

# TOUR OPERATOR CONTRACT

Between:

**Sparkling Hill Resort**

Wendy Patriquin

*Sales & Marketing Manager*

PH 250.541.2152 / TF 877.275.1556 / F 250.275.1610

wendy.patriquin@sparklinghill.com

888 Sparkling Place, Vernon, BC, V1H 2K7

**AND**

**BC Golf Guide**

Ross Marrington

*President*

PH 250-764-0700 / TF 1-877-223-7226

ross@bcgolfguide.com

1524 Woodridge Rd, Kelowna BC

V1W 3B4

This contract is valid for the following period: **January 1, 2013 – December 31, 2014**

THIS DOCUMENT WILL BE USED AND RELIED UPON IN THE PRODUCTION OF HOLIDAY BROCHURES AND FOR THE PRODUCTION OF CUSTOMER INFORMATION.

**1. Facilities General Description:**

Sparkling Hill is a premier international destination for extended wellness holidays. Sparkling Hill is nestled into a granite rock face on a ridge that has sweeping views of the Monashee Mountains and over Lake Okanagan. Sparkling Hill is the first resort in North America to incorporate Swarovski crystal elements into every aspect of its design with over 3.5M Crystals valued at over 10 million dollars. The resorts signature amenity is KurSpa - a 40,000 sq. ft. spa where guests are encouraged to explore a better level of health from walking on the acres of private trails, to dining on organic choices in the hotel restaurants and to experience over 100 therapies and treatments offered at the wellness resort.

KurSpa is European-inspired and provides transformative treatments and therapies with pure thermal water, Dead Sea salts, volcanic dust and essential oils of plants and flowers. Health consultations are available with our Naturopathic Physician that will design a treatment and nutrition plan for guests looking to take a comprehensive detoxification program. Popular in Europe and the first in North America, Sparkling Hill's Cold Sauna (-110C) is KurSpa's signature health treatment. The cold sauna provides a treatment called cryotherapy. KurSpa is a place of refined splendor, open and airy – an urban style and juxtaposed with the raw honest beauty of the landscape outside the floor to ceiling windows. With abundant natural light all around you, the atmosphere at KurSpa treatment and therapy rooms is uplifting and soothing; an oasis of calm and tranquility. KurSpa has become the iconic spa in North America, underlining the belief that wellness within radiates beauty, for your body and for your life.

The wellness hotel has 146 rooms. All rooms are open concept. Each room has a choice of 1 king or 2 queen beds. Floor-to-ceiling windows that open-up for fresh air. Free standing 2-person tub in front of the window. Bathroom with walk-through glass shower. Beautiful Swarovski crystal elements all through the room. Mini bar, crystal fireplace, wireless internet, desk, large screen TV, memory foam top mattresses, wardrobe, seating area in front of the window overlooking the lake or the mountains.

The three 1200 square foot Penthouses are luxurious 1 bedroom corner units with both lake and mountain view. Each penthouse has a separate living room, bed room and bathroom with private sauna, double shower and freestanding bath tub overlooking the lake.

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2. **Location/Setting:** Mountain setting with lake view. Vernon, Okanagan, British Columbia, Canada

Getting to: Kelowna International Airport by road is 20 minutes

Getting to: Vancouver International Airport by road is 5 hours and by Air 1 hour from Kelowna International Airport to Vancouver International Airport

From: the city of Vernon, BC on Highway 97 approximately 10 kilometers

From: the city of Kelowna, BC on Highway 97 approximately 30 kilometers

3. **Actual Age of Establishment/Building :** Opened in May 2010

4. **Furnishings/Themes:** Luxury European Inspired Hotel and 40,000 sq. ft. KurSpa

5. **Specific Customer Suitability:** Couples, Seniors, Single Adults, Active Adults

6. **Property Information:**

Number of Buildings: 1

Number of Elevators: 5

Number of rooms: 146 Rooms and 3 Penthouses

Total number of rooms per category:

Room Type	Area (m2)	Number of Rooms			
	Total	King	Double/Queen	Double King	Total Rooms
Standard (ground or 1 <sup>st</sup> Floor)	42	37	15		52
Superior (2 <sup>nd</sup> Floor)	42	25	18		45
Deluxe (3 <sup>rd</sup> Floor)	42	28	21	2	51
Penthouse	111	1	1	1	3
Total Rooms		91	55	3	149

Minimum/Maximum room occupancy: 4 Persons

Handicapped accessible rooms: 4

Wheelchair access to all public areas: Yes

Connecting rooms: 0

Non-smoking rooms: All rooms are non-smoking

Maximum age for children staying free in parent's room: Children 11 years old and under stay for free when sharing the room with an adult over 18 years old.

