

BYLAWS STRATA

PLAN VR-44

BYLAWS	1
Preamble.....	2
Division 1- Duties of Owners, Tenants, Occupants and Visitors.....	2
Payment of strata fees and assessments.....	2
Repair and maintenance of property by owner	2
Use of property	3
Inform Strata Corporation	7
Obtain approval before altering a strata lot	8
Obtain approval before altering common property.....	9
Permit entry to strata lot	9
Division 2 - Powers and Duties of Strata Corporation.....	9
Repair and maintenance of property by the strata corporation.....	9
Division 3 - Council	11
Council size	11
Council members ¹ terms.....	11
Removing council member.....	11
Replacing council member	11
Officers.....	12
Calling council meetings	12
Requisition of council hearing	13
Quorum of council.....	13
Council meetings	13
Voting at council meetings	14
Council to inform owners of minutes	14
Delegation of council's powers and duties.....	14
Spending restrictions	15
Limitation on liability of council member	15
Division 4 - Enforcement of Bylaws and Rules.....	15
Maximum fine.....	15
Continuing contravention.....	16
Division 5 - Annual and Special General Meetings.....	16
Person to chair meeting	16
Participation by other than eligible voters....., ...	16
Quorum for Annual or Special General meeting.....	17
Voting.....	17
Order of business	18
Division 6 - Voluntary Dispute Resolution.....	18
Voluntary dispute resolution	18
Small Claims Actions	19
Electronic Attendance at Meetings.....	19
Selling of Strata Lots	19
Damage to Property.....	19
Earthquake insurance deductible	20
Leasing of lots.....	20
Amendments to bylaws	21

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Preamble

These bylaws bind the strata corporation and the owners, tenants and occupants to the same extent as if the bylaws had been signed by the strata corporation and each owner, tenant and occupant and contained covenants on the part of the strata corporation with each owner, tenant and occupant and on the part of each owner, tenant and occupant with every other owner, tenant and occupant and with the strata corporation to observe and perform their provisions.

Unless otherwise stated, all terms have the meanings prescribed in the *Strata Property Act*, S.B.C. 1998, c. 43 (the "Act")* For the purposes of these bylaws, "residents" means collectively, owners, tenants and occupants and "a resident" means collectively, an owner, a tenant and an occupant.

The Schedule of Standard Bylaws to the Act shall not apply to the strata corporation.

Division 1 - Duties of Owners, Tenants, Occupants and Visitors

Payment of strata fees and assessments

- 1(1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- (2) If an owner is late in paying strata fees, the owner must pay to the strata corporation interest on the late payment in the amount of 10% per annum, compounded annually, and calculated on a monthly basis commencing from the date the strata fee payment was due and continuing until the last day of the month in which it is paid.
- (3) An owner who is in arrears in paying strata fees or levy payments for 30 or more days will be fined \$50.00 per month until the strata fees or levy payments have been paid in full.
- (4) Each time an owner's strata fee payment is returned marked "NSF", the owner shall be charged \$25.00.
- (5) Owners in arrears in payment of three (3) or more months' maintenance fees may be subject to the registration of a Certificate of Lien pursuant to section 116 of the *Strata Property Act*.

Repair and maintenance of property by owner

- 2 An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

Use of property

- 3 (l) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that:
- (a) Causes a nuisance or hazard to another person,
 - (b) Causes unreasonable noise,
 - (c) Unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - (d) is illegal, or
 - (e) Is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.
- (2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.
- (3) No livestock, fowl, reptiles or any other exotic animals or pets are allowed. One cat, one dog and caged birds (except pigeons) are allowed. Dogs are to be kept on a leash and all animals under constant supervision when on common property.
- (4) Owners, tenants and occupants are responsible to clean up after their pet immediately where their pet fouls the common property.
- (5) If the strata corporation on reasonable grounds or complaints considers a permitted pet to be a nuisance, it may upon written notice request the owner, occupant or tenant to remove the offending pet from the complex within a designated period of time.
- (6) (a) Private passenger vehicles only are permitted to be parked in designated spaces, carports or driveways.
- (b) Each strata lot is allowed to park a maximum of two vehicles on designated spaces, carports or driveways but in doing so must ensure that the vehicles are not parked in such a way as to impede vehicle traffic or encroach onto the designated fire lanes.
- (c) AH private vehicles parked on common property must be currently licensed and/or insured and in operating driving condition.
- (d) Whereas units 960, 968, 996, 1010, 1040, 1054, 1056, 1066, 1078 and 1088 have the room for two vehicles in a double carport, these units must use these as their primary parking spots and refrain from parking in the common, designated parking spaces, marked with white lines on the pavement.

