

Bylaws

30 September, 2014

Indicates item amended

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Harbourview Strata VIS 4120

BYLAWS (August 31, 2011)

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

1. Payment of strata fees

(1) An owner must pay the annual strata fees set by an annual general meeting on or before the 15th day of October in the year of the annual general meeting, provided that an owner may pay at least one half of those fees on or before that date so long as (a) the balance is secured by a post-dated cheque from the owner dated no later than the 15th day of the following March and (b) the balance is paid no later than the 15th day of the following March.

(2) Notwithstanding subsection (1) the Council may agree in writing, signed by the owner and at least two members of the Council, to an alternative payment arrangement of the strata fees.

(3) In the event an owner fails to comply with subsection (1) or defaults in an alternative payment arrangement made under subsection (2), the Council may impose a fine of \$10.00 on the owner on the first day of each and every other month that the owner has failed to comply or has defaulted as the case may be.

(4) In addition to any fine levied under subsection (3) the Council may require an owner to pay interest on all outstanding strata fees owing at the rate of 10% per annum.

(5) The fiscal year of the strata corporation shall be August 1st to July 31st of each year

2. Repair and maintenance of property by owner

(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 shall indemnify and save harmless the strata corporation for any 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 the Strata Property Act, caused by that owner or that owner's tenant, occupant or visitor, whether the cause be intentional, negligent or accidental, and for which the strata corporation does not have insurance coverage.

3. Use of property

(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.

(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 the Strata Property Act.

(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) Parking - there is no parking permitted in the marked fire lane.

(5) Pets - no pet is allowed, unleashed and uncontrolled, on common property or on another strata owner's property.

4. Inform strata corporation

(1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of:

- (a) the owner's name,
- (b) the strata lot number,
- (c) the mailing address of the owner outside the strata plan, if any,
- (d) the telephone number of the owner and
- (e) the email address, if any of the owner; and within 2 weeks of any change in such address, telephone number or email address, particulars of such change.

(2) Within 2 weeks of a strata lot being leased, an owner must inform the strata corporation of

- (a) the name or names of the tenant or tenants,
- (b) the strata lot number leased,
- (c) the mailing address of the tenant or tenants outside the strata plan, if any,
- (d) the telephone number of the tenant or tenants and
- (e) the email address, if any, of the tenant or tenants; and within 2 weeks of any change in such name or names, address, telephone number or email address, particulars of such changes.

5. Obtain approval before altering common property

(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.

6. Permit entry to strata lot

(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 the Strata Property Act.

(2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.

Division 2 - Powers and Duties of Strata Corporation

7. Repair and maintenance of property by strata corporation

(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 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;

(2) For greater clarity the strata corporation has no duty to repair and maintain:

(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, and
 - (e) fences other than as expressly provided in these Bylaws, railings and similar structures that enclose patios, balconies and yards.
- (3) The strata corporation acknowledges that it must repair and maintain only that portion of the perimeter fence which consists of
- (a) the 31st Street fence from Cliffe Avenue to the Courtenay River Walkway, including the brick pillars and sign, and
 - (b) the property line fence along all of the north border from Cliffe Avenue to the Courtenay River Walkway.

Division 3 - Council

8. Council size

(1) Subject to subsection (2), the council must have at least 3 and not more than 7 members in good standing without unpaid Strata fees or other monies owing.

(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.

9. Council members' terms

(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) The only persons who may be council members are:

(a) an owner and

(b) the spouse of an owner provided that the owner provides the strata corporation a written consent authorizing the spouse to stand for council.

(4) Notwithstanding anything else in these Bylaws, no person may stand for council or remain on council if the strata council is entitled to register a lien against the lot of that person either as an owner or the spouse of an owner of a lot.

(5) In subsections (3) and (4) the 'spouse' of an owner includes a person who is married to an owner and a person who lives and cohabits with an owner in a conjugal relationship whether of the opposite or the same sex.

10. Removing council member

(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.

11. Replacing council member

(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 Strata Property Act, the regulations and the bylaws respecting the calling and holding of meetings.

12. Officers

(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.

13. Calling council meetings

(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.

14. Quorum of council

(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.

(di)

(2) Council members must be present in person at the council meeting to be counted in establishing quorum.

15. Council meetings

(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 the Strata Property Act;

(b) rental restriction bylaw exemption hearings under the Strata Property Act;

(c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

16. Voting at council meetings

(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 mover, seconder and results of all votes at a council meeting, including those in favour, those opposed and those who abstained must be recorded in the council meeting minutes.

17. Council to inform owners of minutes

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.

18. Delegation of council's powers and duties

(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.

19. Financial Considerations

(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.

(3) The strata corporation may grant an honorarium or provide a gift to a person to acknowledge and express gratitude for that person's extraordinary work for or contribution to the strata corporation as a volunteer, with a view to enhancing a healthy sense of community involvement.

(4) Recommendations for volunteer recognition must be made to the council before July 31st each year.

(5) The council is authorized to grant an honorarium or provide a gift under subsection (3) of a monetary value of up to \$100.00; and honorarium or gift of a value in excess of \$100.00 must be approved by the membership at the Annual General Meeting.

(6) The council is not obliged to reimburse volunteers for the out-of-pocket expenses or disbursements incurred by volunteers unless they have been approved beforehand by council after council has been provided with a written estimate.

(7) Strata financial records of income and expenses be maintained by standard accounting principles.

(8) A review of the financial records shall be made by two members of the Strata outside the Strata Council prior to the Annual General Meeting.

(9) The books and the records of the Strata may be inspected by any member of the Strata at any time on giving reasonable notice and arranging a time satisfactory to the appropriate Council member.

20. Limitation on liability of council member

(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

21. Maximum fine

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.

22. Continuing contravention

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

23. Person to chair meeting

- (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.

24. Participation by other than eligible voters

- (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.

25. Voting

- (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.

26. Order of business

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 the Strata Property Act;
- (j) report on insurance coverage in accordance with the Strata Property Act, if the meeting is an annual general meeting;
- (k) approve the budget for the coming year in accordance with the Property Strata Act, if the meeting is an annual general meeting;
- (l) deal with new business, including any matters about which notice has been given under the Strata Property Act;
- (m) elect a council, if the meeting is an annual general meeting;
- (n) terminate the meeting.

Division 6 - Voluntary Dispute Resolution

27. Voluntary dispute resolution

(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 Strata Property 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 7 - Legal Proceedings

28. Small Claims Act

A special resolution of the owners to bring legal proceedings under the Small Claims Act against an owner or other person to collect money owing to the strata corporation, including money owing as a fine, is not required; and the strata council is hereby authorized in its sole discretion to commence, maintain and settle legal proceedings under the Small Claims Act without any further approval of the owners at a general meeting.