

## THE OWNERS, STRATA PLAN NW 3299, FAIRWAY ESTATES

### Definitions

Unless otherwise stated, all terms have the meanings prescribed in the *Strata Property Act*, S.B.C. 1998, c. 43 (the "**Act**"). For the purposes of these bylaws:

- (a) "**residents**" means collectively, owners, tenants and occupants and "**a resident**" means collectively, an owner, a tenant and an occupant;
- (b) "**strata insurance**" means the insurance coverage obtained and maintained by the strata corporation pursuant to the Act and these bylaws.

### Duties of Owners, Tenants, Occupants and Visitors

#### 1. Compliance with bylaws and rules

- 1.1 All residents and visitors must comply strictly with the bylaws and rules of the strata corporation adopted from time to time. Each resident and visitor is deemed to have received and agree to comply with the bylaws and rules

#### 2. Payment of strata fees and special levies

- 2.1 An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- 2.2 Where an owner fails to pay strata fees in accordance with bylaw 2.1, outstanding strata fees will be subject to:
  - (a) an interest charge of 10% per annum, compounded annually; and
  - (b) a fine of up to \$200.00.
- 2.3 An owner must provide the strata corporation or its agent with twelve (12) consecutive, monthly post-dated cheques for strata fees for the fiscal year of the strata corporation, dated as of the first day of each month or, if applicable, written authorization for monthly automatic debit from the owner's bank account.
- 2.4 Failure by an owner to submit twelve (12) monthly, post-dated strata fee cheques or written authorization for automatic debit in accordance with bylaw 2.3 is a contravention of bylaw 2.3 and the strata corporation will levy a fine of \$25.00] for each contravention. Each dishonoured cheque or dishonoured automatic debit will be subject to a fine of \$25.00 and an administration charge of \$25.00.
- 2.5 A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy.
- 2.6 Where an owner fails to pay a special levy in accordance with bylaw 2.5, the outstanding special levy contributions will be subject to:
  - (a) an interest charge of 10% per annum, compounded annually; and

(b) a fine of up to \$200.00

**3. Repair and maintenance of property by owner**

3.1 An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

3.2 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.

3.3 Despite bylaw 9.1(c) and without limiting bylaw 3.2, an owner who has the use of a balcony, patio or roof deck that is designated as limited common property for the exclusive use of their strata lot is responsible for all regular maintenance of such balcony, patio or roof deck (including the cleaning of the surface of the balcony, patio or roof deck and associated railings, as well as the removal of debris from any associated drains).

**4. Use of property**

4.1 A resident 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.

4.2 A resident 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.

4.3 A person residing in a strata lot must be 55 years of age or older.

4.4 To reduce fire hazards, a resident shall not do anything or store anything on the strata lot, limited common property or common property which will increase the risk of fire or may increase the rate of fire insurance or any other insurance policy held by the strata corporation or which might invalidate any insurance policy.

4.5 A resident shall not use any portion of the common property for storage, except with the prior written consent of council.

4.6 Duplication of keys, electronic gate openers and/or their codes and use of electronic gate openers by non-residents shall be prohibited unless prior written approval from a quorum of council is obtained in writing, such approval not be unreasonably withheld.

4.7 A resident shall clean the dryer vent of a strata lot at the least every 18 months.

## 5. **Pets and animals**

5.1 A resident or visitor must not keep any pets or other animals on a strata lot or common property or on land that is a common asset except in accordance with these bylaws.

5.2 A resident or visitor must ensure that all pets are leashed or otherwise secured when on the common property or on land that is a common asset.

5.3 The keeping of pets in a strata lot is restricted to the following:

(a) a maximum of 20 fish or other small aquarium animals;

(b) up to 2 small caged mammals;

(c) up to 2 caged birds;

(d) one neutered cat or one neutered dog.

5.4 A resident must not harbour exotic pets, including not exhaustively, snakes, reptiles, spiders or large members of the cat family.

5.5 A resident must apply to the council for written permission to keep a pet (a "**Permitted Pet**") by registering the pet with the council within 30 days of the pet residing on a strata lot (or the passage of this bylaw 5) and by providing, in writing, the name of the Permitted Pet, breed, colour and markings, together with the name, strata lot number and telephone number of the pet owner.