- (e) Units 962, 964, 966, 970, 978, 982, 986, 988, 998, 1000, 1006, 1008, 1012, 1014, 1016, 1018, 1020, 1022, 1024, 1026, 1028, 1030, 1032, 1034, 1036, 1038, 1042, 1044, 1046, 1048, 1052, 1058, 1060, 1062, 1064, 1068, 1070, 1072, 1074, 1076, 1080, 1082, 1084 and 1086 must use their single carport spot as their primary spot and the common, designated parking spaces for their second vehicle with the issued parking permit 1:00 a.m. and 6:00 a.m.
- (f) Whereas units 968, 972, 974, 976, 980, 984, 990, 992, 994, 1002, 1004 and 1050 have driveways of sufficient length to accommodate multiple vehicles parked bumper to bumper, these units must use their single carport spot as their primary spot and are encouraged to use their driveway for their second vehicle, especially overnight, in order to leave the common, designated parking spaces for use by the units listed in paragraph (e). For the purposes of this bylaw, the second driveway space for the units listed in this paragraph is a common, designated parking space with the stipulation that it may only be used by the owner of that unit. No other units may have two vehicles parked bumper to bumper in their driveways at any time.
- (g) Overnight parking in the common, designated spaces without a visible permit is not permitted. Vehicles parked in the common, designated spaces between the hours of 1:00 a.m. and 6:00 a.m. without a visible permit may be towed at the vehicle owner's expense. During all other times vehicles may park without permits in the designated parking spaces.
- (h) Vehicles parked anywhere on common property that is not designated as a parking space may be towed at the vehicle owner's expense at any time.
- (i) Parallel parking along the roadways is strictly prohibited.
- (j) All cars / motor vehicles parked in the open parking area must display a valid VR44 parking pass between 11:00 pm to 6:am or they will be subject to immediate towing;
- (7) No trucks over one ton, motor home, trailer, camper, boat or equipment of any kind shall be parked on the common property parking area or in the common driveway leading in and around the complex without written permission of the strata council.
- (8) No motor vehicle is allowed to be parked or driven on the grass.
- (9) No repairs or overhauls of any kind of any motor vehicle shall be carried out on common property
- (10) An owner, tenant or occupant must promptly and at its own expense clean up any oil or other substance which spills or leaks onto the common property.
- (11) No automobile parts, lumber, toys, recycle boxes, containers or bags, or any other materials, other than neatly piled firewood, bicycles with permission of council and authorized storage containers shall be stored in carports or on any other common property, except where proper authorized storage facilities have been constructed.
- (12) No owner shall do anything or permit anything to be done that is contrary to any of the provisions, rules or ordinances of any statute or Municipal bylaw.

