WINDERMERE BYLAWS

STRATA PLAN VR2284

Draft: for consideration and approval

STRATA PLAN VR2284 - WINDERMERE

BYLAWS

Table of Contents

Division 1 - Duties of Owners, Tenants, Occupants, and Visitors 4

1 Compliance with Bylaws and Rules 4

2 Payment of strata fees and special levies 4

3 Repair and maintenance of property by owner 4

4 Use of property 4

5 Safety and security 6

6 Pets and animals 6

7 Visitors and children 6

8 Parking 7

9 Inform strata corporation 7

10 Obtain approval before altering a strata lot 8

11 Obtain approval before altering common property 9

12 Non approval of altering common property 9

13 Renovations and alterations to strata lots 9

14 EV charging unit installation 10

15 Permit entry to strata lot 10

Division 2 - Powers and Duties of Strata Corporation 10

16 Repair and maintenance of property by strata corporation 10

17 Insurance 11

Division 3 - Council 11

18 Council size 11

19 Council eligibility 11

20 Council members' terms 11

21 Removing council member 11

22 Replacing council member 12

23 Officers 12

24 Calling council meetings 12

25 Requisition of council meeting 12

26 Quorum of council 13
27 Council meetings 13
28 Voting at council meetings 13
29 Council to inform owners of minutes 13
30 Delegation of council's powers and duties 13
31 Spending restrictions 14
32 Limitation on liability of council member 14
Division 4 - Enforcement of Bylaws and Rules 14
33 Maximum fine 14
34 Continuing contravention 14
Division 5 - Annual and Special General Meetings 14
35 Quorum of General Meeting 14
36 Person to chair meeting 14
37 Participation by other than eligible voters 15
38 Voting 15
39 Order of business 15
Division 6 – Voluntary Dispute Resolution 16
40 Voluntary dispute resolution 16
41 Authorization to Proceed 16
Division 7 – Marketing Activities by Owners and Occupants 16
42 Sale of a Strata Lot 16
43 Signage and Advertising 16
SCHEDULE A – Installation of Heat Pumps and Air Conditioning Units 17

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

1 Compliance with Bylaws and Rules

1. All owners, tenants, occupants, and visitors must comply strictly with the bylaws and rules of the strata corporation adopted from time to time. Owners in violation of any of the following bylaws will be subject to a fine as determined by the Strata Council.

2 Payment of strata fees and special levies

1. Owners must pay strata fees on or before the first day of the month to which the strata fees relate.
2. Strata fee payments must be paid by providing the strata corporation or its agent with written authorization for monthly automatic debit from the owner's bank account, or with 12 consecutive monthly post-dated cheques for the fiscal year of the strata corporation, dated as of the first day of each month.
3. Each dishonoured strata fee payment will be subject to a $25.00 fine
4. Outstanding strata fees are subject to an interest charge of 10% per annum, compounded annually.
5. Special levies are due and payable on the date(s) noted by the resolution authorizing the special levy.
6. Failure to pay a special levy on the due date will be subject to a fine of $100.
7. Outstanding special levies will be subject to an interest charge of 10% per annum, compounded annually.

3 Repair and maintenance of property by owner

1. Owners 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. Owners must maintain, repair, and replace their dryer vent, smoke detectors, and garage door operator.
3. Owners who have 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.
4. Owners are financially responsible for any loss or damage to a strata lot, common property, or limited common property, resulting from damages originating from within an owner's strata lot or any adjoining strata lot including, but not limited to, water damage arising from interior plumbing leaks within a strata lot.

4 Use of property

1. Owners, tenants, occupants, or visitors must not use a strata lot, common property, or common assets in a way that:
    a. causes a nuisance or hazard to another person,
    b. causes unreasonable noise,
    c. causes an objectionable odour to emanate from a strata lot,

