material Clauses of the Restrictive Covenants will be beneficial to the persons principally interested in the enforcement of the covenant, and the modification is in the public interest as it will materially reduce the risk of fire within Wedgewood from forest fires or from neighboring properties.

Remedy sought:

6. An Order:
 - a. Directing the Registrar of Land Titles, Land Titles Office to modify the Restrictive Covenants by modifying the Roofing Material Clause of each Restrictive Covenant with the following language:
 - i. Only cedar shakes, cedar shingles, pine shakes, pine shingles, clay tiles, or Class A fire-rated roofing materials that have the appearance of clay tiles, wood shakes or wood shingles shall be utilized as roof covering on the residence and garage. Any roofing material that was compliant with the Restrictive Covenant, as it was written prior to this amendment, shall continue to be permitted. However, any changes to the roofing material shall be made in compliance with this clause.
 - b. Directing the Registrar of Land Titles, Land Titles Office to register the modifications to the Restrictive Covenants notwithstanding section 191(1) of the *Land Titles Act*.
 - c. That the Order is not required to be served on any person.

Affidavit or other evidence to be used in support of this application:

3. Affidavit of James Hammond, filed.

Applicable Acts and regulations:

4. Land Titles Act, RSA 2000, c L-4, ss 48, 190, 191.

WARNING

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicant(s) and against all persons claiming under the applicant(s). You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice to you. If you want to take part in the application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of this form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.

EXHIBIT

This is Exhibit "B" referred to in the
Affidavit of
Joelle Christensen
Sworn before me this 5th day of
December, 2023



A Commissioner for Oaths in and for Alberta

PAYTON RAE MORRIS

A Commissioner for Oaths

In and for Alberta

My Commission Expires Jan. 29, 2024.

Joelle Christensen

From: Curtis Woollard <Curtis.Woollard@gov.ab.ca>
Sent: Wednesday, November 8, 2023 2:52 PM
To: Timothy J. Burnham
Cc: Joelle Christensen; Jessica Flanders
Subject: RE: Service of Originating Application - Action No. 2304 00645

Thank you. I acknowledge service of the application and affidavit.

I will be in touch, however we do not plan on attending at this time.

Thanks!

Curtis

Classification: Protected A

From: Timothy J. Burnham <TBurnham@grandeprairielaw.ca>
Sent: Wednesday, November 08, 2023 12:04 PM
To: Curtis Woollard <Curtis.Woollard@gov.ab.ca>
Cc: Joelle Christensen <Joelle@grandeprairielaw.ca>
Subject: Service of Originating Application - Action No. 2304 00645

CAUTION: This email has been sent from an external source. Treat hyperlinks and attachments in this email with care.

Good morning Mr. Woollard,

We had a chance to speak at the recent LESA seminar about my application to vary a number of restrictive covenants to permit fire rated roofing materials. You indicated that I could serve you with the materials on behalf of the Land Titles Office.

According, please find for service upon you as the director of Land Titles Office the following documents:

1. Originating Application filed October 11, 2023;
2. Affidavit in support filed October 11, 2023; and
3. Procedural Order filed November 6, 2023.

You will note that the hearing of this matter is scheduled for December 19, 2023 at 1:00 PM in Grande Prairie.

You had mentioned that you may have someone I could work with on the language of the final order in this matter. As this application seeks to vary the language of 12 different restrictive covenants, I was hoping I might be able to get some assistance on how your office would like the order to read so that it works as well for your office as possible.

Yours truly

Timothy J. Burnham Lawyer

B.Comm, LLB, Mediator



#101, 10309 98 St Grande Prairie, AB T8V 2E7

Phone: (780)-539-3710 Fax: (780)-532-2788

Email: tburnham@grandeprairielaw.ca

Formerly known as:

GUREVITCH BURNHAM
LAW OFFICE

The information and contents of this communication may be confidential in nature and may be subject to solicitor and client privilege. If you believe that you are not the intended recipient of this e-mail communication, please contact the sender at (780) 539-3710 or by return e-mail, kindly delete this message from your computer and destroy any copies.