

1. CONTACT: (Name, address, phone number)

2. IDENTIFICATION OF ATTACHED STRATA PROPERTY ACT FORM OR OTHER SUPPORTING DOCUMENT:

LTO Document Reference:

Strata Property Act
FORM I
AMENDMENT TO BY-LAWS
(Section 128)

The Owners, Strata Plan LMS 1468 certify that the following or attached amendments to the by-laws of the Strata Corporation were approved by a resolution passed in accordance with section 128 of the Strata Property Act at an Annual or Special General Meeting on June 4, 2019 .

Repeal and Replace



Signature of Council Member

JOAQUIN SY-QUIA

Name



Signature of Council Member

Darryl Harnish

Name

**THE OWNERS, STRATA PLAN LMS 1468
1188 HOWE STREET**

Preamble

These bylaws bind the strata corporation and the owners, tenants and occupants to the same extent as if the bylaws had been signed by the strata corporation and each owner, tenant and occupant and contained covenants on the part of the strata corporation with each owner, tenant and occupant and on the part of each owner, tenant and occupant with every other owner, tenant and occupant and with the strata corporation to observe and perform their provisions.

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, “**residents**” means collectively, owners, tenants and occupants and “**a resident**” means collectively, an owner, a tenant and an occupant. The Schedule of Standard Bylaws to the Act does not apply to the strata corporation.

Separate Sections

1. Separate Sections

- 1.1 Strata lot 2 forms a separate section within the strata corporation consisting of all of the hotel non-residential strata lots at 1188 Howe Street and bearing the name “Section 1 of The Owners, Strata Plan LMS 1468” (the “**Hotel Section**”).
- 1.2 Strata lots 1, 3 to 190 inclusive form a separate section within the strata corporation consisting of all of the residential strata lots at 1188 and bearing the name “Section 2 of The Owners, Strata Plan LMS 1468” (the “**Residential/Retail Section**”).
- 1.3 Subject to section 100 of the Act and the Strata Property Regulations, operating expenses that are not payable by any of the Residential/ Retail Section or Hotel Section will be paid from the operating budget for the strata corporation and must borne by the owners of the strata lots comprising the strata corporation in accordance with the following formulas as outlined in Section

2. Operating Expenses to be paid by a Separate Section

- 2.1 Subject to section 100 of the Act and the Strata Property Regulations, operating expenses that are payable by the Hotel Section, including but not limited to the following:
 - (a) the cost of any utilities that have been separately metered to the Hotel Section (such as gas, electricity and water); and
 - (b) the cost of any necessary maintenance, repair and replacements of the areas that form part of the Hotel Section’s duty to repair and maintain under these bylaws,
 - (c) the cost of any necessary maintenance, repair and replacements in the common areas attached/adjacent that are for the Hotel Sections use only, that form part of the Hotel Section’s duty to repair and maintain under these bylaws,
 - (d) the cost of the insurance, based on the portion due as per the itemized appraisal will be paid from the operating budget for the Hotel Section and must borne by the owners of the strata lots comprising the Hotel Section,
 - (e) the cost of water, as it is calculated by the separately installed and read water meter that monitors consumption by the Hotel Annex, from the main water supplied to the strata corporation.

- (f) the cost of parkade maintenance or any other shared common areas between the two sections, the contributions to each to be calculated by percentage of use in the case of the parkade, and any other agreed to division of expense by both parties.
- 2.2 Subject to section 100 of the Act and the Strata Property Regulations, operating expenses that are payable by the Residential/Retail Section, including but not limited to the following:
- (a) the cost of any utilities that have been separately metered to the Residential/Retail Section; and
 - (b) the cost of any necessary maintenance, repair and replacements of the areas that form part of the Residential/Retail Section's duty to repair and maintain under these bylaws,
 - (c) the cost of any necessary maintenance, repair and replacements in the common areas attached/adjacent that are for the Residential/Retail Sections use only, that form part of the Residential/Retail Section's duty to repair and maintain under these bylaws,
 - (d) the cost of the insurance, based on the portion due as per the itemized appraisal will be paid from the operating budget for the Residential/Retail Section and must borne by the owners of the strata lots comprising the Residential/Retail Section.

