

THE TIDES

STRATA PLAN – BCS 1961

BYLAWS

(Last updated at the February 13, 2019 AGM)

Please find attached a copy of the **Bylaws** and / or amendments for

Strata Corporation BCS 1961

These Bylaws are provided on a “without prejudice” basis. If you require Bylaws for legal purposes, we recommend you obtain an exact copy of the Strata Corporation’s registered Bylaws from the Land Titles Office and consult professional legal counsel regarding their content.

THE WYNFORD GROUP
Managing Agents for
Strata Plan BCS 1961

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

Payment of strata fees

1. An owner must pay strata fees on or before the first day of the month to which the strata fees relate.

Repair and maintenance of property by owner

2. (1) 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.

(2) An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

Use of property

3. (1) 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.
 - (f) that is in contravention of any rule, order or bylaw of The City of Port Moody applicable to the Strata Lot or that will result in any unusual or objectionable odour to emanate from the Strata Lot, or that is inconsistent with the intent of these Bylaws.
- (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.

An owner shall not:

- (a) use his strata lot for any purpose which may be injurious to the reputation of the building;

- (b) make or cause to be made any structural alteration to his strata lot, or paint, decorate, or add to or remove any structure from the exterior of the building or the exterior of the strata lot or add to or alter the wiring, plumbing, piping, or other services on his strata lot, or within any bearing or party wall or the common property without first obtaining the written consent of the strata council; and
 - (c) install any lock on any door leading to or in the strata lot without the prior written consent of the strata council.
- (3) An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset.
- (4) An owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following:
- (a) a reasonable number of fish or other small aquarium animals;
 - (b) a reasonable number of small caged mammals;
 - (c) up to 2 caged birds;
 - (d) two dogs or two cats; or one dog and one cat
 - (e) The owners of pets shall be fully responsible for their behavior within the common property. If a pet is deemed to be a nuisance by the Strata Council, it shall be removed from the Strata Corporation within thirty (30) days. Visitors shall be informed of the rules concerning pets and residents will be responsible for clean-up or damage repair should their guests bring pets into the common property.
 - (f) No vicious dogs are permitted in any Strata Lot or on any portion of the common property. For purposes of this bylaw a vicious dog means the following:
 - (i) any dog that has killed or injured
 - (a) any person; or
 - (b) another animal while running at large; or
 - (ii) any dog that aggressively harasses or pursues another person or animal while running at large; or
 - (iii) any dog primarily owned or in part for the purpose of dog fighting or is trained for dog fighting; or;
 - (iv) a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, or any dog of mixed breeding which includes any of these breeds; or any dog which has the appearance and physical characteristics predominately conforming to these standards for any of the above breeds, as established by the Canadian

Kennel Club or the American Kennel Club or the United Kennel Club, as determined by a veterinarian licensed to practice in the Province of British Columbia.

- (5) An owner, tenant or occupant shall not feed nuisance birds such as pigeons, seagulls, crows, starlings and other birds from any Strata Lot or the common property.
- (6) An owner, tenant, occupant or visitor must not grow any marijuana/cannabis plants within a strata lot or on any limited common property, common property or land that is a common asset.

Inform strata corporation

4. (1) 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.
- (2) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.
- (3) Any owner of a Strata Lot who leases his lot without submitting a Form K in accordance with the Strata Property Act shall be liable to a fine of \$50.00 for every month or part thereof that a tenant is in occupancy of the Strata Lot and the Form K is not submitted.

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, windows or skylights on the exterior of a building, or that front on the common property;
 - (e) fences, railings 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;
 - (h) The painting of the exterior, or the attachment of sunscreens or greenhouses, or a satellite dish.

- (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 agree, in writing, to take responsibility for any expenses relating to the alteration.
- (3) This section does not apply to a strata lot in a bare land strata plan.

Obtain approval before altering common property

6. (1) An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited 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.

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, and
 - (b) at a reasonable time, on 48 hours' written notice, 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,
- (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.
- (3) 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, which are 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 in carrying out any work or repairs do so in a proper and workmanlike manner. The Strata Corporation shall make good any damage to the Strata Lot occasioned by such works and restore the Strata Lot to its former condition, leaving the Strata Lot clean and free from debris.

