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KPL

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*Please find attached a copy of the **Bylaws** and/or amendments for*

Strata Corporation ___*LMS3853*_____

These Bylaws are provided on a "without prejudice" basis. If you require Bylaws for legal purposes, we recommend you obtain an exact copy of the Strata Corporation's registered Bylaws from the Land Title Office and consult professional legal counsel regarding its content.

KYLE PROPERTIES LTD.
Managing Agent

16 JUN 2009

12 JUN 2009 13 00 BB0943025 COPY

STRATA PROPERTY ACT
FORM I
AMENDMENT TO BYLAWS
(Section 128)

The Owners, Strata Plan LMS 3853 certify that the following or attached amendments to the bylaws of the strata corporation were approved by a special resolution passed in accordance with Section 128 of the Strata Property Act at a Special General Meeting held on May 12, 2009 as follows:

SPECIAL RESOLUTION #2:

" Be it resolved that a New Bylaw **3(4) (d)** be approved by ¾ vote which reads: An Owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following: **d)** one dog or one cat; provided however, that an owner, tenant or occupant with an independent entrance to the strata lot is permitted to keep either two dogs, or two cats, or one dog and one cat."

The Common Seal of the Owners, Strata Plan LMS 3853 was hereby affixed on the 9 day of June 2009 in the presence of:

Signature of Council Member

Signature of Council Member

SEAL

17 JUN 2008 13 17 BB0869808

COPY

STRATA PROPERTY ACT
FORM I
AMENDMENT TO BYLAWS
(Section 128)

The Owners, Strata Plan LMS3853 certify that the following or attached amendments to the bylaws of the strata corporation were approved by a special resolution passed in accordance with Section 128 of the Strata Property Act at a Annual General Meeting held on May 22, 2008 as follows:

SPECIAL RESOLUTION #2 –NEW BYLAW #32(2)
An Owner shall indemnify and save harmless the Strata Corporation from the expense of any maintenance, repair, or replacement rendered necessary to the common property, or to any strata lot by the Owners' act, omission, negligence or carelessness, or by that of any member of the Owners' family, or the Owners' guests, employees, agents, or tenants, but only to the extent that such expense is not met by the proceeds received by the Strata Corporation as insurance coverage. In such circumstances, and for the purpose of this Bylaw, any insurance deductible paid or payable by the Strata Corporation shall be considered an expense not covered by the proceeds received by the Strata Corporation as insurance coverage, and shall be charged to the Owners and shall be added and become part of the assessment of that Owner for the month following the date on which the expense was incurred, and shall become due and payable on the date of payment of the monthly assessment.

SPECIAL RESOLUTION #3 – NEW BYLAW #32(3)
"Be it resolved that Owners authorize by ¾ vote a new Bylaw, #32(3) which reads: An Owner, Tenant or Occupant shall not rent or lease the parking space assigned by the Strata Corporation to his Strata Lot or to otherwise permit that parking space to be regularly used by anyone that is not a resident of the building."

SPECIAL RESOLUTION #4 – NEW BYLAW #32(4)
"Be it resolved that all changes in occupancy of any Strata Lot, whether by an Owner or a Tenant, shall be assessed a non-refundable move-in charge of $100.00, which shall be paid prior to any such move-in.

The Common Seal of the Owners, Strata Plan LMS3853 was hereby affixed on the 22 day of May 2008 in the presence of:

Signature of Council Member

SEAL

Signature of Council Member

BYLAWS

STRATA PLAN LMS3853

AS AMENDED AT ANNUAL GENERAL MEETINGS FEBRUARY 26, 2003
and MAY 5, 2004

AVANTI in Kitsilano
3126 - 3188 West 4th Avenue, Vancouver, BC V6K 1R7
2018 - 2028 Trutch Street, Vancouver, BC V5T 1R7

SCHEDULE OF BYLAWS
Avanti, Strata Plan LMS 3853

DIVISION 1 - DUTIES OF OWNERS, TENANTS, OCCUPANTS AND VISITORS

Payment of strata fees

1

(1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate.

(2) If payment of strata fees is not received by the end of the fifth business day of the month, the owner shall be considered in arrears and is subject to pay to the strata corporation interest on the late payment in the amount of 10% per annum, compounded annually, and calculated on a monthly basis commencing from the date the payment was due and continuing until the last day of the month in which it is paid.