- (13) Ordinary household refuse and garbage shall be removed from each strata lot and deposited in containers provided by the strata corporation for that purpose at central collection points. Any materials other than ordinary household refuse and garbage shall be removed from the strata plan property at the expense of or by the owner, occupant or tenant.
- (14) No climbing plants shall be allowed to climb to an unmanageable height, as determined by the strata council, or attached to an exterior structure which may cause difficulty in the maintenance or repair of the common property.
- (15) Owners, occupants, tenants, family members and guests shall observe the posted rules governing the use of the swimming pool, sauna, cabana and appurtenant facilities and any violation may result in a loss of privileges.
- (16) An owner, tenant or occupant must not:
- (a) Use a strata lot or common property, including the pool, for any purpose which involves undue traffic or noise in or about the strata lot or common property between the hours of 10:30 p.m. and 7:00 a.m. or that encourages loitering by persons in or about the strata lot or common property;
 - (b) Make, cause or produce undue noise, smell, vibration or glare in or about any strata lot or common property or do anything which will interfere unreasonably with any other owner, tenant or occupant;
 - (c) Use any musical instrument, amplifier, sound reproduction equipment or other device within or about any strata lot, the common property such that it causes a disturbance or interferes with the comfort of any other owner, tenant or occupant;
 - (d) Obstruct or use the sidewalks, walkways, passages and driveways of the common property for any purpose other than ingress or egress from the strata lots or parking areas within the common property of the strata plan;
 - (e) Leave on the common property, any shopping cart or any other item designated from time to time by the strata council;
 - (f) Shake any mops or dusters of any kind, nor throw any refuse, out of the windows or doors or from the balcony of a strata lot;
 - (g) Do anything that will increase the risk of fire or the rate of insurance on the building or any part thereof;
 - (h) Permit a condition to exist within a strata lot which will result in the waste or excessive consumption of the building's domestic water supply or heated water;
 - (i) Allow a strata lot to become unsanitary or a source of odour;

- (j) Feed pigeons, gulls or other birds, squirrels, rodents or other animals from a strata lot or anywhere on or in close proximity to the common property, but this shall not apply to a pet permitted to be kept in a strata lot pursuant to these bylaws and the rules made hereunder, which pet shall be fed only in a strata lot;
- (k) Install any window coverings other than proper window coverings.
- (l) Hang or display any laundry, washing, clothing, bedding or other articles from windows, balconies or other parts of the building so that they are visible from the outside of the building;
- (m) Use or install in or about a strata lot any screen doors, shades, awnings, window or balcony guards or screens, ventilators, supplementary heating or air conditioning devices, except those installations approved in writing by the council;
- (n) Erect on or fasten to the strata lot, the common property any television or radio antenna or similar structure or appurtenance thereto except in connection with a common televised antenna or cable system authorized by the strata council, with the exception of satellite dishes as follows:
 - (i) Owners must first obtain approval from the Strata Council by submitting a written request;
 - (ii) Satellite dishes may not be erected in a way that the building structure would be damaged;
 - (iii) The satellite dishes must be placed in a discreet area not to obstruct owners' views;
 - (iv) The satellite dish must be under eighteen inches (18") in diameter;
- (o) Place any signs, billboards, notices or other advertising matter of any kind on, or visible from, the exterior of a strata lot without the written consent of the strata corporation first being obtained;
- (p) Give any keys, combinations, security cards or other means of access to the building, or common areas to any person other than an employee, contractor, occupant or guest of the strata lot permitted by these bylaws;
- (q) Permit his or her strata lot to be used other than as a private residence to be occupied as a single family residence and no person, save family members as defined in the regulations to the Act shall be allowed to occupy or visit any part of a lot under circumstances where such person is being charged for occupation or for board or otherwise without the express written approval of the strata council;
- (r) Use his or her strata lot for commercial or professional purposes or for any purpose which may be illegal or injurious to the reputation of the development;

- (s) Use any kind of barbecue, other than propane or natural gas barbecue, on common property including, without limitation, walkways, hallways, parking, lawns, sidewalks and sundecks.
 - (t) Do anything on common property likely to damage the trees, plants, bushes, flowers or lawns, including the placing of lawn chairs, patio furniture or other furniture;
 - (u) Use any part of the common property for the erection, placing or maintenance of incinerators, garbage disposal equipment, recreational or athletic equipment, fencing or hot tubs, other than properly designed composters.
- (17) Individual owners are permitted to install exterior awnings at their own expense. The awnings must be purchased at Heritage Shade ST. Shutter and must be retractable and made with Sunbrella acrylic fabric. The frame must be white or ivory, rust free heavy duty aluminum. The awnings can be either manually operated or motorized and must have a protective aluminum hood that must be powder coated to match the existing siding. The only colour option is Aspen, style no. 4668. Any such installation must be submitted as a proposal to the strata council for approval prior to installation, with permission to install being granted only if council is confident that the specifications are met. All repair and maintenance of the installed awnings will be the responsibility of the owner. AH awnings must be maintained to the strata standard. Council is permitted to demand that awnings be repaired, replaced or removed if they are not up to an acceptable standard.
- (18) Individual owners are permitted to convert their sliding patio and/or balcony doors to single paned French style hinged double doors at their own expense. The doors in such conversions should be standard size French doors with clear, double glazed, tempered glass without grids. Frames may be of wood or other material such as vinyl, steel or fiberglass and should be painted to match the existing exterior trim on the building or may be dark brown in colour if pre-finished. The top and side rails of the door frame may have a maximum width of 5 inches and the bottom rail may have a maximum width of 7 inches. Any such replacement must be submitted as a proposal to the strata council for approval prior to installation, with permission to install being granted only if council is confident that the general appearance and quality of the doors is not substantially different from the general appearance and quality of the existing patio and balcony doors in the complex. All repair and maintenance of the installed French doors will be the responsibility of the owner.

