

CIRCA BCS 2012

REGISTERED BYLAWS

Registration Number	Comment	Date of Registration
BB0207459	Amended Bylaws	March 7, 2008
BB0210501	Amended Bylaws	March 13, 2008
BB041178	Amended Bylaws	February 4, 2010
BB1310846	Amended Bylaws	February 28, 2011
CA2986550	Amended Bylaws	February 7, 2013
CA3610626	Amended Bylaws	February 27, 2014
CA4234686	Amended Bylaws	February 16, 2015
CA5021387	Amended Bylaws	March 2, 2016
CA6652016	Amended Bylaws	February 28, 2018
CA7377328	Amended Bylaws	March 4, 2019

These are copies of the building bylaws for Strata Corporation BCS 2012. For a true copy of all registered building bylaws and amendments, please obtain the necessary records from the Land Titles Office.

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 an owner is late in paying his or her strata fees or special levy on the due date, the owner must 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.

(3) Each owner and tenant is responsible for payment, without invoice, of any money (other than strata fees, but including special levies) owing to the strata corporation as provided for in the Act or these bylaws.

(4) Additional assessments, bylaws fines, banking charges, filing costs, legal expenses, interest charges and any other expenses incurred by either the strata corporation to enforce 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 a fine or the cost of remedying the contravention of a bylaw will be calculated as a separate component of such assessment and the strata corporation may not register a lien against such separate component.

(5) Any costs or expenses incurred by the strata corporation as a result of an infraction or violation of the bylaws or any rules and regulations established under them, including but not limited to the full cost in repairing any damage to the plumbing, electrical and other systems of the building or other parts of the common property caused by the owner, his employees, agents, invitees or tenants, shall be charged to that owner and shall be payable on or before the first day of the month next following the date on which the costs or expenses are incurred.

(amended bylaw passed at AGM on February 13, 2012 LTO Reg. # CA2986550)

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, immoral or injurious to the reputation of the building, 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 or occupant that keeps a pet must comply with these bylaws and any rules enacted by the strata council on behalf of the strata corporation pursuant to bylaw 4 with respect to the keeping of pets.

(4) An owner, tenant or occupant that keeps a pet in a strata lot, either permanently or temporarily, shall register that pet with the strata council by providing to the strata council a written notice, signed by the owner, tenant or occupant setting out the name, breed and colour of the pet, the strata lot number of the strata lot in which the pet is kept, the name and telephone number of the owner of the pet and the licence number of the pet (when the pet is required to be licensed).

(5) An owner or occupant of a strata lot shall not permit his pet to be on the common property, including limited common property, unless the pet is leashed and/or under the control of the owner of the pet or another responsible adult.

(6) An owner of a pet shall not permit the pet to soil, urinate or defecate on the common property, and if any pet does soil, urinate or defecate on the common property, the owner shall immediately and completely remove all of the pet's waste from the common property and dispose of it in a waste container or by some other sanitary means and if, in the reasonable opinion of the strata corporation:

- a) any special cleaning is required as a result of the pet soiling, urinating or defecating, the owner or occupant shall pay all costs of such special cleaning; or
- b) replacement of the floor covering is necessary as a result of the pet soiling, urinating or defecating, the owner or occupant shall pay all costs of such replacement.

(7) An owner, tenant or occupant whose guest or invitee brings an animal or pet onto the common property shall ensure that the guest or invitee complies with all requirements of these bylaws as they relate to animals and shall perform all of the duties and obligations with respect to that animal or pet as set out in these bylaws as if the animal or pet were one kept by the owner or occupant in his strata lot.

(8) The strata corporation may:

- a) make, amend, rescind and enforce rules and regulations it considers necessary or desirable from time to time in relation to the terms and conditions under which any animal or type of animal may be permitted on the common property and the types of pet permitted to be on the common property and, for this purpose, make different rules and regulations and different terms and conditions for different types of animals; and
- b) require removal by an owner or occupier of any strata lot of any pet or other animal kept by the owner or occupier in a strata lot if such pet or animal, in the opinion of the council, constitutes a nuisance to any owner or occupier of a strata lot, or causes danger or damage to any owner or occupier of the strata lot or to any property of the strata corporation or an owner or occupier of a strata lot.