Repair and maintenance of property by owner

2

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

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

Use of property

3

(1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that

a) causes a nuisance or hazard to another person,

b) causes unreasonable noise,

c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,

d) is illegal, or

e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.

(2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.

(3) An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset.

(4) An owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following:

a) a reasonable number of fish or other small aquarium animals;

b) a reasonable number of small caged mammals;

c) a reasonable number of small caged birds;

d) one dog or one cat.

5) Subject to the provisions of this bylaw strata lots shall be owner-occupied only, with the following considerations and exceptions:

(a) strata lots may be leased for terms of not less than one year, and the procedure to be followed by the strata corporation in administering this limit will be as follows:

(i) any owner wishing to rent a strata lot must provide to the Strata Council a form "K" Notice of Tenant's Responsibilities;

(ii)upon receipt of the Form K, an owner may enter into a lease of a strata lot within six months (6) from receipt by the council; and

(iii) an owner may continue to lease his or her strata lot until the earlier of the date such owner moves into the strata lot to take occupancy and the date the strata lot is sold by the owner to a third party.

(b) the strata corporation is entitled to impose a fine of up to $500 for a contravention of this bylaw, and may impose such fine for a continuing contravention every seven days.

Inform strata corporation

4

(1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and mailing address outside the strata plan, if any.

(2) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

Obtain approval before altering a strata lot
5

(1) An owner intending to apply to the council for permission to alter a strata lot must submit, in writing, detailed plans and written description of the intended alteration which must include the completion date.

(2) An owner must obtain the written approval of the council before making an alteration to a strata lot that involves any of the following:

a) the structure of a building;

b) the exterior of a building;

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

d) addition to or removal of, in whole or in part, any interior walls, stairs, ceilings or sub-floors;

e) doors, windows or skylights (including the casings, the frames and the sills of such doors, windows and skylights) on the exterior of a building, or that front on the common property (i.e. including, for example, adding security devices to the entrance door to a strata lot);

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

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

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

i) wiring, plumbing, piping, heating, air conditioning and other services.

(3) The council must not unreasonably withhold its approval under subsection (2), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses or future costs relating to the alteration.

(4) An owner, tenant or occupant must not do any act, nor alter a strata lot, in any manner, which in the opinion of the council will alter the exterior or interior appearance of the building.

(5) An owner, tenant or occupant altering a strata lot shall obtain all applicable permits, licences and approvals from the appropriate governmental authorities and provide copies to the strata council.

(6) The council must not unreasonably withhold its approval under subsection (2), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses or future costs relating to the alteration.

Obtain approval before altering common property

6

(1) An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.

(2) The strata corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

(3) An Owner must obtain the written approval of the Council prior to installing a satellite dish.

a) An Owner intending to install a satellite dish system must arrange to have this installation performed by a suitable trade professional and who issues a written guarantee or bonding certificate against installation and long-term damages to the structure of the building, including but not limited to penetration of the building envelope.

i) Should this guarantee or bonding be of a limited duration, all liability regarding long-term damage to the structure relating to the installation of the satellite dish will remain the responsibility of the Owner.

Following installation, copies of this guarantee or bonding certificate must be delivered to the Council.

b) The Owner will conduct a semi-annual inspection of the entry point for the satellite dish system into the unit and of where the dish is affixed, notifying the Council immediately if potential damage is suspected.

c) Satellite dishes may only be affixed to the roof-top wooden decking of the Owner's unit.

i) Satellite dishes will not be permitted to be installed directly onto the structure of the building.

No part of the satellite dish system is to extend above the height of the roof-top railings.

Hi) All cabling must be firmly affixed to the wooden decking using nails, staples or specialized cable clamps to prevent tripping hazards and vibration of the cables, thus producing noise in the wind.

d) Only a single satellite dish may be installed per any unit.

e) Removal of a satellite dish system will require the same steps be taken as per the installation of a dish as outlined in subsection a) of this bylaw including that it be conducted by a suitable trade professional, and that it be guaranteed or bonded.

f) All costs regarding installation, maintenance or removal of a satellite dish system will be the responsibility of the Owner.

g) Satellite dish systems installed prior to the enactment of this bylaw are subject to this bylaw and

i) The Owners must notify the Council of the past installation of a satellite dish system.

ii) The Owners must ensure the satellite dish system is in compliance with subsection c) of this bylaw.

iii) The Owners must provide the Council with a copy of a guarantee or bonding certificate as per subsection a) of this bylaw.