Inform Strata Corporation

- 4(1) An owner must notify the strata corporation forthwith of the date of sale of his or her strata lot and the name(s) of the new owner(s).
- (2) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and mailing address outside the strata plan, if any.

- (3) On request by the Strata Corporation, a tenant must inform the strata corporation of his or her name.

Obtain approval before altering a strata lot

5(1) An owner must obtain the written approval of the Strata Corporation before making an alteration to a strata lot that involves any of the following:

- (a) The structure of a building;
- (b) The exterior of a building;
- (c) Chimneys, stairs, balconies or other things attached to the exterior of a building;
- (d) Doors or windows (including the casings, the frames and the sills of such doors and windows) on the exterior of a building, or that front on the common property;
- (e) Fences, railings, walls or similar structures that enclose a patio, balcony or yard;
- (f) Common property located within the boundaries of a strata lot;
- (g) Those parts of the strata lot which the strata corporation must insure under section 149 of the Act.

(2) The strata corporation must not unreasonably withhold its approval under subsection (1), but may require as a condition of its approval that the owner:

- (a) Provide drawings and specifications compiled by a professional engineer or architect, as the case may be;
- (b) Provide an estimate of the cost of the alteration;
- (c) Provide all necessary Municipal building permits;
- (d) Provide a performance bond in an amount determined by the strata council in accordance with the scope of the proposed alteration, such bond to be returned upon satisfactory completion of the work;
- (e) Agree, in writing, to take responsibility for any expenses relating to the alteration.

(3) The agreement between the strata corporation and an owner, referred to in clause (2)(e) above, will be registered with the Land Titles Office, and the cost of the registration will be borne by the owner

(4) An owner, tenant or occupant must not do any act, nor alter a strata lot, in any manner, which in the opinion of the council will alter the exterior appearance of the building.

Obtain approval before altering common property

- 6 (1) An owner must apply for and obtain the written approval of the strata corporation before making an alteration to common property, or common assets.
- (2) The strata corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration and to provide, at the request of the strata corporation, evidence of appropriate insurance coverage relating to the alteration.
- (3) An owner, tenant or occupant must not do any act, nor alter common property, in any manner, which in the opinion of the council will alter the exterior appearance of the building.

Permit entry to strata lot

- 7 (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot
- (a) In an emergency, without notice, to ensure safety or prevent significant loss or damage,
- (b) At a reasonable time, on 48 hours' written notice:
- (i) To inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act;
- (ii) To ensure compliance with the Act and these bylaws; and
- (iii) To view and inspect the strata lot for the purposes of settling claims and repairing or replacing damage to any and all insured property.
- (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.