Division 2 – Powers and Duties of Strata Corporation

Repair and maintenance of property by 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 repair and maintenance that in the ordinary course of events occurs less often than once a year, and 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, windows and skylights on the exterior of a building or that front on the 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

the structure of a building,

the exterior of a building,

chimneys, stairs, balconies and other things attached to the exterior of a building,

doors, windows and skylights on the exterior of a building or that front on the common property, and

fences, railings and similar structures that enclose patios, balconies and yards.

Division 3 – Council

Council size

9. (1) Subject to subsection (2), the council must have at least 3 and not more than 7 members.
- (2) If the strata plan has fewer than 4 strata lots or the strata corporation has fewer than 4 owners, all the owners are on the council.

Council members' terms

10. (1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- (2) A person whose term as council member is ending is eligible for reelection.

- (3) The members of the council shall be elected from:
 - (a) the owners; and
 - (b) as permitted by Section 28(2) of the Act, a person other than an owner, a person representing a corporate owner and a tenant who, under Section 147 or 148, has been assigned a landlord's right to stand for council, provided such person falls within one of the following classes of persons:
 - i) a spouse, including a common law spouse, of an owner.

Removing council member

11. (1) Unless all the owners are on the council, the strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members.
- (2) After removing a council member, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.

Replacing council member

12. (1) If a council member resigns 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 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 does not have to 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

consent in advance of the meeting, or
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 reasons 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 is
 - (a) 1, if the council consists of one member,
 - (b) 2, if the council consists of 2, 3 or 4 members,
 - (c) 3, if the council consists of 5 or 6 members, and
 - (d) 4, if the council consists of 7 members.
- (2) Council members must be present in person 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) Unless there are only 2 strata lots in the strata plan, 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.

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), a council member may spend 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. 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.

Continuing contravention

24. 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.

Voting

27. (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) If within a quarter (1/4) hour from the time appointed for an annual or special general meeting, a quorum is not present, the eligible voters, present in person or by Proxy, will constitute a quorum.

[Approved as 27.1 at January 30, 2013 Annual General Meeting.]

This bylaw 31(1) 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, the meeting.

Order of business

28. The order of business at annual and special general meetings 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 last 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

29. (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.

30. **[Deleted in its entirety at the Annual General Meeting held January 30, 2013.]**

Strata Fees (s.107) Strata Property Act

31. (1) Strata fees are due and payable on or before the first day of each month. Strata fees not received by the 10th day of the month in which they are due are subject to a 10% per annum interest penalty compounded annually until paid.
- (2) When arrears of strata fees exceed two monthly payments a lien will be placed by the Strata Corporation on the Strata Lot involved at the owner's expense for the total monies due, including all legal and other expenses.

Disturbance of Others

32. (1) Mops or dusters of any kind shall not be shaken, and nothing shall be thrown out of any window, door, passage, or other parts of the Strata Lot or the common property.
- (2) No barbecues other than those fueled by propane or natural gas or electricity may be used. No owner shall operate his barbecue in a manner which, in the opinion of the Strata Council, interferes with another owner's enjoyment of his Strata Lot. All barbecues must be kept at a minimum distance of 24 inches away from the building exterior walls. Strata Lot owners or residents are responsible for heat damage to the building envelope.
- (3) Cycling on common property other than the driveway is prohibited.
- (4) Carpentry or similar alterations shall be limited to the hours as allotted by the City of Port Moody.
- (5) All construction or renovations / alterations to a strata lot must be confined to the hours of 8:00 a.m. to 6:00 p.m. Monday to Saturday. No construction or renovation work will be permitted on Sundays and statutory holidays.

Hazards

33. (1) Fire hazards must be minimized. No item shall be brought onto or stored in a Strata Lot or the common property which will in any way increase or tend to increase the risk of

fire or the rate of fire insurance or any other insurance policy held by the Strata Corporation, or which will invalidate any insurance policy.