5.6 A resident or visitor must not permit a loose or unleashed Permitted Pet (leashes cannot exceed six feet in length) at any time on the common property or on land that is a common asset. A Permitted Pet found loose on common property or land that is a common asset will be delivered to the municipal pound at the cost of the strata lot owner.

5.7 A resident must not keep a Permitted Pet which is a nuisance on a strata lot, on common property or on land that is a common asset. If a resident has a pet which is not a Permitted Pet or if, in the opinion of council, the Permitted Pet is a nuisance or has caused or is causing an unreasonable interference with the use and enjoyment by residents or visitors of a strata lot, common property or common assets, the council may order such pet to be removed permanently from the strata lot, the common property or common asset or all of them.

5.8 If a resident contravenes bylaw 5.7, the owner of the strata lot will be subject to a fine of \$200.00.

- 5.9 Despite bylaw 5.8, a resident whose pet contravenes bylaw 5.7 will be subject to an immediate injunction application and the owner of the strata lot will be responsible for all expenses incurred by the strata corporation to obtain the injunction, including legal costs.
- 5.10 A pet owner must ensure that a Permitted Pet is kept quiet, controlled and clean. Any excrement on common property or on land that is a common asset must be immediately disposed of by the pet owner.
- ~~5.11~~ A pet owner must keep a Permitted Pet only in a strata lot, except for ingress and egress, and the resident or visitor must carry the Permitted Pet when the Permitted Pet is in the interior of the building, including the elevator, if any.
- 5.12 A strata lot owner must assume all liability for all actions by a Permitted Pet, regardless of whether the owner had knowledge, notice or forewarning of the likelihood of such action.
- 5.13 A resident or visitor must not feed birds, rodents or other wild animals from any strata lot, limited common property, common property or land that is a common asset. No bird feeders of any kind (with the exception of hummingbird feeders on limited common property or common property) are permitted to be kept on balconies, strata lots, common property or land that is a common asset.

## **6. Inform strata corporation**

- 6.1 An owner must notify the strata corporation of:
- (a) the owner's name and any occupants' names, strata lot number and mailing address outside the strata plan, if any, within two weeks of becoming an owner;
  - (b) a tenant's name and the names of the persons occupying the strata lot with the tenant within 2 weeks of the tenancy commencing; and
  - (c) any changes in the names of any persons residing in the strata lot; and
- 6.2 On request by the strata corporation, a tenant must inform the strata corporation of the tenant's name and the strata lot which the tenant occupies.

## **7. Permit entry to strata lot**

- 7.1 A resident or visitor must allow any person(s) 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;
  - (b) at a reasonable time, on 48 hours' written notice,
    - (i) to inspect, repair, renew, replace or maintain common property, common assets and any portions of a strata lot that are the responsibility of the

strata corporation to repair, replace, renew and maintain under these bylaws or the Act or to insure under section 149 of the Act; or

(ii) to ensure a resident's compliance with the Act, bylaws and rules.

7.2 The notice referred to in bylaw 7.1(b) must include the date and approximate time of entry, and the reason for entry.

7.3 If access to a strata lot is not provided in accordance with bylaw 7.1, the owner will be responsible for:

(a) all costs of forced entry incurred by the strata corporation if the strata corporation, having made reasonable efforts is unable to contact the owner of the strata lot, requires access to the strata lot due to an emergency;

(b) all costs incurred by the strata corporation in respect of contractors who must re-attend at the building to access the strata lot.