Division 2 - Powers and Duties of Strata Corporation

Repair and maintenance of property by the strata corporation

- 8 The strata corporation must repair and maintain all of the following:
- (a) Common assets of the strata corporation;
- (b) Common property that has not been designated as limited common property;

- (c) Limited common property, but the duty to repair and maintain it is restricted to
 - (i) Repair and maintenance that in the ordinary course of events occurs less often than once a year, and
 - (ii) The following, no matter how often the repair or maintenance ordinarily occurs:
 - (A) The structure of a building;
 - (B) The exterior of a building;
 - (C) Chimneys, stairs, balconies and other things attached to the exterior of a building;
 - (D) Doors, and windows (including the casings, the frames and the sills doors and windows) on the exterior of a building or that front on or are situated over common property;
 - (E) Fences, railings and similar structures that enclose patios, balconies and yards;
- (d) A strata lot in a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to:
 - (i) The structure of a building,
 - (ii) The exterior of a building,
 - (iii) Chimneys, stairs, balconies and other things attached to the exterior of a building,
 - (iv) Doors and windows (excluding the window panes, casings, seals, frames, and sills of such doors and windows which may be opened in individual strata lots) on the exterior of a building or that front on or are situated over common property, and
 - (v) Fences, railings, walls and similar structures that enclose patios, balconies and yards.
- (e) In no case shall the cleaning of the interior portion of doors and windows be considered as part of the repair and maintenance responsibility of the strata corporation under this bylaw.

Division 3 - Council

Council size

- 9 (1) Subject to subsection (2), the council shall consist of a minimum of 5 and a maximum of 7 members
- (2) No person may stand for council or continue to be on council with respect to a strata lot if the strata corporation is entitled to register a lien under the Act against the strata lot occupied by that person.
- (3) No owner or tenant may stand for council or continue to be on council if the owner or tenant is indebted to the strata corporation for additional assessments, including special levies, fines authorized by these bylaws, banking charges, filing costs, legal expenses, interest charges and any other expenses incurred by the strata corporation in the enforcement of these bylaws or any rule established by the strata council under the Act.

Council members' terms

- 10 At each Annual General Meeting of the Strata Corporation the council members shall retire from office and the Strata Corporation shall hold an election for council members. A retiring member of the strata council is eligible for reelection.

Removing council member

- 11(1) The strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove a council member. Multiple council members can be removed at the same meeting.
- (2) After removing a council member or members, the strata corporation must hold an election at the same annual or special general meeting to replace the council member(s) for the remainder of the term.
- (3) A council member who is in default pursuant to bylaw 9(3) shall cease to be a member of the council and shall be replaced in accordance with bylaw 12.

Replacing council member

- 12 (1) If a council member resigns, ceases to be a council member or is unwilling or unable to act for a period of 2 or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.
- (2) A replacement council member may be appointed from any person eligible to sit on the council.

- (3) The council may appoint a council member under this section even if the absence of the member being replaced leaves the council without a quorum.
- (4) If all the members of the council resign, cease to be council members or are unwilling or unable to act for a period of 2 or more months, persons holding at least 25% of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings.

Officers

- 13(1) At the first meeting of the council held after each annual general meeting of the strata corporation, the council must elect, from among its members, a president, a vice president, a secretary and a treasurer.
- (2) A person may hold more than one office at a time, other than the offices of president and vice president
- (3) The vice president has the powers and duties of the president
 - (a) While the president is absent or is unwilling or unable to act, or
 - (b) For the remainder of the president's term if the president ceases to hold office.
- (4) If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

Calling council meetings

- 14(1) Any council member may call a council meeting by giving the other council members at least one week's notice of the meeting, specifying the reason for calling the meeting.
- (2) The notice must be in writing.
- (3) A council meeting may be held on less than one week's notice if
 - (a) All council members consent in advance of the meeting, or
 - (b) The meeting is required to deal with an emergency situation and all council members either
 - (i) Consent in advance of the meeting, or
 - (ii) Are unavailable to provide consent after reasonable attempts to contact them.

- (4) The council must inform owners about a council meeting as soon as feasible after the meeting has been called.

Requisition of council hearing

- 15(1) By application in writing, stating the reason for the request, an owner or tenant may request a hearing at a council meeting.
- (2) If a hearing is requested under subsection (1), the council must hold a meeting to hear the applicant within one month of the request.
- (3) If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within one week of the hearing.

Quorum of council

- 16 (1) A quorum of the council shall be four (4) members for a council of 7 and three (3) members for a council of 5 or 6.
- (2) Council members must be present in person or deemed to be present by electronic means at the council meeting to be counted in establishing quorum.

