



NORTHWEST STRATA MANAGEMENT LTD.

STRATA PLAN LMS-3792 BY-LAWS

**TEMPO
1632 – 1676 GRANT STREET
VANCOUVER BC
V5L 2Y5**

Attached hereto is a copy of the bylaws for the strata corporation taken from the records that Northwest Strata Management Ltd. maintains for the strata corporation. These are provided to you on a "without prejudice basis". For legal purposes please obtain a true copy as currently registered at the Land Title Office. Please also consider if, and to what extent, the Schedule of Standard Bylaws in the *Strata Property Act* applies. Bylaws are an extensive legal document and it is recommended that you obtain and rely on professional legal counsel and advice on the content.

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NOTE: This by-law package may or may not contain all, or portions of, the "Schedule of Standard Bylaws" of The Strata Property Act Of British Columbia.

Strata Bylaws for The Tempo **Strata Plan LMS 3792**

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 meaning 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.

Compliance with bylaws and rules

- 1 All residents and visitors must comply strictly with the bylaws and rules of the strata corporation adopted from time to time.

Payment of strata fees

- 2
 - (1) An owner must pay strata fees to the strata corporation on or before the first day of the month to which the strata fees relate.
 - (2) If an owner is late in paying his or her strata fees, the owner must pay to the strata corporation interest on the late payment in the amount of 10% per annum on the payment in arrears, in addition to the amount owing, compounded annually, and calculated on a monthly basis commencing from the date the payment was due and continuing until the last day of the month in which it is paid.
 - (3) 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 against that strata lot under the Act.
 - (4) In addition to interest, failure to pay strata fees on the due date will result in a fine of \$50.00 for each contravention of bylaw 2 (1)

- (5) An owner must provide the strata corporation or its agent with twelve (12) consecutive, monthly post-dated cheques for strata fees for the fiscal year of the strata corporation, dated as of the first day of each month or, if applicable, written authorization for monthly automatic debit for the owner's bank account.
- (6) Failure by an owner to submit twelve (12) monthly, post-dated strata fee cheques or written authorization for automatic debit in accordance with bylaw 2 (5) is a contravention of bylaw 2 (5) and the strata corporation will levy a fine of \$25.00 for each contravention. Each dishonoured cheque or dishonoured automatic debit will be subject to a fine of \$25.00 and an administration charge of \$25.00.
- (7) A special levy is due and payable on the date or dates noted in the resolution authorizing the levy.
- (8) Failure to pay a special levy on the due date will result in a fine of \$50.00 for each contravention of bylaw 2 (7).
- (9) Where an owner fails to pay a special levy in accordance with bylaws 2 (7), outstanding special levies will be subject to an interest charge of 10% per annum, compounded annually.