Duties of Owners, Tenants, Occupants and Visitors

3. Payment of strata fees and special levies

- 3.1 An owner must pay strata fees payable, as applicable, to each of the strata corporation and the applicable section on or before the first day of the month to which the strata fees relate.
- 3.2 Where an owner fails to pay strata fees to the strata corporation or a separate section, as applicable, in accordance with Bylaw 3.1, outstanding strata fees may be subject to an interest charge of 10% per annum, compounded annually.
- 3.3 In addition to interest, failure to pay strata fees to the strata corporation and the applicable section on the due date may result in a fine of \$50 for each contravention of Bylaw 3.1.
- 3.4 Each dishonoured cheque or dishonoured automatic debit will be subject to an administrative charge imposed by the management company of \$25.
- 3.5 A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy.
- 3.6 Failure to pay a special levy on the due date will result in a fine of \$25 for each contravention of Bylaw 3.5.
- 3.7 Where an owner fails to pay a special levy in accordance with Bylaw 3.5, outstanding special levies may be subject to an interest charge of 10% per annum, compounded annually.
- 3.8 Upon the request of a separate section, the strata corporation shall file a lien on a strata lot for any arrears which are lienable under section 116 of the Act and owing by a strata lot owner to the separate section.
- 3.9 If so requested by a separate section, the strata corporation may collect strata fees for a separate section together with the strata fee for the strata corporation. As soon as possible and within 7 days, the strata corporation must provide to the separate section the strata fees collected on behalf of the separate section.

4. Repair and maintenance of property by owner

- 4.1 An owner must repair and maintain the owner's strata lot to the standard of the building, except for repair and maintenance that is the responsibility of the strata corporation or a separate section, as applicable, under these bylaws.
- 4.2 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 or a separate section, as applicable, under these bylaws.

- 4.3 Despite bylaws 12 and 13, an owner is responsible for clearing the drains on a balcony or patio.

5. Use of property

- 5.1 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 contrary to any government or municipal rules or ordinances,
 - (e) is injurious to the reputation of the strata corporation or its owners; and
 - (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.
- 5.2 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 or a separate section, as applicable, must repair and maintain under these bylaws or insure under section 149 of the Act.
- 5.3 An owner is responsible for any damage caused by occupants, tenants or visitors to the owner's strata lot.
- 5.4 A resident must not do or permit anything to be done that may cause damage to trees, plants, bushes, flowers or lawns on the common property or the limited common property designated for the exclusive of all strata lots in a section.
- 5.5 A resident must not use a strata lot for the purpose of conducting a licensed marijuana grow operation.

6. Indemnification

- 6.1 An owner shall indemnify and save harmless the strata corporation or a separate section, as applicable, from the expense of any maintenance, repair or replacement rendered necessary to the common property, limited common property, common assets or to any strata lot by the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, visitors, employees, agents, tenants, contractors or a member of the owner's family, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, and for the purposes of Bylaws 5.1, 5.2 and 5.3, any insurance deductible paid or payable by the strata corporation or a separate section, as applicable, shall be considered an expense not covered by the proceeds received by the strata corporation or a separate section, as applicable, as insurance coverage and will be charged to the owner.
- 6.2 An owner is strictly liable for any damage to common property, limited common property, common assets or to any strata lot as a result of:
- (a) any of the following items in their strata lot:
 - (i) dishwasher;
 - (ii) refrigerator with ice/water dispensing capabilities;
 - (iii) garburator;
 - (iv) toilets, sinks, bathtubs and, where located wholly within the strata lot, plumbing pipes and fixtures;
 - (v) fireplaces;
 - (vi) anything introduced into the strata lot by the owner; and
 - (vii) any alterations to the strata lot made by the owner or by prior owners;