- (2) No material substances, especially burning material such as cigarettes or matches, shall be permitted to be discharged from any window, door, patio or other part of a Strata Lot or the common property.

Cleanliness

34. (1) All household refuse and recycling material shall be secured in suitable plastic bags or recycling containers. The owners will comply with the City's recycling program as it is implemented.
- (2) Any waste material other than ordinary household refuse and normally collected recycling materials shall be removed by the individual owner or resident of the Strata Lot.

Exterior Appearance

35. (1) No signs, fences, gates, billboards, placards, advertising or notices of any kind shall be erected or displayed on the common property or the Strata Lot without prior written approval by the Strata Council.
- (2) No awning, shade screen, smoke stack, satellite dish, radio or television antenna shall be hung from or attached to the exterior of the Strata Lot, without prior written consent of the Strata Council.
- (3) No laundry, clothing, bedding, or other articles shall be hung or displayed from windows, patios, or other parts of the Strata Lot so that they are visible from the outside.
- (4) Draperies or window coverings that are visible from the exterior of any Strata Lot shall be cream or white in colour.
- (5) Balcony, patio and roof deck furnishings are restricted to patio furniture, barbeques and plants. For example, no laundry or other like articles shall be hung or displayed so that they are visible from the outside of the building. Balconies, patios or roof decks shall not be used for the storage of bicycles, refrigerators, freezers, storage boxes or cleaning materials.

Common Areas

36. (1) The Strata Council shall administer all common areas and any rules and regulations formulated by the Strata Council from time to time shall be binding upon all owners, residents and visitors.
- (2) The common facilities are for the use of residents and their invited guests only. A resident must accompany guests when using these facilities.

Parking

37. (1) A resident shall use only the parking stall(s) obtained by way of partial assignment of Polygon Parking Limited's rights under a Parking & Storage Locker Lease registered in the Land Title Office against title to the common property of the Strata Corporation. Parking stalls cannot be utilized by any person who is not a resident within the Strata Corporation.
- (2) No major repairs or adjustments shall be made to motor vehicles on the common property.
- (3) Guest parking shall be permitted only in the spaces provided. Residents and/or their guests shall not use guest parking overnight without written consent of the Strata Council.
- (4) A maximum speed of 15 km/h shall apply within the common property.
- (5) Owners will be responsible for the clean up of oil spills on common property.
- (6) No parking is permitted except in a designated parking space, nor shall a vehicle park in a manner, which will reduce the width of an access roadway.
- (7) No vehicles exceeding 4,000 kg. G.V.W. shall be parked or brought onto the common property without the consent of the Strata Council, except when used in delivery to or removal from the premises.
- (8) All vehicles parked or stored in the parkade must be licensed, insured and operable.
- (9) Any vehicle, which does not comply with this Bylaw, may be removed at the owner's expense.

Damage to Property

38. An owner or resident shall not cause damage to trees, plants, bushes, flowers or lawns and shall not place chairs, tables or other objects on lawns or grounds so as to damage them or prevent growth.

Security

39. (1) Strata Lot owners or residents are responsible for anyone they admit onto or about the common property, inclusive of agents, servants, licensees, or invitees.
- (2) The Strata Council shall form a Security Committee to provide guidelines for the security of individual Strata Lots, and to establish resident-based voluntary crime prevention programs such as Block Watch.
- (3) The strata corporation adheres to the BC Personal Information Protection Act (PIPA). PIPA sets out how BC organizations, including corporations (including strata corporations), sole-proprietorships, partnerships, and non-profit organizations, may collect, use and disclose personal information about individuals.

