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Inter-Strata Storm Drain and Sewer Maintenance Agreement

BACKGROUND

8-inch storm drain and 6-inch sewer lines servicing 15 units of Aldersmith Woods Strata Corporation VIS 3943 extend along the north boundary of Lot 2, Section 2, Esquimalt district, plan VIP 61203, where a connection has been established to permit the hook-up of storm drain and sewer lines of an adjacent strata located, inter alia, on Lot 3, Section 2, Esquimalt district, plan VIP 61203. 7 units of Aldersmith Woods Strata Corporation VIS 4580 are serviced solely through this storm drain and sewer hook-up. Strata Corporation VIS 3943 agreed-in-principle with the builder of both strata to the proposed hook-up with the explicit understanding that the costs associated with the inspection, maintenance and repair of these service lines would be proportionately shared by both strata, in perpetuity.

WHEREAS: storm drains and sewer lines servicing 7 units of Strata Corporation VIS 4580 flow directly into storm drain and sewer lines servicing 15 units of Strata Corporation VIS 3943, and

WHEREAS: ecologically sound and efficient operation of the sections of service lines through which storm water run-off and sewage flow from both strata is of mutual interest to both strata, and

WHEREAS: storm drain catch basins require periodic clean out and maintenance, and

WHEREAS: periodic inspection of the general condition of the sections of service lines through which storm water run-off and sewage flow from both strata will be required, and

WHEREAS: periodic maintenance and repair of the said service lines may be required.

IT IS THEREFORE AGREED: that the aforementioned Strata Corporations will consult and cooperate with each other to properly maintain the efficient operation of the common-use sections of service lines through which storm water run-off and sewage flow from both strata.

IT IS ALSO AGREED: that each Strata Corporation accepts a proportionate financial burden for agreed inspection, maintenance, repair and replacement of the aforementioned sections of service lines. Financial burden is apportioned in a direct ratio of the number of units from each strata using the shared sections of lines. That is to say, Strata Corporation VIS 4580 will pay 7/22 and Strata Corporation VIS 3943 will pay 15/22 of any approved expenditure for the inspection, maintenance, repair or replacement of the common-use sections of service lines through which storm water run-off and sewage flow from both strata. The 'proportionate financial burden' referred to in this paragraph applies solely to expenses related to the common-use service lines and not to any expenses incurred on the service lines used only by Strata Corporation VIS 3943. In situations where expenses are incurred by Strata Corporation VIS 3943 involving both the common-use lines and their sole-use lines for which the Corporation is unable to determine specific billing for the common-use service lines, the Corporation shall assign 3/8 of the expense to the common-use lines of which Strata Corporation VIS 4580 is responsible for 7/22.

DATED: THIS 28 DAY OF JULY, 2012

Joan A. Henderson
AGNES DOUGLAS JOAN A. HENDERSON
CHAIRMAN
ALDERSMITH WOODS
Strata Corporation VIS 3943

Michael Rusan
MICHAEL RUSAN
CHAIRMAN
ALDERSMITH WOODS II
Strata Corporation VIS 4580

WITNESS: *Carol Lett*
30-108 Aldersmith Place.
K. Hummel
45-108 Aldersmith Pl

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