



VANCOUVER CONDOMINIUM SERVICES LTD.

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BY-LAWS

STRATA PLAN BCS-522

THE EDEN

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1237 Richards Street
Vancouver, B.C.

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

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BYLAWS
THE EDEN
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Division 1 — Duties of Owners, Tenants, Occupants and Visitors

Payment of strata fees

- 1 (a) An owner must pay strata fees on or before the first day of the month to which the strata fees relate. *(March 23/2005)*
- (b) Liens shall be placed on any strata lot that is found to be in arrears with the Strata Corporation for more than three (3) months. *(March 23/2005)*

Repair and maintenance of property by owner

- 2 (1) An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (2) An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

Use of property

- 3 (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that
 - (a) causes a nuisance or hazard to another person,
 - (b) causes unreasonable noise,
 - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - (d) is illegal, or
 - (e) is 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) An owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following (unless a special permit is obtained from the Strata Council):
 - (a) a reasonable number of fish or other small aquarium animals;
 - (b) a reasonable number of small caged animals;
 - (c) up to two caged birds;
 - (d) up to two dogs; and
 - (e) up to two cats.

Inform strata corporation

- 4 (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

- 5 (1) An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves any of the following:
 - (a) the structure of a building;
 - (b) the exterior of a building;
 - (c) chimneys, stairs, balconies 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.

- (3) This section does not apply to a strata lot in a bare land strata plan.

Obtain approval before altering common property

- 6 (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

- 7 (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot
- (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
- (b) at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act.
- (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.

Division 2 — Powers and Duties of Strata Corporation

Repair and maintenance of property by strata corporation

- 8 The strata corporation must repair and maintain all of the following:
- (a) common assets of the strata corporation;
- (b) common property that has not been designated as limited common property;
- (c) limited common property, but the duty to repair and maintain it is restricted to
- (i) repair and maintenance that in the ordinary course of events occurs less often than once a year, and
- (ii) the following, no matter how often the repair or maintenance ordinarily occurs:
- (A) the structure of a building;
- (B) the exterior of a building;
- (C) chimneys, stairs, balconies and other things attached to the exterior of a building;

- (D) doors, windows and skylights on the exterior of a building or that front on the common property;
 - (E) fences, railings and similar structures that enclose patios, balconies and yards;
- (d) a strata lot in a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to
- (i) the structure of a building,
 - (ii) the exterior of a building,
 - (iii) chimneys, stairs, balconies and other things attached to the exterior of a building,
 - (iv) doors, windows and skylights on the exterior of a building or that front on the common property, and
 - (v) fences, railings and similar structures that enclose patios, balconies and yards.

Division 3 — Council

Council size

- 9 (1) Subject to subsection (2), the council must have at least 3 and not more than 7 members.
- (2) If the strata plan has fewer than 4 strata lots or the strata corporation has fewer than 4 owners, all the owners are on the council.

Council members' terms

- 10 (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.
- (3) to (5) [Repealed 1999-21-51.]

Removing council member

- 11 (1) Unless all the owners are on the council, the strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members.
- (2) After removing a council member, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.

Replacing council member

- 12 (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

- 13 (1) At the first meeting of the council held after each annual general meeting of the strata corporation, the council must elect, from among its members, a president, a vice president, a secretary and a treasurer.
- (2) A person may hold more than one office at a time, other than the offices of president and vice president.
- (3) The vice president has the powers and duties of the president
 - (a) while the president is absent or is unwilling or unable to act, or
 - (b) for the remainder of the president's term if the president ceases to hold office.
- (4) If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

Calling council meetings

- 14 (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

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

Quorum of council

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

Council meetings

- 17 (1) At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.
- (2) If a council meeting is held by electronic means, council members are deemed to be present in person.
- (3) Owners may attend council meetings as observers.

- (4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:
- (a) bylaw contravention hearings under section 135 of the Act;
 - (b) rental restriction bylaw exemption hearings under section 144 of the Act;
 - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

Voting at council meetings

- 18 (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- (2) Unless there are only 2 strata lots in the strata plan, if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- (3) The results of all votes at a council meeting must be recorded in the council meeting minutes.