- (b) any of the following areas of limited common property that an owner is required to maintain and repair:
 - (i) damage arising from a blocked drain on the deck or patio designated for the exclusive use of the owner;
 - (c) any alterations or additions to limited common property or common property undertaken by the owner or by prior owner(s) of the strata lot;
 - (d) any pets residing or visiting the owner's strata lot; and
 - (e) any persons (including children) residing or visiting the owner's strata lot.
- 6.3 An owner shall indemnify and save harmless the strata corporation or a separate section, as applicable, from the expense of any maintenance, repair or replacement rendered necessary to the common property, limited common property, common assets or to any strata lot arising from this bylaw 6.2, but to the only extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, any insurance deductible paid or payable by the strata corporation or a separate section, as applicable, shall be considered an expense not covered by the proceeds received by the strata corporation or a separate section, as applicable, as insurance coverage and will be charged to the owner.
- 6.4 Bylaws 6.1 to 6.3 do not limit, in any way, the ability of the strata corporation or a separate section, as applicable, to sue an owner pursuant to section 158(2) of the Act.

7. Pets and animals

- 7.1 An owner, tenant, occupant or visitor must not keep any pets on a strata lot other than one or more of the following:
 - (i) no dogs are permitted;
 - (ii) a reasonable number of fish or other small aquarium animals;
 - (iii) a reasonable number of small caged mammals;
 - (iv) up to two (2) caged birds;
 - (v) one cat.

8. Inform strata corporation and separate section

- 8.1 An owner must notify the strata corporation and the applicable separate section:
 - (a) within two weeks of becoming an owner, of the owner's name and any occupants' names, strata lot number, home phone number and, if any, email address and mailing address outside the strata plan; and
 - (b) of any mortgage or other dealing in connection with the strata lot within two weeks of such mortgaging or other dealing.
- 8.2 On request by the strata corporation or a separate section, as applicable, a tenant must inform the strata corporation or a section, as applicable, of the tenant's name and the strata lot which the tenant occupies.

9. Obtain approval before altering a strata lot

- 9.1 An owner must obtain the written approval of the strata corporation and the applicable separate section before making or authorizing an alteration to a strata lot that involves any of the following:
 - (a) the structure of a building;
 - (b) the exterior of a building;
 - (c) patios, chimneys, stairs, balconies or other things attached to the exterior of a building;
 - (d) doors, windows or skylights on the exterior of a building, or that front on the common property;

- (e) fences, railings or similar structures that enclose a patio, balcony or yard;
 - (f) common property located within the boundaries of a strata lot;
 - (g) those parts of the strata lot which the strata corporation must insure under section 149 of the Act;
 - (h) wiring, plumbing, piping, heating, air conditioning and other services;
 - (i) flooring;
 - (j) interior finishing that affects soundproofing.
- 9.2 The strata corporation and the applicable separate section must not unreasonably withhold its approval under Bylaw 9.1, 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 or a separate section for any future costs in connection with the alteration.
- 9.3 An owner intending to apply to the strata corporation and the applicable separate section for permission to alter a strata lot must submit, in writing, detailed plans and written description of the intended alteration.
- 10. Obtain approval before altering common property**
- 10.1 An owner must obtain the prior written approval of the strata corporation and the applicable separate section before making or authorizing an alteration (including any alteration of appearance) to common property, including limited common property or common assets. Without limiting the generality of the foregoing, an alteration to common property includes any alterations involving balconies, patios, balcony enclosures, satellite dishes, and sunscreens.
- 10.2 An owner, as part of its application to the strata corporation and the applicable separate section for approval to alter common property, limited common property or common assets, 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 and the executive council of the applicable separate section.
- 10.3 The strata corporation and the applicable separate section may require, as a condition of its approval, 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 or a separate section as a result, directly or indirectly, of the alterations to common property, limited common property or common assets;
 - (e) that the owner provide proof of appropriate insurance with respect to the alteration;
 - (f) 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 were owner, indemnify and hold harmless the strata corporation, a separate section, their 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 or a separate section 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 will 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 or a separate section, and will become due and payable on the due date of payment of monthly strata fees.

- 10.4 An owner who alters common property or limited common property without adhering strictly to these bylaws, must restore, at the owner's sole expense, the 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 alteration to its original condition, the strata corporation or a separate section may conduct the restoration, at the expense of the owner who altered the common property or limited common property. The cost of such alteration 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.

11. Permit entry to strata lot

- 11.1 A resident or visitor must allow a person authorized by the strata corporation or a separate section, as applicable, 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.

- 11.2 The notice referred to in Bylaw 11.1(b) must include the date and approximate time of entry, and the reason for entry.