Repair and maintenance of property by owner

- 3 (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

- 4 (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property, any limited 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, any limited 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 or any limited 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, any limited 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 is responsible for damage caused by occupants, tenants or visitors to the owner's strata lot.
- (4) An owner shall indemnify and save harmless the strata corporation from the expense and maintenance, repair, or replacement rendered necessary to the common property, limited common property, common assets or to any strata lot by the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenant or a member of the owner's family, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, and for the purposes of bylaws 3 (1) and 3 (2), any insurance deductible paid or payable by the strata corporation shall be considered an expense not covered by the proceeds received by the strata corporation as insurance coverage and will be charged to the owner.
- (5) An owner, tenant or occupant must not:
 - (a) use a strata lot for any purpose which involves undue traffic or noise in or about the strata lot, common property or any limited common property between the hours of 11:00 p.m. and 8:00 a.m. or that encourages loitering by persons in or about the strata lot, common property or any limited common property;
 - (b) make, cause or produce undue noise, smell, vibration or glare in or about any strata lot, common property or any limited 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 or any limited 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, or any limited common property, any shopping cart or any other item designated from time to time by the strata council;
- (f) use a barbecue, hibachi or other cooking device on a balcony, deck or patio unless such barbecue, hibachi or cooking device is powered by propane, natural gas or electricity and such propane, natural gas or electricity powered barbecues, hibachis and other light cooking devices shall not be used except in accordance with rules made by the strata corporation from time to time;
- (g) do anything that will increase the risk of fire or the rate of insurance on the buildings, common property and limited common property or any part thereof;
- (h) permit a condition to exist within a strata lot that 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 or any limited 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 made from metallic or otherwise reflective material, visible from the exterior of his strata lot, which are different in size or colour from those of the original building specifications;
- (l) hang or display any laundry, washing, clothing 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 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 or any limited common property any television or radio antenna or similar structure or appurtenance thereto, with the exception of a satellite dish (no larger than 60cm radius) that has been approved, in writing, by the council;
- (o) place any indoor-outdoor carpeting on any deck, patio or balcony, or place any items on any deck, patio or balcony except free-standing, self-contained planter boxes, barbecues, summer furniture and accessories nor install any unsecured hanging plants, planter boxes, baskets or other hanging items within three feet of a balcony railing line;
- (p) alter the building envelope by installing, hanging or attaching any item to the exterior of the building without the express written permission of the strata council
- (q) give any keys, combinations, security cards or other means of access to the building, the parking garage or common areas to any person other than an employee, contractor, occupant or guest of the strata lot permitted by these bylaws.
 - (i) no resident shall leave open or unlocked any outside entrance or fire escape unless they are in constant supervision of that entrance.

- (ii) no residents or visitors are permitted in the restricted common areas of the strata corporation such as the roof, boiler room, electrical rooms or mechanical room, except as allowed by strata council members or the property manager.
 - (iii) remotes provided to the residents for the opening of the security gate are individually coded. In the event of the loss of a remote, the property manager is to be advised in order that it may be deactivated. Replacements or additional units are available at a cost set by the strata council.
- (6) A resident of a strata lot which does not have enclosed balconies shall not place planters or other such items or equipment within any part of the limited common property designated on the strata plan exclusively for the use of such owner unless, in the opinion of the council, such planters, items or equipment are in keeping with the balance of the development in terms of design, quality, proportion and colour. Any such planters, items or equipment will be maintained in good and tidy condition on an ongoing basis; and the responsibility for such maintenance will be solely for the account of the owner, tenant or occupant entitled to the use of the limited common property on which they are placed.

Pets

- 5
- (1) An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secured when on the common property, on any limited common property or on land that is a common asset.
 - (2) An owner, tenant or occupant must not keep any pets on a strata lot other than the following:
 - (a) a reasonable number of small caged mammals, birds or reptiles;
 - (b) up to two dogs and two cats.
 - (3) An owner, tenant or occupant that keeps a pet in a strata lot, either permanently or temporarily, shall register that pet with the strata council by providing to the strata council a written notice, signed by the owner, tenant or occupant setting out the name, breed and colour of the pet, the strata lot number of the strata lot in which the pet is kept, the name and telephone number of the owner of the pet and the licence number of the pet (when the pet is required to be licensed).

- (4) An owner of a dog or cat shall attach a collar to the pet with a tag identifying the owner.
- (5) An owner of a pet shall not permit the pet to urinate or defecate on the common property or limited common property, and if any pet does urinate or defecate on the common property or limited common property, the owner shall immediately and completely remove all of the pet's waste from the common property or limited common property and dispose of it in a waste container or by some other sanitary means.
- (6) An owner, tenant or occupant whose guest or invitee brings an animal or pet onto the common property shall ensure that the guest or invitee complies with all requirements of these bylaws as they relate to animals and shall perform all of the duties and obligations with respect to that animal or pet as set out in these bylaws.
- (7) No owner, tenant or occupant shall permit its pet to interfere with any other person, pet or object, or permit its pet to disturb any other owner, tenant or occupant with uncontrolled barking or howling.
- (8) The strata council may, from time to time on behalf of the strata corporation, enact such rules with respect to the keeping of pets as the strata council, acting reasonably, deems necessary or desirable, provided that, in the event of any conflict between these bylaws and any such rule, the provisions of these bylaws will prevail.
- (9) If any owner, tenant or occupant violates any provision of these bylaws or if the strata council on reasonable grounds considers a pet to be a nuisance, the strata council may, by written notice to such owner, tenant or occupant cause such owner, tenant or occupant to have the pet removed from the strata lot within thirty days of receiving such notice.