7. **In-room Facilities:**

- Window wall that opens  
- Room Climate Control

- Flat Screen Color TV  
- Crystal fireplace

- Bathrobe - Slippers

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- Mini bar
- Telephone
- In-room Safe Box

- Seating Area
- Internet Access
- Bath Amenities – Scales

- Towels
- Hair Dryer

## 8. On-site Facilities:

Dining Outlets Name	Outlet	Seating	Features	Timing
PeakFine	Restaurant	180	Full hot Breakfast Buffet A la Cart Lunch & Dinner (local, fresh, in-season food)	07:00 – 10:00 11:00 – 22:00
Barrique & Java	Coffee & Wine Bar	50	European and North American Pastries and local Tapas	09:30 – 24:00
Gernot's	Private Dining Room	30	Dining a la cart with executive chef present and appointed waiters	On request only

## Banquet & meeting rooms

Meeting Facilities Location	Dimension W x L x H /m	Ceiling Height	Area (sqm)	U-shape	Class-room	Theatre	Cocktail/Banquet
Austria Ballroom	12.5 x 20	5	250	50	70	225	180
Wattens	14.4 x 7.6	5	101	24	30	75	50
Salzburg	14 x 8.1	5	114	24	30	105	50
Vienna	8.2 x 6.7	5	55	16	16	50	32
Biberwier	4 x 8.5	2.4	36	12 Boardroom style only			

## KurSpa:

40,000 sq., ft. with 48 treatment rooms

- 7 unique aromatherapy and Steam and Sauna rooms
- Experience Showers
- Aroma Therapy pods
- Indoor pool with underwater music and light
- Large (22 people) Hot pool
- Outdoor infinity pool (open year round)
- Kneipp Water Walkway
- Cold Sauna (-110 degrees C / -166 F)
- Tea and Serenity Relaxation Rooms
- Keiser-equipped Fitness Studio
- Movement Studio (Yoga, Pilates)
- 8 Fango rooms
- 6 Specialty bathing rooms
- 10 Massage rooms
- Power Plate

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## About Sparkling Hill Resort and KurSpa Policy

Journey into whole body health and wellness at Sparkling Hill Resort's European inspired KurSpa - a luxury spa facility focused on the mature adults' health and wellness with over 100 available treatments. Our team of dedicated professionals will offer personal service with the utmost attention to detail through European-inspired and transformative treatments and therapies such as pure thermal water, Dead Sea salts, volcanic dust and essential oils of plants and flowers. With an abundance of natural light all

around you, the atmosphere in KurSpa's treatment and therapy rooms is at once uplifting and soothing; an oasis of calm and tranquility. We respectfully request that all guests keep noise to a minimum; cellular phones and other electronic devices are not allowed so that we can ensure all guests enjoy the peaceful sanctuary of KurSpa. KurSpa is an adult-only experience and available to men and women over the age of 16 years.

While KurSpa is adult-only, Sparkling Hill Resort is family friendly, yet it is not family oriented. Children visiting the resort should be accompanied by an adult at all times and should be well mannered.

### 9. Activities:

Hiking – 12 kilometers of guided nature hikes including pole walking at the resort (inquire with KurSpa); mountain hiking is close by

Golf – 1 minute from the resort is neighboring prestigious Predator Ridge Golf Resort and over 80 courses in the area

Wine Touring – A variety of award winning wineries in the Okanagan Valley approx. 195 with the closest one to the resort 20 minutes; winery tours available

Wildlife Viewing & Bird Watching - Over 120 species of birds in the region

Cross-country and Alpine Skiing - at Silver Star Mountain Resort

Heli-Skiing – on-site providers are Eagle Pass Heli-skiing (helicopter pad at the resort). On request.