- 11.3 If forced entry to a strata lot is required due to required emergency access and the inability to contact the owner of the strata lot, the owner shall be responsible for all costs of forced entry incurred by the strata corporation or the section, as applicable.

- 11.4 In exercising its rights under this bylaw, the strata corporation must not unreasonably interfere with the commercial operations of any occupant of a non-residential strata lot.

Powers and Duties of Strata Corporation or a Section

12. Repair and maintenance of property by strata corporation

- 12.1 Subject to a section's responsibility for repair and maintenance set out under bylaw 13, the strata corporation must repair and maintain all of the following:

- (a) common assets of the strata corporation; and
- (b) common property that has not been designated as limited common property.

13. Repair and maintenance of property by separate section

- 13.1 A separate section must repair and maintain all of the following:

- (a) common property, but the duty to repair and maintain it is restricted to the following:
 - (i) the structure of the building in which the separate section is located;
 - (ii) the exterior of a building in which the separate section is located;

- (iii) the building envelope of a building in which the separate section is located;
- (iv) enterphone and elevators;
- (v) doors, windows, and skylights on the exterior of the building in which the separate section is located;
- (vi) patios, decks, balconies and other things attached to the exterior of the building in which the separate section is located;
- (vii) railings and similar structures that enclose patios, decks and balconies attached to the exterior of the building in which the separate section is located;
- (viii) common property located inside the building in which the section is located;
- (ix) building systems, including but not limited to HVAC, piping, mechanical and such other systems that relate to and benefit the strata lots of a separate section;
- (x) utilities that relate to and benefit the strata lots of a separate section;
- (b) common assets of the separate section;
- (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,
 - (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, decks, 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, and
 - E. railings and similar structures that enclose patios and balconies.
- (d) a strata lot in a separate section, but the duty to repair and maintain it is restricted to the following:
 - (i) the structure of a building,
 - (ii) the exterior of a building,
 - (iii) doors, windows and skylights on the exterior of a building or that front on the common property;
 - (iv) patios, decks, balconies and other things attached to the exterior of a building, and
 - (v) railings and similar structures that enclose patios and balconies.

Strata Council and Executive Council

14. Size of strata council and executive councils

- 14.1 The strata council must have at least 3 and not more than 7 members, and must include at least one member from the Hotel Section unless no such owner or representative is willing to stand for council.
- 14.2 The executive of the Hotel Section must have 1 member.
- 14.3 The executive of the Residential/Retail Section must have at least 3 and not more than 7 members.

15. Eligibility for strata council and executive

- 15.1 An owner or the spouse of an owner, but not both, may stand for the strata council.
- 15.2 An owner or spouse of an owner, but not both, may stand for the applicable executive.

- 15.3 No person may stand for a strata council or executive, or continue to be on a strata council or executive, with respect to a strata lot if the strata corporation or a separate section, as applicable, is entitled to register a lien against that strata lot under section 116(1) of the Act.

16. Terms of strata council and executive members

- 16.1 The term of office of a strata council or executive member ends at the end of the annual general meeting at which the new strata council or executive, as applicable, is elected.
- 16.2 A person whose term as a strata council or executive member is ending is eligible for re-election.

17. Removing strata council and executive members

- 17.1 The strata corporation or a separate section, as applicable, may, by a resolution passed by a majority vote of the owners present in person or by proxy at an annual or special general meeting, remove one or more strata council or executive members, as applicable. The strata corporation or a separate section, as applicable, must pass a separate resolution for each strata council or executive member to be removed.
- 17.2 After removing a strata council or executive member, the strata corporation or a separate section, as applicable, may hold an election at the same annual or special general meeting to replace the strata council or executive member for the remainder of the term.
- 17.3 If the strata corporation or a separate section removes all of the strata council or executive members, as applicable, the strata corporation or a separate section, as applicable, must hold an election at the same annual or special general meeting to replace the strata council or executive members for the remainder of the term up to, at least, the minimum number of strata council or executive members required by these bylaws for the remainder of the term.
- 17.4 A strata council or executive, as applicable, may appoint the remaining strata council or executive members necessary to achieve a quorum for the strata council or the executive, as applicable, even if the absence of the members being replaced leaves the strata council or executive without a quorum.