d. causes damage, other than reasonable wear and tear, to common property, common assets, or those parts of a strata lot that the strata corporation must repair and maintain under these bylaws,
e. causes damage to trees, plants, bushes, flowers, or lawns and place chairs, tables or other objects on lawns or grounds so as to cause damage or prevent growth,
f. unreasonably interferes with the rights of other persons to use and enjoy common property, common assets, or another strata lot,
g. is illegal, or
h. 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. Owners, tenants, occupants, or visitors must not:
    a. shake rugs, carpets, mops, or dusters of any kind or throw anything from any window, stairway, or other part of a strata lot or common property,
    b. throw or drop anything, including burning material, such as cigarettes or matches, from any window, stairway, or other part of a strata lot or common property,
    c. display, install, affix or erect fixtures, poles, clotheslines, racks, storage sheds, awnings, shade screens, smoke stacks, satellite dishes, antennas, and similar structures permanently or temporarily on limited common property, common property, or land that is a common asset without the prior written consent of council. Note that free standing, self-contained planter boxes or containers, summer furniture and accessories do not require the written consent of the strata council,
    d. allow a strata lot, limited common property, or common assets to become unsanitary or untidy. Rubbish, dust composting, garbage, boxes, packing cases and other similar refuse must not be thrown, piled, or stored in the strata lot or on common property, limited common property or common assets. Any expenses incurred by the strata corporation to remove or clean up such refuse will be charged to the strata lot owner.
3. Owners, tenants, occupants, or visitors must ensure that:
    a. drapes or blinds visible from the outside of the building are neutral in colour,
    b. air conditioning units, laundry, flags, clothing, bedding or other articles are not hung or displayed from windows or other parts of the building visible from outside,
    c. ordinary household refuse and garbage is securely wrapped and placed in the containers provided for that purpose, recyclable material is kept in designated areas and material other than recyclable or ordinary household refuse and garbage is removed appropriately.
    d. all exterior hose bibs are shut off and properly drained in preparation for winter. Failure to do so may result in pipe bursts within a strata lot. Should this occur, a resident shall be responsible for all costs to repair broken valves, water lines and all other damages to the strata lot(s) including an insurance deductible if applicable.
    e. no barbeques other than those fuelled by propane, natural gas, or electricity may be used. No resident shall operate a barbeque in a manner, which, in the opinion of council, interferes with another resident's enjoyment of a strata lot or common property.
    f. Christmas lights are installed after December 1st of the year approaching Christmas and removed before January 15th of the year following Christmas.
4. Owners, tenants, occupants, or visitors must not use, or permit to be used, the strata lot except as a private dwelling home.

5 Safety and security

1. Owners, tenants, occupants or visitors shall not admit anyone who calls on the enterphone entry system unless they are satisfied the visitor is entering the property or strata lot for legitimate purposes, and they are responsible for all persons whom they admit on or about common property, including agents, servants, licensees, or invitees.
2. Owners, tenants, occupants, or visitors shall not enter upon the limited common property to which another resident has exclusive use unless invited to do so.
3. Owners, tenants, occupants, or visitors should take reasonable steps to reduce fire hazards.
4. Owners, tenants, occupants, or visitors should not store in a strata lot, on common property, or common assets anything that may in any way tend to increase the risk of fire, increase the premiums of the strata corporation's fire insurance, or invalidate any insurance policy owned by the strata corporation.
5. Owners, tenants, occupants, or visitors should not keep a garage door open unless the resident is in the immediate vicinity of the garage. If a resident wishes to increase garage ventilation, they should keep the door open no more than two feet above ground level.
6. Annual in-suite smoke detector inspections and dryer vent cleaning checks are mandatory. A resident is required to provide access to the unit for these purposes, at a reasonable time, on 48 hours written notice. If an inspection finds any smoke detector is not working the resident will have two weeks to have the smoke detector repaired or replaced at the resident's cost and provide the strata council with written proof that the smoke detector is working.

6 Pets and animals

1. Owners, tenants, or occupants must register their pet(s) with the strata council within 30 days of the pet(s) residing on a strata lot.
2. Owners, tenants, occupants, or visitors must ensure that:
    a. all animals are leashed or otherwise secured when on the common property or on land that is a common asset.
    b. all pets are kept quiet, controlled, and clean, and
    c. all excrement on common property must immediately be disposed of.
3. An owner, tenant, occupant must assume all liability for all actions by their pet(s), regardless of whether they had knowledge, notice, or forewarning, or the likelihood of such action.
4. Owners, tenants, or occupants must not:
    a. keep more than 2 pets on a strata lot,
    b. harbour exotic pets, including, but not exhaustively, snakes, reptiles, spiders, or large felines,
    c. keep a pet which is a nuisance on a strata lot or on common property. If, in the opinion of the strata council, the pet is considered a nuisance or has unreasonably interfered with the use and enjoyment of a strata lot or common property, the council may order its permanent removal from the strata lot, common property, or both, and
    d. feed rodents or other wild animals from any strata lot, limited common property, or common property. NOTE: bird feeders are permitted on patios and strata lots, if they do not create a hazard or nuisance to other residents.