Council meetings

- 17 (1) At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.
- (2) If a council meeting is held by electronic means, council members are deemed to be present in person.
- (3) Owners may attend council meetings as observers.
- (4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:
 - (a) Bylaw contravention hearings under section 135 of the Act;
 - (b) Rental restriction bylaw exemption hearings under section 144 of the Act;
 - (c) Any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

Voting at council meetings

- 18 (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- (2) If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- (3) The results of all votes at a council meeting must be recorded in the council meeting minutes.
- (4) Instead of meeting to vote on a resolution, council members may pass the resolution by unanimous consent, in which case such resolution must be recorded in the minutes of the council.

Council to inform owners of minutes

- 19 The council must inform owners of the minutes of all council meetings within 2 weeks of the meeting, whether or not the minutes have been approved.

Delegation of council's powers and duties

- 20(1) Subject to subsections (2) to (4), the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.
- (2) The council may delegate its spending powers or duties, but only by a resolution that
 - (a) Delegates the authority to make an expenditure of a specific amount for a specific purpose, or
 - (b) Delegates the general authority to make expenditures in accordance with subsection (3).
- (3) A delegation of a general authority to make expenditures must
 - (a) Set a maximum amount that may be spent, and
 - (b) Indicate the purposes for which, or the conditions under which, the money may be spent.
- (4) The council may not delegate its powers to determine, based on the facts of a particular case,
 - (a) Whether a person has contravened a bylaw or rule,
 - (b) Whether a person should be fined, and the amount of the fine, or
 - (c) Whether a person should be denied access to a recreational facility.

Spending restrictions

- 21 (1) A person may not spend the strata corporation's money unless the person has been delegated the power to do so in accordance with these bylaws.
- (2) Despite subsection (1), the strata council may spend an amount up to 10% of the total annual budget of the strata corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.

Limitation on liability of council member

- 22(1) A council member who acts honestly and in good faith is not personally liable because of anything done or omitted in the exercise or intended exercise of any power or the performance or intended performance of any duty of the council.
- (2) Subsection (1) does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

Division 4 - Enforcement of Bylaws and Rules

Maximum fine

- 23 Subject to these bylaws, the strata corporation may fine an owner or tenant a maximum of
- (a) \$200 for each contravention of a bylaw, and
 - (b) \$50 for each contravention of a rule.
- (2) The strata corporation may impose a fine on an owner or tenant for a continuing contravention of a bylaw or rule every 7 days.
- (3) Each owner and tenant is responsible for payment, without invoice, of any money (other than strata fees, but including special levies) owing to the strata corporation as provided for in the Act or these bylaws, and if the owner or tenant fails to pay any money so owing within 15 days after the date such money becomes due, the owner or tenant will, after having been given written notice of the default and been provided with a reasonable opportunity to answer the complaint (including a hearing if requested), be assessed and pay a fine of \$ 10.00, and if such default continues for a further 15 days, an additional fine of \$25.00 will be levied against and paid by the owner or tenant, as the case may be, and for each additional month such default continues, an additional fine of \$25.00 will be levied against and paid by the owner or tenant.

- (4) Additional assessments, fines authorized by these bylaws, banking charges, filing costs, legal expenses, interest charges and any other expenses incurred by either the strata corporation to enforce these bylaws, as they may be amended from time to time, or any rule which may be established from time to time by the council pursuant to the Act or these bylaws, shall become part of the assessment of the owner responsible and shall become due and payable on the first day of the month next following, except that any amount owing in respect of a fine or the cost of remedying the contravention of a bylaw will be calculated as a separate component of such assessment and the strata corporation may not register a lien against such separate component.
- (5) Subject to a resolution passed in accordance with section 171 of the Act, the strata corporation may recover from an owner by an action for debt in the Supreme Court of British Columbia money which the strata corporation is or was required to expend as a result of an act or omission by the owner, his/her tenants, employees, agents or invitees, or an infraction of these bylaws or any rules established under the Act.

Continuing contravention

- 24 Subject to these bylaws, if an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than 7 days, a fine may be imposed every 7 days.

