

UPPER BEECHWOOD II HOMES ASSOCIATION INC.

BY-LAW NO. 1 Amended 2013,2014 and 2022

A by-law relating generally to the transaction of the affairs
of UPPER BEECHWOOD II
HOMES ASSOCIATION INC.

BE IT ENACTED as a by-law of UPPER BEECHWOOD II HOMES ASSOCIATION INC.
as follows:

1. HEAD OFFICE

The Head Office of the Corporation shall be in the City of Waterloo,
in the Province of Ontario, and at such place therein as the
directors may from time to time determine.

2. SEAL

Rescinded.

3. BOARD OF DIRECTORS

The affairs of the Corporation shall be managed by a board consisting
of a minimum of three directors, each of whom, at the time of their
election or within ten days thereafter and throughout their term of
office, shall be a member in good standing of the Corporation, provided
that the first directors, namely, the incorporators, need not be
members. An individual who is elected or appointed to hold office as a
director is not a director, and is deemed not to have been elected or
appointed to hold office as a director, unless the individual consents
in writing to hold office as a director.

Each director shall be elected to hold office for a term of one year or
until their successors shall have been duly elected and qualified. The
whole board shall be retired at the end of each year but shall be
eligible for re-election if otherwise qualified. The election may be by
a show of hands unless a ballot is demanded by any member. The members
of the Corporation may, by ordinary resolution passed by a majority of
the votes cast at a general meeting of which notice specifying the
intention to pass such resolution has been given remove any director
before the expiration of their term of office and may, by a majority of
the votes cast at that meeting, elect any person in their stead for the
remainder of their term.

4. VACANCIES, BOARD OF DIRECTORS

Vacancies on the board of directors, however caused, may so long as a
minimum of three directors remain in office, be filled by the
directors from among the qualified members of the Corporation, if they
shall see fit to do so, otherwise such vacancy shall be filled at the
next annual meeting of the members at which the directors for the
ensuing year are elected, but if there is not a minimum of three
directors, the remaining directors shall forthwith call a meeting of

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the members to fill the vacancy. If the number of directors is increased between the terms, a vacancy or vacancies, to the number of the authorized increase, shall thereby be deemed to have occurred, which may be filled in the manner above provided.

5. QUORUM AND MEETINGS, BOARD OF DIRECTORS

A majority of the directors shall form a quorum for the transaction of business. Except as otherwise required by law, the board of directors may hold its meetings at such place or places as it may from time to time determine. No formal notice of any such meeting shall be necessary if all the directors are present, or if those absent have signified their consent to the meeting being held in their absence. Directors' meetings may be formally called by the President or Vice-President or by the Secretary on direction of the President or Vice-President, or by the Secretary on direction of two directors, in writing. Notice of such meeting shall be given in advance. The statutory declaration of the Secretary or President that notice has been given pursuant to this by-law shall be sufficient and conclusive evidence of the giving of such notice. The board may appoint a day or days in any month or months for regular meetings at an hour to be named, and of such regular meetings no notice need be sent. A directors' meeting may also be held, without notice immediately following the annual meeting of the Corporation. The directors may consider or transact any business, either special or general, at any meeting of the board.

6. ERRORS IN NOTICE, BOARD OF DIRECTORS

No error or omission in giving such notice for a meeting of directors shall invalidate such meeting or invalidate or make void any proceedings taken or had at such meeting and any director may at any time waive notice of any such meeting and may ratify and approve of any or all proceedings taken or had thereat.

7. VOTING, BOARD OF DIRECTORS

Questions arising at any meeting of directors shall be decided by a majority of votes. In case of an equality of votes, the Chair, in addition to their original vote, shall have a second or casting vote. All votes at any such meeting shall be taken by ballot if so demanded by any director present but if no demand be made, the vote shall be taken in the usual way by assent or dissent. A declaration by the Chair that a resolution has been carried and an entry to that effect in the minutes shall be admissible in evidence as prima facie proof of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution. In the absence of the President, their duties may be performed by the Vice-President or

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such other director as the board may from time to time appoint for the purpose.