### **Alterations to a Strata Lot, Common Property or Limited Common Property**

#### **8. Approval for alterations to a strata lot, limited common property or common property**

8.1 An owner must obtain the written approval of the strata corporation before making or authorizing:

(a) an alteration to a strata lot that involves any of the following:

(i) the structure of a building;

(ii) the exterior of a building;

(iii) patios, chimneys, stairs, balconies or other things attached to the exterior of a building;

(iv) doors, windows or skylights on the exterior of a building, or that front on the common property;

(v) fences, railings or similar structures that enclose a patio, balcony or yard;

(vi) common property located within the boundaries of a strata lot;

(vii) those parts of the strata lot which the strata corporation must insure under section 149 of the Act;

(viii) flooring; and

(ix) wiring, plumbing, piping, heating, air conditioning and other services; and

(b) any alteration to common property, including limited common property, or to common assets

- 8.2 The strata corporation may require as part of an application for approval of any alteration under bylaw 8.1 that an owner must:
- (a) submit, in writing, detailed plans and description of the intended alteration; and
  - (b) obtain all applicable permits, licences and approvals from the appropriate governmental authorities and provide copies to the strata council.
- 8.3 The strata corporation may require, as a condition of its approval under bylaw 8.1, that the owner agree, in writing, to certain terms and conditions, including, not exhaustively, the following:
- (a) that alterations be done in accordance with the design or plans approved by the strata council or its duly authorized representatives;
  - (b) that the standard of work and materials be not less than that of the existing structures;
  - (c) that all work and materials necessary for the alteration be at the sole expense of the owner;
  - (d) that the owner from time to time of the strata lot receiving the benefit of an alteration to common property, limited common property or common assets must, for so long as he or she remains an owner, be responsible for all present and future maintenance, repairs and replacements, increases in insurance, and any damage suffered or cost incurred by the strata corporation as a result, directly or indirectly, of the alterations to common property, limited common property or common assets;
  - (e) that the owner and any subsequent owner on title who receives the benefit of such alteration, must, with respect only to claims or demands arising during the time that they are an owner, indemnify and hold harmless the strata corporation, its council members, employees and agents from any and all claims and demands whatsoever arising out of or in any manner attributable to the alteration. Any costs or expenses incurred by the strata corporation as the result of such claim or demand will be the responsibility of the owner from time to time of the strata lot who has benefited from the alteration and the said costs or expenses incurred must be charged to that owner and will be added to and become part of the strata fees of that owner for the month next following the date upon which the cost or expenses are incurred, but not necessarily paid by the strata corporation, and will become due and payable on the due date of payment of monthly strata fees.
- 8.4 An owner who has altered a strata lot, common property, limited common property or common assets prior to the passage of these bylaws will be subject to their content and intent to the extent that any damages suffered or costs incurred by the strata corporation as a result, directly or indirectly, of the alteration, must be borne by the owner who has benefited from the alteration.
- 8.5 If, subsequent to the passage of bylaws 8.1 to 8.4 inclusive, an owner alters a strata lot, common property or limited common property without adhering strictly to these bylaws,

the strata corporation may require the owner to restore, at the owner's sole expense, the strata lot, common property, limited common property or common assets, as the case may be, to its condition prior to the alteration. If the owner refuses or neglects to restore the strata lot, common property or limited common property back to its original condition following a demand by the strata corporation pursuant to this bylaw 8.5, the strata corporation may, in its discretion, conduct all or part of the restoration, at the expense of the owner who altered the strata lot, common property or limited common property. If the strata corporation undertakes any restoration work pursuant to this bylaw 8.5, the cost of such restoration will be added to and become part of the strata fees of that owner for the month next following the date on which the cost was incurred and will become due and payable on the due date of payment of monthly strata fees.

- 8.6 The strata corporation will not be responsible for repairing, restoring or replacing any alterations undertaken by an owner to a strata lot, common property or limited common property. In the event that the existence of the alteration to a strata lot, common property or limited common property undertaken by an owner results in additional costs to the strata corporation in undertaking the repair and maintenance of common property, limited common property or a strata lot in accordance with these bylaws, the then current owner of the strata lot receiving the benefit of the alteration must indemnify the strata corporation for all such additional costs.

### **Powers and Duties of Strata Corporation**

#### **9. Repair and maintenance of property by strata corporation**

9.1 The strata corporation must repair and maintain all of the following:

- (a) common assets of the strata corporation;
- (b) common property that has not been designated as limited common property;
- (c) limited common property, but the duty to repair and maintain it is restricted to
  - (i) repair and maintenance that, in the ordinary course of events, occurs less often than once a year, and
  - (ii) the following, no matter how often the repair or maintenance ordinarily occurs:
    - A. the structure of a building;
    - B. the exterior of a building;
    - C. patios, 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 common property;
    - E. fences, railings and similar structures that enclose patios, balconies and yards;

- F. parking stalls;
- (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) patios, 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 common property, and
  - (v) fences, railings and similar structures that enclose patios, balconies and yards.

