

STRATA PLAN VR 1691

THE SOMERSET

BYLAWS

Updated: Updated at May 24th, 2007 Annual General Meeting

Bylaws - The Somerset – VR 1691

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

Payment of strata fees

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

Repair and maintenance of property by owner

2. (1) An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (2) An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (3) Owners of ground floor units are responsible for the maintenance of their individual patios and garden areas, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

Use of property

3. (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that
 - (a) causes a nuisance or hazard to another person,
 - (b) causes unreasonable noise,
 - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - (d) is illegal, or
 - (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.
- (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, 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(4) *Repealed at the May 24th, 2007, Annual General Meeting.*

(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 or common property between the hours of 10:00 p.m. and 8:00 a.m. or that encourages loitering by persons in or about the strata lot or common property;
- (b) make, cause or produce undue noise, smell, vibration or glare in or about any strata lot or common property or do anything which will interfere unreasonably with any other owner, tenant or occupant;
- (c) use any musical instrument, amplifier, sound reproduction equipment or other device within or about any strata lot, the common property 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 like 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 device shall not be used except in accordance with rules made by the strata corporation from time to time;
- (g) shake any mops, rugs, or dusters of any kind, nor throw any refuse, out of the windows or doors or from the balcony of a strata lot;
- (h) do anything that will increase the risk of fire or the rate of insurance on the building or any part thereof;
- (i) permit a condition to exist within a strata lot which will result in the waste or excessive consumption of the building's domestic water supply, gas (fireplace use) or heated water;
- (j) allow a strata lot to become unsanitary or a source of odour;
- (k) 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;
- (l) install any window coverings, visible from the exterior of the strata lot, which are different in size or colour from those of the building (interior or exterior), or as deemed inappropriate by the council;

- (m) hang or display any laundry, washing, clothing, bedding or other articles from windows, balconies and other parts of the building so that they are visible from the outside of the building;
- (n) use or install in or about a strata lot any shades, awnings, windows or balcony guards or screens, ventilators, supplementary heating or air conditioning devices, except those installations approved in writing by the council;
- (o) erect on or fasten to the strata lot, the common property or any limited common property any television or radio antenna, satellite dish, or similar structure or appurtenance thereto, unless first approved by the council;
- (p) place any signs, billboards, notices or other advertising matter of any kind on, or visible from, the exterior of a strata lot;
- (q) run a business from the strata lot;
- (r) allow real Christmas trees on their strata lots or on common property. Only artificial Christmas trees are permitted.

Pets

4. In this bylaw, the following definitions apply:

“aggressive dog” means:

- (a) a dog with a known propensity, tendency, or disposition to attack without provocation other domestic animals or human beings, or
- (b) a dog which has bitten another domestic animal or human being without provocation; or
- (c) snarling, growling or pursuing another animal or person.

“dangerous dog” means:

- (a) any dog that has killed or injured any person or another animal while running at large; or
- (b) any dog that aggressively harasses or pursues another person or animal while running at large; or
- (c) any dog primarily owned or owned in part for the purpose of dog fighting or is trained for dog fighting; or
- (d) a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier or any dog of mixed breeding that includes any of these breeds; or any dog that has the appearance and physical characteristics predominantly conforming to these standards for any of the above breeds; or

- (e) any dog that an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person; or
- (f) any dog that, according to the records of the SPCA, RCMP or City of Vancouver or other municipality, or to the knowledge of the owner, has killed, injured, or aggressively harassed or pursued a person or animal.

“run at large” or “running at large” means:

- (a) being on the common property, including limited common property and
 - (i) not being under the immediate charge and control of a responsible person; or
 - (ii) not on a leash and under the immediate and effective control of a competent person; or
- (b) with respect to a **dangerous dog** or **an aggressive dog**, not muzzled.

“leash” or “leashed” means a device, or use of a device, of leather, metal, nylon or other similar strong material no more than three (3) metres in length and of sufficient strength and design to restrain the size and strength of animal for which it will be (or is being) used. One end must remain securely affixed to a collar or harness securely attached to the dog with the other end held by a person capable of controlling the dog at all times.