(9) An owner, tenant or occupant must not:

- a) keep any animals or pets of any kind in his strata lot or on or about the common property, which includes the outside grounds of the strata plan, except in accordance with these bylaws and any rules and regulations established by the council from time to time;
- b) use any part of the common property (other than established storage lockers) for storage, without the written consent of the strata council;

- c) use a strata lot for any purpose which involves undue traffic or noise in or about the strata lot or common property between the hours of 10:30 p.m. and 7:00 a.m. or that encourages loitering by persons in or about the strata lot or common property;
- d) make, cause or produce undue noise, smell, vibration or glare in or about any strata lot or common property or do anything which will interfere unreasonably with any other owner, tenant or occupant;
- e) use any musical instrument, amplifier, sound reproduction equipment or other device within or about any strata lot, the common property or any limited common property such that it causes a disturbance or interferes with the comfort of any other owner, tenant or occupant;
- f) obstruct or use the sidewalks, walkways, passages and driveways of the common property for any purpose other than ingress or egress from the strata lots or parking areas within the common property of the strata plan;
- g) leave on the common property or any limited common property, any shopping cart or any other item designated from time to time by the strata council;
- h) use a barbecue, hibachi or other like cooking device on a balcony, deck or patio unless such barbecue, hibachi or cooking device is powered by propane, natural gas or electricity and such propane, natural gas or electricity powered barbecues, hibachis and other light cooking devices shall not be used except in accordance with rules made by the strata corporation from time to time;
- i) shake any mops or dusters of any kind, nor throw any refuse, out of the windows or doors or from the balcony of a strata lot;
- j) do anything that will increase the risk of fire or the rate of insurance on the building or any part thereof;
- k) permit a condition to exist within a strata lot which will result in the waste or excessive consumption of the building's domestic water supply or heated water;
- l) allow a strata lot to become unsanitary or a source of odour;
- m) feed pigeons, gulls or other birds, squirrels, rodents or other animals from a strata lot or anywhere on or in close proximity to the common property or any limited common property, but this shall not apply to a pet permitted to be kept in a strata lot pursuant to these bylaws and the rules made hereunder, which pet shall be fed only in a strata lot;
- n) install any window coverings, hardware, or treatments, which are visible from the exterior of the strata lot and are not in keeping with the size and predominant colour of the building. Draperies or window coverings that are visible from the exterior of any Strata Lot shall either be cream or white in colour, except those installations approved in writing by Council; *(amended bylaw passed at AGM on February 13, 2019)*
- o) hang or display any laundry, washing, clothing, bedding or other articles from windows, balconies or other parts of the building so that they are visible from the outside of the building;
- p) use or install in or about a strata lot any shades, awnings, window or balcony guards or screens, ventilators, supplementary heating or air conditioning devices, hard surface flooring, except those installations approved in writing by the council;

- q) erect on or fasten to the strata lot, the common property or any limited common property any television or radio antenna, dish or similar structure or appurtenance thereto;
- r) place any signs, billboards, notices or other advertising matter of any kind on, or visible from, the exterior of a strata lot;
- s) place any indoor-outdoor carpeting on any deck, patio or balcony, or place any items on any deck, patio or the balcony except free-standing, self-contained planter boxes, planter boxes properly and securely fastened to the inside of railings, summer furniture and accessories nor install any hanging plants or baskets or other hanging items within three feet of a balcony railing line;
- t) give any keys, combinations, security cards or other means of access to the building, the parking garage or common areas to any person other than an employee, contractor, occupant or guest of the strata lot permitted by these bylaws;
- u) have, install or use a hot tub, jacuzzi, spa, whirlpool or swirlpool on the balcony, deck or patio of the strata lot or any area in the limited common property or the common property;
- v) alter or renovate his strata lot or install any device or material within or about his strata lot or the common property, including limited common property, such that such alteration, renovation or installation or use thereof causes or has the potential to cause unreasonable disturbance or unreasonably interferes with the comfort of any other owner, tenant or occupant; or
- w) alter or remove any carpeting or other floor covering from the floors of his strata lot without first obtaining the prior written approval of the council.

(10) smoke cigarettes, cigars, or any other substances not permitted, within seven and one-half meters (7.5m) of any common opening or entrance to the building(s), including the parkade(s), amenity building facilities, including stairwell, patio and balconies.

(11) No residential strata lot or common property shall be used for commercial purposes that expose other owners and residents of the strata to business activity that may impose greater obligations or disrupt the intended residential use of the strata lot. No strata lot or common property shall be used for any purpose which is illegal, vice, or contrary to any law; nor is injurious to the strata corporation or its owners. *(amended bylaw passed at AGM on February 13, 2019)*

(12) No occupant of a strata lot shall keep or accumulate any debris, scrap metal, uninsured vehicles, car parts, refuse or waste material upon or in a strata lot, or on the common property. No occupant of a strata lot shall deposit or store any materials, nor perform any services, on the common property. The strata council shall be a liberty, upon three days' written notice to the owner, to remove any of the foregoing materials from a strata lot or the common property, and to add the cost of so doing to the assessment next payable by the owner.

