

Schedule A

THE OWNERS, STRATA PLAN VR 329 – PURCELL WOODS

BYLAWS

As amended at the December 17, 2020 AGM.

THE OWNERS, STRATA PLAN VR 329 – PURCELL WOODS

Preamble

Unless otherwise stated, all terms have the meanings prescribed in the *Strata Property Act*, S.B.C. 1998, c. 43 (the “Act”). The Schedule of Standard Bylaws to the Act does not apply to the strata corporation.

For the purposes of these bylaws:

“**residents**” means collectively, owners, tenants and occupants and “**a resident**” means collectively, an owner, a tenant and an occupant;

“**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.

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. Failure to pay strata fees on the due date may result in a fine of \$50.00 for each contravention of bylaw 2.1.
- 2.2 Where an owner fails to pay strata fees in accordance with bylaw 2.1, and in addition to any fine levied under bylaw 2.1, outstanding strata fees of \$1,000 or more will be subject to an interest charge of 10% per annum, compounded annually.
- 2.3 An owner must provide the strata corporation or its agent with written authorization for monthly automatic debit from the owner’s bank account, or alternatively, provide 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.

- 2.4 A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy.
- 2.5 Where an owner fails to pay a special levy in accordance with bylaw 2.4, the outstanding special levy contributions will be subject to a fine of \$50.00 per month until the outstanding special levy contributions are paid. Outstanding special levy contributions of more than \$1,000 will be subject to an interest charge of 10% per annum, compounded annually.

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 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).

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,
 - (e) is injurious to the reputation of the complex, or
 - (f) 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. Without limiting the generality of the foregoing, a resident or visitor must not do anything on common property likely to damage the trees, plants, bushes, flowers, or lawns, and must not place chairs, tables or other objects on the lawns so as to damage them or prevent their reasonable growth or to interfere with the maintenance of the grounds generally.
- 4.3 An owner is responsible for any damage caused by occupants, tenants or visitors to the owner's strata lot.

- 4.4 A resident must not use, or permit to be used, the strata lot except as a private dwelling home.
- 4.5 Unless granted prior written approval by the council, a resident must not allow more than three (3) persons to occupy a strata lot originally designated by the owner/developer as a one-bedroom unit, five (5) persons to occupy a strata lot originally designated by the owner/developer as a two-bedroom unit and seven (7) persons to occupy a strata lot originally designated by the owner/developer as a three-bedroom unit. For the purposes of bylaw 4.5, a "**person**" is defined to include children, but excludes visitors staying for less than 30 days with an owner, occupant or tenant of a strata lot.
- 4.6 An owner or occupant who alleges hardship as a result of bylaw 4.5 may appeal to the council for permission to be exempt from the bylaw on the basis of hardship and the council must not unreasonably refuse the appeal.
- 4.7 A resident must not use a strata lot for any commercial purpose without the prior permission of the strata council.
- 4.8 A resident must not do anything, or permit anything to be done, within the strata plan that is contrary to any of the provisions, rules or ordinances of any statute or municipal bylaw.
- 4.9 A resident must not do anything, or fail to do something, which would or could unreasonably increase the risk of fire or the rate of the strata insurance premiums.
- 4.10 A resident must not permit coal or combustible, flammable or offensive material (except a small supply of fuel normally used in fireplaces or outdoor barbecues) to be stored in any strata lot.
- 4.11 A resident must endeavour to conserve the plumbing system and the electrical system of the building and must not permit a condition to exist within his/her strata lot which could result in the excessive consumption of domestic water supply.
- 4.12 An owner must install, at his/her own cost, at least one smoke detector on each floor of his/her strata lot and ensure that all smoke detectors in the owner's strata lot are properly functioning at all times.
- 4.13 The Strata Council may, with 48-hour notice, inspect all fire detection equipment in a strata lot to ensure compliance in accordance with bylaw 4.12.
- 4.14 A resident must not alter, tamper with, or disengage fire protective equipment including, but not limited to, signage, lighting, fire extinguishers, and fire and smoke alarms.