“muzzled” means a humane fastening or covering device of adequate strength placed over the mouth of a dog designed to prevent the dog from biting or injuring any person or another animal.

(1) An owner, tenant or occupant or visitor must not keep or harbour a dangerous dog or aggressive dog on a strata lot or common property, including limited common property.

(2) An owner, tenant, occupant or visitor must ensure that a dog does not:

- (a) kill or injure a person or animal; or
- (b) aggressively pursue or harass a person or animal without provocation.

(3) Owners, tenants or occupants must not keep a pet on a strata lot other than one or more of the following:

- (a) a reasonable number of fish or other small aquarium animals;
- (b) a reasonable number of small caged mammals;
- (c) up to 2 caged birds;
- (d) two dogs or two cats or one dog and one cat (i.e. maximum two pets per strata lot).

- (4) An owner, tenant or occupant must not harbour exotic pets, including not exhaustively, snakes, reptiles, spiders or large members of the cat family.
- (5) A strata lot owner must assume all liability for all actions by a pet, regardless of whether the owner had knowledge, notice or forewarning of the likelihood of such action.
- (6) An owner, tenant or occupant must ensure that a pet does not soil common property. Pets **must** be cleaned off before entering the building or the elevator. Pets may be cleaned off in the underground garage.

Inform strata corporation

- 5. (1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and mailing address outside the strata plan, if any.
- (2) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

Obtain approval before altering a strata lot

- 6. (1) An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves any of the following:
 - (a) the structure of a building;
 - (b) the exterior of a building;
 - (c) chimneys, stairs, balconies or other things attached to the exterior of a building;
 - (d) doors, windows or skylights on the exterior of a building, or that front on the common property;
 - (e) fences, railings or similar structures that enclose a patio, balcony or yard;
 - (f) common property located within the boundaries of a strata lot;
 - (g) those parts of the strata lot which the strata corporation must insure under section 149 of the Act.
- (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

- 7. (1) An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.
- (2) The strata corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

Permit entry to strata lot

8. (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.

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, 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) The council must have at least 3 and not more than 7 members.

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) 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.

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, 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

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

Quorum of council

- 17. (1) A quorum of the council is
 - (a) 2, if the council consists of 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 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 are not permitted to attend council meetings unless invited to do so by the Council.

(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.

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) If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.

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) and (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

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) \$75 for each contravention of a bylaw, and
- (b) \$50 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) 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.

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 7 – Miscellaneous

Small Claims Action

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

Moving in / out

32. (1) Moving in or out must be scheduled between 9:00 a.m., and 9:00 p.m.

(2) The service key must be used to control the elevator. The elevator door shall not be jammed open in any manner. If large items are being moved, the key to the front door must also be obtained in order to open both parts of the front door.

(3) Owners will be charged a move-in fee of \$100.

Selling of Strata Lots

33. An owner of a strata lot, when selling his strata lot, will not permit "For Sale" signs to be placed on or about the common property.

Quorum

34. Notwithstanding section 48(3) of the Act, if within 1/2 hour after the time fixed for holding a general meeting a quorum is not present, the owners entitled to vote present in person or by proxy constitute a quorum.

Vehicle and Parking

35. (1) An owner, tenant, or occupant may use only the parking space assigned to his or her strata lot.

(a) All vehicles must be in operating condition and have liability insurance.

(b) In addition to an automobile, an owner, tenant, or occupant may park one motorcycle in his or her parking space, provided that:

(i) the owner, tenant, or occupant holds current valid insurance on the motorcycle, and;

(ii) neither vehicle interferes with the use of any other part of the common parking area.

(2) An owner, tenant, or occupant may not park a vehicle in a position that interferes with the movement of other vehicles or that infringes on other parking spaces.

- (3) Owners, tenants or occupants may not rent or lease their parking space to any non-resident of Strata Plan VR 1691. An owner renting or leasing a parking stall to another resident must inform the strata council or management company.
- (4) An owner, tenant or occupant may not repair or carry out other work on a vehicle in the parking area.
- (5) An owner, tenant or occupant may not park a vehicle dripping oil or gas in the parking area.
- (6) The council may authorize the towing of any parked vehicle that contravenes these Bylaws at the expense of the strata lot owner to whom the parking stall has been assigned.
- (7) Only automobiles or motorcycles may be parked in the parkade.