18. Replacing strata council and executive member

- 18.1 If an executive member resigns or is unwilling or unable to act, the remaining members of the executive may appoint a replacement executive member for the remainder of the terms.
- 18.2 If a strata council member resigns or is unwilling or unable to act, the members of the strata council may elect from its members a replacement strata council member for the remainder of the term.
- 18.3 A replacement executive member may be appointed from any person eligible to sit on the executive.
- 18.4 A replacement strata council member may be appointed from any person eligible to sit on the strata council.
- 18.5 If all the members of a strata council or executive resign or are unwilling or unable to act, persons holding at least 20% of the votes of the strata corporation or the section, as applicable, may hold a special general meeting to elect a new strata council or executive, as applicable, by complying with the provisions of the Act, the regulations and these bylaws respecting the calling and holding of meetings.

19. Officers

- 19.1 This bylaw 19 does not apply to the Hotel Section.
- 19.2 At the first meeting of a strata council held after the annual general meeting, the strata council must elect, from among its members, a president, a vice president, a secretary and a treasurer.

- 19.3 At the first meeting of an executive held after the applicable annual general meeting, the executive must elect, from among its members, a president, a vice president, a secretary and a treasurer.
- 19.4 A person may hold more than one office at a time, other than the offices of president and vice president.
- 19.5 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) the president is removed; or
 - (c) for the remainder of the president's term if the president ceases to hold office.
- 19.6 The strata council or an executive, as applicable, may vote to remove an officer.
- 19.7 If an officer other than the president is removed, resigns, is unwilling or unable to act, the strata council or executive members, as applicable, may elect a replacement officer from among themselves for the remainder of the term.

20. Calling strata council and executive meetings

- 20.1 A strata council or executive member, as applicable, may call a meeting of a strata council or executive to which the member belongs by giving the other members, as applicable, at least one week's notice of the meeting, specifying the reason for calling the meeting.
- 20.2 The notice in Bylaw 20.1 does not have to be in writing.
- 20.3 A strata council or executive meeting may be held on less than one week's notice if
- (a) all strata council or executive members, as applicable, consent in advance of the meeting, or
 - (b) the meeting is required to deal with an emergency situation, and all the strata council or executive members, as applicable, either
 - (i) consent in advance of the meeting, or
 - (ii) are unavailable to provide consent after reasonable attempts to contact them.
- 20.4 The strata council or executive must inform owners of the strata corporation or a section, as applicable, about a strata council or executive meeting as soon as feasible after the meeting has been called.

21. Quorum of strata council and executive

- 21.1 A quorum of the strata council or the residential executive, as applicable, 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.
- 21.2 A quorum of the Hotel executive is 1.
- 21.3 Strata Council or executive members must be present in person at the strata council or executive meeting, as applicable, to be counted in establishing quorum.

22. Strata council and executive meetings

- 22.1 At the option of the applicable strata or executive, a strata council or executive meeting may be held by electronic means, so long as all members and other participants can communicate with each other.
- 22.2 If a strata council or executive meeting is held by electronic means, strata council or executive members, as applicable, are deemed to be present in person.
- 22.3 Owners and spouses of owners may attend strata council meetings and the applicable executive meetings as observers.

- 22.4 Despite Bylaw 22.3, no observers may attend those portions of a strata council or executive meeting that deal with any of the following:
- (a) bylaw contravention hearings under section 135 of the Act;
 - (b) rental restriction bylaw exemption hearings; or
 - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

23. Voting at strata council and executive meetings

- 23.1 At council meetings, decisions must be made by a majority of strata council or executive members, as applicable, present in person at the meeting.
- 23.2 If there is a tie vote at a strata council or executive meeting, the applicable president may break the tie by casting a second, deciding vote.
- 23.3 The results of all votes at a strata council or executive meeting must be recorded in the applicable minutes.

24. Council to inform owners of minutes

- 24.1 The strata council and an executive council must circulate to or post for owners of the strata corporation or a section, as applicable, the minutes of the applicable strata council or executive meetings within 2 weeks of the meeting, whether or not the minutes have been approved.