Council to inform owners of minutes

- 19 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

- 20 (1) Subject to subsections (2) to (4), the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.
- (2) The council may delegate its spending powers or duties, but only by a resolution that
- (a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
 - (b) delegates the general authority to make expenditures in accordance with subsection (3).
- (3) A delegation of a general authority to make expenditures must
- (a) set a maximum amount that may be spent, and
 - (b) indicate the purposes for which, or the conditions under which, the money may be spent.
- (4) The council may not delegate its powers to determine, based on the facts of a particular case,
- (a) whether a person has contravened a bylaw or rule,
 - (b) whether a person should be fined, and the amount of the fine, or

- (c) whether a person should be denied access to a recreational facility.

Spending restrictions

- 21 (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

- 22 (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

- 23 The strata corporation may fine an owner or tenant a maximum of
 - (a) \$200 for each contravention of a bylaw, and *(March 23/2005)*
 - (b) \$50 for each contravention of a rule. *(March 23/2005)*

Continuing contravention

- 24 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

- 25 (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

- 26 (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

- 27 (1) At an annual or special general meeting, voting cards must be issued to eligible voters.
- (2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
- (3) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.
- (4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.
- (5) If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote.
- (6) If there are only 2 strata lots in the strata plan, subsection (5) does not apply.
- (7) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.

Order of business

- 28 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

- 29 (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 — Marketing Activities by Owner Developer

Display lot

- 30 (1) An owner developer who has an unsold strata lot may carry on sales functions that relate to its sale, including the posting of signs.
- (2) An owner developer may use a strata lot, that the owner developer owns or rents, as a display lot for the sale of other strata lots in the strata plan.

(Allocation of Parking Stalls)

- 31 Except as otherwise set out in the Disclosure Statement, each owner of a strata lot is entitled to the exclusive use of one or more parking stalls located in the underground parking facility pursuant to a partial assignment of the parking facility lease (the "Parking Facility Lease") between Bosa Ventures (1200) Inc. as Owner and Bosa Ventures (1200 Park) Inc. as Lessee. Pursuant to the Parking Facility Lease, the strata corporation will automatically assume all of the covenants and obligations of the Owner under the Parking Facility Lease upon the registration of the strata plan for the strata development. As soon as each parking stall within the parking facility has been assigned by Bosa Ventures (1200 Park) Inc. to an owner of a strata lot, the strata corporation shall request that the owners of the strata lots pass a resolution requiring a 3/4 vote at the next general meeting of the strata corporation to designate each of the parking stalls as the limited common property of the owner who, at such time, is entitled to the exclusive use of such parking stall.

Division 8 – Parking

32. Parking

- 32 (1) A resident must not permit any oversized, commercial or recreational vehicles including, but not exhaustively, boats, trailers and campers to enter or be parked or stored on common property, limited common property or land that is a common asset. *(March 23/2005)*
- (2) A resident must not store unlicensed or uninsured vehicles on the common property, limited common property or on land that is a common asset. For vehicles which are parked, but not in operation, storage insurance is mandatory and proof of Liability Coverage must be provided. Any vehicle that does not have valid license plates or insurance must either clearly display proof of third party liability insurance of at least \$200,000 on their dashboard or provide such documentation to the management company. Failure to do so will result in the vehicle being towed away without notice. *(March 23/2005)*
- (3) A resident storing a vehicle must provide proof of insurance to the strata corporation on the commencement date of the storage. *(March 23/2005)*
- (4) A resident must not rent (or allow the free use of) parking stalls to any person other than a resident or owner of the building. *(March 23/2005)*
- (5) A resident must park only in the parking stall assigned to the resident. *(March 23/2005)*
- (6) A resident or visitor must not permit a vehicle to be parked or left unattended in a manner that interferes with parking stalls, access lanes or no parking zones. *(March 23/2005)*

- (7) Any resident's vehicle parked in violation of Bylaw 32(6) 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. *(March 23/2005)*
- (8) A resident or visitor must not 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. *(March 23/2005)*
- (9) A resident or visitor operating a vehicle in the parking areas must activate the vehicle's headlights and not exceed 10 km/hour. *(March 23/2005)*
- (10) A resident or visitor must not smoke while in the parking area. *(March 23/2005)*
- (11) A resident must wash a vehicle in the location designated for vehicle washing only. Once washing is completed, the resident must hose down and remove all dirt, refuse and excess water from the washing area. While washing, a resident must keep audio volume low. *(March 23/2005)*
- (12) A resident must not park or store any vehicle that drips excessive oil or gasoline. A resident must remove any dripped oil, gasoline or other automotive residue. Residents who do not clean up after being notified will be charged \$50 for the clean up and \$50 for an oil pad to be placed in the parking space. Cardboard is not acceptable. The strata council reserves the right to charge \$50 every seven days for violations where an oil pad is not sufficient. *(March 23/2005)*