(13) Where the occupant of any strata lot allows any hazardous or noxious substance to escape from the strata lot to the common property, the owner of that strata lot shall pay to the strata corporation the entire cost of removing that substance from the common property.
(amended bylaw passed at AGM on February 13, 2012 LTO Reg. # CA2986550)

(14) An owner, tenant, occupant or visitor must not use or permit any part of a strata lot to be used as a site for growing, manufacturing, storing, dispensing, selling or distributing marijuana, marijuana derived products, marijuana related products and accessories, and/or any controlled substances (whether licensed or otherwise).

(15) A resident must not use a strata lot, common property or common assets in a way that is for commercial or professional purposes or activities, including but not limited to the following:

- a) short-term rentals,
- b) bed and breakfast, or
- c) other short term accommodations, including granting of a license to use a strata lot for short term stays.

Despite bylaw 3(15), a residence may contain a “home office” provided that there are no non-Resident employees working in the home office and client traffic is strictly limited. In addition, the home office must be completely enclosed within the strata lot and must not discharge or emit any odors, vapors, heat, glare, vibrations or unreasonable noise.

For the purposes of bylaw 3(15) short term rentals or other short term accommodation is defined as any lease, tenancy agreement, agreement to occupy or licence agreement of a strata suite that is for a period of less than three months.

(added bylaw passed at AGM on February 13, 2019)

(16) VACATION, TRAVEL OR TEMPORARY ACCOMMODATION (“VTTA”) – Bylaw prohibiting VTTAs and imposing \$1,000 fines

- a) In this section, VACATION, TRAVEL OR TEMPORARY ACCOMMODATION (“VTTA”) is defined as a rental shorter than the minimum rental period required by these bylaws or by municipal bylaw, or that is not a residential tenancy as described in the Residential Tenancy Act, or is a form of tenancy that does not comply with that Act, or is a mere licence of property use only, or is in breach of the City of Vancouver Short Term Rental Accommodation Bylaw.
- b) VTTAs are prohibited in the Strata Corporation.
- c) Pursuant to s. 7.1 Strata Property Act Regulations, coming into force November 30, 2018 (OIC 418-2018) the Strata Corporation, on sufficient evidence that a VTTA has occurred, considered on a balance of probabilities, may fine the responsible strata lot owner, \$1,000 for every contravention of this bylaw. Infractions may occur more often than once every 24 hours, and every person found illegally to be residing in a Strata Lot will be considered an individual contravention of this bylaw and subject to the \$1,000 fine for each contravention.
- d) Council may commence legal proceedings to collect fines levied for contraventions of this bylaw.
- e) The Strata Corporation may claim the costs of remedying contraventions of this bylaw pursuant to s. 133 SPA.
(added bylaw passed at AGM on February 13, 2019)

(17) Upon entering or exiting the parkade, all owners, tenants, residents and visitors are required to stop upon passing each parkade gate and remain stopped until the gate closes completely. For security purposes, residents should not attempt to tailgate into or out of the parkade. *(added bylaw passed at AGM on February 13, 2019)*

(18) Upon entering or exiting the building, all owners, tenants, residents, and visitors must do whatever they can to ensure exterior doors close securely behind them. Access to the building must not be granted to unknown persons. *(added bylaw passed at AGM on February 13, 2019)*

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.

(3) Prior to a tenant occupying a strata lot, the owner must cause the tenant to complete and deliver to the strata corporation a Notice of Tenant Responsibilities (Form K).

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 (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 (ie. including, for example, adding security devices to the entrance door to a strata lot);
- 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.

(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 current and future expenses relating to the alteration and to remove the alteration and restore the common property, if required by the strata corporation, prior to moving out of the strata lot.

(3) 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 appearance of the building.

(4) All approved work is to be limited to the hours between 9:00 a.m. and 5:30 p.m. *(added bylaw passed at AGM on February 13, 2019)*

(5) Advance notice of possible noise disruptions must be provided to owners/occupants living within the vicinity of the strata lot including the strata lots above. *(added bylaw passed at AGM on February 13, 2019)*

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 conditions of its approval that the owner agree, in writing:

- a) to take responsibility for any current and future expenses relating to the alteration;
- b) to provide, at the request of the strata corporation, evidence of appropriate insurance coverage relating to the alteration; and
- c) to remove the alteration and restore the common property, if required by the strata corporation, prior to moving out of the strata lot.