25. Delegation of strata council's and executive's powers and duties

- 25.1 Subject to Bylaws 25.3, 25.4 and 25.5, a strata council may delegate some or all of its powers and duties to one or more strata council members or persons who are not members of the strata council, and may revoke the delegation.
- 25.2 Subject to Bylaws 25.3, 25.4 and 25.5, an executive may delegate some or all of its powers and duties to one or more applicable executive members or persons who are not members of the applicable executive, and may revoke the delegation.
- 25.3 A strata council or executive 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 25.4.
- 25.4 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.
- 25.5 A strata council or executive 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 of the strata corporation or a section, as applicable; or
 - (b) whether a person should be fined, and the amount of the fine, as a result of a finding under Bylaw 25.5(a).

26. Spending restrictions

- 26.1 A person may not spend the money of a strata corporation or a separate section, as applicable, unless the person has been delegated by the strata corporation or a separate section, as applicable, the power to do so in accordance with these bylaws.
- 26.2 Despite Bylaw 26.1, a strata council or executive member may spend the money of a strata corporation or a separate section, as applicable, to repair or replace any property that the strata

corporation or a separate section, as applicable, is responsible for if the repair or replacement is immediately required to ensure safety or to prevent significant loss or damage.

27. Limiting Expenditures of Strata Council and executive

- 27.1 The Strata Council may expend up to a maximum of \$5,000.00 for single expenditures that are not set out in the annual budget approved by the owners at the Annual General Meeting, but the total of all such expenditures must not exceed \$30,000.00 in the fiscal year.
- 27.2 The Residential Section may expend up to a maximum of \$5,000.00 for single expenditures that are not set out in the annual budget at the annual general meeting of the strata corporation, but the total of all such expenditures must not exceed \$30,000.00 in the fiscal year.
- 27.3 The Retail Section may expend up to a maximum of \$5,000.00 for single expenditures that are not set out in the annual budget approved at the annual general meeting of the Retail Section, but the total of all such expenditures must not exceed \$30,000.00 in the fiscal year.

28. Limitation on liability of council member

- 28.1 A strata council or executive member, as the case may be, 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 strata council or executive, as applicable.
- 28.2 Bylaw 28.1 does not affect a strata council or executive member's liability, as an owner, for a judgment against the strata corporation or the section, as the case may be.
- 28.3 All acts done in good faith by a strata council or executive, as applicable, are, even if it is afterwards discovered that there was some defect in the appointment or continuance in office of a member of strata council or executive, as applicable, as valid as if the applicable strata council or executive member had been duly appointed or had duly continued in office.

Enforcement of Bylaws and Rules

29. Fines

- 29.1 Except where specifically stated to be otherwise in these bylaws, the strata corporation or a section, as applicable, may fine an owner or tenant a maximum of:
 - (a) \$200 for each contravention of a bylaw; and
 - (b) \$50 for each contravention of a rule.

30. Continuing contravention

- 30.1 Except where specifically stated to be otherwise in these bylaws, 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.

31. Expenses incurred by the strata corporation or a separate section

- 31.1 The strata corporation or a separate section, as applicable, may correct, remedy or cure any breach by a resident or visitor of the bylaws or rules of the strata corporation or the separate section, as applicable, and any expenses expended or incurred by the strata corporation or a separate section as a result of such correction, remedy or cure, including all legal expenses on a solicitor and own client basis, will be charged to the owner and/or tenant of the applicable strata lot.

32. Other Charges

- 32.1 Additional assessments, fines authorized by these bylaws, banking charges, filing costs, legal expenses, and any other expenses incurred by either the strata corporation or a separate section, as applicable, to enforce these bylaws, as they may be amended from time to time, or any rule which may be established from time to time by the council pursuant to the Act or these bylaws, shall become part of the assessment of the owner responsible and shall become due and payable on the first day of the month next following, except that any amount owing in respect of such amounts will be calculated as a separate component of such assessment and the strata corporation or a separate section may not register a lien against such separate component.

Annual and Special General Meetings

33. Quorum of meeting

- 33.1 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 33.1 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.