Under PIPA:

- (1) The strata corporation may collect, from time to time, certain personal information of owners, tenants, and occupants including but not limited to:
 - (i) the name, home address, and home telephone and/or cell phone numbers of owners, tenants and occupants;
 - (ii) email addresses;
 - (iii) banking information, in the case of owners, for payment of strata fees; and
 - (iv) video images and voice recordings obtained during the use and operation of the video surveillance system (VSS) installed or to be installed in the building by the strata corporation in the following locations, with signage noting the operation and monitoring and operational 24 hours a day, 7 days a week:
 - a) exterior entrance/exit locations for pedestrian and vehicle traffic;
 - b) interior entrance/exit locations in common areas;
 - c) common activity areas such as gym, spa and games room; and
 - d) as needed in other interior/exterior common property or limited common property areas to address security, physical safety, illegal actions, or bylaw infractions.
 - (v) information and data recorded and collected during the use and operation of the access control system (e.g., key fobs) installed in the building that monitors access to and from the common areas of the building 24 hours a day, 7 days a week.
- (2) Personal information recorded and collected will not be disclosed to any person, other than: the building manager; the strata corporation's strata agent; elected members of the strata council during the course of exercising the powers and performing the duties of the strata corporation; the strata corporation's legal counsel; or law enforcement personnel, except:
 - (i) when required or authorized by law to do so;
 - (ii) when disclosure is consented to in writing by an owner, tenant, or occupant;
 - (iii) to up-date banking or financial records;
 - (iv) when required to collect outstanding strata fees; and
 - (v) during the course of a criminal investigation involving vandalism to or theft of common property or common assets of the strata corporation, vandalism to or theft of personal belongings of owners, tenants, occupants, visitors and invitees, or the physical assault of an owner, tenant, occupant, visitor, or invitee.
- (3) The strata corporation will take all reasonable precautions to ensure that personal information is kept safe from loss, unauthorized access, modification or disclosure.
- (4) This bylaw authorizes the collection of personal information using the video surveillance system and access control system for the following purposes only:
 - (i) to monitor access to and from the common property areas of the building;
 - (ii) to protect personal property of owners, tenants, occupants, visitors and invitees;
 - (iii) to protect common property and common assets of the strata corporation; and
 - (iv) to protect the security and physical safety of owners, tenants, occupants, visitors and invitees to the building.
- (5) Personal information collected from the use and operation of the video surveillance system and access control system will be retained by way of electronic data storage for

up to 30 days on the strata corporation's computer data storage system at which time the personal information recorded and collected will be recorded over.

- (6) Requests for access to view a specific individual's personal information, including access to view those portions of the video surveillance or access control system that contain personal information for the individual requesting access, must be made in writing and delivered to the strata corporation's strata agent. Access to the specific individual's personal information, other than personal information recorded and collected using the video surveillance system and the access control system, will be made available in the presence of an elected member of the strata council or the strata corporation's strata agent, within 14 days from the date of the request and copies of personal information will be provided and a reasonable fee will be charged for the copies of the personal information. Personal information recorded and collected using the video surveillance system and the access control system will, provided that the personal information has not previously been recorded over, be made available for inspection within 24 hours from the date of the request and a reasonable fee will be charged for the inspection of that personal information.

Moving and Resale

40. (1) No Owner or agent of an Owner may place or display a real estate sign on any part of the Premises.
- (2) No Owner or agent of an Owner may place or use or permit to be placed or used a Lock Box on the Premises, including without limitation a Strata Lot.
- (3)
 - (i) A move-in fee of \$150.00 will be charged to a strata lot for the Common property when an Owner or tenant moves into a strata lot. The move-in fee will cover the move-out of an Owner or a tenant.
 - (ii) All moves must be scheduled at least 72 hours in advance with the caretaker in order that the elevator may be blocked off and the protective pads put in place. Moves that take place unannounced will be subject to an additional fine of up to \$200, charged to the strata lot.
 - (iii) Move-in / move-out must take place between the hours of 8:00 a.m. and 9:00 p.m.