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,
 - (i) 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 the Act; and
 - (ii) to ensure compliance with the Act and these bylaws.

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

(3) (a) An owner, tenant, occupant or visitor who does not provide access to their strata lot on the scheduled time and date of an annual fire inspection of in-suite fire safety devices will be assessed for the expenses the strata corporation will incur to have a separate inspection conducted for this purpose including an administration charge of \$25.00; and

(amended bylaw passed at February 4, 2015 AGM)

(b) An owner, tenant, occupant or visitor who fails to have the fire safety devices in their strata lots inspected at least once per year, will be assessed a fine in the amount of \$100.00 and may be fined for continuing contravention of a bylaw as provided for by Bylaw 23 (2).

(amended bylaw passed on February 27, 2008 AGM LTO Reg. #BB0207459)

(c) An owner, tenant, occupant, or visitor who fails to grant access to replace or repair a deficient in-suite fire safety device (where such devices have been identified as deficient by the Strata's contractor during an inspection) will be assessed a fine in the amount of \$200.00 and may be fined for continuing contravention of a bylaw as provided for by Bylaw 23 (2).

(added bylaw passed at February 13, 2019 AGM)

(4) An owner, tenant, occupant or visitor who fails to provide access for scheduled dryer vent system cleaning, will be assessed a fine in the amount of \$100.00 and may be fined for continuing contravention of a bylaw as provided for in the bylaws.

(added bylaw passed at February 4, 2015 AGM)

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 (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;
 - (E) fences, railings and similar structures that enclose patios, balconies and yards;
- d) a strata lot in a 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 (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, and
 - (v) fences, railings and similar structures that enclose patios, balconies and yards.

Division 3 – Council

Council size

9 (1) Subject to subsection (2), the council must have at least 3 and not more than 7 members.

(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.

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.

(2) A person whose term as council member is ending is eligible for reelection.

(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.

(4) The owner or spouse of an owner may stand for council but not both persons. *(amended bylaw passed at AGM on February 13, 2012 LTO Reg. # CA2986550)*

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) 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.

(3) The strata council may make expenditures out of the operating fund that have not been approved in the budget or at an annual or special general meeting if the unapproved expenditures made pursuant to this whether of the same type or not, cannot total more than \$2000 per fiscal year. *(amended bylaw passed at AGM on February 13, 2012 LTO Reg. # CA2986550)*

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.

(2) The strata corporation may impose a fine on an owner or tenant for a continuing contravention of a bylaw or rule every 7 days.

(3) Each owner and tenant is responsible for payment, without invoice, of any money (other than strata fees, but including special levies) owing to the strata corporation as provided for in the Act or these bylaws, and if the owner or tenant fails to pay any money so owing within 15 days after the date such money becomes due, the owner or tenant will, after having been given written notice of the default and been provided with a reasonable opportunity to answer the complaint (including a hearing if requested), be assessed and pay a fine of \$50.00, and for each additional month such default continues, an additional fine of \$50.00 will be levied against and paid by the owner or tenant.

(4) Additional assessments, fines authorized by these bylaws, banking charges, filing costs, legal expenses, interest charges and any other expenses incurred by either the strata corporation 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 a fine or the cost of remedying the contravention of a bylaw will be calculated as a separate component of such assessment and the strata corporation may not register a lien against such separate component.

(5) Any costs or expenses incurred by the strata corporation as a result of an infraction or violation of the bylaws or any rules and regulations established under them, including but not limited to the full cost in repairing any damage to the plumbing, electrical and other systems of the building or other parts of the common property caused by the owner, his employees, agents, invitees or tenants, shall be charged to that owner and shall be payable on or before the first day of the month next following the date on which the costs or expenses are incurred.

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 7 days, a fine may be imposed every 7 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 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.

(amended bylaw passed at February 4, 2015 AGM)

Division 6 -- Voluntary Dispute Resolution

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.

(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.

(3) 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

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

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

(3) Notwithstanding any other bylaw, during the time that the owner developer of the strata corporation is a first owner of any strata lots, it shall have the right to maintain any strata lot or strata lots, whether owned or leased by it, as a display unit or units, and to carry on sales functions, including, without limitation, placing and displaying of signs, the advertising and holding of special promotions and open houses and other marketing events it considers necessary in order to enable it to sell the strata lots or any residential strata lots constructed or to be constructed on the Lands comprising the development known as “Collingwood Village” of which the buildings forms a part.