Heli-flyfishing – on-site providers is Prude's Fly Fishing (helicopter pad at the resort). See Appendix C

Heli-Wine Tours – on-site providers are Valhalla Helicopters (helicopter pad at the resort). See Appendix B

Water sports (6 lakes in the area: motor boat, canoe and kayak rental, water ski, wake board)

Many local farms and orchards in the area with u-pick possibilities

City tours (Kelowna, Vernon)

Tour to Rocky Mountains possible: 5 hours by vehicle to Banff



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## Terms and Conditions

### 1. FIT Room Rates

All room rates are NET, non-commissionable, in Canadian dollars and per room, per night, single or double occupancy and subject to applicable taxes (currently 12% HST and 2% Municipal Hotel Tax). See APPENDIX "A". All room rates are guaranteed to be at least 20% below the applicable rack rates. These rates apply to all FIT bookings made by Tour Operators. All unsold Tour Operator FIT Allotment of inventory will be released to the hotel by the specific release date on the space inventory contract unless other arrangements have been made. Cancellations received within 72 hours prior to 4pm on your day of arrival for all accommodation bookings including no-shows are subject to a cancellation penalty of one (1) night's room and tax (no penalty on meals). All confirmed rooms are guaranteed for late arrival by Tour Operators. No rooms are to be released or relocated without prior written approval from Tour Operators. The Tour Operator is to send to the Resort a daily booking report unless other arrangements have been agreed to. It is the Tour Operator's responsibility to send to the Resort a FIT Booking Report and Group rooming list prior to allotment release date or the arrival date for accommodation. Rooming lists serve to communicate the details of reservations and a release of any unsold space.

### 2. Meals. All meals are to include the following specifications:

Full Hot Breakfast: Included in room rate for single and double occupancy only.

Half Board (choice of 2-course lunch or dinner). Add per room: 2013 \$90.00 based on two people sharing. All rates in Canadian dollars, exclusive of tax

Full Board (2-course lunch and dinner). Add per room: 2013 \$180.00 based on two people sharing. All rates in Canadian dollars, exclusive of tax

Additional person charge (12 and over): Per night charge. Maximum 2 additional people in room. Additional person rate \$70 includes breakfast; Half Board \$115 and Full Board \$160 in 2013;

### 3. Group Agreement

The Tour Operator will request Group space as it is required.

### 4. Deposit and Payment Procedures

No deposits will be required by the hotel or forwarded to Tour Operators for any pre-blocked FIT inventory. Payment terms for Tour Operator bookings are flexible and may be on a direct bill basis or paid by credit card in advance (see Appendix A). If required, a credit application will be completed and returned for direct billing. For direct bill, full payment will be forwarded by Tour Operators upon receipt of the Tour Operators vouchers. The Hotel will collect these vouchers from each individual booking or from one of the Tour Operators Directors or their representative if requested by the Tour Operator. Tour Operator agrees to remit payment as specified in Appendix A. Individuals are responsible for their own incidental charges. Tour Operators will not be responsible for payment of incidental charges incurred by any passengers.



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## 5. Liability and Conditions of Service

In accepting the booking, the Hotel guarantees its contractual services for the entire duration of the contract period. In particular, the Hotel assumes responsibility for flawless and impassable operation (accommodations, meals, service, and general facilities). Should any construction work take place at or near the property or should any of the amenities or services offered at the hotel become temporarily or permanently unavailable and this proves likely to affect the enjoyment of the client's stay, the supplier is to inform the Tour Operator immediately in writing via fax. The Hotel also guarantees that it has and will at all times maintain all appropriate insurance policies, including public liability insurance, with a reputable insurance company and/or companies to cover any liabilities of the Hotel arising out of the provision of service and/or products.

The Hotel agrees to indemnify and keep fully and effectively indemnified Tour Operators from and against any actions, proceedings, losses, claims, charges, damages, or liabilities incurred by or assessed against Tour Operators arising out of or as a consequence of or in connection with the provision of services by the Hotel or Tour Operator's customers regardless of the jurisdiction in which such actions, proceedings, losses, costs, claims, charges, damages, or liabilities arise.

