

BCS 4348

M ONE

BYLAWS

Amendments:

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Strata Property Act
[SBC 1998] CHAPTER 43

BCS 4348 - M ONE

Division 1 — Duties of Owners, Tenants, Occupants and Visitors

1. 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. 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. (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.
2. (3) An owner, tenant, or occupant of a strata lot must grant access to their strata lot for the purpose of performing regularly scheduled maintenance to the in-suite fire safety systems. The strata corporation will give a minimum of three weeks written notice of the date for in-suite fire safety systems servicing. If an owner, tenant or occupant fails to grant access to their strata lot on the date of service, the strata lot owner must make their own arrangements, at their cost, within 7 days to have the necessary works completed using the strata corporation's approved service provider. Failure to comply within 7 days will result in the strata lot owner being fined \$200.00 with this fine recurring every 7 days until such time that the works are completed.

3. 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.

- 3.(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.(3) (a) Owners are prohibited from having a 'vicious dog' in any strata lot or on any part of the common property, limited common property, or land that is a common asset. A 'vicious dog' is defined as:
- i. Any dog that has killed or injured any person or another animal;
 - ii. Any dog with a known propensity, tendency, or disposition to attack without provocation other domestic animals or humans;
 - iii. Any dog which has bitten another domestic animal or human without provocation;
 - iv. A Pit Bull Terrier, American Pit Bull Terrier, Pit bull, Staffordshire Bull Terrier, American Staffordshire Terrier or any dog of mixed breeding which includes any of the aforementioned breeds;
- (b) All pets must be leashed to a maximum of six (6) feet when in common property and to/from the common property. All animals must not be tethered unattended;
- (c) All roaming or unattended pets will be handed over to the City of Coquitlam, after an attempt to contact the owner if the owner is known;
- (d) No pet shall be permitted to urinate or defecate or otherwise foul the common property. In the event that an owner's pet so fouls the common property, the owner shall immediately and completely remove the offending waste from the common property and dispose of it in a waste container or by some other sanitary means. In addition, any soiling, or marks or discoloration of Common Property caused by a pet fouling an area, is to be cleaned and put back to its' former condition;
- (e) The 3rd floor garden area is considered a separate common amenity. Animals are not permitted on the 3rd floor garden area. Pets residing on the 3rd floor are permitted to stay within their designated balcony area.
- (f) Owners must take responsibility for the repair of any damage caused by their pet(s) to the common property. Failing prompt repair action by the owner, the Strata Council will affect such repairs by contracted services and invoice the pet owner, whether the owner had knowledge, notice or forewarning of the likelihood of such action;
- (g) Owners must ensure that their pet(s) are kept under control, reasonably quiet, and clean;
- (h) Owners must not feed wildlife or other animals on the common property.

3. (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) up to 2 caged birds;
 - (d) one dog or one cat.
- 3.(5)
 - (a) No refuse, garbage or empty beverage containers may be kept or stored in corridors or common areas or on strata lot patios or balconies.
 - (b) No refuse, garbage or empty beverage containers may be disposed of on common property or in common areas. Owners are responsible for themselves, and their guests along with any/all under aged children and their refuse, garbage and empty beverage containers and must properly dispose of all waste. This includes and is not limited to any refuse or human waste thrown or flung off balconies (i.e. cigarette buds or spitting). If an owner is found to be in violation or guests associated, they will be subject to a minimum \$50 fine by Strata, and/or any other fees associated with the removal of the waste.
 - (c) No area of common property or any limited common property shall be used for the personal erection, placing or maintenance of incinerators, or garbage disposal equipment, recreation or athletic equipment, fencing or gardens.
 - (d) Recycle bins should be properly used whenever possible. All residents should take the time to familiarize themselves with the materials acceptable for recycling in each designated bin, i.e., cardboard, mixed paper, newsprint, and mixed containers. If there is any uncertainty about how to use the recycle bins, please ask the Caretaker for instructions.
 - (e) All garbage shall be plastic bagged and tied before depositing. Any materials other than household refuse and garbage shall be removed from the strata plan by, or at the expense of, the individual owner/resident. No warning or notice shall be given.