5. Pets and animals

- 5.1 A resident or visitor must not keep any pets 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 must apply to the council for written permission to keep any pet (a "Permitted Pet") by registering the pet with the council within thirty (30) days of the pet residing on

a strata lot (or the passage of this bylaw) 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.

- 5.3 A resident 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.
- 5.4 Subject to bylaw 5.2, a resident may keep a pet on a strata lot if it is either:
- (a) one dog;
 - (b) one cat; or
 - (c) a caged bird.

Additional permitted pets may be allowed by the council on a case-by-case basis.

- 5.5 A resident must not harbour farm animals or exotic pets, including, but not limited to, chickens, roosters, peacocks, pigs, snakes, reptiles, spiders or large members of the cat family. Exceptions maybe allowed by council on case by case basis.
- 5.6 A resident or visitor must not permit a loose or unleashed Permitted Pet (leashes cannot exceed two (2) metres 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 shall be delivered to the municipal pound and the cost shall be borne by the animal's 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, a 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 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.
- 5.9 A pet owner must keep a Permitted Pet only in a strata lot, except for ingress and egress.
- 5.10 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.
- 5.11 A resident or visitor must not feed birds, rodents or other wild animals from any strata lot, common property or land that is a common asset.
- 5.12 No bird feeders of any kind are permitted to be kept on balconies, strata lots, common property or land that is a common asset.
- 5.13 A resident contravening any of bylaws 5.1 to 5.12 may be subject to a maximum fine of \$200.

- 5.14 Notwithstanding bylaw 5.13, a resident whose pet contravenes bylaw 5.7 may be subject to an 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.

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 (2) weeks of becoming an owner;
 - (b) a tenant's name and the names of the persons occupying the strata lot with the tenant within two (2) weeks of the tenancy commencing;
 - (c) any changes in the names of any persons residing in the strata lot; and
 - (d) any mortgage or other dealing in connection with the strata lot within two (2) weeks of such mortgaging or other dealing.
- 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.

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

7. Altering a strata lot, common property or limited common property

- 7.1 An owner must obtain written approval from 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.
 - (b) any alteration to common property, including limited common property, or to common assets.
- 7.2 An owner, as part of its application to the strata corporation for permission to alter a strata lot, common property or common assets in accordance with bylaw 7.1, 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.

- 7.3 An owner must, if so requested, attend a council meeting to explain the application for approval of an alteration and/or answer questions from the strata council.
- 7.4 The strata corporation must not unreasonably withhold its approval under bylaw 7.1, 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 and to indemnify and hold harmless the strata corporation for any future costs in connection with the alteration.
- 7.5 The strata corporation may require, as a condition of its approval, that the owner agree, in writing, to certain terms and conditions, including, but not limited to, 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 of the strata lot receiving the benefit of an alteration to 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 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 shall have been 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 of the strata lot who has benefited from the alteration and the said costs or expenses incurred must be charged to that owner and shall 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 shall become due and payable on the due date of payment of monthly strata fees.
- 7.6 Unless section 71 of the Act applies, the strata council must respond to an application for permission to alter common property within 30 days after receipt of the application.
- 7.7 Upon receipt of approval, the owner-applicant must commence construction within 30 days thereafter, and once construction has commenced, it must be completed within the time period determined by the strata council.
- 7.8 An owner who has altered common property or common assets prior to the passage of these bylaws shall be subject to both 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.
- 7.9 If, subsequent to the passage of bylaws 7.1 to 7.8 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 7.9, 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 7.9, 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.

- 7.10 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 when dealing with 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.
- 7.11 The unimproved common property, bounded by Pods A, D, P and Q, is to remain forested and undeveloped.