8. POWERS

The directors of the Corporation may administer the affairs of the Corporation in all things and make or cause to be made for the Corporation, in its name, any kind of contract which the Corporation may lawfully enter into and, save as hereinafter provided, generally may exercise all such other powers and do all such other acts and things as the Corporation is by its charter or otherwise authorized to exercise and do provided, however, the directors shall not be empowered to approve any payment of directors' fees, and provided further that the directors shall serve without remuneration and no director shall, directly or indirectly, receive any profit from their position as such.

9. OFFICERS OF CORPORATION

There shall be a President, a Chair, a Vice-President, a Secretary and a Treasurer, and such other officers as the board of directors may determine by by-law from time to time. One person may hold more than one office except the offices of President and Vice-President. One office may be held by one director or cooperatively by two directors. The President and Vice-President shall be elected by the board of directors from among their number at the first meeting of the board after the annual election of such board of directors, provided that in default of such election the then incumbents, being members of the board, shall hold office until their successors are elected. The other officers of the Corporation need not be members of the board and in the absence of written agreement to the contrary, the employment of all officers shall be settled from time to time by the board.

10. DUTIES OF PRESIDENT AND VICE-PRESIDENT

The President shall be charged with the general management and supervision of the affairs and operations of the Corporation. The President with the Secretary or other officer appointed by the board for the purpose shall sign all by-laws and membership certificates. During the absence or inability of the President, their duties and powers may be exercised by the Vice-President, and if the Vice-President or such other director as the board may from time to time appoint for the purpose, exercises any such duty or power, the absence or inability of the President shall be presumed with reference thereto.

11. DUTIES OF SECRETARY

The Secretary shall be ex officio clerk of the board of directors. The

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Secretary shall attend all meetings of the board of directors and record all facts and minutes and all proceedings in the books kept for that purpose. The Secretary shall give all notices required to be given to members and to directors. The Secretary shall be the custodian of all books, papers, records, correspondence, contracts and other documents belonging to the Corporation which they shall deliver up only when authorized by a resolution of the board of directors to do so and to such person or persons as may be named in the resolution, and they shall perform such other duties as may from time to time be determined by the board of directors.

12. DUTIES OF TREASURER

The Treasurer, or person performing the usual duties of a Treasurer, shall keep full and accurate accounts of all receipts and disbursements of the Corporation in proper books of account and shall deposit all moneys or other valuable effects in the name and to the credit of the Corporation in such bank or banks as may from time to time be designated by the board of directors. The Treasurer shall disburse the funds of the Corporation under the direction of the board of directors, taking proper vouchers therefore and shall render to the board of directors at the regular meetings thereof or whenever required of them, an account of all their transactions as Treasurer, and of the financial position of the Corporation. The Treasurer shall also perform such other duties as may from time to time be determined by the board of directors.

13. DUTIES OF OTHER OFFICERS

The Chair shall preside at all board and member's meetings. If the Chair is absent the Directors shall choose one of their number to act as Chair. The duties of all other officers of the Corporation shall be such as the terms of their engagement call for or the board of directors requires of them.

14. COMMITTEES

The board of directors may at any time and from time to time by resolution direct the formation and dissolution of such committee or committees as may be in the interests of the Corporation.

15. EXECUTION OF DOCUMENTS

Deeds, transfers, licences, contracts and engagements on behalf of the Corporation shall be signed by either the President or Vice-President and by the Secretary.

Contracts in the ordinary course of the Corporation's operations may be entered into on behalf of the Corporation by the President, Vice

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President, Treasurer or by any person authorized by the board.

The President, Vice-President, the directors, Secretary or Treasurer, or any one of them, or any person or persons from time, to time designated by the board of directors may transfer any and all shares, bonds or other securities from time to time standing in the name of the Corporation in its individual or any other capacity or as trustee or otherwise and may accept in the name and on behalf of the Corporation transfers of shares, bonds or other securities from time to time transferred to the Corporation, and may make, execute and deliver any and all instruments in writing necessary or proper for such purposes, including the appointment of an attorney or attorneys to make or accept transfers of shares, bonds or other securities on the books of any company or corporation.