Permit entry to strata lot

7

(1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot

a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and

b) at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act.

(2) The notice referred to in subsection (1)(b) must include the date and approximate time of entry, and the reason for entry.

DIVISION 2 - POWERS AND DUTIES OF STRATA CORPORATION

Repair and maintenance of property by strata corporation

8

(1) The strata corporation must repair and maintain all of the following:

a) common assets of the strata corporation;

b) common property that has not been designated as limited common property;

c) limited common property, but the duty to repair and maintain it is restricted to

i) repair and maintenance that in the ordinary course of events occurs less often than once a year, and

II) the following, no matter how often the repair or maintenance ordinarily occurs:

(A) the structure of a building;

(B) the exterior of a building;

(C) chimneys, stairs, balconies and other things attached to the exterior of a building;

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

(E) fences, railings and similar structures that enclose patios, balconies and yards;

d) a strata lot in a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to

(i) the structure of a building,

(ii)the exterior of a building,

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

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

(v)fences, railings and similar structures that enclose patios, balconies and yards.

DIVISION 3 - COUNCIL

Council size

9

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

Council members' terms

10

(1) At each Annual General Meeting, council members shall be elected to fill the positions of those council members whose terms of office have expired and each council member so elected shall hold office for a term of up to two(2) years with one-half (1/2) of the council members' terms expiring each year.

(2) A person whose term as council member is ending is eligible for re-election

Removing council member

11

(1) Unless all the owners are on the council, the strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members.

(2) After removing a council member, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.

(3) 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 the Act.

Replacing council member

12

(1) If a council member resigns or is unwilling or unable to act for a period of 2 or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.

(2) A replacement council member may be appointed from any person eligible to sit on the council.

(3) The council may appoint a council member under this section even if the absence of the member being replaced leaves the council without a quorum.

(4) If all the members of the council resign or are unwilling or unable to act for a period of 2 or more months, persons holding at least 25% of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings.

Officers

13

(1) At the first meeting of the council held after each annual general meeting of the strata corporation, the council must elect, from among its members, a president, a vice president, a secretary and a treasurer.

(2) A person may hold more than one office at a time, other than the offices of president and vice president.

(3) The vice president has the powers and duties of the president

a) while the president is absent or is unwilling or unable to act, or

b) for the remainder of the president's term if the president ceases to hold office.

(4) If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

Calling council meetings

14

(1) Any council member may call a council meeting by giving the other council members at least one week's notice of the meeting, specifying the reason for calling the meeting.

(2) The notice does not have to be in writing.

(3) A council meeting may be held on less than one week's notice if

a) all council members consent in advance of the meeting, or

b) the meeting is required to deal with an emergency situation, and all council members either

i) consent in advance of the meeting, or

ii) are unavailable to provide consent after reasonable attempts to contact them.

(4) The council must inform owners about a council meeting as *soon* as *feasible* after the meeting has been called.

Requisition of council hearing

15

(1) By application in writing, stating the reason for the request, an owner or tenant may request a hearing at a council meeting.

(2) If a hearing is requested under subsection (1), the council must hold a meeting to hear the applicant within *one month* of the request.

(3) If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within one week of the hearing.

Quorum of council

16

(1) A quorum of the council is

a) 1, if the council consists of one member,

b) 2, if the council consists of 2, 3 or 4 members,

c) 3, if the council consists of 5 or 6 members, and

d) 4, if the council consists of 7 members.

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

Council meetings

17

(1) At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.

(2) If a council meeting is held by electronic means, council members are deemed to be present in person.

(3) Owners may attend council meetings as observers.

(4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:

a) bylaw contravention hearings under section 135 of the Act;

b) rental restriction bylaw exemption hearings under section 144 of the Act;

c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

Voting at council meetings

18

(1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.

(2) Unless there are only 2 strata lots in the strata plan, if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.

(3) The results of all votes at a council meeting must be recorded in the council meeting minutes.

Council to inform owners of minutes

19

The council must inform owners of the minutes of all council meetings within 2 weeks of the meeting, whether or not the minutes have been approved.

Delegation of council's powers and duties

20

(1) Subject to subsections (2) to (4), the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.