Division 9 – Moving

33. Moving

- 33 (1) Moves are to be booked through the building manager seven (7) days prior to the moving date. *(March 23/2005)*
- (2) The elevator key must be used to lock off the elevator during the move. Elevator doors are not to be jammed open. The elevator service key must be obtained from the building manager. *(March 23/2005)*
- (3) Elevator pads must be used. Sufficient notice is required for the building manager to put up the pads for the move. *(March 23/2005)*
- (4) Owners will be held responsible for the cost of repair of any damages. *(March 23/2005)*
- (5) Exterior and garage doors are not to be left unattended when open. *(March 23/2005)*
- (6) Moves are to be conducted during the hours of 8:00 a.m. to 6:00 p.m. only. *(March 23/2005)*
- (7) Boxes must be flattened before being placed in the cardboard recycling bin. *(March 23/2005)*

- (8) Furniture, appliances and other non-household garbage must not be left at the building in the common areas, the garbage area or the lane. These types of items are the responsibility of the resident to dispose of off site. *(March 23/2005)*
- (9) Except for the "Townhouse" strata lots, move-ins are charged \$250.00. No separate fee shall apply to move-outs. (The \$250.00 move-in fee covers both move-ins and move-outs and will cover the cost of a security guard for both the move in and move out.) *(March 23/2005)*
- (10) All moves must be through the back entrance, not the main lobby. *(March 23/2005)*
- (11) A security person supplied by the strata corporation must be present during all moves. *(March 23/2005)*
- (12) "Storage Box" requests are permitted and must be dropped at the back entrance. At least 7 days notice must be given to the building manager when seeking approval. Storage/moving containers must not block lane traffic, any doors or fire access. *(March 23/2005)*

Division 10 – Security

34. Security

- 34 (1) All residents are requested to stop their vehicle upon passing the parkade gate and to remain stopped until the gate closes completely. *(March 23/2005)*
- (2) Residents are required not to grant access to the building to any individual who does not scan their own fob at any common area door regardless of how harmless or familiar they may appear. *(March 23/2005)*
- (3) The maximum number of IRT's (Access Fobs) that can be purchased per unit/strata lot is four (4). *(March 23/2005)*

Division 11 – Miscellaneous

35. Miscellaneous

- 35 (1) Only tenants who have completed and filed a "Form K" with the Strata Corporation and Owners shall be listed on the Enterphone and each resident shall be given the choice to only have either the word "occupied" or any combinations of their first and/or last name on the Enterphone. *(March 23/2005)*
- (2) No owner shall store any item on a limited common property balcony, except the following items: appropriate patio furniture that is designed for outdoor use, gas powered barbeques, and potted plants. Satellite dishes shall not be installed or stored on limited common property balconies. Bicycles, boxes, indoor furniture and any other miscellaneous items shall not be stored on limited common property balconies. *(March 23/2005)*
- (3) Any owner or resident who uses profane or abusive language or engages in abusive behaviour that is directed towards the Resident Manager or the Property Agent shall be assessed a fine for each offence, in accordance with the Bylaws of the Strata Corporation. *(March 23/2005)*
- (4) No mats or other items are to be placed or left in common area hallways. *(March 23/2005)*

- (5) Cut Christmas trees are not permitted in the building whatsoever. *(March 23/2005)*

Christmas lights in windows and/or on balconies are permitted only between December 1st and January 15th in reasonable and tasteful colours and quantities that do not detract from the overall aesthetics of the building and must be removed no later than January 15th. *(March 23/2005)*

Christmas decorations/wreaths are permitted on the common area doors of suites only between December 1st and January 15 in reasonable and tasteful sizes and quantities that do not detract from the overall aesthetics of the building and must be removed no later than January 15th. Door decorations must not impede accessibility through doors or in any way create an escape or visibility obstacle in common area hallways. *(March 23/2005)*