Division 5 - Annual and Special General Meetings

Person to chair meeting

- 25(1) Annual and special general meetings must be chaired by the president of the council.
- (2) If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
 - (3) If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons who are present at the meeting.

Participation by other than eligible voters

- 26(1) Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.
- (2) Persons who are not eligible to vote, including tenants and occupants, may participate in the discussion at the meeting, but only if permitted to do so by the chair of the meeting.
 - (3) Persons who are not eligible to vote, including tenants and occupants, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

Quorum for Annual or Special General meeting

- 27(1) Business must not be conducted at an Annual or Special General meeting unless a quorum is present.
- (2) A quorum for an annual or special general meeting is formed of eligible voters holding 1/2 of the strata corporation's votes, present in person or by proxy;
 - (3) If within 1/2 hour from the time appointed for an annual or special general meeting, a quorum is not present on the same day and at the same place, the eligible voters, present in person or by proxy, constitute a quorum.

This bylaw 27.3 is an alternative to section 48(3) of the Act. This bylaw does not apply to a meeting demanded pursuant to section 43 of the Act and failure to obtain a quorum for a meeting demanded pursuant to section 43 terminates, and does not adjourn, that meeting.

Voting

- 28(1) At an Annual or Special General meeting, voting cards must be issued to eligible voters.
- (2) At an Annual or Special General meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
 - (3) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.
 - (4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.
 - (5) If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president may break the tie by casting a second, deciding vote.
 - (6) If there are only 2 strata lots in the strata plan, subsection (5) does not apply.
 - (7) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.
 - (8) Except on matters requiring an unanimous resolution, an owner who is otherwise an eligible voter may not exercise his or her vote for a strata lot if the strata corporation is entitled to register a lien against a strata lot pursuant to section 116(1) of the Act, or if the owner or the owner's tenant is indebted to the strata corporation for additional assessments, including special levies, fines authorized by these bylaws, banking charges, filing costs, legal expenses, interest charges and any other expenses incurred by strata corporation in the enforcement of these bylaws or any rule established by the strata council under the Act.

Order of business

29 The order of business at annual and special general meetings unless amended is as follows:

- (a) Certify proxies and corporate representatives and issue voting cards;
- (b) Determine that there is a quorum;
- (c) Elect a person to chair the meeting, if necessary;
- (d) Present to the meeting proof of notice of meeting or waiver of notice;
- (e) Approve the agenda;
- (f) Approve minutes from the fast annual or special general meeting;
- (g) Deal with unfinished business;
- (h) Receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;
- (i) Ratify any new rules made by the strata corporation under section 125 of the Act;
- (j) Report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
- (k) Approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
- (l) Deal with new business, including any matters about which notice has been given under section 45 of the Act;
- (m) Elect a council, if the meeting is an annual general meeting;
- (n) Terminate the meeting.

Division 6 - Voluntary Dispute Resolution

Voluntary dispute resolution

30 (1) A dispute among owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if

- (a) All the parties to the dispute consent, and

- (b) The dispute involves the Act, the regulations, the bylaws or the rules.
- (2) A dispute resolution committee consists of
 - (a) One owner or tenant of the strata corporation nominated by each of the disputing parties and one owner or tenant chosen to chair the committee by the persons nominated by the disputing parties, or
 - (b) Any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties.
- (3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

Small Claims Actions

- 31 Notwithstanding any provision of the Act, the strata corporation may proceed under the Small Claims Act (British Columbia) against an owner or other person to collect money owing to the strata corporation, including money owing as a fine, without requiring authorization by a resolution passed by a 3/4 vote.

Electronic Attendance at Meetings

- 32 Attendance by persons at an annual or special general meeting may be by telephone or other electronic method if such method permits all persons participating in the meeting to communicate with each other during the meeting.

Selling of Strata Lots

- 33(1) An owner of a strata lot, when selling his or her strata lot, will not permit "For Sale" signs to be placed on or about the common property except on the signage board located adjacent to the entrance to the building which is designated for such purpose.
- (2) Signs are to be removed no later than 5 days after completion of a sale.