Notwithstanding any provisions to the contrary contained in the by-laws of the Corporation, the Board of Directors may at any time by resolution direct the manner in which, and the person or persons by whom, any particular instrument, contract or obligations of the Corporation may or shall be executed.

16. BOOKS AND RECORDS

The directors shall see that all necessary books and records of the Corporation required by the by-laws of the Corporation or by any applicable statute or law are regularly and properly kept.

17. MEMBERSHIP

The membership shall consist of the applicants for the incorporation of the corporation and such other persons as defined hereinafter, as follows:

Regular member shall mean a person, or a member of the family of such person, admitted to membership in the normal manner who has title to land as defined hereinafter, or is a legal tenant of the owner of land as is defined hereinafter.

A corporation or other entity may not be a member.

Subsequent to giving one verbal warning and one written warning as deemed appropriate by the Board, upon 15 days' written notice to a member the Board may pass a resolution authorizing the termination of membership without compensation for violating any provision of the articles or By laws. The notice shall set out the reasons for the termination of membership. The Member receiving the notice shall be entitled to give the Board a written submission opposing the

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termination not less than 5 days before the end of the 15-day period. The Board shall consider the written submission of the Member before making a final decision regarding disciplinary action or termination of membership.

Members are responsible for the conduct of their families and guests while on the Corporation's property. Prohibited behaviours and activities on the Corporation's property include those defined by the City of Waterloo's Recreation and Leisure Behaviour Management Policy - 2009 section 8.3 part ii as set out in the list attached as Schedule B hereto. All posted rules, opening hours, schedules, sign-up lists and the instructions of the Corporation's lifeguards and staff must be observed.

18. LAND

For the purpose of determining membership entitlement to the within Corporation, land shall mean all lots as shown on the sketch attached hereto and as more particularly set out in the list attached as Schedule A hereto, and being in the City of of Waterloo, in the Regional Municipality of Waterloo and Province of Ontario or any resubdivision thereof.

19. FEES

(a) An initiation fee of \$25.00 shall be payable once only with respect to a lot or unit by each member.

(b) Annual and additional and other dues and levies to be paid by regular members shall be assessed by the board from time to time and will be amounts necessary for the successful operation of the Corporation and to allow it to carry out all its objectives. Such dues and levies shall, until paid, constitute a lien on the land or condominium unit against which they are assessed or levied.

20. ANNUAL AND OTHER MEETINGS OF MEMBERS

The annual or any other general meeting of the members shall be held at the head office of the Corporation or elsewhere in Ontario as the board of directors may determine and on such day as the said directors shall appoint, and in default of such appointment said annual meeting shall be held on the second Monday of March in each year.

Ten percent or more of the members entitled to vote at meetings of the members may requisition the directors to call a general meeting of the members for any purpose that is connected with the affairs of the Corporation. The requisition shall state the general nature of the

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business to be presented at the meeting and shall be signed by the requisitionists and deposited at the head office of the Corporation and may consist of several documents in like form, each signed by one or more requisitionists. Upon deposit of the requisition, the Board shall forthwith call a general meeting of the members for the transaction of the business stated in the requisition. If the Board does not within twenty-one days from the date of the deposit of the requisition call and hold the meeting, any of the requisitionists may call the meeting, which shall be held within sixty days from the date of the deposit of the requisition.

Any meetings of members may be held at any time and place without notice if all the members are present thereat or represented by proxy.

At every annual meeting, in addition to any other business that may be transacted, the report of the directors, the financial statement and the report of the auditors shall be presented and a board of directors elected and auditors appointed for the ensuing year. The members may consider and transact any business, either special or general, without any notice thereof at any meeting of the members. Members may propose any matter for discussion at the meeting with or without notice. The board of directors or the President or Vice-President shall have power to call at any time a general meeting of the members of the Corporation. No public notice nor advertisement of members' meetings, annual or general, shall be required, but notice of the time and place of every meeting shall be given to each member by sending the notice by prepaid mail, by electronic mail and posting the notice prominently on the association's official web site and social media channels, not more than fifty and not less than ten days before the time fixed for the holding of such meeting, provided that any meetings of members may be held at any time and place without such notice if all the members of the Corporation are present thereat or represented by proxy duly appointed, and at such meeting any business may be transacted which the Corporation at annual or general meetings may transact.