7 Visitors and children

1. Owners, tenants, occupants, or visitors are responsible for the conduct of visitors and children including ensuring that noise is kept at a level, in the sole determination of the council, that will not disturb the rights of quiet enjoyment of others.
2. Owners, tenants, occupants, or visitors are responsible for ensuring that children's activities:

a. take place in areas that are safe and free from vehicle traffic,
b. avoid the use of motorized flying objects that may cause harm to others such as airplanes or drones, and
c. avoid any items that may be considered or used as a weapon.

8 Parking

1. Owners, tenants, or occupants must not:
    a. permit any vehicle exceeding 4,000 kg G.V.W. to enter or be parked or stored on common property, limited common property, or land that is a common asset except when used in delivery to or removal from the strata lot,
    b. park or store, or permit to be parked or stored on common property, limited common property or land that is a common asset, any recreational vehicle, including, not exhaustively, boats, trailers and campers,
    c. store unlicensed or uninsured vehicles on the common property, limited common property or on land that is a common asset,
    d. sell, lease or license parking stalls to any person other than another owner or occupant,
    e. permit a vehicle to be parked or left unattended in a manner that interferes with parking stalls, access lanes or no parking zones,
    f. park in visitor parking
    g. park their vehicles parallel to the central access street in front of their units. Trades vehicles may park in front of the unit where they are working for a maximum of one hour to unload materials and then must park their vehicles in a visitors stall or on the main municipal street.
    h. use any parking area as a work area for carpentry, renovations, repairs (including, but not exhaustively, sawing, drilling and the use of any adhesive or hardening compounds) or work on vehicles involving any automotive fluids or paints, motor tune ups or mechanical repairs,
    i. park or store any vehicle that drips oil, gasoline or other automotive residue. Owners will be financially responsible for removing any dripped oil, gasoline or other automotive residue.
2. Owners, tenants, or occupants must park only in the parking stall assigned to the strata lot except for private arrangements with other residents for the use of their parking space.
3. Owners, tenants, or occupants storing a vehicle must provide proof of valid insurance to the strata corporation on the commencement date of the storage and on request thereafter.
4. In accordance with the Fire Marshall's Act, no parking is allowed on the central access street or in any area not specifically designated as a parking space.
5. Owners, tenants, occupants, or visitors operating a vehicle in the parking areas must not exceed 20 km/hour,
6. Any resident's vehicle parked in violation of any of these parking bylaws will be subject to removal by a towing company authorized by council, and all costs associated with such removal will be charged to the owner of the strata lot.

9 Inform strata corporation

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. Owners must inform the strata corporation if they plan to use their unit as a rental property a minimum of 2 weeks prior to tenant occupancy.

3. Tenants must inform the strata corporation of the tenant's name, strata lot number, and mailing address outside the strata plan, if any.
4. Prior to possession of the strata lot by a tenant, the landlord must deliver to the tenant the current bylaws and rules of the strata corporation and a Form K - Notice of Tenant's Responsibilities.
5. Within two weeks of renting a strata lot, the landlord must give the strata corporation a copy of the Form K – Notice of Tenants Responsibilities, signed by the tenant in accordance with the Strata Act.
6. A strata lot must not be used for short-term accommodation purposes.

10 Obtain approval before altering a strata lot

1. Owners 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. patios, 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 the Strata Act, and
    h. wiring, plumbing, piping, heating, furnaces, heat pumps, air conditioning systems, landscaping, and other services.
2. Owners may seek approval for the installation of a heat pump or air conditioning system, provided the following information is included with the application:
    a. written confirmation from a qualified contractor verifying the duct system, if applicable, and electrical service for the heat pump or air conditioning unit are adequate,
    b. detailed descriptions/drawings pertaining to location of the heat pump/air conditioning system, how the external and internal portions of the pump/system are connected, how the building envelope integrity will be maintained, decibel level, and colour of the heat pump/air conditioning system,
    c. description/drawings of the installation from a qualified licensed professional and assurance that the work of the installation will be performed by the same qualified professional,
    d. signed Acceptance of Liability document for all work being done and any subsequent issues that may arise from the installation of the pump/system,
    e. should the scope of work be amended in any way from the original application, a revised application must be submitted to the strata council for approval, and
    f. written confirmation that the owner has read and will adhere to *Installation of Heat Pumps and Air Conditioning Systems*, attached to these bylaws as Schedule A.
3. The strata corporation must not unreasonably withhold its approval of the installation, but may require as a condition of its approval the following:
4. the owner must agree, in writing, to take responsibility for any expenses relating to the alteration, and any future costs in connection to the alteration, and
5. the owner must submit, in writing, detailed plans and written description of the intended alteration.