Inform strata corporation

- 6
- (1) Within 2 weeks of becoming an owner, an owner must inform the property manager of the owner's name, strata lot number, telephone number and mailing address outside the strata plan, if any.
 - (2) Within 48 hours of a tenant moving in, the owner must inform the property manager of the tenant's name and telephone number. In addition, the owner must provide their own telephone number and mailing address to the property manager.

Obtain approval before altering a strata lot

- 7
- (1) An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot and limited common property 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 (including the casings, the frames and the sills of such doors, windows and skylights) on the exterior of a building, or that front on the common property (i.e. including, for example, adding security devices to the entrance door to a strata lot);
 - (e) fences, railings or similar structures that enclose a patio, balcony or yard;
 - (f) common and limited 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 agree, in writing, to take responsibility for any expenses relating to the alteration.

- (3) 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 and limited common property

- 8 (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 and for costs that may result from the alteration in the future, and to provide, at the request of the strata corporation, evidence of appropriate insurance coverage relating to the alteration.
- (3) The council may only approve installations that are in accordance with the design of the complex.
- (4) The strata corporation may require, as a condition of its approval, that the owner agree, in writing, to certain terms and conditions, including, not exhaustively, the following:
 - (a) submit, in writing, detailed plans and description of the intended alteration;
 - (b) obtain all applicable permits, licences and approvals from the appropriate governmental authorities and provide copies to the strata council; and
 - (c) obtain the consent of the owners by written approval of the strata council under bylaw 8 (1).
- (5) The strata corporation may require, as a condition of its approval, that the owner agree, in writing, to certain terms and conditions, including, not exhaustively, the following:
 - (a) that alterations be done in accordance with the design or plans approved by the strata council or its duly authorized representatives;
 - (b) that the standard of work and materials be not less than that of the existing structures;
that all work and materials necessary for the alteration be at the sole expense of the owner;

- (c) that the owner of the strata lot receiving the benefit of an alteration to common property, limited common property or common assets must be responsible for all present and future maintenance, repairs and replacements, increases in insurance, and any damage suffered or cost incurred by the strata corporation as a result, directly or indirectly, of the alterations to common property, limited common property or common assets;
 - (d) that the owner and any subsequent owner on title who receives the benefit of such alteration, must, with respect only to claims or demands arising during the time that they shall have been owner, indemnify and hold harmless the strata corporation, its council members, employees and agents from any and all claims and demands whatsoever arising out of or in any manner attributable to the alteration. Any costs or expenses incurred by the strata corporation as a result of such claim or demand will be the responsibility of the owner of the strata lot who has benefited from the alteration and the said costs or expenses incurred must be charged to that owner and shall be added to and become part of the strata fees of that owner for the month next following the date upon which the cost or expenses were incurred but not necessarily paid by the strata corporation, and shall become due and payable on the due date of payment of monthly strata fees.
- (6) An owner who has altered common property, limited common property or common assets prior to the passage of these bylaws shall be subject to their content and intent to the extent that any damages suffered or costs incurred by the strata corporation as a result, directly or indirectly, of the alteration, must be borne by the owner who has benefited from the alteration.
 - (7) An owner who, subsequent to the passage of bylaws 8 (1) to 8 (4) inclusive, alters common property or limited common property without adhering strictly to these bylaws, must restore, at the owner's sole expense, the common property, limited common property or common assets, as the case may be, to its condition prior to the alteration. If the owner refuses or neglects to restore the alteration to its original condition, the strata corporation may conduct the restoration, at the expense of the owner who altered the common property or limited common property. The cost of such alteration shall be added to and become part of the strata fees of that owner for the month next following the date on which the cost was incurred and will become due and payable on the due date of payment of monthly strata fees.