Changes to Strata Lots

41. (1) No Owner shall install Hard Flooring in a Strata Lot except with written consent from the Strata Corporation.
- (2) An Owner who proposes to install Hard Flooring in a Strata Lot shall make a written application to the Strata Corporation, and shall provide the following information to the Strata Corporation:
 - (a) A detailed description of:
 - (i) the proposed method of installation;
 - (ii) the type of Hard Flooring to be used; and

- (iii) the type of underlay to be used
Including the Sound Transmission Class and the Impact Insulation Class ratings.
 - (b) Any other information required by the Strata Corporation.
- (3) The Strata Council shall not grant consent pursuant to Bylaw 41 (1), unless:
- (a) the Strata Council is satisfied that the proposed method of installation and materials to be used are of a nature and quality that would ensure that the Hard Flooring would not create unreasonable noise or constitute a nuisance to any other Owner, Occupant, or Tenant;
 - (b) without limiting the generality of Bylaw 41 (3) (a):
 - with respect to a Main Floor Strata Lot, the proposed Hard Flooring is:
engineered hardwood composed of no less than two layers;
tile;
slate;
bamboo; or
laminated;
 - with respect to an Upper Floor Strata Lot, the proposed Hard Flooring is:
engineered hardwood composed of no less than two layers;
tile;
slate; or
bamboo;
 - if the proposed Hard Flooring is tile or slate, laminated the proposed Hard Flooring will only be installed in a kitchen, bathroom or foyer in the Strata Lot;
 - the proposed Hard Flooring is no less than ½ inch thick; and
 - the proposed underlay is “Floor Muffler” underlay and the Impact Insulation Class rating of such underlay is at least 72.
- (4) An Owner who installs Hard Flooring in accordance with this Bylaw 41 shall cause the Hard Flooring and underlay to be installed:
- (a) in the manner set out pursuant to Bylaw 41 (2) (a);
 - (b) by a licensed and qualified professional;
 - (c) in strict accordance with the manufacturer’s recommendations or specifications; and
 - (d) only between the hours of 9:00 a.m. and 5:00 p.m.
- (5) An Owner, Tenant, or Occupant shall do all things as are required to limit the transmission of noise in a Strata Lot in which Hard Flooring has been installed, including without limiting the generality of the foregoing:
- (a) not wearing shoes in a Strata Lot or dragging heavy objects across the floor;
 - (b) causing no less than 60% of the Hard Flooring located in any room other than a kitchen, bathroom, laundry room or entry area to be covered by area rugs;
 - (c) not participating or permitting loud activities in a Strata Lot, including jumping, running, dancing, and bouncing balls;

- (d) putting felt pads on any part of furniture that contacts the Hard Flooring; and
 - (e) placing cushioning under noise creating equipment, including without limitation televisions and stereos.
- (6) Without limiting the rights of the Strata Corporation pursuant to the Bylaws, the Act, the Regulations, or at law, if an Owner, Tenant or Occupant is in breach of this Bylaw 41, the Strata Corporation may without further notice to the Owner, Tenant or Occupant apply to a court of competent jurisdiction for any relief by way of order, injunction, decree or otherwise that may be appropriate to protect the interests of the Strata Corporation or enforce this Bylaw 41. Any legal costs incurred by the Strata Corporation in enforcing this Bylaw 41 shall be the responsibility of the contravening Owner, Tenant or Occupant and shall be recoverable from the Owner, Tenant or Occupant on a solicitor and own client basis by the Strata Corporation.

Leasing Requirements

42. (1) No more than 25 Strata Lots may be rented at any one time.
- (2) Except with the Rental Consent, no Owner shall enter into a tenancy agreement, rent, or lease, a Strata Lot.
 - (3) At the time the Owner makes a written application to the Strata Corporation for Rental Consent:
 - (a) if the number of Strata Lots rented is at the limit stated in Bylaw 42 (1), the Strata Corporation shall:
 - (i) refuse to provide the Rental Consent, and notify the Owner in writing of the reason for such refusal; and
 - (ii) place the Owner on the bottom of the Rental Waiting List; or
 - (b) if:
 - (i) the number of Strata Lots rented is less than the limit referred to in Bylaw 42(1);
 - (ii) the proposed tenancy is for a duration of no less than 12 months; and
 - (iii) there are no Owners on the Rental Waiting List;the Strata Corporation shall grant the Rental Consent and list the Owner in the Rental Registry.
 - (4) In calculating the number of Strata Lots rented pursuant to Bylaws 42 (3) (a) and 42 (3) (b) (i), the Strata Corporation shall not include:
 - (a) exempt Strata Lots pursuant to sections 1472 and 144 of the Act; or
 - (b) Strata Lots rented by a First Owner pursuant to Bylaw 42 (13).
 - (5) If no Tenant has occupied the Strata Lot within 60 days of the date that an Owner received the Rental Consent, the Rental Consent shall be deemed revoked, and the Owner shall have no further right to rent the Strata Lot. During the 60 days immediately following the date that an Owner received the Rental Consent, the Strata Lot shall be deemed rented for the purposes of the limit stated in Bylaw 42 (1).