8. Conduct of Renovations/Alterations

- 8.1 An owner is responsible to ensure that all municipal building codes and permits are met and obtained, and that all tradespersons contracted by owners must be licensed, bonded and insured.
- 8.2 Any liabilities arising from failure to comply with bylaw 8.1 shall be the sole responsibility of the owner-applicant.
- 8.3 A resident must not permit any construction debris, materials or packaging to be deposited in the strata corporation's disposal containers.
- 8.4 A resident must ensure:
- (a) drop cloths are installed and removed daily on the common property hallways as well as between other doors to protect common areas from any spillage or dripping; and
 - (b) stairs, lobbies and paths through the parking areas are regularly cleaned (and vacuumed at the request of the council) and that the residential corridor be thoroughly vacuumed daily.
- 8.5 An owner must ensure that the hours of work are restricted to 8:00 a.m. to 5:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m., Saturdays, Sundays and statutory holidays.
- 8.6 An owner must be in attendance for all significant renovations/alterations, the determination of significant shall be at the discretion of the council.

- 8.7 An owner in contravention of any of bylaws 8.1 to 8.6 may be subject to a fine of up to \$200 for each contravention, as well as be responsible for any clean up or repair costs.

9. Permit entry to strata lot

- 9.1 A resident 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;
 - (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.
- 9.2 The notice referred to in bylaw 9.1(b) must include the date and approximate time of entry, and the reason for entry.

Powers and Duties of Strata Corporation

10. Repair and maintenance of property by strata corporation

- 10.1 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 that was part of the original design of the strata plan, 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,
 - (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 and windows 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) the original design of the 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 and windows on the exterior of a building or that front on common property, and,
- (v) fences, railings and similar structures that enclose patios, balconies and yard.

11. Finances

- 11.1 The fiscal year of the strata corporation is January 1st to December 31st.
- 11.2 Interest income earned on strata corporation operating funds shall become part of the operating fund.
- 11.3 At each fiscal year end, the Strata Corporation must have its books, records and monies audited by an independent auditor. The auditor's report forms part of the records of the Strata Corporation under section 35 of the Act.

Strata Council

12. Council size

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

13. Council eligibility

- 13.1 An owner or the spouse (or common-law partner) of an owner may stand for council, but not both.
- 13.2 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.

14. Council members' terms

- 14.1 Effective with the 2017 Annual General Meeting, all council members shall retire from office and the Strata Corporation shall elect four council members for a two-year term and three council members for a one-year term. Effective the 2018 Annual General Meeting, the three one-year term council members shall retire and the Strata Corporation shall elect three council members for a two-year term and the practice of electing council members for a two-year term shall then continue each year. A retiring member of the Strata Council shall be eligible for re-election to achieve the initial two-year term. Those four council members with the most votes shall be elected for a two-year term.

15. Removing council member

- 15.1 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. The strata corporation must pass a separate resolution for each council member to be removed.
- 15.2 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 or the remaining members of the council may appoint a replacement council member for the remainder of the term.

- 15.3 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.
- 15.4 The council may appoint the remaining council members necessary to achieve a quorum (as defined in section 19 of these bylaws) for the strata corporation, even if the absence of the members being replaced leaves the council without a quorum.
- 15.5 A replacement council member appointed pursuant to bylaws 15.2 and 15.4 may be appointed from any person eligible to sit on the council.

16. Replacing council member

- 16.1 If a council member resigns or is unwilling or unable to act the remaining members of the council may appoint a replacement council member for the remainder of the term.
- 16.2 A replacement council member must be appointed from any person eligible to sit on the council.
- 16.3 The council may appoint a council member under bylaw 16.2 even if the absence of the member being replaced leaves the council without a quorum.
- 16.4 If all the members of the council resign or are unwilling or unable to act, 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.

17. Officers

- 17.1 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 the following officers: a president, a vice president, a secretary and a treasurer.
- 17.2 A person may hold more than one office at a time, other than the offices of president and vice president.
- 17.3 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.
- 17.4 The strata council may vote to remove an officer.
- 17.5 If an officer other than the president is removed, resigns, is unwilling or unable to act, the council members may elect a replacement officer from among themselves for the remainder of the term.