Division 8 – Miscellaneous Matters

Small Claims Actions

31 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 authorization by a resolution passed by a 3/4 vote.

Electronic Attendance at Meetings

32 Attendance by persons at an annual or special general meeting may be by telephone or other electronic method if such method permits all persons participating in the meeting to communicate with each other during the meeting.

Use of Patios and Balconies

33 An owner, tenant or occupant of a strata lot shall not place planters or other such items or equipment within any part of the limited common property designated on the strata plan exclusively for the use of such owner unless, in the opinion of the council, such planters, items or equipment are in keeping with the balance of the development in terms of design, quality, proportion and colour. Any such planters, items or equipment will be maintained in good and tidy condition on an ongoing basis and the responsibility for such maintenance will be solely for the account of the owner, tenant or occupant entitled to the use of the limited common property on which they are placed. Under no circumstances will an owner, tenant or occupant install a hook, hanger, bracket or other device to the exterior of the building which could potentially cause a breach of integrity of the building envelope.

Garbage and Recycling Disposal

34 (1) An owner, tenant, occupant or visitor of a strata lot must remove all ordinary household refuse and garbage from his or her strata lot and deposit it in the appropriate containers provided by the strata corporation for that purpose. All garbage must be bagged and tied before depositing.

(2) An owner, tenant, occupant or visitor of a strata lot choosing to dispose of ordinary household recyclable materials in the containers provided by the strata corporation must do so in the appropriate, designated containers only.

(3) An owner, tenant, occupant or visitor of a strata lot must empty and flatten all cardboard materials prior to disposal.

(4) An owner, tenant, occupant or visitor of a strata lot must not litter anywhere on the common property.

(5) An owner, tenant, occupant or visitor of a strata lot must remove materials other than ordinary household refuse, garbage and recycling from the strata plan property at his or her expense.

(6) An owner, tenant, occupant or visitor of a strata lot must not deposit or place furniture, appliances, dangerous or toxic materials, building supplies or debris, paints, oils or solvents in any of the containers provided by the strata corporation.

(7) The Strata Corporation reserve the right to charge back to the unit owner responsible for disposal of all banned items in the garbage bins or recycle containers.

(amended bylaw passed at AGM on February 13, 2012 LTO Reg. # CA2986550)

Bicycles, Storage and Parking

35 (1) Bicycles are not permitted in elevators, hallways or any other common areas. No bicycles are to be kept on balconies or patios; instead, they shall be stored within the owner's designated storage locker or such other area as may be prescribed by the council. All bicycles must enter or exit the building by way of the vehicle entry to the parking garage only.

(2) The owner of each strata lot will be entitled to store one bicycle within the bicycle storage areas located in the parking facility for the development free of charge (but this will not prohibit the imposition of reasonable refundable security deposits for the issuance of keys and security passes). The council will, subject to the provisions of the Strata Property Act, be responsible for the orderly administration of the use of spaces within the bicycle storage areas. Such administration may also include, without limitation, the issuance of keys or security passes and rights to store additional bicycles within the bicycle storage areas, including charging fees to users if approved by resolution of the strata corporation.

(3) The owner of each strata lot will be entitled to the use of one storage locker within the secured area of the parking facility for the development designated for that purpose, free of charge (but this will not prohibit the imposition of reasonable refundable security deposits for the issuance of keys and security passes). Council will, subject to the provisions of the Strata Property Act, be responsible for the allocation of and orderly administration of the use of storage lockers. Such administration may also include, without limitation, the issuance of keys or security passes and the licensing of the use of any unallocated storage lockers, including charging fees to users if approved by resolution of the strata corporation.

(4) Any owner, tenant or occupant that leaves any item anywhere on or in the common property or on any limited common property does so at his own risk, subject to any claim that may properly be made under any insurance policy maintained by the strata corporation by anyone that is an insured under that policy.

(5) An owner, tenant or occupant must use parking stalls only for the parking of insured, wherein insured includes but is not limited to storage and seasonally 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 council.

(6) An owner, tenant or occupant shall not:

- a) use any parking space in the building or on the common property or on any limited common property, except the parking space which has been specifically assigned to his strata lot, a parking space leased by the owner or, when specifically agreed with another owner, the parking space assigned to the strata lot of that other owner;
- b) carry out any oil changes, major repairs or adjustments to motor vehicles or other mechanical equipment on common property or on any limited common property, except in the case of emergency;
- c) rent or lease the parking space assigned by the strata corporation to his strata lot to or otherwise permit that parking space to be regularly used by anyone that is not a resident of the building without the prior written consent of the council; and
- d) 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.