- (6) Permission to rent a strata lot granted pursuant to this bylaw 42 ceases on the earlier of:
 - (a) the date on which the owner who received permission to rent ceases to be a registered owner of the strata lot;
 - (b) the date on which the owner who received permission to rent commences residing in the strata lot.
- (7) Prior to possession of a Strata Lot by a Tenant, an Owner must deliver to the Tenant the current Bylaws and Rules, and a Notice of Tenant's Responsibilities in the form required by the Act.
- (8) Within two weeks of renting a Strata Lot, an Owner must give the Strata Corporation a copy of the Notice of Tenant's Responsibilities (Form K) duly signed by the Tenant.
- (9) No Owner shall permit a Tenant to sub-lease a Strata Lot.
- (10) Where an Owner rents a Strata Lot in contravention of this Bylaw 42, the Owner shall be subject to a fine of \$500.00, which the Strata Corporation may levy every seven days in which the contravention continues, and the Strata Corporation may take all necessary steps to terminate the Owner's agreement with the Tenant, including, but not limited to, seeking a declaration or Court injunction to enforce this Bylaw 42. Any legal costs incurred by the Strata Corporation in enforcing this Bylaw 42 shall be the responsibility of the contravening Owner and shall be recoverable from the Owner on a solicitor and own client basis by the Strata Corporation.
- (11) Notwithstanding this Bylaw 42, an Owner may apply in writing to the Strata Council pursuant to Section 144 of the Act for an exemption on grounds that this Bylaw 42 causes hardship to the Owner. If the Strata Corporation grants an exemption pursuant to Section 144 of the Act, the Strata Corporation may limit the period of time during which such exemption is applicable.
- (12) Without limiting the generality of any other provision of this Bylaw 42, no Owner shall rent a Strata Lot to a Tenant for a term which is less than 12 months.

Insurance

43. (1) No Owner shall do or permit to be done anything that increases the Insurance Costs or whereby the Insurance Coverage may be invalidated.
- (2) Where an Owner or his, her or its Guests are responsible for an increase in the Insurance Costs, the Owner shall pay to the Strata Corporation, in addition to any fine otherwise levied or payable pursuant to the Bylaws the amount of the increase in the Insurance Costs.
- (3) Where an Owner (the "Responsible Owner") or a Responsible Owner's Guests are responsible for loss or damage to Insured Property (the "Damage") the Strata Corporation may:
 - (a) make a claim with its insurer for the cost to repair the Damage (the "Repair Costs");
 - (b) repair the Damage; and
 - (c) deliver written notice to the Responsible Owner of the amount of the Repair Costs.

- (4) Within 30 days of receipt of the notice referred to in Bylaw 43, the Responsible Owner shall pay to the Strata Corporation the lesser of:
 - (a) the Deductible; and
 - (b) the Repair Costs.
- (5) Each Owner of a Strata Lot is solely responsible for all forms of property and liability insurance on his, her or its Strata Lot and all or any fixtures, contents, or improvements therein and thereto against perils not insured by the Strata Corporation, for amounts in excess of amounts insured by the Strata Corporation, and for whatever is not covered by the insurance policies of the Strata Corporation.
- (6) An Owner may apply to the Strata Council in writing for a copy of any insurance policies effected by the Strata Corporation, and the receipts for the most recent premiums, and the Strata Council shall produce a copy thereof to the applicant within two weeks of receiving the application.