34. Person to chair meeting

- 34.1 Annual and special general meetings of the strata corporation or a separate section must be chaired by the president of the applicable strata council or executive.
34.2 If the president of the applicable strata council or executive is unwilling or unable to act, the meeting must be chaired by the vice president of the applicable strata council or executive.
34.3 If neither the president nor the vice president of the applicable strata council or executive 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.

35. Participation by other than eligible voters

- 35.1 Spouses of owners, tenants and occupants may attend annual and special general meetings of the strata corporation and the applicable separate section, whether or not they are eligible to vote.
35.2 Persons who are not eligible to vote may participate in the discussion at a general meeting, but only if permitted to do so by the chair of the meeting.
35.3 Despite Bylaw 35.1, spouses of owners, tenants and occupants who are not eligible to vote must leave the general meeting if requested to do so by a resolution passed by a majority vote at the meeting.

36. Voting

- 36.1 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised at a general meeting of the strata corporation or a separate section if the strata corporation or a separate section, as applicable, is entitled to register a lien against that strata lot under section 116(1) of the Act.
36.2 At an annual or special general meeting, voting cards must be issued to eligible voters.
36.3 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.
36.4 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.

- 36.5 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.
- 36.6 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.
- 36.7 Despite anything Bylaws 36.1 through 36.6 (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.

37. Order of business

- 37.1 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) 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;
 - (h) ratify any new rules made by the strata corporation under section 125 of the Act;
 - (i) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
 - (j) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
 - (k) elect a council, 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) terminate the meeting.

Small Claims Court Proceedings

38. Authorization to proceed

- 38.1 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

39. Sale of a strata lot

- 39.1 Real estate signs must not be displayed in a strata lot or on the common property except on the signage post designated by the strata council.

Insurance

40. Insuring against major perils

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

Storage and Security

41. Storage lockers and bicycle storage

- 41.1 A resident or visitor must not use any part of the common property (excluding established storage areas) for storage, without the written consent of the strata council or executive, as applicable.
- 41.2 A resident must not store any hazardous or flammable substances in storage lockers.

Move In or Move Out

42. Move In and Move Out Fees

- 42.1 A resident moving in must pay to the building manager a non-refundable \$75.00 move in fee.
- 42.2 All moves must be booked with the building manager 48 hours in advance of the move.
- 42.3 The move in fee applies when the resident of the unit changes, whether or not the unit is furnished or unfurnished.

Residential Rentals

43. Residential Rentals

- 43.1 Prior to possession of a residential 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.
- 43.2 An owner may lease the owner's strata lot in accordance with Sections 141 – 148 of the Strata Property Act provided the owner delivers the following documents to the strata council prior to the commencement of the term of the lease:
 - a) A Notice of Tenant's Responsibilities (Form K); and
 - b) Such further information and documentation relating to the tenancy as the strata council may reasonably require provided that such requirements are in accordance with the Act.
- 43.3 The occupancy of a strata lot by any person other than the owner and/or the owner's immediate family for a period in excess of one month shall be considered a lease and be subject to the provisions of this bylaw.
- 43.4 The Form K must specify the persons residing in the unit and all applicable contact information. In the case where the tenant is a company, the company must provide a Form K that specifies the persons residing in the suite, and their appropriate contact information. A form K with the company name only will not be considered sufficient, and the owner of this suite will then be subject to fines as allowed by these bylaws.
- 43.5 An owner who leases the owner's strata lot in contravention of this bylaw is subject to a fine of up to \$500 every 7 days, with such amount as determined by the strata council from time to time, for each 7 day period during which a contravention of this bylaw occurs and or continues. This amount shall become part of the assessment payable by such owner and shall become due and payable on the first day of the month following the month in which the strata council notifies the owner of the breach.
- 43.6 No owner shall rent their strata lot for a period of less than 6 months. Where an owner permits their strata lot to be rented for a period of less than the 6 months, the owner shall be deemed in breach of this by-law and subject to such penalties and restrictions as determined by the Council.