Rental Restrictions

- 36. (1) The number of strata lots that can be rented at The Somerset is limited to six (6).
- (2) (a) The procedure to be followed by the strata corporation in administering this limit will be as follows:
 - (i) any owner wishing to rent a strata lot must make an application in writing to the council;
 - (ii) approvals will be granted by the council on a first come basis in the order of the date such applications are received by the council;
 - (iii) the council will not screen tenants, establish screening criteria, require the approval of tenants, require the insertion of terms in tenancy agreements or otherwise restrict the rental of a strata lot except as set out in this bylaw;
 - (iv) the council will consider each application upon receipt and will respond to each application in writing within one week of receipt;
 - (v) the council will keep a list of owners who wish to rent their strata lot and the priority of their application, and will advise each owner as soon as their application can be accepted;
 - (vi) upon acceptance of an application to rent, an owner must enter into a lease of a strata lot within three (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 his or her application to rent a strata lot has been approved; and
 - (vii) an owner may continue to lease his or her strata lot until the earlier of the date:
 - (1) such owner moves into the strata lot to take occupancy;
 - (2) the strata lot is sold by the owner to a third party; and

- (b) notwithstanding paragraph (a), where cases of physical or financial hardship of a personal nature arise, the owner 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 hardship will result of limited rental approval is not given, the council shall not unreasonably withhold permission for limited rental;
- (c) this bylaw does not apply to prevent the rental of a strata lot to a member of the "family" of an owner, meaning:
 - (i) the spouse of the owner;
 - (ii) a parent or child of the owner, or
 - (iii) a parent or child of the spouse of the owner,

where "spouse of the owner" includes an individual who has lived and cohabited with the owner for a period of at least two years at the relevant time, in a marriage-like relationship, including a marriage-like relationship between persons of the same gender; and

- (d) 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 7 days.

(3) Owners renting their units are required to provide the managing company with a Form K. If there is a change of tenant(s), the managing company must be supplied an updated Form K within two weeks of the change.

Building Security

37. (1) No owner, tenant, or occupant may leave open any door that opens VR 1691 to the public unless they are in supervision of that door.

(2) No owner, tenant, or occupant may let another person into the building, either in person or by use of the enterphone system, unless that person is their guest or is another resident known personally to them.

(3) An owner, tenant, or occupant shall report to the police and to the building management company any suspicious person(s) seen in Strata Plan VR 1691.

(4) An owner or owner's agent showing a strata lot to a prospective purchaser must accompany the prospective purchaser when inspecting the common property.

(5) An owner, tenant, or occupant, must not 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.

Insurance

38. (1) An owner, tenant, occupant or visitor must not do, or omit to do, whether deliberately or negligently, any act which would result in costs being incurred by the strata corporation due to a claim being made on the insurance policy of the strata corporation.

(2) The owner will indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered necessary to the common property, the common assets or to any strata lot by, or any cost incurred by the strata corporation as a result of, the owner's act, omission or negligence or by that of any member of the owner's family or the owner's tenants, invitees, employees or agents, but only to the extent that such expense or cost is not reimbursed from the proceeds of any insurance policy. In such circumstances, and for the purposes of this bylaw, 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 shall be paid by the strata corporation and then charged to the owner as permitted by section 133 of the Act (i.e. being the reasonable cost of the strata corporation remedying the contravention of paragraph (1) above), and will be added to and become a part of the assessment of the owner for the month next following the date on which the expense is incurred.

Garbage Disposal / Recycling

39. (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 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 recyclable material must be disposed of according to the instructions on the recycle bins.

Legal Note

40. Should any portion of these bylaws be deemed unenforceable by any court of competent jurisdiction, then for the purposes of interpretation and enforcement of any such bylaw each sub-paragraph shall be deemed a separate provision and severable, and the balance of the provisions contained shall remain in full force and effect.