

SCHEDULE OF BYLAWS : VR837, HASTINGS MANOR
3275 MOUNTAIN HIGHWAY, N. VANCOUVER, B.C. V7K 2H4
JULY 30, 2001

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

Payment of strata fees (See Reg. 17.9)

1. (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate. If an owner fails to pay strata fees or special levies at the required time the strata corporation may charge interest at the rate of 10% per annum compounded annually. In addition, the strata may file a lien (Certificate of Default in Payment) upon the title to his/her strata lot.

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 for commercial or professional purposes or 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, or
 - (f) trespasses on the part of the property to which another Owner is entitled to exclusive occupation
- (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) An owner, tenant or occupant shall not feed birds or squirrels from any part of his strata lot or the common property
- (4) A resident shall not reside a pet into the complex or keep a pet in the complex except with the prior written permission of Council. Council shall not unreasonably withhold permission. Application for permission must be made in writing and Council must respond within not more than thirty (30) days from the date of application. All pets being kept in the complex at the date of implementation of these rules shall be permitted by Council.

- (5) Council shall not permit more than one dog and 1 cat or 2 cats per unit. The council may at any time require the removal of any pet which is a nuisance or is causing annoyance to others, whereupon such pet shall be removed forthwith from the strata lot. Any Owner who fails to comply within seven (7) days of receiving written notice from the Strata Council will be fined FIFTY (\$50.00) DOLLARS per month, or portion thereof, during which the offending pet continues to occupy the premises.
- (6) An owner, tenant, occupant or visitor must ensure that all dogs are leashed or otherwise secured when on the common property or on land that is a common asset.
- (7) Any Owner or guest shall ensure that any fecal droppings by his/her pet(s) are picked up and deposited in the garbage container or other appropriate receptacle.
- (8) To enhance the external appearance of the building, balconies and patios shall be maintained in a suitable condition with appropriate furnishings and/or planting containers. Refrigerators and/or deep freezes cannot be kept on balconies or patios. Planting containers should have provision to prevent water from overflowing over the edge of the balcony.
- (9) Each owner, tenant and occupant shall endeavour to conserve the plumbing and water systems and the sewers and drains which service the building on his/her strata lot, as well as the strata lots of other owners, and keep the same open and free from obstruction. The repair of any such damage that can be shown to have been caused by the wrongful act or neglect of any owner, tenant, occupant or visitor shall be charged back to the applicable owner.
- (10) In the event of an emergency emanating from a strata lot whose occupant cannot be contacted, access for protection of common property or safety may be gained by force.
- (11) An owner, tenant or occupant shall not do anything on the strata lot, nor bring, nor keep anything therein, which will 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. No material substances, especially burning material such as cigarettes or matches shall be thrown out or permitted to fall out of any window, door, balcony, stairway, passage, or other part of the Strata Lot or common property.
- (12) An owner, tenant or occupant shall not allow his strata lot to become unsanitary.
- (13) No mops or dusters of any kind shall be shaken and no refuse shall be thrown out of the windows or doors or from the balcony or patio of a strata lot with the exception of bringing in and taking out of Christmas trees.
- (14) Subject to government legislation, no signs, billboards, notices or advertising matter shall be placed on any part of the strata lot, nor may they be displayed in windows of individual units, without prior approval via a $\frac{3}{4}$ vote of the strata corporation. Notwithstanding the preceding provision, the council may approve the use of real estate signs.
- (15) No window or balcony guards, awning, shades, screens, enclosures, ventilators, air conditioning devices, radio, television antenna or satellite TV equipment and the like shall be placed, installed, affixed or hung from the exterior of a strata lot without prior written consent of the Strata Council.

- (16) No laundry, washing, clothing, bedding or other articles shall be hung or displayed from windows, balconies or other parts of the building so that they are visible from the outside of the building.
- (17) The Strata Lot shall be used exclusively as a private dwelling home for one family, which may include a live-in housekeeper or nurse, comprising not more than four persons in a two-bedroom suite whether adult or minor.
- (18) Roller-skating and skateboarding shall not be permitted on any common property.
- (19) Any restrictions or hindrances to sidewalks, driveway entrances, exits or other parts of the common property shall not be permitted.
- (20) Thirty (30) days prior to thirty (30) days after the 1st day of June of each fiscal year, the strata corporation, at its Annual General Meeting, shall approve by a majority vote an operating budget for the next fiscal year. If the owners cannot agree on a budget at the Annual General Meeting, the meeting will be adjourned for one week to permit revisions to be constructed, and the revised budget will be voted upon at a re-convened Annual General Meeting. This procedure will be followed until the budget has been approved.
- (21) If at any time it appears to the strata council of the strata corporation that the approved budget of common expenses will be inadequate to meet the common expenses or other special expenses of the strata corporation, the strata council shall convene an Extraordinary General Meeting to approve a special assessment upon the owners.
- (22) A non-refundable move-in/out fee of \$75.00 will be assessed payable by the incoming owner, tenant or occupant upon moving into the strata lot.

Inform strata corporation

- 4. (1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, daytime and evening telephone number, 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.

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, patios 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) interior or exterior electrical wiring, plumbing, piping or other services;
- (h) 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 agree, in writing, to take responsibility for any expenses relating to the alteration.