4. 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.
4. (2) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

5. Obtain Approval Before Altering a Strata Lot

- 5.(1) An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves any of the following:
- (a) the structure of a building;
 - (b) the exterior of a building;
 - (c) chimneys, stairs, balconies or other things attached to the exterior of a building;
 - (d) doors, windows or skylights on the exterior of a building, or that front on the common property;
 - (e) fences, railings or similar structures that enclose a patio, balcony or yard;
 - (f) common property located within the boundaries of a strata lot;
 - (g) those parts of the strata lot which the strata corporation must insure under section 149 of the Act.
- 5.(2) The strata corporation must not unreasonably withhold its approval under subsection (1), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.
- 5.(3) This section does not apply to a strata lot in a bare land strata plan.

6. 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.
- 6.(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.

7. 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.
- 7.(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 appurtenant to the building; and
 - (c) the structure of the building.

Repair and Maintenance of Property by a Separate Section

- 8.(2) A separate section must repair and maintain all of the following:
- (a) common assets of a separate section;
 - (b) common property appurtenant only to a separate section, including, but not limited to:
 - (i) the exterior of the building where the exterior is appurtenant only to a separate section;
 - (ii) patios, chimneys, stairs, balconies and other things attached to the exterior of a building where the patios, chimneys, stairs, balconies and other things attached to the exterior are appurtenant only to a separate section;
 - (iii) doors, windows and skylights on the exterior of the building where the doors, windows and skylights are appurtenant only to a separate section or front on common property appurtenant only to a separate section; and
 - (iv) fences, railings and similar structures that enclose patios, balconies and yards where the fences, railings and similar structures are appurtenant only to a separate section;
 - (c) limited common property that has been designated for the exclusive use of a strata lot or strata lots in a separate section;
- 8.(3) Notwithstanding anything to the contrary in bylaws 8.(1) and 8.(2), the underground parking facility will be controlled, managed and administered by the strata corporation, excluding areas designated as limited common property for a separate section.

Division 3 — Council

9. Council Size

- 9.(1) Subject to subsection (2), the council must have at least 3 and not more than 7 members.
- 9.(2) If the strata plan has fewer than 4 strata lots or the strata corporation has fewer than 4 owners, all the owners are on the council.
- 9.(3) The strata council must, at all times, contain a minimum of one representative from the Commercial Section.

10. Council Members' Terms

- 10.(1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- 10.(2) A person whose term as council member is ending is eligible for reelection.
- 10.(3) (3) to (5) [Repealed 1999-21-51.]

11. 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.
- 11.(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.

12. 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.
- 12.(2) A replacement council member may be appointed from any person eligible to sit on the council.
- 12.(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.
- 12.(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.

13. 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.
- 13.(2) A person may hold more than one office at a time, other than the offices of president and vice president.
- 13.(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.
- 13.(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.

14. 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.
- 14.(2) The notice does not have to be in writing.
- 14.(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.
 - (c) The council must inform owners about a council meeting as soon as feasible after the meeting has been called.

15. Repealed

[Repealed 2009-17-35.]

16. 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.

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

17. 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.

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

17.(3) Owners may attend council meetings as observers.

17.(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.

18. 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.

18.(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.

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

19. Council to Inform Owners of Minutes

19.(1) 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.

20. 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.
- 20.(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).
- 20.(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.
- 20.(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.

21. 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.
- 21.(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.

22. 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.
- 22.(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

23. Maximum Fine

23. (1) The strata corporation may fine an owner or tenant a maximum of
- (a) \$200.00 for each contravention of a bylaw, and
 - (b) \$50.00 for each contravention of a rule.

24. Continuing Contravention

- 24.(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.

Division 5 — Annual and Special General Meetings

25. Person to Chair Meeting

- 25.(1) Annual and special general meetings must be chaired by the president of the council.
- 25.(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.
25. (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.
25. (4) If within one half (1/2) hour from the time appointed for a general meeting a quorum is not present, the persons present who are entitled to vote shall be deemed to be a quorum.

26. 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.
- 26.(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.
- 26.(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.

27. Voting

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

- 27.(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.
- 27.(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.
- 27.(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.
- 27.(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.
- 27.(6) If there are only 2 strata lots in the strata plan, subsection (5) does not apply.
- 27.(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.