## **Council**

### **10. Council size**

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

### **11. Council eligibility**

11.1 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 section 116(1) of the Act.

### **12. Council members' terms**

12.1 The term of office of a council member ends at the end of the annual general meeting at which a replacement member is elected.

12.2 A person whose term as council member is ending is eligible for re-election.

12.3 In the election of council members held at the first annual general meeting, all council members must be elected for a term of one year.

12.4 In the election of council members at the second annual general meeting,

- (a) If the council has an even number of members, 1/2 the members must be elected for a term of 2 years and the remainder elected for a term of one year, or
- (b) If the council has an odd number of members, a simple majority must be elected for a term of 2 years and the remainder elected for a term of one year.

12.5 In the election of council members held at each annual general meeting after the second general meeting, the members elected to fill the vacant positions must be elected for a term of 2 years.



### **13. Removing council member**

- 13.1 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. The strata corporation must pass a separate resolution for each council member to be removed.
- 13.2 After removing a council member, the strata corporation may hold an election at the same annual or special general meeting to replace the council member for the remainder of the term or the remaining members of the council may appoint a replacement council member for the remainder of the term.
- 13.3 If the strata corporation removes all of the council members, the strata corporation must hold an election at the same annual or special general meeting to replace the council members for the remainder of the term up to, at least, the minimum number of council members required by bylaw of the strata corporation for the remainder of the term.
- 13.4 The council may appoint the remaining council members necessary to achieve a quorum for the strata corporation, even if the absence of the members being replaced leaves the council without a quorum.
- 13.5 A replacement council member appointed pursuant to bylaws 13.2 and 13.4 may be appointed from any person eligible to sit on the council.

### **14. Replacing council member**

- 14.1 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.
- 14.2 A replacement council member may be appointed from any person eligible to sit on the council.
- 14.3 The council may appoint a council member under bylaw 14.2 even if the absence of the member being replaced leaves the council without a quorum.
- 14.4 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 20% 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.

### **15. Officers**

- 15.1 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.
- 15.2 A person may hold more than one office at a time, other than the offices of president and vice president.
- 15.3 The vice president has the powers and duties of the president

- (a) while the president is absent or is unwilling or unable to act,
- (b) if the president is removed, or
- (c) for the remainder of the president's term if the president ceases to hold office.

15.4 The strata council may vote to remove an officer.

15.5 If an officer other than the president is removed, resigns, is unwilling or unable to act for a period of 2 or more months, the council members may elect a replacement officer from among themselves for the remainder of the term.

## **16. Calling council meetings**

16.1 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.

16.2 The notice in bylaw 16.1 does not have to be in writing.

16.3 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.

16.4 Bylaw 14(4) of the Schedule of Bylaws to the Act does not apply to the strata corporation.

## **17. Quorum of council**

17.1 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.

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

**18. Council meetings**

- 18.1 The council may meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit.
- 18.2 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.
- 18.3 If a council meeting is held by electronic means, council members are deemed to be present in person.
- 18.4 Owners and spouses of owners may attend council meetings as observers.
- 18.5 Despite bylaw 18.4, 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.

**19. 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.
- 19.2 If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- 19.3 The results of all votes at a council meeting must be recorded in the council meeting minutes.

**20. Council to inform owners of minutes**

- 20.1 The council must circulate to or post for owners the minutes of all council meetings within 2 weeks of the meeting, whether or not the minutes have been approved.

**21. Delegation of council's powers and duties**

- 21.1 Subject to bylaws 21.2, 21.3 and 21.4, 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.
- 21.2 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 bylaw 21.3.

- 21.3 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.
- 21.4 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,
  - (c) whether a person should be denied access to a recreational facility, or
  - (d) whether an owner should be granted an exemption from a rental restriction bylaw under section 144 of the Act.