Renovations/alterations

- 9** (1) A resident must not permit any construction debris, materials or packaging to be deposited in the strata corporation's disposal containers.
- (2) An owner must be in attendance for all significant renovations/alterations; the determination of significant shall be at the discretion of council.
- (3) An owner performing or contracting with others to perform renovations or alterations will be responsible, financially and otherwise, for ensuring that any and all required permits and licences are obtained.
- (4) An owner in contravention of bylaws 9 (1) to 9 (3) (inclusive) shall be subject to a fine of \$100.00 for each contravention, as well as be responsible for any clean - up or repair costs.

Permit entry to strata lot

- 10** (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 24 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 the Act; and
 - (ii) to ensure compliance with the Act and these bylaws.
- (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.
- (3) If forced entry to a strata or limited common property is required due to required emergency access and the inability to contact the owner of the strata lot, or where an owner has failed to provide access as set out in 10 (b), the owner shall be responsible for all costs of forced entry and any additional costs incurred by the strata corporation.

Repair and maintenance of property by strata corporation

- 11** (1) 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 (including the casings, the frames and the sills of such doors, windows and skylights) on the exterior of a building or that front on the common property (however, the failure of the seal in a window unit shall not be sufficient reason for the strata to replace or repair the window);
 - (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 (including the casings, the frames and the sills of such doors, windows and skylights) on the exterior of a building or that front on the common property (however, the failure of the seal in a window unit shall not be sufficient reason for the strata to replace or repair the window);and
 - (v) fences, railings and similar structures that enclose patios, balconies and yards.
- (2) The strata corporation may purchase, lease or otherwise acquire personal property for the use or benefit of the owners and may sell or otherwise dispose of such personal property for any amount approved in the annual budget for the strata corporation, but otherwise only if approved by a resolution passed by a 3/4 vote at an annual or special general meeting if the personal property has a market value of more than \$500.

Council size and eligibility

- 12 (1) Subject to subsection (2), the council must have at least 2 and not more than 7 members.

- (2) As permitted by section 28(2) of the Act, a person other than an owner, an individual representing a corporate owner and a tenant may be a member of the council provided such person is a spouse, including a common law spouse, of an owner.

Council members' terms

- 13 (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 re-election.
- (3) Pursuant to section 34(b) of the Act, a member of council is entitled to compensation for serving on the council for two terms out of four in the amount of \$50 every two months, payable on the first day of each month during such member's term of office.

Removing council member

- 14 (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.
- (3) 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 against that strata lot under the Act.
- (4) No persons may stand for council or continue to be on council with respect to a strata lot if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules.

Replacing council member

- 15 (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

- 16 (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 and a vice president.
- (2) 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.
- (3) The strata council may vote to remove an officer.
- (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

- 17 (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*

- 18** (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.

* (SPA Reg.) Definition for section 15 of Standard Bylaws 18.1 For the purposes of section 15 of the Standard Bylaws, "hearing" means an opportunity to be heard in person at a council meeting.

Quorum of council

- 19** (1) A quorum of the council is
- (a) 2, if the council consists of 2, 3 or 4 members,
 - (b) 3, if the council consists of 5 or 6 members, and
 - (c) 4, if the council consists of 7 members.
- (2) Council members must be present in person or by electronic means at the council meeting to be counted in establishing quorum.

Council meetings

- 20** (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) The council may meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit.
- (3) If a council meeting is held by electronic means, council members are deemed to be present in person.
- (4) Owners may attend council meetings as observers.
- (5) Despite subsection (4), 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.
- (6) In the course of a meeting of the council, any person or persons (other than members of the council) may be excluded from such meeting by a resolution of the council.

Voting at council meetings

- 21** (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.