Obtain approval before altering common property

- 6.
 - (1) Work that can be heard by one or more other owners, tenants or occupants is limited to Monday to Saturday between the hours of 8:00 a.m. and 5:00 p.m.
 - (2) The elevators and common areas are to be protected at all times when materials or debris are being moved. The property management company must be kept advised of such activity.
 - (3) Whenever possible, all objects are to be moved through the lower level access, not through the lobby.
 - (4) Access to the building when the owner, tenant or occupant is not present must be at all times arranged through the property management company. Common area keys cannot be given to trades people. Lost keys will result in re-keying of the common area doors at the expense of the owner.
 - (5) Daily (or more frequent, if necessary) clean-up of all affected common areas must be arranged by the owner.
 - (6) Workmen are to park on the street, not in the car wash area or driveway.
 - (7) 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.
 - (8) 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.

Parking Policy

8. (1) No resident shall park a motor vehicle in any place on the common property that causes an obstruction, restriction or hindrance to sidewalks, entrances, exits, stairways, driveways, parking stalls or fire lanes.
- (2) No resident shall park any motor vehicle or trailer on the common property without the approval of the Strata Corporation.
- (3) No resident shall or permit the performance of auto repairs or repairs of other mechanical equipment on the common property without the express permission of the Strata Corporation.
- (4) Cars, trucks, recreation vehicles, boats or trailers of any kind, parking in any stall in the underground parking must have a valid plate and decal or proof of liability insurance displayed in the window. Those in contravention of the by-law will be towed after seven (7) days written notice. All costs are the responsibility of the Owner.
- (5) No resident shall change fluids or cause or allow a motor vehicle to leak fluids of any sort while parked on the common property.
- (6) Violation of any of the aforementioned will result in the vehicle or mechanical equipment being removed at the Owner's expense.

Division 2 -- Powers and Duties of Strata Corporation

Repair and maintenance of property by strata corporation

9. 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, 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

- (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, windows and skylights on the exterior of a building or that front on the common property, and
- (v) fences, railings and similar structures that enclose patios, balconies and yards.

Division 3 -- Council

Council size

10. (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

11. (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.

Removing council member

12. (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

13. (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

14. (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

15. (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
- (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 (See Reg. 18.1)

16. (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 1 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

17. (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

18. (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

19. (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

20. 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

21. (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

22. (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

23. (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

24. The strata corporation may fine an owner or tenant a maximum of
- (a) \$50 for each contravention of a bylaw, and
 - (b) \$10 for each contravention of a rule.

Continuing contravention

25. 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

26. (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

27. (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

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.

Order of business

29. 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

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.

Division 8 – Rental Restrictions Bylaw

31. (1) Subject to the provisions of the *Strata Property Act* rentals shall be prohibited except for seven (7). Once this limit of leased units is met, no further rentals shall be permitted.
- (2) Notwithstanding the preceding paragraph, an owner may apply for an exemption on the grounds that the bylaw causes hardship to the owner. An owner may appeal to the council pursuant to the provisions of section 144 or the *Strata Property Act* and amendments thereto for permission to rent his/her strata lot.
- (3) The council shall adhere to the provision of section 144 with respect to appeals based on hardship. Where the council grants an exemption to an owner to rent his strata lot on the grounds of hardship, such exemption may be for a limited time. Within two weeks of renting all or part of his/her strata lot an owner must give the Strata Corporation a copy of the Notice of Tenant's Responsibilities signed by the tenant.
- (4) The limitation of rentals is subject to section 143 of the *Strata Property Act* and amendments thereto.
- (5) Where an owner leases his strata lot in violation of the bylaw, the Strata Corporation shall levy against the owner a fine of five hundred (\$500.00) dollars every seven days during the period of the lease.
- (8) For the purposes of this bylaw, whenever the singular is used, it shall be considered as meaning the plural or body corporate where the context requires and the terms "lease" and "rent" shall include any and all forms of tenancy or license relating to the occupancy of a suite.
- (9) The prohibition will be administered and enforced by the council. If a complaint is received about an owner contravening this bylaw the council shall follow the procedure set out in section 135 of the *Strata Property Act*, or amendments thereto. The strata corporation may also initiate court proceedings or arbitration.

Division 9 – Sale of Suites/Real Estate Activity

32. (1) No real estate signs except open house signs may be displayed on the common property or in any windows of the building except in a place designated by the council for that purpose
- (2) Common area keys are not to be distributed to realtors and free standing key lock boxes are not allowed anywhere on the property.

Division 10 – Damage to Property

33. (1) No Owner shall be entitled to claim any compensation from the Strata Corporation for any loss or damage to the property of the Owner arising from any defect or want of repair of the common property or any part thereof, unless such loss or damage resulted from the negligent act or omission on the part of the Strata Corporation, its employees or agents.
- (2) The Strata Corporation shall not be responsible to an Owner for any loss, damage or expense caused by an overflow or leakage of water from any adjoining buildings or by the breaking or bursting of any pipes or plumbing fixtures, or in any other manner whatsoever, unless such damage shall result from the negligent act or omission on the part of the Strata Corporation, its servants or agents.
- (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 and capable of being used in connection with the enjoyment of any other Strata Lot or in 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 and 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.
- (4) 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 other 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 or insurance carried by the Strata Corporation.
- (5) An Owner or resident shall not cause damage to trees, plants, bushes, flowers or lawns, and shall not place chairs, tables, bicycles, shopping carts or other objects on the grounds so as to damage or to prevent growth or to interfere with maintenance of the grounds generally. An Owner or resident shall not cross cultivated areas of common property in the course of entrance into or egress from the strata lot.