11 Obtain approval before altering common property

1. Owners must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.
2. As part of the application for approval to make an alteration to the common property, an owner must:
    a. submit in writing, detailed plans and description of the intended alteration,
    b. obtain all applicable permits, licenses, and approvals from the appropriate governmental authorities and provide copies to the strata council, and
    c. provide Certificates of Substantial Contractors Liability for a minimum of $1,000,000 for each contractor.
3. 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:
    a. the alterations be done in accordance with the design or plans approved by the strata council or its duly authorized representatives,
    b. the standard of work and materials be not less than that of the existing structures,
    c. the owner takes full responsibility for any expenses relating to the alteration,
    d. the owner, and any subsequent owner, is responsible for all present and future maintenance, repairs, replacements, additional insurance, and any damage suffered, or cost incurred by the strata corporation as a result, directly or indirectly, of the alterations to the common property, limited common property, or common assets,
    e. any costs or expenses incurred by the strata as a result of claims or demands associated with the alterations will be the responsibility of the owner or subsequent owners, and
    f. the owner must notify any subsequent owner, tenant, occupant of their responsibility for all present and future maintenance, repairs, replacements, additional insurance, and any damage suffered, or cost incurred by the strata corporation as a result, directly or indirectly, of the alterations to the common property, limited common property, or common assets.

12 Non approval of altering common property

1. Owners who alter common property or limited common property without strata council approval, must restore, at the owner's sole expense, the common property, limited common property or common assets to its condition prior to the alteration.
2. 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 following the date on which the cost was incurred and will become due and payable on the due date of payment of the monthly strata fees.

13 Renovations and alterations to strata lots

1. Owners must not permit any construction debris, materials, or packaging to be deposited in the strata corporation's disposal containers.
2. Owners must ensure that the hours of work are restricted to 8:00 am to 8:00 pm Monday to Friday, and from 9:00 am to 5:00 pm on Saturdays. No renovations of alterations are permitted on Sundays or statutory holidays.
3. Owners performing or contracting with others to perform renovations or alterations will be responsible for obtaining all required permits and licenses, and for all associated costs.

14 EV charging unit installation

1. An owner (the "EV Owner") may apply in writing to install an electric vehicle charging outlet, including the associated electrical components in their garage which forms a part of the EV Owner's strata lot. In requesting written approval, the EV Owner will provide to the strata council a written description of the proposed charging equipment (the "EV Charging Equipment"), the proposed design and installation process, and any other documents or plans or information requested by the strata council.
2. The strata corporation will grant approval of a request under section 1 above provided that:
    a. The strata corporation concludes, acting reasonably, that the existing electrical supply load for the development will support the EV Charging Equipment, and
    b. The EV Owner signs an alteration and indemnity agreement on the terms and conditions determined by the strata corporation, including but not limited to:
        i. The EV Owner will pay for all costs relating to the installation of the EV Charging Equipment, including the cost to install and to rent any meters to record the electricity use and costs, and will pay for the cost of all future repairs, maintenance, upgrades and replacement of the EV Charging Equipment,
        ii. The EV Owner will obtain and provide all necessary permits,
        iii. The EV Owner will comply with all applicable bylaws, as adopted from time to time,
        iv. The EV Owner will retain qualified licensed and insured contractors to install the EV Charging Equipment, and
        v. The EV Owner will indemnify and hold harmless the strata corporation for any costs, losses, damages or expenses incurred in connection with the installation and use of the EV Charging Equipment.

All electricity costs of the strata corporation and all third-party metering, monitoring and invoicing costs with respect to the use of the EV Charging Equipment by the EV Owner will be paid for by the EV Owner.