Council to inform owners of minutes

- 22 (1) 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

- 23 (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 an owner should be granted an exemption from a rental restriction bylaw under section 144 of the Act.
- (5) Pursuant to sections 4 and 26 of the Act, the power of the strata corporation to grant, renew or cancel short- term exclusive use privileges pursuant to section 76 may only be exercised by a majority vote [or a 3/4 vote] of the owners at an annual or special general meeting.

Limiting expenditures of council

- 24 (1) Subject to subsection (3) below, if a proposed expenditure has not been approved in the budget or at an annual or special general meeting, the strata corporation may only make such expenditure out of the operating fund if the expenditure, together with all other unapproved expenditures, whether of the same type or not, that were made pursuant to this subsection (1) in the same fiscal year, is less than:
- (a) \$1500; or
 - (b) 5% of the total contribution to the operating fund for the current year;
- whichever is less.
- (2) If the strata corporation makes an expenditure under subsection (1) above, the strata corporation must inform owners as soon as feasible about any expenditure of more than \$1000 on any single item.
- (3) Notwithstanding subsection (1) above, the strata corporation can make an expenditure out of either the operating fund or the contingency reserve fund if there are reasonable grounds to believe that an immediate expenditure is necessary to ensure safety or to prevent significant loss or damage, whether physical, financial or otherwise.

Limitation on liability of council member

- 25 (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.

Maximum fine

- 26 (1) 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) The strata council must, if it determines in its discretion that a resident is in repeated contravention of any bylaws or rules of the strata corporation, levy fines, and the fines so levied shall be immediately added to the strata fees for the strata lot and shall be due and payable together with the strata fees for the strata lot in the next month following such contravention.
- (4) 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, and if such default continues for a further 15 days, an additional fine of \$25 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 will be levied against and paid by the owner or tenant.
- (5) 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.

Continuing contravention

- 27 (1) 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.

Quorum for annual and special general meetings

- 28 (1) A quorum for an annual or special general meeting is eligible voters holding 1/3 of the strata corporation's votes, present in person or by proxy.
- (2) Notwithstanding section 48(3) of the Act, if within 1/2 hour from the time appointed for an annual or special general meeting a quorum is not present, the meeting shall be terminated if the meeting was convened upon the requisition of members; but in any other case, the meeting shall stand adjourned for a further 1/2 hour from the time appointed and, if a quorum is not present for the meeting, the eligible voters present in person or by proxy shall constitute a quorum.

Person to chair meeting

- 29 (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

- 30 (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

- 31
- (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) 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.
 - (7) An owner who is otherwise an eligible voter may not exercise his or her vote for a strata lot, except on matters requiring an unanimous vote, if the strata corporation is entitled to register a lien against that strata lot.

Electronic attendance at meetings

- 32
- (1) A person who is eligible to vote may attend an annual or special general meeting by electronic means so long as the person and the other participants can communicate with each other.
 - (2) If an annual or special general meeting is held by electronic means with a person, the person is deemed to be present in person for the purposes of the meeting.

Order of business

- 33 (1) 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.

Voluntary dispute resolution

- 34 (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

- 35 (1) 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.

Garbage Disposal

- 36 (1) An owner, tenant or occupant shall remove ordinary household refuse and garbage from his strata lot and deposit it in the containers provided by the strata corporation for that purpose; all garbage shall be bagged and tied before so depositing and the owner, tenant or occupant shall remove any materials other than ordinary household refuse and garbage from the strata plan property at his expense.
- (2) All cardboard must be folded and placed in the recycling bin, as required by city law.