Damage to Property

- 34(1) Where the strata corporation is required to enter a strata lot for the purpose of maintaining, repairing or renewing pipes, wires, cables and ducts for the time being existing in the strata lot and capable of being used in connection with the enjoyment of any other strata lot or the common property, the strata corporation and its agents shall carry out any work or repairs in proper and workmanlike manner and shall make good any damage to the strata lot occasionally by such work and restore the strata lot to its former condition, leaving the strata lot clean and free from debris.

- (2) An owner shall indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered necessary to the common property or to any strata lot by his act, neglect or carelessness or by that of any member of his family or his or their guests, servants, agents or tenants, but only to the extent that such expense is not met by the proceeds of insurance carried by the strata corporation.

Earthquake insurance deductible

- 35 Where the strata corporation is required to repair, replace and/or maintain any portion of the common property, common facilities, assets, including strata lots comprised in the building(s) (the "Property") that are usually the subject of insurance pursuant to the provisions of the *Strata Property Act* (the "Act"), and whereas the strata corporation is subject to an insurance deductible greater than five (5) percent of the insured value of the Property, in the event of damage to the Property caused by an earthquake the strata corporation shall levy a special assessment upon all owners of the strata corporation in accordance with the provisions of the Act in an amount equivalent to the deductible or such lesser amount as may be required to complete all repairs to and replacement of the Property as necessary.

Leasing of lots

- 36 Subject to the provisions of this bylaw strata lots shall be owner-occupied only, with the following considerations and exceptions:
- (a) At any given time up to seven (7) of the units may be leased for terms of not less than one year, and the procedure to be followed by the strata corporation in administering this limit will be as follows:
 - (i) Any owner wishing to rent a strata lot must make an application in writing to the council;
 - (ii) Approvals will be granted by the council on a first come basis in the order of the date such applications are received by the council;
 - (iii) The council will not screen tenants, establish screening criteria, require the approval of tenants, require the insertion of terms in tenancy agreements or otherwise restrict the rental of a strata lot except as set out in this bylaw;
 - (iv) The council will consider each application upon receipt and will respond to each application in writing within one week of receipt;
 - (v) The council will keep a list of owners who wish to rent their strata lot and the priority of their application, and will advise each owner as soon as their application can be accepted;

- (vi) Upon acceptance of an application to rent, an owner must enter into a lease of a strata lot within three months (3) from acceptance by the council of such owner's application or the acceptance will be automatically revoked and the council will be entitled to advise the owner next following on the list that its application to rent a strata lot has been approved;
- (b) Notwithstanding paragraph (a), where cases of undue physical or financial hardship of a personal nature arise, the owner may make a written request to the council for permission to rent a strata lot for a limited period of time, and where the council has been provided with evidence that undue hardship will result if limited rental approval is not given, the council shall not unreasonably withhold permission. For the purposes of this bylaw, permission to rent or lease a strata lot will be for a limited period and must be renewed in a written request sixty (60) days prior to the expiry of agreed rental or lease permission.
- (c) This bylaw does not apply to prevent the rental of a strata lot to a member of the "family" of an owner, meaning:
 - (i) The spouse of the owner;
 - (ii) A parent or child of the owner; or
 - (iii) A parent or child of the spouse of the owner,where "spouse of the owner" includes an individual who has lived and cohabited with the owner, for a period of at least two years at the relevant time, in a marriage-like relationship, including a marriage-like relationship between persons of the same gender.
- (d) The strata corporation is entitled to impose a fine of up to \$500.00 for a contravention of this bylaw, and may impose such fine for a continuing contravention every seven days.
- (e) In addition to but notwithstanding the remedies available to the strata corporation pursuant to section 146 of the *Strata Property Act*, should an owner fail to deliver a Notice of Tenant's Responsibilities in accordance with section 146 of the *Strata Property Act*, the strata corporation will impose a fine of \$ **100.00** per month, or part thereof, until the Notice of Tenant's Responsibilities is provided by the owner.

Amendments to bylaws

- 37 The bylaws set forth herein shall not be added to, amended or repealed except by a resolution approved by a % vote of the owners.