- 43.7 No owner, tenant, or occupant will for any reason grant a license to any person to occupy a strata lot under any of the following arrangements:
- (a) as vacation, travel, or temporary accommodation; or
 - (b) as a motel, hotel, inn, hostel, or bed and breakfast, or other similar accommodations; or
 - (c) as a boarding house, home stay, or student housing; or
 - (d) through any website designed for booking short term accommodations, temporary accommodations or vacation rentals, including but not limited to www.airbnb.com, www.vrbo.com and other similar websites; or
 - (e) through any app designed for booking short term accommodations, temporary accommodations or vacation rentals; or
 - (f) through any other person, agency, or organization which makes arrangements for, or which itself reserves, short term accommodations, temporary accommodations, or vacation rentals; or
 - (g) at a nightly or weekly rate
 - (h) an owner, tenant or occupant who uses a strata lot in contravention of subsection 43.7 of this bylaw may be subject to a fine of \$200 per contravention, at the discretion of the strata council. Effective June 1, 2019, this fine will be increased to a maximum of **\$1,000 for each day** that the strata lot is used as short-term accommodation in contravention of this bylaw.

Cleanliness

44. Cleanliness

- 44.1 A resident or visitor must not allow a strata lot to become unsanitary or untidy.
- 44.2 A resident or visitor 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.
- 44.3 Extraordinary refuse and garbage, such as furniture, shall be removed from the property at the owner's expense.
- 44.4 Garbage shall not be left in the hallways or on any part of the property not specifically designated for garbage disposal.

Visitors and Children

45. Children and supervision

- 45.1 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 strata council or executive, as applicable, which will not disturb the rights of quiet enjoyment of others.
- 45.2 Residents are responsible for the conduct of children residing in their strata lot, including ensuring that noise is kept at a level, in the sole determination of a majority of the strata council or executive, as applicable, which will not disturb the quiet enjoyment of others.
- 45.3 Residents are responsible to assume liability for and properly supervise activities of children including, but not exhaustively, bicycling, skateboarding and hockey.

Parking and Bicycles

46. Parking

- 46.1 A resident must not park in visitor parking.
- 46.2 A resident must park only in the parking space assigned to the resident, subject to any private arrangements made between residents.

- 46.3 A resident must not store unlicensed, uninsured or unmaintained vehicles on the common property, limited common property or on land that is a common asset.
- 46.4 A resident storing a vehicle must:
- (a) obtain the prior approval of the strata council; and
 - (b) provide proof of valid insurance to the strata corporation on the commencement date of the storage and on request thereafter.
- 46.5 A resident or visitor must not use any parking area as a work area for carpentry, renovations, repairs (including, but not exhaustively, sawing, drilling and the use of any adhesive or hardening compounds) or work on vehicles.
- 46.6 A resident must not allow any vehicle fluids (such as oil or gasoline) to accumulate or stain the parking area. A resident must promptly and at the resident's own expense remove any dripped oil, gasoline or other automotive residue. A resident shall promptly remove from the strata corporation any vehicle that continually or frequently leaks fluids. Such vehicles shall not be returned to the strata corporation until appropriate repairs have been undertaken.
- 46.7 A resident must use a parking stall only for the parking of insured motor vehicles, trailers, or motorcycles and not for the parking of any other type of vehicle or the storage of any other item, unless otherwise approved in writing by the strata council.
- 46.8 A resident must not lease or licence the parking stall allocated to their strata lot to any person other than a resident.
- 46.9 A resident or visitor must not drive away from the overhead security gate for the underground parkade before the gate is completely closed.
- 46.10 A resident or visitor must not park any vehicle in a manner which will reduce the width of the garage roadway or ramp or any roadway on the common property or on any limited common property.
- 46.11 The maximum speed in parking areas is 10km/hr.
- 46.12 The use of vehicle horns is prohibited in parking areas except to signal to prevent an accident.
- 46.13 Any oil spills within a parking stall shall be cleaned by the owner, tenant or occupant of the strata lot assigned the stall. If not cleaned in a reasonable time, the Strata Corporation may hire a cleaning service and the costs charged back to the owner assigned the stall.
- 46.14 An owner or tenant is subject to a fine of \$200 for a contravention by a resident or resident's visitor of any of bylaws 46.1 to 46.13 (inclusive).
- 46.15 A vehicle parked in contravention of bylaws 46.1, 46.2, 46.3, and 46.10 will be towed, and all towing and storage costs will be at the vehicle owner's expense.