Directors or members may participate in the annual or any other general meeting of the members by electronic means that permits each member to communicate adequately with each other and provided that the directors have passed a resolution addressing the mechanics of holding such a meeting.

21. ERROR OR OMISSION IN NOTICE

No error or omission in giving notice of any annual or general meeting or any adjourned meeting, whether annual or general, of the members of

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the Corporation shall invalidate such meeting or make void any proceedings taken thereat and any member may ratify, approve and confirm any or all proceedings taken or had thereat. For the purpose of sending notice to any member, director or officer for any meeting or otherwise the address of any member, director or officer shall be their last address or electronic mail address recorded on the books of the Corporation.

22. ADJOURNMENTS

Any meetings of the Corporation or of the directors may be adjourned to any time and from time to time and such business may be transacted at such adjourned meeting as might have been transacted at the original meeting from which such adjournment took place. No notice shall be required of any such adjournment, unless the meeting is adjourned for thirty days or more. Such adjournment may be made notwithstanding that no quorum is present.

23. QUORUM OF MEMBERS

A quorum for the transaction of business at any meeting of members shall consist of not less than twenty-five percent of the members, present in person or represented by proxy.

24. VOTING OF MEMBERS

Subject to the provisions, if any, contained in the Letters Patent of the Corporation, each member of the Corporation shall at all meetings of members be entitled to one vote and may vote by proxy. Such proxy need not be a member but before voting shall produce and deposit with the Secretary a sufficient appointment in writing from the member appointing the proxy. No member shall be entitled, either in person or by proxy, to vote at meetings of the Corporation unless they have paid all dues or fees, if any, then payable by them, and are a member in good standing.

Provided that if more than one person is a registered owner of the same lot or condominium unit, only one of such persons shall be entitled to vote at meetings of the members and shall, at or prior to such meetings, file with the secretary a declaration duly executed by all of them, authorizing only one of them to vote in respect of such lot or condominium unit.

At all meetings of members, every question shall be decided by a majority of the votes of the members present in person or represented by proxy unless otherwise required by the by-laws of the Corporation, or by law. Every question shall be decided in the first instance by a show of hands unless a poll is demanded by any member. Upon a show of

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hands, every member having voting rights shall have one vote, and unless a poll is demanded, a declaration by the Chair that a resolution has been carried or not carried and an entry to that effect in the minutes of the Corporation shall be admissible in evidence as prima facie proof of the fact without proof of the number or proportion of the votes accorded in favour of or against such resolution. The demand for a poll may be withdrawn, but if a poll is demanded and not withdrawn the question shall be decided by a majority of votes given by the members present in person or by proxy, and such poll shall be taken in such manner as the Chair shall direct and the result of such poll shall be deemed the decision of the Corporation in general meeting upon the matter in question. In case of an equality of votes at any general meeting, whether upon a show of hands or at a poll, the Chair shall be entitled to a second or casting vote.

25. FINANCIAL YEAR

Unless otherwise ordered by the board of directors, the fiscal year of the Corporation shall terminate on the last day of December in each year.

26. CHEQUES, ETC.

All cheques, bills of exchange or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation, shall be signed by such officer or officers, agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the board of directors and any one of such officers or agents may alone endorse notes and drafts for collection on account of the Corporation through its bankers, and endorse notes and cheques for deposit with the Corporation's bankers for the credit of the Corporation, or the same may be endorsed "for collection" or "for deposit" with the bankers of the Corporation by using the Corporation's rubber stamp for the purpose. Any one of such officers or agents so appointed may arrange, settle, balance and certify all books and accounts between the Corporation and the Corporation's bankers and may receive all paid cheques and vouchers and sign all the bank's forms of settlement of balances and release or verification slips.