(7) An owner, tenant or occupant must promptly and at its own expense clean up any oil or other substance which spills or leaks onto the common property.

Move In / Move Out

36 (1) The strata corporation may regulate the times and manner in which any person moves into or out of strata lots and may require that such moves be co-ordinated with the resident manager at least 7 days in advance of such moves, or such lesser period as the council may, in its sole discretion, permit, provided that if an owner or tenant carries out any move into or out of a strata lot otherwise than in accordance with such prior arrangements made with the resident manager, the owner or tenant will be subject to a fine of \$100.00, such fine to be paid on or before the due date of the next monthly strata fees. *(amended bylaw passed at February 13, 2019 AGM)*

(2) An owner or tenant must notify the strata corporation in advance of the date and time that the owner or tenant will be moving into or out of the strata lot.

(3) A \$150.00 refundable deposit is to be given to the resident manager for every move-in and move-out, including any moving of furniture, major appliances or any large objects that will require the use of an elevator, to or from a strata lot. The cost of repairs to any damage to common property or common assets will be subtracted from this deposit automatically. Damage costs not recovered from the moving party shall be assessed to the owner and tenant of the strata unit and is payable forthwith. *(amended bylaw passed at February 13, 2019 AGM)*

(4) A non-refundable assessment of \$100.00 will be levied to the owner and tenant of any unit for every move-in and move-out of the building, including move-in and move-out to or from a strata lot to strata lot conducted between Mondays and Fridays except Statutory Holidays within the CIRCA to defray the costs to the strata corporation, which includes, but is not limited to, wear and tear of the common areas, administration, security access coding, the installation of elevator pads, issuance of the elevator control key, etc. Additional \$100.00 will be levied to any of the aforementioned moves conducted on Saturdays, Sundays and Statutory Holidays. The moving party will be responsible for any damage to common property.

(5) All move-in and move-out can only be conducted between 9:00 a.m. to 5:00 p.m. and shall be up to a maximum of two (2) hours if the elevators will be used.

(6) All common area building entrance doors including the garage door must be monitored at all times during your move.

(7) Owners, whose Tenants are moving in must sign a Form K prior to move- in.

(8) Owners must also provide their Tenants an orientation to his/her strata unit within one week of the Tenant's moving in date. A written declaration that this orientation was conducted signed by both the Owners and the Tenants is also required. *(amended bylaw passed on February 22, 2011 AGM LTO Reg. #BB1310846)*

Selling of Strata Lots

37 (1) An owner of a strata lot, when selling his strata lot, will not permit "For Sale" signs to be placed on or about the common property.

(2) Realtor signs are not permitted to be placed on or about the common property at any time.

(3) An owner of a strata lot, when selling a strata lot, will not hold or permit to be held, any public open house except in according to bylaws 37 (4) & (5).

(4) Owners must, for security reasons, advise the Council of any “Open House” dates scheduled during the sale of a strata lot, and owners must arrange to escort all open house clients to and from all building entrances, and for the duration of the open house visit.

(5) In the absence of an owner, realtors must ensure they are available to greet all persons attending an “Open House” at the entrance to the building and escort them through the building at all times.

(6) Soliciting is prohibited on The Circa property at all times. This includes approaching strata lot owners, leaving leaflets, name cards, and other forms of printed material on unit doors, mailboxes, in or about any common areas of the building.

(7) Installation or placement of any form of “Lock Box” in or about the premises is strictly prohibited. Council retains the right to remove such devices and charge all costs related to the removal of the “Lock Box” to the strata lot owner.

(amended bylaw passed at AGM on February 13, 2012 LTO Reg. # CA2986550)

Acquisition or Disposition of Personal Property

38 The strata corporation may purchase, lease or otherwise acquire personal property for the use or benefit of the owners and may sell or otherwise dispose of such personal property for any amount approved in the annual budget for the strata corporation, but otherwise only if approved by a resolution passed by a $\frac{3}{4}$ vote at an annual or special general meeting if the personal property has a market value of more than \$1,000.

Quorum for Adjourned Meeting

39 Notwithstanding section 48(3) of the Act, if at the time appointed for an annual or special general meeting a quorum is not present, the meeting shall stand adjourned for fifteen (15) minutes from the time appointed, and if within this fifteen (15) minutes a quorum has still not been established, the eligible voters present in person or by proxy shall constitute a quorum.