## **22. 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.
- 22.2 Despite section 98(2) of the Act, the strata corporation may make expenditures out of the operating fund that were not put forward for approval in the operating budget or an annual general meeting, if the expenditure, together with all other unapproved expenditures, whether of the same type or not, is less than \$3,000.00 of the total contribution to the operating fund for current year].

## **23. 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.
- 23.2 Bylaw 23.1 does not affect a council member's liability, as an owner, for a judgment against the strata corporation.
- 23.3 All acts done in good faith by council members are, even if it is afterwards discovered that there was some defect in the appointment or continuance in office of a member of council, as valid as if the council member had been duly appointed or had duly continued in office.

## **Enforcement of Bylaws and Rules**

### **24. Fines**

- 24.1 Except where specifically stated to be otherwise in these bylaws, the strata corporation may fine an owner or tenant:

- (a) \$200.00 for each contravention of a bylaw, and
  - (b) \$50.00 for each contravention of a rule.
- 24.2 The council must, if it determines in its discretion that a resident is in repeated contravention of any bylaws or rules of the strata corporation, levy fines and the fines so levied will be immediately added to the strata fees for the strata lot and will be due and payable together with the strata fees for the strata lot in the next month following such contravention.

**25. Continuing contravention**

- 25.1 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.

**Annual and Special General Meetings**

**26. Quorum of meeting**

- 26.1 If within 1/2 hour from the time appointed for an annual or special general meeting, a quorum is not present, the eligible voters, present in person or by proxy, constitute a quorum.

This bylaw 26.1 is an alternative to section 48(3) of the Act. This bylaw does not apply to a meeting demanded pursuant to section 43 of the Act and failure to obtain a quorum for a meeting demanded pursuant to section 43 terminates, and does not adjourn, that meeting.

**27. Person to chair meeting**

- 27.1 Annual and special general meetings must be chaired by the president of the council.
- 27.2 If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
- 27.3 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.

**28. Participation by other than eligible voters**

- 28.1 Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.
- 28.2 Persons who are not eligible to vote, including tenants and occupants, may participate in the discussion at a meeting, but only if permitted to do so by the chair of the meeting.
- 28.3 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.

## **29. Voting**

- 29.1 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the Act.
- 29.2 At an annual or special general meeting, voting cards must be issued to eligible voters.
- 29.3 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.
- 29.4 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.
- 29.5 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.
- 29.6 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.
- 29.7 Despite anything in this section bylaw 29, an election of council or removal of a council member must be held by secret ballot, if the secret ballot is requested by an eligible voter and approved by a majority vote resolution.

## **30. Electronic attendance at meetings**

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

## **31. Order of business**

- 31.1 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.
- 31.2 Despite bylaw 31.1, the order of business at an annual or special general meeting may be amended by a majority vote resolution passed at the same meeting.

#### **Small Claims Court Proceedings**

#### **32. Authorization to proceed**

- 32.1 The strata corporation may proceed under the *Small Claims Act*, without further authorization by the owners, 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 or for which the owner is otherwise responsible pursuant to section 158(2) of the Act or these bylaws.

#### **Marketing Activities by Owners**

#### **33. Sale or rental of a strata lot**

- 33.1 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.
- 33.2 The owner or the owner's real estate agent must accompany any person viewing a strata lot for sale or rental purposes at all times while the person is on the common property.

## **Insurance and Responsibility**

### **34. Insuring against major perils**

- 34.1 The strata corporation must insure against major perils, as set out in regulation 9.1(2), including, without limitation, earthquakes.

### **35. Resident insurance**

- 35.1 A resident is responsible for obtaining insurance coverage to cover risks that are not covered by the strata insurance. Without limiting the foregoing, an owner is responsible for obtaining insurance coverage to pay any deductibles payable under the strata insurance for which the owner is responsible.

### **36. Responsibility of Owners**

- 36.1 If an owner is responsible for any loss or damage to a strata lot, common property, limited common property, or common assets, that owner must indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered necessary to the strata lot, common property, limited common property or common assets but only to the extent that such expense is not reimbursed from the proceeds received by operation of any strata insurance policy. Without limiting the generality of the word "**responsible**", an owner is responsible for the owner's own acts or omissions, as well as those of any of the tenants, occupants, visitors, agents, contractors or employees of the strata lot or the owner.
- 36.2 For the purposes of bylaws 4.2 and 36.1, any insurance deductible paid or payable by the strata corporation will be considered an expense not covered by the strata insurance proceeds received by the strata corporation and will be charged to the owner.