## 6. Confidentiality

All terms and conditions of the agreements are confidential between Tour Operators and Hotel and details cannot be revealed to passengers, clients, or any third party. Note: This is a general agreement between a supplier and tour operator, subject to an annual pre-order of rooms and mechanisms for ordering and releasing rooms which were pre-ordered.

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## APPENDIX "A"

### CONFIDENTIAL RATES 2013

(NOTE: Please note also the 2014 Rates; revised rates in red Jun 26, 2012)

Low Season <i>Jan 1 - Mar 31</i> <i>Nov 1 - Dec 31</i>	RACK		2013 & 2014 Tour Ops/FIT	
	Sun-Thu	Fri+Sat+LW	all days	
<u>Mountain</u>				
Standard	340	370	262	
Superior	360	390	277	
Deluxe	380	410	293	
<u>Lake</u>				
Standard	360	390	277	
Superior	380	410	293	
Deluxe	400	430	308	
<u>Penthouses</u>				
Enzian	1000	1000	On request	On request
Edelweiss	1000	1000	On request	On request
Arnika	1000	1000	On request	On request

Mid Season <i>Apr 1 - Jun 14</i> <i>Sept 16 - Oct 31</i>	RACK		2013 & 2014 Tour Ops/FIT	
	Sun-Thu	Fri+Sat+LW	all days	
<u>Mountain</u>				
Standard	415	445	320	
Superior	435	465	335	
Deluxe	455	485	350	
<u>Lake</u>				
Standard	435	465	335	
Superior	455	485	350	
Deluxe	475	505	366	
<u>Penthouses</u>				
Enzian	1100	1100	On request	On request
Edelweiss	1100	1100	On request	On request
Arnika	1100	1100	On request	On request

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High Season <i>Jun 15 - Sept 15</i>	RACK		2013 & 2014 Tour Ops/FIT	
			23% discount	
	Sun-Thu	Fri+Sat+LW	all days	
<u>Mountain</u>				
Standard	490	520	377	
Superior	510	540	393	
Deluxe	530	560	408	
<u>Lake</u>				
Standard	510	540	393	
Superior	530	560	408	
Deluxe	550	580	424	
<u>Penthouses</u>				
Enzian	1200	1200	On request	On request
Edelweiss	1200	1200	On request	On request
Arnika	1200	1200	On request	On request

Additional person charge (12 and over): Per night charge. Maximum 2 additional people in room. Additional person rate \$70 includes breakfast;

We will offer the following promotion in all seasons during 2013:

## 2013 Promotion

Stay 4 consecutive nights at Sparkling Hill Resort in 2013 and stay the 5th Night Free.

Terms: Applicable on contracted NET room rates, for FIT Travel only, single or double occupancy. Not combinable with any other promotion.



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## Room Rates:

- Rates are confidential and should not be published at any time or disclosed to a third party for any reason or purpose, including on-line agents.
- Rates must be packaged and are extended on the understanding that the Hotel will be featured in promotional brochures both pictorially and editorially.
- Rates quoted are applicable only to Tour Operator Programs of below 10 rooms. Rates are not applicable for Incentive, Corporate Meetings, Trade Delegations and Convention Groups.
- Late check-out and early check-in is subject to availability and must be confirmed with the hotel prior to arrival.

## Sparkling Hill Pre-Packaged KurSpa Programs:

- See **Appendix "C"** for rate structure.

## Value Added Benefits included in Guest Room Rates (Over \$100 in value per person, per day):

- Full hot buffet breakfast for 2 in PeakFine Restaurant
- Access to KurSpa (40,000 sq.ft.) and our 7 unique steam rooms and saunas, indoor pool with underwater music and lights, hot pool and outdoor infinity pool, Kneipp waterway, Tea & Serenity rooms and Fitness Studio;
- Valet underground parking;
- Wireless in-room internet ( plus use of the public PC's in the lobby);
- All guests receive robes and slippers
- At check-in guests will receive a 10% off Spa Voucher (on one hour massage services), however, to guarantee services guests are recommended to book 2 – 3 weeks in advance of arrival to avoid disappointment.