15 Permit entry to strata lot

1. Owners, tenants, occupants, or visitors must allow a person authorized by the strata corporation to enter the strata lot or limited common property:
    a. in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
    b. at a reasonable time within 48 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, and
        ii. to ensure a resident, owner, or tenant's compliance with the Act, bylaws, and rules.
    c. 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

16 Repair and maintenance of property by strata corporation

2. The strata corporation must repair and maintain all the following:
    a. common assets of the strata corporation,
    b. common property that has not been designated as limited common property, and
    c. limited common property, but the duty to repair and maintain it is restricted to:

d. repair and maintenance that in the ordinary course of events occurs less often than once a year, and
e. the following for all strata lots and buildings, no matter how often the repair or maintenance ordinarily occurs:
    i. the structure of a building,
    ii. the exterior of a building,
    iii. patios, chimneys, stairs, and other things attached to the exterior of a building,
    iv. doors, which include the garage doors, and their hardware (rollers, hinges, cables, balance springs, spring shaft, drums, and all mounting hardware, and excludes the garage door operators), 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.

3. If the proposed expenditure has not been put forward for approval in the budget or at an annual or special general meeting, the strata corporation may take the expenditure out of the operating fund, if the expenditures, together with all other unapproved expenditures, whether the same type or otherwise that were made in the same fiscal year, is less that $5,000.
4. The strata corporation shall maintain and repair, including renewal where reasonably necessary, the pipes, wires, and cables existing in the parcel and capable of being used in connection with the enjoyment of more than one strata lot or common property.

17 Insurance

1. The strata corporation must insure against major perils, including, but not limited to earthquakes, fires, and floods.

Division 3 - Council

18 Council size

1. The strata council must have at least 3 and not more than 7 members.

19 Council eligibility

1. An owner or the spouse of an owner may stand for council, but not both.
2. No owner may stand for council or continue to be on council if:
    a. the strata corporation is entitled to register a lien against their strata lot in accordance with the Act, and
    b. there are amounts owing to the strata corporation against their strata lot in respect of administration fees, bank charges, fines, penalties, interest, or other costs including legal costs, or remedying a contravention of the bylaws or rules.

20 Council members' terms

1. The term of office of council members ends at the conclusion 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.

21 Removing council member

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. The strata corporation must pass a separate resolution for each council member to be removed.

3. 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(s) for the remainder of the term, or the remaining council members may appoint replacement council member(s) for the remainder of the term.

22 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 Act, the regulations and the bylaws respecting the calling and holding of meetings.

23 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. The strata council may vote to remove an officer.
5. 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.

24 Calling council meetings

1. Any council member may call a council meeting by giving the other council members at least 7 day’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 7 day’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
    c. consent in advance of the meeting, or
    d. are unavailable to provide consent after reasonable attempts to contact them.
4. The council must inform owners of a council meeting as soon as feasible after it has been called.

25 Requisition of council meeting

1. A resident may request a hearing at a council meeting by application in writing stating the reasons for the request. The Council must hold a meeting to hear the applicant within 45 days from the date the council received the application.

2. If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a decision within 14 days of the date of the hearing.

26 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.
2. Council members must be physically present at the council meeting to be counted toward quorum.

27 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 section 135 of the Act, and
    b. any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

28 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 results of all votes at a council meeting must be recorded in the council meeting minutes.

29 Council to inform owners of minutes

1. The council must circulate to, post, or inform owners of the minutes of all council meetings within 2 weeks of the meeting, whether the minutes have been approved.

30 Delegation of council's powers and duties

1. Subject to subsections (2) to (4), the council may delegate some or all 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.

31 Spending restrictions

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.

32 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

33 Maximum fine

1. The strata corporation may fine an owner or tenant a maximum of:
    a. up to $200 for each contravention of a bylaw, and
    b. up to $50 for each contravention of a rule.

34 Continuing contravention

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.
2. If a resident is in repeated contravention of any bylaws or rules of the strata corporation, the council may levy fines which shall be immediately added to the owner’s strata fees and be due and payable together with the strata fees in the next month following the contravention.

Division 5 - Annual and Special General Meetings

35 Quorum of General Meeting

1. Quorum for an annual or special general meeting is 1/3 of owners present in person or by proxy.
2. If, within 1/2 hour from the time appointed for an annual or special general meeting, a quorum is not present, the meeting stands adjourned for a further 1/2 hour on the same day and at the same place. If, within a further 1/2 hour from the time of the adjournment, a quorum is not present, the eligible voters, present in person or by proxy, constitute a quorum.