### **37. Resident Responsibility for Children and Visitors**

- 37.1 Residents are responsible for the conduct of their visitors, including ensuring that noise is kept at a level that, in the sole determination of a majority of the council, will not disturb the rights of quiet enjoyment of others.
- 37.2 Residents are responsible for the conduct of children residing in their strata lot, including ensuring that noise is kept at a level that, in the sole determination of a majority of the council, will not disturb the quiet enjoyment of others.
- 37.3 Residents are responsible to assume liability for and properly supervise activities of children by accompanying children who are playing on common property.



## Parking and Storage

### 38. Parking

- 38.1 A resident must not permit any oversized, commercial or recreational vehicles (including, but not exhaustively, boats, trailers and campers) to be parked or stored, except in the designated recreational vehicle parking area.
- 38.2 No person shall occupy a recreational vehicle overnight while it is parked or stored.
- 38.3 A resident must not park or store unlicensed or uninsured vehicles on the common property, limited common property or on land that is a common asset.
- 38.4 A resident storing a vehicle must provide proof of insurance to the strata corporation on the commencement date of the storage.
- 38.5 Parking by residents in visitor parking stalls is permitted for a maximum of 2 hours between 9:00 a.m. and 3:00 p.m.
- 38.6 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.
- 38.7 Any resident's vehicle parked in violation of bylaw 38.6 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.
- 38.8 Visitors are permitted to park in visitor parking stalls only for no longer than 120 hours (5 days). For an extension of this limit written permission is required from the council. The council may request that the vehicle be placed in the RV parking area on Best Street. Failure to comply may result in towing of the vehicle at the expense of the owner hosting the visitor. Repeat violations may result in the council levying a fine against the owners involved.
- 38.9 No recreational vehicles are permitted in visitor parking.
- 38.10 A resident or visitor must not use any parking area as a work area for carpentry, alterations, 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.
- 38.11 A resident or visitor operating a vehicle in the parking areas must activate the vehicle's headlights and not exceed 15 km/hour.
- 38.12 A resident or visitor must not use any parking area as a work area for carpentry, alterations, 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.
- 38.13 A resident must not wash a vehicle in any driveway. The location designated for vehicle washing shall be in RV area 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.

- 38.14 Residents and Guests Park and/or store personal on common property at their own risk
- 38.15 No recreational vehicles are permitted in visitor parking.
- 38.16 A resident must not park or store any vehicle that drips oil or gasoline. A resident must remove any dripped oil, gasoline or other automotive residue.
- 38.17 Residents and guests park and/or store personal on common property at their own risk.

### **Gardening**

#### **39. Gardening**

- 39.1 Prior written permission, which cannot be unreasonably withheld, must be obtained from the council before a resident makes any changes, additions or any removal to existing planted areas.
- 39.2 Residents shall not:
  - (a) Prune, trim or cut any plants, shrubs or trees on common property without prior approval of the council gardening committee; or
  - (b) Fertilize any lawns, plants, shrubs or tree without prior approval of the council gardening committee.

### **Appearance of strata lots and common property**

#### **40. Cleanliness**

- 40.1 A resident must not allow a strata lot to become unsanitary or untidy.
- 40.2 A resident must not throw, pile or store rubbish, dust, garbage, boxes, packing cases and other similar refuse in a strata lot or on common property. Any expenses incurred by the strata corporation to remove such refuse will be charged to the strata lot owner.
- 40.3 A resident must ensure that:
  - (a) ordinary household refuse and garbage is securely wrapped and placed in the containers provided for that purpose;
  - (b) recyclable material is kept in designated areas; and
  - (c) material other than recyclable or ordinary household refuse and garbage is removed appropriately.