27. DEPOSIT OF SECURITIES FOR SAFEKEEPING

The securities of the Corporation shall be deposited for safekeeping with one or more bankers, trust companies or other financial institutions to be selected by the board of directors. Any and all securities so deposited may be withdrawn, from time to time, only upon the written order of the Corporation, and in such manner, as shall from time to time be determined by resolution of the board of

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directors and such authority may be general or confined to specific instances. The institutions which may be so selected as custodians of the board of directors shall be fully protected in acting in accordance with the directions of the board of directors and shall in no event be liable for the due application of the securities so withdrawn from deposit or the proceeds thereof.

28. NOTICE

Whenever under the provisions of the by-laws of the Corporation, notice is required to be given, such notice may be given either personally or by electronic mail or by depositing same in a post office or a public letter box, in a prepaid sealed wrapper addressed to the director, officer or member at their address as the same appears on the books of the Corporation. A notice or other document so sent by post shall be held to be sent at the time when the same was deposited in a post office or public letter box as aforesaid. For the purpose of sending any notice the address or electronic mail address of any member, director or officer shall be their last address or electronic mail address as recorded on the books of the Corporation.

29. BORROWING

Rescinded.

30. GENERAL. PROTECTION AND INDEMNITY OF DIRECTORS AND OFFICERS

No director or officer of the Corporation shall be liable for the acts, neglect or default of any other director or officer or for joining in any act for conformity or for any loss or expense happening to the Corporation through the insufficiency or deficiency of title to any property acquired by order of the board for or on behalf of the Corporation, or for the insufficiency or deficiency of any security in or upon which any of the monies of the Corporation shall be invested or for any loss or damage arising from the bankruptcy, insolvency or tortious act of any person with whom any of the monies, securities or effects of the Corporation shall be deposited or for any loss occasioned by an error of judgment or oversight on their part or for any other loss, damage or misfortune whatever, which shall happen in the execution of the duties of their office or in relation thereto, unless the same shall happen through their own dishonest or fraudulent act or acts.

Every director or officer of the Corporation and their heirs, executors and administrators and estate and effects respectively shall from time to time and at all times be indemnified and saved harmless out of the funds of the corporation provided that they have: complied with the Not-For Profit Corporations Act, the Corporation's articles

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and By-laws; acted honestly and in good faith with a view to the best interests of the corporation; and if the matter is a criminal or administrative proceeding that is enforced by a monetary penalty, the individual had reasonable grounds for believing that their conduct was lawful. Such indemnification shall be from and against:

(a) all costs, charges and expenses whatsoever which such director or officer sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against them for or in respect of any act, deed, matter or thing, whatsoever made, done or permitted by them in or about the execution of the duties of their office, except dishonest or fraudulent act or acts;

(b) all other costs, charges and expenses which they properly sustain or incur in or about or in relation to the affairs thereof.

31. AMENDMENT OF BY-LAWS

No amendment, alteration or repeal of this by-law or any part thereof shall be effective until such amendment, alteration or repeal has been confirmed by a majority of the votes cast by the members present or represented by proxy at a general meeting of members duly called for the above purpose.

32. INTERPRETATION

In these by-laws and in all other by-laws of the Corporation hereafter passed, unless the context otherwise requires, words importing the singular number shall include the plural number and references to persons shall include all genders, firms and corporations.

33. AUDIT AND REVIEW ENGAGEMENTS

Audits and/or Review Engagements, as may be required in accordance with the Not-For-Profit Corporations Act, may be waived in accordance with the provisions of the Act.

34. CONFLICT OF INTEREST


A Director who is in any way directly or indirectly interested in a contract or transaction, or proposed contract or transaction, with the Corporation shall make the disclosure required by the Not-For-Profit Corporations Act. Except as provided by the Not-For-Profit Corporations Act, no such Director shall attend any part of a meeting of Directors or vote on any resolution to approve any such contract or transaction.


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35. SEVERABILITY AND PRECEDENCE


The invalidity or unenforceability of any provision of this By-law shall not affect the validity or enforceability of the remaining provisions of this By-law. If any of the provisions contained in the By-laws are inconsistent with those contained in the articles or the Not-for-Profit Corporations Act, 2010 (Ontario), the provisions contained in the articles or the Not-for-Profit Corporations Act, 2010 (Ontario), as the case may be, shall prevail.


Passed by the board of directors and sealed with the corporate seal this 20th day of June, 1990.