## Description of the complimentary steam rooms

Hotel guests have the exclusive use of the 7 steam rooms and saunas. All steam rooms and saunas have different themes, temperature and humidity. Swarovski crystals are beautifully incorporated in the design: Rose steam room, Crystal steam room, Salt Cave; Aqua meditation, Herbal sauna, Panorama sauna, Classic sauna and the Igloo.

## Allocations

FIT rooms are free sale and based on availability at time of booking.

Check in time: 4 pm

Check out time: 11 am

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## Reservations

All reservations need to be made by fax: 1.250.275.1610 or email: [reservations@sparklinghill.com](mailto:reservations@sparklinghill.com) Please use the provided TO/RTO reservations request form supplied by Sparkling Hill

## Payment policy

Pre-payment for the FIT reservations held is required 14 days prior to arrival of the guests. To guarantee reservations, payment in full of room + tax and any other agreed to services must be made with a valid Company credit card or bank transfer. Individuals will be asked to provide a credit card at time of arrival for incidentals.

## Cancellation policy

We require 72 hours' notice prior to 4 pm on your day of arrival for all accommodation bookings. For cancellations made within the restrictions of this policy, one night room and tax will be charged.

## ACCEPTANCE

To confirm the arrangement, please provide a signed copy of this agreement to the Sparkling Hill Resort sales department no later than **Friday December 28, 2012**

On behalf of the Sparkling Hill Resort

Signature:

Name: Wendy Patriquin

Title: Sales & Marketing Manager

Date: Thursday December 20, 2012

On behalf of ~~BC Golf Tours~~

Signature:

Name:

Title:

Date:

~~BC Golf Tours~~ BCgolfguide.com



Ross Marrington

President

Dec 21/2012

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## APPENDIX "B"

Confidential Heli-wine tour net rates (For Internal Use Only)

### Heli-Wine Tours - Receptive TO Rates 2012 & 2013

		Retail price to Consumer (Commissionable at 10% to Travel Agents)	Tour Operator NET AMT Due - 18% off retail
Tastes of the valley - Full Day Heli-Wine Itinerary with Gourmet Lunch	4 Pax	\$ 7,615.00	\$ 6,244.30
	3 Pax	\$ 7,305.00	\$ 5,990.10
	2 Pax	\$ 7,000.00	\$ 5,740.00
4 Wineries - Lunch at Mission Hill and VIP tastings			
Elegant Soaring - Full Day Heli-Wine Itinerary with Alpine Picnic Lunch			
4 Wineries	4 Pax	\$ 7,745.00	\$ 6,350.90
	3 Pax	\$ 7,521.00	\$ 6,167.22
	2 Pax	\$ 7,300.00	\$ 5,986.00
Soaring in Style - Half-Day Heli-Wine Itinerary with Gourmet Lunch Option			
	4 Pax	\$ 5,325.00	\$ 4,366.50
	3 Pax	\$ 5,135.00	\$ 4,210.70
	2 Pax	\$ 4,945.00	\$ 4,054.90

Taxes of HST 12% and gratuities are to be added.

Must adhere to Booking Terms and Conditions

Column H - NET due from a Tour Operator Direct Booking before tax

Column G - Retail price, commissionable to Travel Agents at 10%;

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## Booking terms and conditions:

All bookings are subject to aircraft availability, winery availability, safety and weather conditions. Minimum notice of 72 hours required.

The helicopter supplier reserves the right to cancel or cut short any tour should the Guests demonstrate behavior that may put the safety of flight operations at risk. No refund will be made in this situation.

Passenger and baggage weight restrictions apply.

Itineraries subject to change; timings are approximations only. Winery location may vary due to special events at host wineries.

All quoted prices not inclusive of tax or gratuity and are subject to change.

Sparkling Hill reserves the right to cancel any booking on or before the date of the itinerary at their discretion for any reason, including but not limited to, poor weather, maintenance requirements, and lack of aircraft availability. The itinerary will be rescheduled for departure within 60 days of the original booking date or a full refund provided.