18. Calling council meetings

- 18.1 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.
- 18.2 The notice in bylaw 18.1 does not have to be in writing.
- 18.3 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.
- 18.4 Bylaw 14(4) of the Schedule of Bylaws to the Act does not apply to the strata corporation.

19. Quorum of council

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

20. Council meetings

- 20.1 The council may meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit.
- 20.2 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. If a council meeting is held by electronic means, council members are deemed to be present in person.
- 20.3 Owners may attend council meetings as observers.
- 20.4 Notwithstanding bylaw 20.3, 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, or would constitute a conflict of interest.

21. Voting at council meetings

- 21.1 At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- 21.2 If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- 21.3 The results of all votes at a council meeting must be recorded in the council meeting minutes.

22. Council to inform owners of minutes

- 22.1 The council must circulate to or post for owners the minutes of all council meetings within three (3) weeks of the meeting, whether or not the minutes have been approved.

23. Delegation of council's powers and duties

- 23.1 Subject to bylaws 23.2, 23.3 and 23.4, the council may delegate some or all of its powers and duties to one or more council members or to persons who are not members of the council, and may revoke the delegation.
- 23.2 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 23.3.
- 23.3 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.
- 23.4 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.

24. Spending restrictions

- 24.1 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.
- 24.2 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, does not exceed 5% of the total contribution to the operating fund for current year.

- 24.3 Bylaw 21(2) of the Schedule of Bylaws of the Act does not apply to the strata corporation.

25. Limitation on liability of council member

- 25.1 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.
- 25.2 Bylaw 25.1 does not affect a council member's liability, as an owner, for a judgment against the strata corporation.
- 25.3 Even if it is discovered afterwards that there was some defect in the appointment or continuance in office of a member of council, all acts done in good faith by the council are as valid as if the council member had been duly appointed or had duly continued in office.

Enforcement of Bylaws and Rules

26. Fines

- 26.1 Except where specifically stated to be otherwise in these bylaws, the strata corporation may fine an owner or tenant up to \$200.00 for each contravention of a bylaw.
- 26.2 The council may, if it determines in its discretion that a resident is in repeated contravention of any bylaws of the strata corporation, levy fines, and the fines so levied shall be immediately added to the strata fees for the strata lot and shall be due and payable together with the strata fees for the strata lot in the next month following such contravention.

27. Continuing contravention

- 27.1 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, except where specifically stated to be otherwise in these bylaws.

Annual and Special General Meetings

28. Quorum of meeting

- 28.1 A quorum for a general meeting shall be 20% of the persons entitled to vote present in person or by proxy.
- 28.2 If within ½ hour from the time appointed for an annual or special general meeting, a quorum is not present, the meeting stands adjourned for a further ½ hour on the same day and at the same place. If within a further ½ hour from the time of the adjournment, a quorum is not present, the eligible voters, present in person or by proxy, constitute a quorum.

This bylaw 28.2 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.

29. Person to chair meeting

- 29.1 Annual and special general meetings must be chaired by the president of the council.
- 29.2 If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
- 29.3 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, eligible to vote, who are present at the meeting.

30. Participation by other than eligible voters

- 30.1 Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.
- 30.2 Tenants and occupants who are not eligible to vote must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.
- 30.3 Persons who are not eligible to vote may not participate in the discussion at a meeting.

31. Voting

- 31.1 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.
- 31.2 At an annual or special general meeting, voting cards must be issued to eligible voters.
- 31.3 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.
- 31.4 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.
- 31.5 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.
- 31.6 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.
- 31.7 Despite anything in bylaws 31.1 to 31.6 (inclusive), 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.

32. Order of business

- 32.1 The order of business at annual and special general meetings is as follows:
- (a) certify proxies and corporate representatives,
 - (b) issue voting cards;
 - (c) determine that there is a quorum;
 - (d) elect a person to chair the meeting, if necessary;
 - (e) present to the meeting proof of notice of meeting or waiver of notice;
 - (f) approve the agenda;
 - (g) approve minutes from the last annual or special general meeting;
 - (h) deal with unfinished business;
 - (i) 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;
 - (j) ratify any new rules made by the strata corporation under section 125 of the Act;
 - (k) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
 - (l) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
 - (m) deal with new business, including any matters about which notice has been given under section 45 of the Act;
 - (n) elect a council, if the meeting is an annual general meeting;
 - (o) terminate the meeting.
- 32.2 Despite bylaw 32.1, the order of business at an annual or special general meeting may be amended by a majority vote resolution passed at the same meeting.