28. 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.

Division 6 — Voluntary Dispute Resolution

29. Voluntary Dispute Resolution

- 29.(1) A dispute among owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if
 - (a) all the parties to the dispute consent, and
 - (b) the dispute involves the Act, the regulations, the bylaws or the rules.
- 29.(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.
- 29.(3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

Division 7 — Marketing Activities by Owner Developer

30. Display Lot

- 30.(1) An owner developer who has an unsold strata lot may carry on sales functions that relate to its sale, including the posting of signs.
- 30.(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 — Separate Sections and Associated Provisions

31. Separate Sections

- 31.(1) Strata lots 195-197 shall be one Section of strata lots and shall be referred to in these bylaws, collectively, as the “Commercial Section”.
- 31.(2) Strata lots 1-194 shall be a different Section of strata lots and shall be referred to in these bylaws, collectively, as the “Residential Section”.
- 31.(3) The Commercial Section shall have its own operating fund and contingency reserve fund for common expenses that relate to and benefit only the strata lots

in the Commercial Section. Contributions to the operating fund and contingency reserve fund for the Commercial Section shall be shared only by the owners of the strata lots in the Commercial Section and contributed to by the strata lots in the Commercial Section in accordance with section 99 of the Act.

- 31.(4) The Residential Section shall have its own operating fund and contingency reserve fund for common expenses that relate to and benefit only the strata lots in the Residential Section. Contributions to the operating fund and contingency reserve fund for the strata lots in the Residential Section shall be shared only by the strata lots of the Residential Section and contributed to by the strata lots in the Residential Section in accordance with section 99 of the Act.
- 31.(5) The Strata Corporation shall have its own operating fund and contingency reserve fund for common expenses that relate to and benefit all of the strata lots in the Strata Corporation. Contributions to the operating fund and contingency reserve fund for the Strata Corporation shall be shared by the strata lots in the Commercial Section and the Residential Section. Each strata lot's share of common expenses of the Strata Corporation shall be calculated in accordance with section 99 of the Act.
- 31.(6) A contribution to an operating fund expense that relates to and benefits only limited common property, shall be shared only by owners of the strata lots entitled to use the limited common property.

32. Building Exteriors

- 32.(1) The Commercial Section has exclusive jurisdiction to adopt rules and bylaws to control, manage and administer:
 - (a) the location, size, material and aesthetics of all signage to be attached to the exterior of the building appurtenant to the Commercial Section;
 - (b) the location, size, materials and aesthetics of all awnings and other items attached to the exterior of the building appurtenant to the Commercial Section;
 - (c) the location, size, materials and aesthetics of all signage located on the common property appurtenant to the Commercial Section; and
 - (d) the location, size, materials and aesthetics of all signage located in a strata lot in the Commercial Section and visible from the exterior of the building.
- 32.(2) Bylaw 32.(1) may only be amended, replaced or repealed by a unanimous vote of the Commercial Section.

33. Access Arrangements

- 33.(1) Pursuant to Sections 100 and 194(2) of the *Strata Property Act*, British Columbia, the Commercial Section may from time to time access portions of the Residential Section designated as limited common property for the purposes of carrying out the powers and duties of the Strata Corporation regarding certain portions of the common property appurtenant only to the Commercial Section.
- 33.(2) Bylaw 33.(1) may only be amended, replaced or repealed by a unanimous vote of the Strata Corporation.

34. Visitor Parking

- 34.(1) Visitor parking stalls are for the exclusive use of visitors of residents at the M One – Metropolitan Residences. No owners/residents may use the visitors parking area at any time. Violators will be towed at Owner's expense without additional notice. **For the purpose of this bylaw, any person residing in a unit for more than (3) days/week (such as a boyfriend or a girlfriend) is not considered a guest or visitor.**

34. Collection of Arrears

- 34.(2) To ensure proper collection of arrears, the Strata Corporation is authorized to apply one or more of the following measures against the units that owe sums in excess of \$500 for the Strata Corporation for either lienable or non-lienable charges:
- a. If unpaid for three months, deactivation of all but one fob;
 - b. If unpaid for six months, initiation of legal action.