(amended bylaw passed at AGM on February 3, 2010 LTO Reg. # BB041178)

Hardwood Floors

40 Hard Surface Floors

(1) An owner of the strata lot who has or installs hard floor surfaces such as hardwood floors or tile in a strata lot must obtain written approval of the strata council for such installation. An authorized agent by the strata council may provide this written approval if so directed them.

(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 expense the strata corporation may incur as a result of the installation.

(3) The owner of the strata lot must comply with the following installation guidelines:

- a) An underlay must be installed between the wood or laminate flooring and the concrete base. The underlay must have a minimum Impact Insulation Class (IIC) rating of 72 or equivalent. *(amended bylaw passed on February 22, 2011 AGM LTO Reg. #BB1310846)*
- b) All work is to be limited to the hours between 9:00 a.m. and 5:30 p.m.;
- c) Advance notice of possible noise disruptions must be provided to owners/occupants living within the vicinity of the strata lot including the strata lots above;
- d) Transporting of all installation materials must be co-ordinated with the resident manager. No installation materials are to be stored in the common areas of the building. The owner will be responsible for maintaining the cleanliness of the common areas used during the transport of installation materials; *(amended bylaw passed at February 13, 2019 AGM)*

- e) No installation debris is to be placed in the waste bins of Circa; and
- f) The owner of the strata lot, will be responsible for any present or future damage to common areas and/or other strata lots that can be attributed to the flooring or the installation of the flooring.

(4) The owner of a strata lot who has or installs hard floor surfaces such as hardwood floors or tile in a strata lot must take all reasonable steps to satisfy noise complaints from neighbours, including without limitation, ensuring that no less than 60% of such hard floor surfaces, excepting only kitchens, bathrooms and entry areas, are covered with area rugs or carpet, avoiding walking on such flooring with hard shoes and fitting chair legs and tables with felt pad bottoms. *(amended bylaw passed on February 27, 2008 AGM LTO Reg. #BB0207459)*

Common Facilities and Easement Areas

41 (1) Each owner will comply with the rules and regulations from time to time established by the council which govern the use and enjoyment of the common property, the terms of any easement which is for the benefit of the strata corporation and any rules and regulations made pursuant to any such easement. Postings of any such rules and regulations will constitute sufficient notice to all such persons.

(2) Except as otherwise permitted pursuant to an easement that governs the common property, all common facilities are for the use of the owners, occupants and their accompanying guests only.

Payment of Annual Insurance Premium;

42 In the event that there are insufficient funds available in the Strata Corporation's operating account to pay the premium for insurance coverage as required under Section 149 of the Strata Property Act, the Owners of Strata Plan BCS 2012 authorize the Strata Council to borrow the amount needed from the Strata Corporation's Contingency Reserve Fund to pay the premium in full, and to immediately begin to repay the borrowed amount back to this fund in twelve (12) equal monthly payments, from the Strata Corporation's operating account.
(amended bylaw passed on February 27, 2008 AGM LTO Reg. #BB0210501)

Christmas Trees and Holiday Decorations

43 (1) An owner, tenant or occupant of a strata lot must not use, display, place or erect real, live Christmas trees in or on a strata lot or limited common property; only artificial Christmas trees are permitted.

(2) The Strata Corporation reserves the right to charge back to the unit owner responsible for clean up and disposal cost for live "Christmas Trees".

(3) An owner, tenant or occupant of a strata lot may use, display, or place Christmas or Holiday lights and decorative items on or visible from the exterior of the strata lot from December 1 to January 15 only.

(amended bylaw passed at AGM on February 13, 2012 LTO Reg. # CA2986550)

Indemnification

44 (1) An owner shall indemnify and save harmless the strata corporation or a section, as the case may be, from the expense of any maintenance, repair or replacement rendered necessary to the common property as a consequence of the actions of the owner, tenant or occupant or their guests, servants, agents and invitees but only to the extent that such expense is not met by the proceeds of insurance carried by the strata corporation.

(2) In the event that loss or damage occurs to common property, limited common property, common assets or any strata lot that gives rise to a valid claim under the strata corporation's insurance policy, the owner shall reimburse the strata corporation for the deductible portion of the insurance claim if the owner is responsible for the loss or damage that gave rise to the claim.

(3) Where an owner, tenant, occupant or visitor does or permits anything to be done that is illegal or for any reason invalidates the strata corporation's insurance, the owner must indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement of any damage to the common property, limited common property, common assets or strata lots.