Voluntary Dispute Resolution

33. Voluntary dispute resolution

- 33.1 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.
- 33.2 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.
- 33.3 The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

Small Claims Court Proceedings

34. Authorization to proceed

- 34.1 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.

Marketing Activities by Owners and Occupants

35. Sale of a strata lot

- 35.1 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. Individual sale signs are strictly prohibited.
- 35.2 The use of lock boxes is strictly prohibited.

Insurance

36. Insurance and responsibility

- 36.1 The strata corporation must insure against major perils, as set out in regulation 9.1(2), including, without limitation, earthquakes.
- 36.2 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.
- 36.3 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.
- 36.4 For the purposes of bylaws 4.2 and 36.3, 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.

Parking

37. Parking

- 37.1 Parking of oversized, commercial or recreational vehicles including, but not limited to, boats, trailers and campers is not permitted without the written approval of the strata corporation.
- 37.2 A resident must not park unlicensed or uninsured vehicles, or vehicles which are not in operable condition, on the common property.
- 37.3 An owner must not sell, lease or licence parking stalls to any person other than an owner or occupant.
- 37.4 A resident must park only in the parking stall assigned to the resident. All carports, underground parking stalls and numbered parking stalls are assigned.
- 37.5 A resident or visitor must not permit a vehicle to be parked or left unattended in lanes, roadways or on the grass.
- 37.6 A resident or visitor must not park more than one vehicle in a parking stall. "Nose-to-tail" or "across-the-back" parking is prohibited.
- 37.7 A vehicle may not occupy more than one stall. Parking on or over the white line is deemed to be occupying more than one stall.
- 37.8 A resident or visitor must not use any parking area as a work area for carpentry, renovations, repairs (including, but not limited to, 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.
- 37.9 A resident or visitor operating a vehicle in the parking areas must not exceed 10 km/hour.
- 37.10 A resident or visitor must not smoke while in the parking area including inside a vehicle.
- 37.11 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 and pay for any clean-up required because of the spillage.
- 37.12 A resident or visitor must not drive a vehicle anywhere on the common property other than the areas designated as driveable roadways.
- 37.13 Each strata lot is entitled to one parking permit. Parking permits are transferable between the strata lot's vehicles, including visitor's vehicles, within the one permit per strata lot limit.
- 37.14 Vehicles parking in unassigned stalls must display a parking permit. The permit must be current and clearly visible through the front window.
- 37.15 Parking permits are for identification only and do not guarantee a parking space. Parking in the unassigned stalls is on a "first come – first served" basis.

- 37.16 Parking permits are the property of the strata corporation and must be turned over to the new owner of the strata lot when an owner sells his or her strata lot.
- 37.17 Lost, stolen or damaged parking permits will only be replaced once per calendar year. There will be a \$50 charge for replacement.
- 37.18 Any strata lot using a parking permit other than the ones issued by the strata council will be subject to a \$200 fine and lose their parking permit for that calendar year.
- 37.19 Any vehicles not parked in accordance with 37.1 through 37.18 inclusive will be towed without warning at the vehicle owner's expense by the towing company named on signage posted throughout the property.

Appearance of strata lots and common property

38. Cleanliness and Garbage

- 38.1 A resident must not allow a strata lot to become unsanitary or untidy. Rubbish, garbage, boxes, packing cases and other similar refuse must not be thrown, piled or stored in the 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.
- 38.2 A resident must ensure that 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. Any materials other than ordinary household refuse and garbage must be removed from the strata plan by and at the expense of the individual owner.

