

COURT FILE NUMBER 1401- 00013  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE CALGARY  
APPLICANT **CONDOMINIUM CORPORATION  
NO. 0312235**  
RESPONDENT **GEOFFREY SCOTT and DONNA SCOTT**  
DOCUMENT **ORIGINATING APPLICATION**  
ADDRESS FOR SERVICE AND CONTACT  
INFORMATION OF PARTY FILING THIS DOCUMENT  
McLeod Law LLP  
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Calgary, AB T2X 3J3  
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Attn: Stephanie Whyte / File 100606

**NOTICE TO THE RESPONDENT:**

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: Thursday, February 6, 2014**  
**Time: 10:00 AM**  
**Where: Justice Chambers, Calgary Courts Centre, 10<sup>th</sup> Floor, North Tower,**

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 Respondents, Geoffrey Scott and Donna Scott, are the registered owners of the following properties:

Municipal: 114 - 140 Kananaskis Way, Canmore  
Legal: CONDOMINIUM PLAN 0312235  
UNIT 14  
AND 218 UNDIVIDED ONE TEN THOUSANDTH SHARES IN THE COMMON  
PROPERTY  
EXCEPTING THEREOUT ALL MINES AND MINERALS

Municipal: 124 - 140 Kananaskis Way, Canmore



Legal: CONDOMINIUM PLAN 0312235  
UNIT 24  
AND 218 UNDIVIDED ONE TEN THOUSANDTH SHARES IN THE COMMON  
PROPERTY  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
(the "Condominium Units")

2. The Condominium Units are located within the Applicant's Condominium Plan.
3. Contrary to the Bylaws that govern the Condominium Corporation, the Respondents are renting the Condominium Units independently, outside of the Corporation's Rental Pool.
4. Further, contrary to the Bylaws, the Respondents have offered their services to other Owners within the Corporation to act as Rental Manager in place of the Corporation's Rental Manager, specifically Units 122 and 125.
5. Despite repeated requests of the Corporation, the Respondents refuse to abide by the Bylaws of the Corporation.

**Remedy sought:**

1. The Condominium Corporation seeks an Order:
  - a. Declaring that the Respondents have and are in breach of the Bylaws of the Corporation;
  - b. Directing that the Respondents shall within 10 days of the Application permanently cease all efforts to rent the Units independently and outside the Rental Pool;
  - c. Directing that the Respondents shall within 10 days of the Application permanently cease offering services as a Short Term Rental Manager to other Owners;
  - d. Directing that the Respondents shall within 10 days of the Application turn over to Waymarker Management Inc. the particulars of any Short Term Rental that has been brokered for the Units or any other Unit in the Corporation;
  - e. Awarding costs on the basis of a solicitor as rendered to his own client, which costs shall be added to and become part of the monthly assessment for the Unit;
  - f. Directing that the Corporation may charge interest on any costs incurred with respect to this matter until all amounts owing to the Corporation are paid in full, which interest shall be at the rate stipulated in the Applicant's bylaws;
  - g. Granting the Corporation a charge over the lands to enforce payment of any amount owing pursuant to this matter;
  - h. If required, abridging the time for service, or in the alternative, deeming service of the Notice of Application and any documents filed in support thereof, good and sufficient;
  - i. Such further and other relief as this Honourable Court may deem just.



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

1. Affidavit of Dean Jarvey;
2. Bylaws of Condominium Corporation No. 0312235; and
3. Such further and other materials as may be required and this Honourable Court permit.

**Applicable Acts and regulations:**

1. Alberta, Rules of Court, Part 3/ Division 2;
2. *Condominium Property Act*, RSA 2000 c. C-22; and
3. Such further and other law as Counsel may advise and the learned Justice permit.

**WARNING**

You are named as a Respondents 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 and against all persons claiming under the applicant. You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicant is entitled to make without 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 application a reasonable time before the application is to be heard or