Bicycles, Storage and Parking

- 37 (1) Any owner, tenant or occupant that leaves any item anywhere on or in the common property or on any limited common property does so at his own risk, subject to any claim that may properly be made under any insurance policy maintained by the strata corporation by anyone that is an insured under that policy.
- (2) An owner, tenant or occupant must use parking stalls only for the parking of licensed and insured motor vehicles, trailers, motorcycles or bicycles, and not for the parking or storage of any other type of vehicle or the storage of any other item, unless otherwise approved in writing by the council.
- (3) An owner, tenant or occupant shall not:
- (a) use any parking space in the building or on the common property or on any limited common property, except the parking space, which has been specifically assigned to his strata lot, a parking space leased by the owner or, when specifically agreed with another owner, the parking space assigned to the strata lot of that other owner;
 - (b) carry out any oil changes, repairs or adjustments to motor vehicles or other mechanical equipment on common property or on any limited common property, except in the case of emergency;
 - (c) rent, lease, or allow the use of the parking space assigned by the strata corporation to his strata lot to or otherwise permit that parking space to be regularly used by anyone that is not a resident of the strata complex;
 - (d) park any vehicle in a manner that will reduce the width of the garage roadway or ramp or any roadway on the common property or on any limited common property;
 - (e) use any part of the common property or any limited common property (other than established storage rooms or lockers) for storage, without the written consent of the council; and
 - (f) store any flammable or combustible items in any parking or storage area.

- (4) 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 or any limited common property.
- (5) Violators of Bylaw 37 (1), (2), (3), or (4) shall be subject to a fine of \$50 for the first offence and subject to further fines and towing of the vehicle or removal of the item at the owner's expense thereafter.

Move in / Move out

- 38 (1) An owner or tenant must notify the property manager in advance of the date and time that the owner or tenant will be moving into or out of the strata lot.

Selling of strata lots

- 39 (1) Any "For Sale" signs placed on the common property must not exceed 36" by 32".

Adult occupancy

- 40 No owner, tenant or occupant of a strata lot shall permit any person under the age of 18 years to ordinarily reside in such strata lot without a person over the age of 18 also ordinarily residing in that strata lot.

Rental restrictions

- 41 Subject to the provisions of this bylaw, strata lots shall be owner-occupied only, with the following considerations and exceptions:
 - (1) at any given time up to 6 strata lots 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:
 - (a) any owner wishing to rent a strata lot must make an application in writing to the council;
 - (b) 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;
 - (c) 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;

- (d) the council will consider each application upon receipt and will respond to each application in writing within one week of receipt;
 - (e) 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;
 - (f) upon acceptance of an application to rent, an owner must enter into a lease of a strata lot within three (3) months 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; and
 - (g) an owner may continue to lease his or her strata lot until the earlier of the date such owner moves into the strata lot to take occupancy and the date the strata lot is sold by the owner to a third party.
- (2) 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 limited rental;
- (3) this bylaw does not apply to prevent the rental of a strata lot to a member of the "family" of an owner, meaning:
- (a) the spouse of the owner;
 - (b) a parent or child of the owner; or
 - (c) 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.

- (4) where an owner has leased a strata lot to a tenant pursuant to a tenancy agreement entered into before this bylaw was passed, this bylaw does not apply to such strata lot until the later of:
 - (a) immediately after the tenant who is occupying the strata lot at the time the bylaw is passed ceases to occupy the strata lot as a tenant; or
 - (b) one year after the bylaw has been passed; and
- (5) the strata corporation is entitled to impose a fine of up to \$500 for a contravention of this bylaw, and may impose such fine for a continuing contravention every seven days.

Hardwood floors

- 42 An owner of a strata lot who has or installs hard floor surfaces such as hardwood floors or tile in a strata lot must take all reasonable steps to satisfy noise complaints from neighbours.

Insurance

- 43 (1) The strata corporation must insure against earthquakes.
- (2) If an owner is determined to be responsible for the loss or damage that gave rise to an insurance claim, the strata can recover the insurance deductible from that owner.

Meeting minutes

- 44 By request of the owner, meeting minutes may be delivered via electronic means to owners in addition to a hard copy of the minutes.

Severability

- 45 The provisions hereof shall be deemed independent and severable and invalidity in whole or part of any bylaw does not affect the validity of the remaining bylaws, which shall continue in full force and effect as if such invalid portion has never been included herein.