36 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.

37 Participation by other than eligible voters

1. Tenants and occupants may attend annual and special general meetings, whether 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.

38 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. 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. Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if there are amounts owing to the strata corporation against the strata lot or if the strata corporation is entitled to register a lien against the strata lot under the Strata Act.

39 Order of business

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.

Division 6 – Voluntary Dispute Resolution

40 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 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.
4. The strata corporation may proceed under the Small Claims Act, without further authorization by the owners, to recover from an owner or other person, money owing to the strata corporation, including costs, interest, and legal costs of remedying a contravention of the bylaws or rules and to recover money which the strata corporation expended as a result of the owner's infraction.

41 Authorization to Proceed

1. The strata corporation may proceed under the *Small Claims Act*, without further authorization by the owner, to recover from an owner or other person, by an action in debt in Small Claims Court, money owing to the strata corporation, including money owing as administration fees, bank charges, fines, penalties, interest or the costs, including legal costs, of remedying a contravention of the bylaws or rules and to recover money which the strata corporation is required to expend as a result of the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family.

Division 7 – Marketing Activities by Owners and Occupants

42 Sale of a Strata Lot

1. Real estate signs must not be displayed in a strata lot or on the common property except in the location designated by the strata corporation for real estate signs. Real estate signs must be removed from the common property within 7 days of the strata lot being sold.

43 Signage and Advertising

1. A resident or owner must not erect of display or permit to be displayed any signs, fences, billboards, placards, advertising, notices, or other fixtures of any kind on the common property or limited common property, unless authorized by the council.
2. A resident may post notices on the designated bulletin board, subject to being removed by the council if deemed inappropriate or posted in excess of one week.

SCHEDULE A – Installation of Heat Pumps and Air Conditioning Units

1. The building envelope shall not be adversely affected by the installation. Therefore, any penetration of the building envelope must be done by a qualified, licensed professional and the seal of the building must be reestablished. Further, the installation, including the building envelope, must be warranted by the installation contractor.
2. Owners must provide information regarding the proposed installation to a building envelope consultant, selected by the strata council, and obtain from that building envelope consultant wall penetration details to be followed during installation.
3. If the component is to be installed on a deck/patio that does not have an overhang/roof a building envelope impact inspection must be conducted by an engineer qualified to conduct building impact envelope inspections prior to any work commencing.
4. Connection of lines (electrical, coolant, etc.) between the exterior unit and the interior of the building must be done in a manner that ensures the integrity of the building envelope.
   NOTE: This must be a ductless system that does not require large openings in the exterior wall.
5. No water may be accumulated in or exit from the component. Any moisture/condensation that is created by the pump/system must be automatically drained into the interior plumbing of the condominium unit. Some pumps/systems require drainage into an existing drain or pipe situated on the condominium unit's deck/patio/balcony. No water is to be drained onto a deck/patio/balcony below.
6. The pump/system must be installed with a sound and vibration absorbing base/mat under the exterior of the components to ensure no transmission to the condominium units below, above, or adjacent to the installed pump/system.
7. The installation and the appearance of the external component must not be unsightly, messy, or unaesthetic as reasonably determined by strata council.
8. Owners are responsible for obtaining the appropriate permits as required by the District of North Vancouver and for ensuring all specifications, technical requirements, and other necessary aspects described within the permit are met.
9. Ensure the heat pump/air conditioning system to be installed does not exceed the District of North Vancouver noise bylaws as perceived at the point of reception on a neighbouring unit.
10. All permits, installation, maintenance, and other costs associated with the heat pump/air conditioning system remain the responsibility of the owner.
11. All maintenance costs associated with the heat pump/air conditioning system remain the responsibility of the owner and subsequent owners.
12. The strata council reserves the right to carry out any inspections during and after the installation of the heat pump/air conditioning system to ensure the conditions of the building envelope integrity and structural capacity are met and the work is as described in the approved application.
13. Heat pumps and air conditioning units are subject to removal at the direction of the strata council where installation requirements set out in this bylaw have not been fully complied with. Owners will pay all costs associated with the removal of a heat pump or air conditioning unit.