## **Rentals and Short Term Accommodation**

### **41. Residential rentals**

- 41.1 No strata lots may be rented.
- 41.2 If an owner is exempt from a rental restriction bylaw pursuant to the Act, prior to possession of a strata lot by a tenant, an owner must deliver to the tenant the current bylaws and rules of the strata corporation and a Notice of Tenant's Responsibilities in Form K.
- 41.3 Within two weeks of renting a strata lot, the landlord must give the strata corporation a copy of the Form K - Notice of Tenant's Responsibilities signed by the tenant, in accordance with section 146 of the Act.
- 41.4 Where an owner rents a strata lot in contravention of bylaw 41.1, the owner will be subject to a fine of \$500.00 and the strata corporation will take all necessary steps to terminate the lease or tenancy, including, but not limited to, seeking a declaration or Court injunction to enforce the bylaw. Any legal costs incurred by the strata corporation in enforcing the rental restriction bylaws will be the responsibility of the contravening owner and will be recoverable from the owner on a solicitor and own client basis by the strata corporation.

### **42. Other Accommodation**

- 42.1 An owner, tenant or occupant must not rent less than all of a strata lot.
- 42.2 A strata lot must not be used for short-term accommodation purposes, such as a bed-and-breakfast, lodging house, hotel, home exchange, time share or vacation rental. Without limiting the generality of the foregoing, a resident must not enter into a license for the use of all or part of a strata lot.

## **Miscellaneous**

### **43. Miscellaneous**

- 43.1 A resident or visitor must not hinder or restrict sidewalks, entrances, exits, halls, passageways, stairways and other parts of the common property. Hindrance and restriction includes the keeping of personal items and garbage.
- ~~43.2 A resident or visitor must not wear or use inline skates and skateboards anywhere in the building, including a strata lot.~~
- 43.3 Except as permitted in bylaw 33.1 a resident or visitor must not erect or display or permit to be erected or displayed any signs, fences, billboards, placards, advertising, notices or other fixtures of any kind on the common property or in a strata lot that can be seen outside of the strata lot, unless authorized by the council. This will include exterior painting and the addition of wood, ironwork, concrete or other materials.
- 43.4 A resident must ensure that drapes or blinds visible from the outside of the building are beige in colour.

- 43.5 Subject to bylaw 44.6, a resident must ensure that no air conditioning units, laundry, flags, clothing, bedding or other articles are hung or displayed from windows, balconies or other parts of the building so that they are visible from the outside of the building, except those installations approved in writing by the council.
- 43.6 A resident may hang from a window, balcony or any other part of the building the Canadian flag for the 24 hours of July 1<sup>st</sup> each year.
- (a) Any flag pole mounting must have prior written approval in writing by the council to ensure that the integrity of the building is not compromised;
  - (b) One flagpole may be installed independently and separate from the building in a planter or tub on a balcony or patio located at the rear only of the resident's strata lot.
- 43.7 Planters are permitted on balconies, patios and sidewalks subject to the following conditions:
- (a) Maximum size of the planter shall be 24 inches in diameter by 24 inches in height, 24 inches square by 24 inches in height, or 18 inches in width by 30 inches in length and 24 inches in height;
  - (b) Only 2 such planters described in bylaw 44.7(a) are permitted on any balcony or patio in addition to no more than 6 small planters no larger than 12 inches or 8 inches in width by 16 inches in length, all no larger 12 inches in height;
  - (c) All planters (big or small) must have a flat base with drain holes in the bottom or not more than 2 inches up from the base;
  - (d) All planters must have a pan for collecting water draining from the planter;
  - (e) Planter stands, wheels and moveable bases that cause loads concentrated over small areas are not permitted on balconies, patios or sidewalks;
  - (f) Planters on patios and balconies must be hand watered.
- 43.8 Communications regarding strata corporation governance between residents and council shall be in writing, with signatures, and directed to the council president.
- 43.9 A resident shall be responsible for any visitor or guest staying in a strata lot during the resident's absence.
- 43.10 A resident who installs Christmas lights must install them after November 15th of the year approaching Christmas and must remove them and any extension cords before February 15th of the year following Christmas.
- 44. Exemption from Bylaws and Rules**
- 44.1 The strata council may grant an exemption from the operation of a bylaw or rule in order to accommodate a disability in accordance with the BC *Human Rights Code*.

**END OF BYLAWS**