(4) For the purpose of this bylaw, any costs for which a strata lot owner is responsible shall be considered as an expense chargeable to the owner and shall be added to and become a part of the assessment of that owner for the month next following the date on which the expense was incurred and shall become due and payable on the date of payment of the monthly assessment.

(5) An owner who fails to pay the cost of repair or remedying the loss or damage when due shall reimburse the strata corporation or the section, as the case may be, and save it harmless against any and all costs and expenses required to collect such reimbursement, whether by Court action or other means and including Strata Council member or management costs associated with lost time from employment, strata management costs and legal costs, comprised of legal fees, taxes, disbursements and other related expenses, as between a solicitor and his own client or on a full indemnity basis.

(amended bylaw passed at AGM on February 13, 2012 LTO Reg. # CA2986550)

Security Cameras

45 (1) The Strata Corporation may install and use security cameras on common property and land that is a common asset for the purpose of maintaining security on the premises.

(amended bylaw passed on February 18, 2014 AGM LTO Reg. # CA3610626)

(2) The Strata Corporation may utilize the security cameras that are installed in the garbage room to enforce the strata bylaws.

(added bylaw passed at February 18, 2016 AGM)

Privacy

46

(1) Circa, BCS 2012 adheres to the BC Personal Information Protection Act, PIPA sets out how BC organizations, including corporations (including strata corporations), sole-proprietorships, partnerships, and non-profit organizations, may collect and disclose personal information about individuals.

Under PIPA:

(1) The strata corporation may collect, from time to time, certain personal information of owners, tenants, and occupants including:

- (i) the name, home address, and home telephone and/or cell phone numbers of owners, tenants and occupants
- (ii) banking information, in the case of owners, for payment of strata fees
- (iii) video images and voice recordings obtained during the use and operation of the video surveillance system (VSS) installed or to be installed in the building by the strata corporation in the following locations, with signage noting the operation and monitoring and operational 24 hours a day, 7 days a week:

- (a) Exterior entrance/exit locations for pedestrian and vehicle traffic
- (b) Interior entrance/exit locations in common areas
- (c) As needed in other interior/ exterior common property or limited common property areas to address security, physical safety illegal actions, or bylaw infractions.

(iv) information and data recorded and collected during the use and operation of the access control system (e.g., key fobs) installed in the building that monitors access to and from the common areas of the building 24 hours a day, 7 days a week

(2) Personal information recorded and collected will not be disclosed to any person, other than: the resident manager; the strata corporation's strata agent; elected members of the strata council during the course of exercising the powers and performing the duties of the strata corporation the strata corporation's legal counsel; or law enforcement personnel, except: *(amended bylaw passed at February 13, 2019 AGM)*

- (i) when required or authorized by law to do so
- (ii) when disclosure is consented to in writing by an owner, tenant, or occupant
- (iii) to up-date banking or financial records
- (iv) when required to collect outstanding strata fees
- (v) during the course of a criminal investigation involving vandalism to or theft of common property or common assets of the strata corporation, vandalism to or theft of personal belongings of owners, tenants, occupants, visitors and invitees, or the physical assault of an owner, tenant, occupant, visitor, or invitee

(3) The strata corporation will take all reasonable precautions to ensure that personal information is kept safe from loss, unauthorized access, modification or disclosure.

(4) This bylaw authorizes the collection of personal information using the video surveillance system and access control system for the following purposes only:

- (i) to monitor access to and from the common property areas of the building
- (ii) to protect personal property of owners, tenants, occupants, visitors and invitees
- (iii) to protect common property and common assets of the strata corporation
- (iv) to protect the security and physical safety of owners, tenants, occupants, visitors and invitees to the building

(5) Personal information collected from the use and operation of the video surveillance system and access control system will be retained by way of electronic data storage for up to 6 months on the strata corporation's computer data storage system at which time the personal information recorded and collected will be recorded over.

(6) Requests for access to view a specific individual's personal information, including access to view those portions of the video surveillance or access control system that contain personal information for the individual requesting access, must be made in writing and delivered to the strata corporation's strata agent. Access to the specific individual's personal information, other than personal information recorded and collected using the video surveillance system and the access control system, will be made available in the presence of an elected member of the strata council or the strata corporation's strata agent, within 14 days from the date of the request and copies of personal information will be provided and a reasonable fee will be charged for the copies of the personal information. Personal information recorded and collected using the video surveillance system and the access control system will, provided that the personal information has not previously been recorded over, be made available for inspection within 24 hours from the date of the request and a reasonable fee will be charged for the inspection of that personal information.

(added bylaw passed at February 4, 2015 AGM)