Other Accommodation

44. (1) A strata lot must not be used for short-term accommodation purposes, such as a bed-and-breakfast, lodging house, hotel, home exchange program, time share or vacation rental. Without limiting the generality of the forgoing, a resident or an owner must not enter into a license for the use of all or part of a strata lot.
- (2) VACATION, TRAVEL OR TEMPORARY ACCOMMODATION (“VTTA”) – Bylaw prohibiting VTTAs and imposing \$1000 fines
 - (a) In this section, VACATION, TRAVEL OR TEMPORARY ACCOMMODATION (“VTTA”) is defined as a rental shorter than the minimum rental period required by these bylaws or by municipal bylaw, or that is not a residential tenancy as described in the Residential Tenancy Act, or is a form of tenancy that does not comply with that Act, or is a mere licence of property use only, or is in breach of the City of Port Moody Short Term Rental Accommodation Bylaw.
 - (b) VTTAs are prohibited in the Strata Corporation.
 - (c) Pursuant to s. 7.1 Strata Property Act Regulations, coming into force November 30, 2018 (OIC 418-2018) the Strata Corporation, on sufficient evidence that a VTTA has occurred, considered on a balance of probabilities, may fine the responsible strata lot owner, \$1,000 for every contravention of this bylaw. Infractions may occur more often than once every 24 hours, and every person found illegally to be residing in a Strata Lot will be considered an individual contravention of this bylaw and subject to the \$1,000 fine for each contravention.
 - (d) Council may commence legal proceedings to collect fines levied for contraventions of this bylaw.
 - (e) The Strata Corporation may claim the costs of remedying contraventions of this bylaw pursuant to s. 133 SPA.

No Smoking

45. (1) No smoking is allowed:

- (a) in a strata lot;
 - (b) on the interior common property, including but not limited to in hallways, elevators, parking garages, electrical and mechanical rooms, stairs, storage locker areas;
 - (c) on patios and balconies; and
 - (d) within 8 metres (26 feet) of a door, window or air intake.
- (2) “Smoking” for the purposes of this bylaw, means releasing into the air gases, particles, or vapors as a result of combustion, electrical ignition or vaporization, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of the by-product, except when the combusting or vaporizing material contains no tobacco or nicotine and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term “smoking” includes, but is not limited to, tobacco smoking, smoking using electric cigarettes, marijuana smoking and crack cocaine smoking.
- (3) All persons, including but not limited to owners, tenants, occupants and visitors must comply with this bylaw. Owners and tenants must ensure that this bylaw is not violated by their visitors or anyone else they let into the complex.

– END –

Updates to Bylaws:

June 29, 2006

- Bylaw 3(1)(f) – added
- Bylaw 3(2)(a)(b)(c) – added
- Bylaw 3(4)(d) – replaced
- Bylaw 3(4)(e)(f) – added
- Bylaw 3(5) – added
- Bylaw 4(3) – added
- Bylaw 5(1)(h) – added
- Bylaw 7(3) – added
- Bylaws 30(1)(2)(3) – replaced
- Bylaws 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 – added

November 29, 2007 AGM

- Bylaw 23 – amended
- Bylaw 40(3) – added
- Bylaw 42 – amended

November 19, 2008 AGM

- Bylaw 27(8) & Bylaw 41(3) – added

January 18, 2012 AGM

- Bylaw 10(3) added
- Bylaw 27(8) repealed and replaced
- Bylaw 39(3) added
- Bylaw 42(1) repealed and replaced

January 30, 2013 AGM

- Bylaw 30 deleted in its entirety
- Bylaw 40(1)(2) repealed and replaced
- Bylaw 41 repealed and replaced in its entirety
- Bylaw 42 repealed and replaced in its entirety
- Bylaw 43 added

January 27, 2016 AGM

- Bylaw 42(13) deleted
- Bylaw 42(6)(a)(b) repealed and replaced
- Bylaw 44(1) added

February 8, 2017 AGM

- Bylaw 45 added

February 13, 2019 AGM

- Bylaw 3(6) added
- Bylaw 32(5) added
- Bylaw 42(2) added