## Sparkling Hill Booking Procedure – only to be booked by Leslie, Crystal or Megan

1. Sparkling Hill to confirm helicopter availability before making a reservation for any guest.
2. Sparkling Hill to confirm availability for a lunch booking at Mission Hill in advance of confirming a booking to the guest or Travel Professional.
3. Sparkling Hill to take payment from guests or travel company.
4. Sparkling Hill To make a reservation for a guest once availability is checked with the supplier, Sparkling Hill to send completed "Sparkling Hill Itineraries Reservation Form" to supplier

Once supplier staff has confirmed receipt of the completed reservation form, the Cancellation Policy will apply.





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## APPENDIX "C"

### Summary of available Sparkling Hill Pre-Packaged Programs and Activities

2013 Program and/or Activity	2013 Retail Rate based on 1 person	2013 Retail Per Person Rate based on 2 people sharing	2013 Retail rate based on 3 people sharing	2013 Retail rate based on 4 people sharing	Tour Operator Rates
Sparkling Hill Resort KurSpa Programs					
7 Day Cleanse & Detox Program (includes accommodations)	\$3,900	\$3,500			Net 20%
8 Day Healthy Weight-Loss Program (includes accommodations)	\$3,900	\$3,500			Net 20%
7 Night Whole Body Wellness Program* (includes accommodations)	\$2,765	\$2,765			Net 20%
Heli-Fly Fishing - One Day Trolling the Big Lakes, lake Okanagan	\$3,500	\$4,000	\$4,500		Net 15%
Heli-Fly Fishing - One Day Private Mountain Lake Fishing Tour	\$3,500	\$4,000			Net 15%
Heli-Fly Fishing local lake via Float Plane	\$3,500	\$4,000			Net 15%
Crystal Powder Heli-skiing 4 Days/\$ Nights with Eagle Pass				TBA	TBA
Heli-Wine Tour - Taste of the Valley		\$7,000	\$7,305	\$7,615	Net 18%
Heli-Wine Tour - Elegant Soaring		\$7,300	\$7,525	\$7,745	Net 18%
Heli-Wine Tour - Soaring in Style		\$4,945	\$5,135	\$5,325	Net 18%

#### Note:

For full details on package inclusions visit our website or our FTP site  
Taxes (HST 12%) and gratuities are not included in these rates

To Book Sparkling Hill KurSpa Programs please use the RTO/TO reservations form; note price break on Whole Body Wellness for singles\*  
To Make an inquiry or to make a booking for all other activities please use the booking forms on our FTP site

*[Signature]*



## CREDIT CARD APPLICATION & GUARANTEE OF PAYMENT

I, Ross Marrington here by grant the use of our company credit card for all charges incurred by our customers. The credit card is being used with the companies' full knowledge and consent to pay for charges incurred at Sparkling Hill Resort during the year(s) of 2013.

The customers are fully authorized to incur the charges below on our company credit card. only.

- ☐ Room and Tax & what is stated on the voucher  
☒ Room and Tax Only  
☐ Other: \_\_\_\_\_

Please fax or email a clear copy of the front and back of the credit card along with this form.

Credit Card Number: 4514 0116 0076 3682 Expiry: 03/15

Name as it appears on card: Ross Marrington.

### Credit Card Holder Information

Company: BCgolfguide.com Name (if different): same

Address: 1524 Woodridge Road

City: Kelowna Postal Code/ZIP: BC Country: VIC 3BY Can

Telephone: 250-764-0708 Fax: 250-764-9654 Email: Ross@BCgolfguide.com

Please send me a final copy of the charges by (circle): mail fax email

By signing this authorization, I declare that I am the primary cardholder on the credit card specified above, giving legal rights to authorize another party to incur charges on the companies' behalf.

In the event of a question or error in billing, it will be the companies' responsibility to contact the Sparkling Hill Resort Accounting Department to reconcile the situation.

Sparkling Hill Resort reserves the right to charge the above credit card for no show (room and tax for one night) in the event of failure to cancel any reservation guaranteed to this card according to the cancellation policy applicable to the company.

I hereby declare that I have read, do understand and agree to the terms and conditions of this agreement.

Signature: [Signature] Date: Dec 21/2012

Please fax to attention of Kara Reynolds at 250-275-1610 or email kara.reynolds@sparklinghill.com. In order to process, please remember to include a clear copy of the front and back of the credit card.