(2) The council may delegate its spending powers or duties, but only by a resolution that

a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or

b) delegates the general authority to make expenditures in accordance with subsection (3).

(3) A delegation of a general authority to make expenditures must

a) set a maximum amount that may be spent, and

b) indicate the purposes for which, or the conditions under which, the money may be spent.

(4) The council may not delegate its powers to determine, based on the facts of a particular case,

a) whether a person has contravened a bylaw or rule,

b) whether a person should be fined, and the amount of the fine, or

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

Spending restrictions

21

(1) A person may not spend the strata corporation's money unless the person has been delegated the power to do so in accordance with these bylaws.

(2) Despite subsection (1), a council member may spend the strata corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.

Limitation on liability of council member

22

(1) A council member who acts honestly and in good faith is not personally liable because of anything done or omitted in the exercise or intended exercise of any power or the performance or intended performance of any duty of the council.

(2) Subsection (1) does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

DIVISION 4 - ENFORCEMENT OF BYLAWS AND RULES

Maximum fine

23

(1) The strata corporation 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.

Continuing contravention

24

If an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than 15 days, a fine may be imposed every 15 days.

DIVISION 5 - ANNUAL AND SPECIAL GENERAL MEETINGS

Person to chair meeting

25

(1) Annual and special general meetings must be chaired by the president of the council.

(2) If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.

(3) If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons who are present at the meeting.

Participation by other than eligible voters

26

(1) Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.

(2) Persons who are not eligible to vote, including tenants and occupants, may participate in the discussion at the meeting, but only if permitted to do so by the chair of the meeting.

(3) Persons who are not eligible to vote, including tenants and occupants, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

Voting

27

(1) At an annual or special general meeting, voting cards must be issued to eligible voters.

(2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.

(3) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.

(4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.

(5) If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote.

(6) If there are only 2 strata lots in the strata plan, subsection (5) does not apply.

(7) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.

(8) An owner who is otherwise an eligible voter may not exercise his or her vote for a strata lot, except on matters requiring an unanimous vote, if the strata corporation is entitled to register a lien against that strata lot.

Order of business

28

(1) The order of business at annual and special general meetings is as follows:

a) certify proxies and corporate representatives and issue voting cards;

b) determine that there is a quorum;

c) elect a person to chair the meeting, if necessary;

d) present to the meeting proof of notice of meeting or waiver of notice;

e) approve the agenda;

f) approve minutes from the last annual or special general meeting;

g) deal with unfinished business;

h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;

i) ratify any new rules made by the strata corporation under section 125 of the Act;

j) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;

k) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;

l) deal with new business, including any matters about which notice has been given under section 45 of the Act;

m) elect a council, if the meeting is an annual general meeting;

n) terminate the meeting.

Quorum

29

(1) If within Y2 hour from the time appointed for an annual or special general meeting a quorum is not present, the meeting shall be terminated if the meeting was convened upon the requisitions of members; but in any other case, the meeting shall stand adjourned for % hour from the time appointed and, if after '/2 hour from the time appointed a quorum is not present for the meeting, the eligible voters present in person or by proxy shall constitute a quorum.

DIVISION 6 - VOLUNTARY DISPUTE RESOLUTION

Voluntary dispute resolution

30

(1) A dispute among owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if

a) all the parties to the dispute consent, and

b) the dispute involves the Act, the regulations, the bylaws or the rules.

(2) A dispute resolution committee consists of

a) one owner or tenant of the strata corporation nominated by each of the disputing parties and one owner or tenant chosen to chair the committee by the persons nominated by the disputing parties, or

b) any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties.

(2) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

DIVISION 7 - MARKETING ACTIVITIES BY OWNER DEVELOPER

Display lot

31

(1) An owner developer who has an unsold strata lot may carry on sales functions that relate to its sale, including the posting of signs.

(2) An owner developer may use a strata lot, that the owner developer owns or rents, as a display lot for the sale of other strata lots in the strata plan.

DIVISION 8 – MISCELLANEOUS MATTERS

Small Claims Actions

32

(1) Notwithstanding any provision of the Act, the strata corporation may proceed under the Small Claims Act (British Columbia) against an owner or other person to collect money owing to the strata corporation, including money owing as a fine, without requiring authorisation by a resolution passed by a 3/4 vote.