Rentals and Short-Term Accommodation

39. Residential Rental Limitations

- 39.1 The number of strata lots within the strata corporation that may be leased at any one time is limited to ten (10).
- 39.2 An owner wishing to lease a strata lot must apply in writing to the council for permission to rent before entering into a tenancy agreement. Renting of strata lot is allowed to one family only.
- 39.3 If the number of strata lots leased at the time an owner applies for permission to lease has reached the limit stated in bylaw 39.1, excluding exempt strata lots pursuant to sections 142, 143 and 144 of the Act, the council must refuse permission and notify the owner of the same in writing, as soon as possible, stating that the limit has been reached or exceeded, as the case may be, and place the owner of the strata lot on a waiting list to be administered by the council based upon the date of the request for permission to rent.
- 39.4 If the limit stated in bylaw 39.1 has not been reached at the time the owner applies for permission to lease a strata lot, excluding exempt strata lots pursuant to sections 142,

143 and 144 of the Act, the council shall grant permission and notify the owner of the same in writing as soon as possible.

- 39.5 An owner receiving permission to lease a strata lot must exercise the permission to lease within ninety (90) days from the date that the council granted same, otherwise the permission expires. During the ninety (90) days immediately following the grant of permission, the strata lot shall be deemed leased for the purposes of the limit stated in bylaw 39.1.
- 39.6 Permission to rent a strata lot granted pursuant to this bylaw 39.5 ceases when:
- (a) the owner ceases to be a registered owner of the strata lot;
 - (b) the date on which the owner begins residing in the strata lot.
- 39.7 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.
- 39.8 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.
- 39.9 Where an owner leases a strata lot in contravention of bylaws 39.1, 39.2, 39.3, 39.5 and 39.6, the owner shall be subject to a fine of \$500.00 and the strata corporation shall 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 shall be the responsibility of the contravening owner and shall be recoverable from the owner on a solicitor and own client basis by the strata corporation.

40. Other accommodation

- 40.1 A strata lot must not be used for short-term accommodation purposes, such as a bed-and-breakfast, lodging house, hotel, home exchange, corporate housing, temporary housing, extended vacation rental, 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.

Visitors and Children

41. Children and supervision

- 41.1 Residents are responsible for the conduct of visitors including ensuring that noise is kept at a level, in the sole determination of a majority of the council, that will not disturb the right of quiet enjoyment of others.
- 41.2 Residents are responsible for the conduct of children residing in their strata lot, including ensuring that noise is kept at a level, which in the sole determination of a majority of the council, will not disturb the quiet enjoyment of others.
- 41.3 Residents are responsible to assume liability for and properly supervise activities of children including, but not limited to, bicycling, skateboarding and hockey.

Recreational Facilities

42. Use of Pool and Other Recreational Facilities

- 42.1 The pool is open daily from 8:00 am until 10:00 pm, starting May long weekend and ending Labour Day long weekend (weather permitting). The pool may be closed at any time due to adverse weather conditions (such as lightening), chemical imbalances, mechanical problems, or any other condition that may make it unsafe for use.
- 42.2 A person under the age of 19 years of age is not permitted to use the pool between the hours of 8:00 pm and 10:00 pm.
- 42.3 There is no lifeguard on duty. Children under 14 years of age must be supervised by a parent or guardian.
- 42.4 All persons using the pool do so at their own risk. Persons under the influence of alcohol or drugs are prohibited from using the recreational facilities at any time.
- 42.5 No running games or horseplay permitted in the pool or on the deck. No unnecessary splashing, noise, or screaming.
- 42.6 Street shoes must not be worn on the pool deck.
- 42.7 Food must not be taken into the pool area. Beverages can be consumed on the pool deck only if they are in plastic containers. Consumption of alcoholic beverages is strictly prohibited in the pool, sauna and other recreational areas.
- 42.8 Bathing apparel must be worn while swimming. No cut-offs may be worn in the pool.
- 42.9 Lifesaving equipment is to be used only in case of an emergency.
- 42.10 Pets are not permitted in the pool area.
- 42.11 Each strata lot is limited to 2 visitors using the pool. Residents are responsible for the actions of their guests and must accompany their visitors while in the pool or sauna areas.
- 42.12 No eating or drinking in saunas. No changing of clothes in saunas.
- 42.13 The Amenity Room may be opened if a council member or Pool Committee member is present or by special request of a resident.
- 42.14 Lost, stolen or damaged pool keys are subject to a \$50.00 replacement fee.
- 42.15 A resident wishing to have the use of the Amenity Room must complete the Amenity Room Agreement ("ARA"), as amended from time to time, and pay any deposit set out therein.
- 42.16 If the Amenity Room is damaged or not adequately cleaned, the cost of repairing the damage and/or cleaning the Amenity Room shall be deducted from the deposit. If the repair cost and/or cleaning fees exceed the amount of the deposit, the resident must indemnify and save harmless the strata corporation for any and all costs incurred by