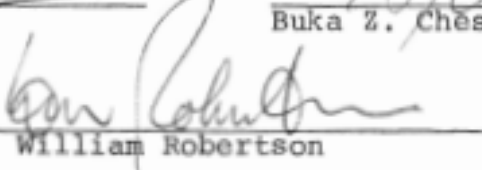

President - Paul R. Gareau


Secretary - Buka Z. Chesney

The foregoing by-law is hereby passed by the directors of the Corporation pursuant to the Corporations Act of Ontario as evidenced by the respective signatures hereto of all the directors.


Paul R. Gareau


Buka Z. Chesney


William Robertson

Amended by the membership and directors of UBII in accordance with section 31 of this by-law on the 13th day of February, 2013.

Amended by the membership and directors of UBII in accordance with section 31 of this by-law on the 26th day of March, 2014.

Amended by the membership and directors of UBII in accordance with section 31 of this by-law on the 8th day of March, 2022.

SCHEDULE "A"

PROPERTIES SUBJECT TO MEMBERSHIP REQUIREMENT

PHASE #7 - Lots 3 to 81 (both inclusive)
Plan 1637 79 lots

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PHASE #8A - Parts 1 to 17 (both inclusive)
Plan 58R-6254 - being part of
Block 97, Plan 1637 17 lots

PHASE #8B & #8C - Parts 1 to 53 (both inclusive) Plan 58R-6484 - being
part of
Blocks 90, 91, 92, 93 and 96, Plan 1637 53 lots

PHASE #9
Parts 1 to 7 (both inclusive), Parts 10, 11, 12, 13, 16, 17, 18, 19,
Parts 22 to 34 (both inclusive), Parts 36 to 43, (both inclusive),
Parts 45 & 46, Plan 58R-6833 - being part of Blocks 6, 7, 8, 9, 10 &
11, Plan 1639 38 lots

PHASE #10 - Parts 1 to 16 (both inclusive), Parts 19, 20, 21, 22, 27,
28, 29 & 30, Plan 58R-6832 -
being part of Blocks 1 & 2, Plan 1624 24 lots

211 lots

SCHEDULE "B"

INAPPROPRIATE BEHAVIOURS AND ACTIVITIES

Behaviour and activities that obstruct or hinder the rights of others to use and enjoy UBII facilities or compromises the safety of others is unacceptable and prohibited. Inappropriate behaviour and activities for the purpose of this policy includes, but is not limited to, the following:

- a) Aggressive or intimidating verbal assaults;
- b) Threats and/or attempts to intimidate;
- c) Deliberate throwing of articles in an aggressive disruptive manner;
- d) Actual or attempted physical assaults of another person;
- e) Attempts to goad or incite violence in others;
- f) Theft of property;
- g) Possession of weapons;
- h) Vandalism to buildings, structures or property owned or leased through UBII;
- i) Refusal to follow all other related UBII Policies/Procedures/By-Laws; Regional, Provincial or Federal Statutes;
- j) Intoxication, being under the influence of alcohol or drugs; k)

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Conduct that is known to be unwelcome as defined by the Ontario Human Rights Code. This may include the wearing of attire, the displaying of material or the use of language that is intolerant of human rights; l) Use of profanity or obscene language in contravention of UBII by-laws or policies;

m) Causing unsanitary conditions (i.e. chewing tobacco, expulsion of bodily fluids etc.);

n) Blocking thoroughfares/corridors/stairways/exits;

o) Engaging in horseplay or sexual activity;

p) The use of all cell phones, cameras, pda's and all electronic equipment with photographic abilities in change rooms and public washrooms

q) Unauthorized entry of the office, pump room or other normally or temporarily off-limits areas;

r) Attempting to resolve disagreements with the lifeguards or staff directly instead of referring the issue(s) to the UBII executive for resolution in a timely manner;

s) Meeting with, visiting with or otherwise distracting or interfering with lifeguards or staff at any time during their work shift anywhere on the property;

t) Denigrating, talking down to, raising one's voice in anger, or otherwise failing to treat with respect and dignity any and all lifeguards, staff, members, associates and/or guests.