the strata corporation in restoring the Amenity Room to the condition it was in prior to the resident's use.

Miscellaneous

43. Miscellaneous

- 43.1 A resident or visitor must not use or store barbecues on common property.
- 43.2 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.
- 43.3 A resident must not permit any person to play or loiter in the underground parking areas or adjacent areas of the strata corporation.
- 43.4 A resident or visitor must not use common property electrical outlets with the exception of parking area outlets used while vacuuming a vehicle.
- 43.5 In addition to the strictures of bylaw 35.1, a resident or owner 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, unless authorized by the strata council. This prohibition includes exterior painting and the addition of wood, ironwork, concrete or other materials. In addition, signage of any kind related to federal, provincial or municipal elections is not permitted on the common property or in a strata lot.
- 43.6 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.
- 43.7 A resident or visitor must not shake rugs, carpets, mops or dusters of any kind from any balcony, window, stairway or other part of a strata lot or common property.
- 43.8 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 common areas of the strata plan.
- 43.9 A resident must not erect or fasten any television antenna, satellite dish or similar structure or appurtenances to the outside of any unit.
- 43.10 A resident must not display, place or erect fixtures, poles, clotheslines, incinerators, garbage disposal equipment, recreation or athletic equipment, racks, storage sheds, fencing, gardens and similar structures permanently or temporarily on common property, without obtaining the prior written approval of the strata council.
- 43.11 Notwithstanding bylaw 43.10, a resident may place free standing, self contained planter boxes or containers, summer furniture and accessories on the balcony or patio area adjacent to their strata lot as long as plants, furniture or other items do not exceed the load limits of the balcony. Any such items must allow proper air circulation above and around the balcony flooring and railings so as not to promote mold growth, paint

damage, discolouration, or rot. In addition, no items may be in direct contact with wooden parts of the structure, including siding, balcony railings and pickets.

- 43.12 A resident who installs seasonal lights and decorations may install them no earlier than one month before the holiday being celebrated, and remove them no later than two weeks after the holiday being celebrated.
- 43.13 A resident or visitor must not use, light or cause to be used or lit, any firework device on the common property, without obtaining the prior written consent of the strata council. A resident violating this bylaw will be subject to a fine of up to \$200.
- 43.14 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*.
- 43.15 A resident must not store any hazardous or flammable substances in storage lockers.

Smoking

44. No smoking

44.1 For the purposes of this bylaw 44, the following definitions apply:

- (a) **“smoke”** or **“smoking”** includes inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe, hookah pipe or other lighted smoking equipment that burns tobacco or other substances;
- (b) **“vape”** or **“vaping”** includes inhaling, exhaling, vapourizing or carrying or using an activated e-cigarette.

44.2 A resident or visitor must not smoke or vape in or on the following areas:

- (a) a strata lot;
- (b) any common property such as hallways, parking garages, service rooms, recreational areas, or Amenity Room, or on a balcony, patio or deck that is designated as limited common property; and
- (c) anywhere on the exterior common property that is within three (3) metres of a door, window or air intake.

