

## **Schedule of Bylaws**

### **Division 1 -- Duties of Owners, Tenants, Occupants and Visitors**

#### **Payment of strata fees and special levies**

- 1 (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- (2) Where an owner fails to pay strata fees in accordance with bylaw 1.1, outstanding strata fees will be subject to an interest charge of 10% per annum, compounded annually. In addition to interest, failure to pay strata fees on the due date will result in a fine of \$25.00 for each contravention of bylaw 1.1.
- (3) A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy.
- (4) Failure to pay a special levy on the due date will result in a fine of \$25.00 for each contravention of bylaw 1.3.
- (5) Where an owner fails to pay a special levy in accordance with bylaw 1.3, outstanding special levies will be subject to an interest charge of 10% per annum, compounded annually.

#### **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 and;
  - (i) if an owner has a private elevator all costs associated with the private elevator are to be paid by the owner of that strata lot the private elevator is located within.
  - (ii) if an owner has an air conditioning system all costs associated with the air conditioning system are to be paid by the owner of that strata lot the air conditioning system is located within.
- (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, or allow a use of a strata lot, the common property or common assets in a way that
  - (a) causes a nuisance or hazard to another person,
  - (b) causes unreasonable noise,
  - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,

- (d) is illegal;
  - (e) unsafe; or,
  - (f) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.
- (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 (to be decided by the strata council);
  - (b) a reasonable number of small caged mammals (to be decided by the strata council);
  - (c) up to 2 caged birds; and,
  - (d) up to two dogs OR two cats OR one dog and one cat unless otherwise permitted by the strata council in writing from time to time at its sole discretion.
- (5) An owner shall indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement deemed necessary to the common property, limited common property, common assets or to any strata lot by the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, and for the purposes of bylaws 3(1), 3(2), 3(3), and 3(4) 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, such as insurance coverage, and will be charged to the owner.
- (6) An owner, tenant, occupant
- (a) shall not park sideways across the driveway of a strata lot;
  - (b) shall not park in the Visitor parking spots located throughout the common property;
  - (c) shall not use water or wash a vehicle during times when roadways and sidewalks would likely become icy;
  - (d) shall obtain permission from the strata council, at the beginning of each year, to park a vehicle (or any other item) on the private driveway; the strata council may refuse any proposed use that they determine, by majority vote, to be unsightly or unfitting to be parked or stored on the (limited common property) private driveway;

(e) shall be responsible for any costs incurred to the strata corporation for maintaining the (limited common property) private driveways beyond normal typical use (ie. removal of oil stains); and,

(f) shall keep the garage door closed except when a use requires it to be open.

(7) An owner, tenant, occupant or visitor shall:

(a) not hang or place any window drapes, blinds, signs or other objects or appliances which will adversely affect the consistency of the exterior appearance of the building;

(b) not use or permit the use of a strata lot other than as a single family residence limited to a maximum number of seven (7) residents;

(c) not erect, place, keep or display signs, billboards, advertising matter or notice or display of any kind on the common property, limited common property or in a strata lot in any manner which may be visible from the outside of the strata lot (other than "for sale" signs which may be placed in the area of the common property designed for that purpose from time to time by the strata council);

(d) not deposit household refuse and garbage on or about the common property or limited common property except in places designated by the strata council from time to time. Any materials, other than ordinary household refuse and garbage shall be disposed of by or at the expense of the owner;

(e) not use standard garbage can(s); only tamper resistant animal stopper garbage cans are acceptable. Garbage can(s) or recycling bin(s) must be removed from the common area within 24 hours of/from the time of pickup/collection;

(f) not throw out material, especially burning material such as cigarettes or matches or permit material to fall out of any window, door, balcony, patio, stairwell, passage or other part of the strata lots or common property;

(g) not allow or permit their pet's waste to remain on the common property, limited common property and within the strata lot and shall take all reasonable measures to control their pet(s);

(h) be responsible for any and all damages or injuries that are caused by their pet;

(i) not hang or display, or permit any occupant of their strata lot or guest, employee, agent or invitee of the owner or occupant to hang or display, any laundry, washing, clothing, bedding or other articles from windows or on limited common property or other parts of the buildings so that they are visible from the outside of the building; and,

(j) not smoke

(a) on common property within six (6) meters of any other strata lot (not owned by the smoker);

(b) on other limited common property (not owned by the smoker); and,

(c) on limited common property within two (2) meters of any other strata lot (not owned by the smoker).

(8) An owner, who is permitted to rent their strata lot, and has rented any portion of the strata lot shall not rent out any other portion of the strata lot to another party or allow subletting of the strata lot to any other party.

(9) An owner renting/leasing a Strata lot must rent/lease the strata lot for a minimum of 3 months.

#### **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) An owner shall deliver a properly prepared "Form K – Notice of Tenant's Responsibilities" to the strata corporation prior to a tenant moving into any strata lot.

(3) On request by the strata corporation, a tenant must inform the strata corporation of their full legal name and address for service.

#### **Obtain approval before altering a strata lot or limited common property**

5 (1) An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot. The strata corporation must not unreasonably withhold its approval but may require as a condition of its approval that the owner agree, in writing, to take full responsibility for any expenses relating to the alteration. The strata corporation cannot approve the alteration if it is not allowed by authorities, particularly the registered development permit(s).

(2) An owner must obtain the written approval of the strata corporation before making an alteration 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;
- (h) any portion of the strata lot that is identified as UFA (Unfinished Floor Area) on the registered Strata Plan;

(i) adding a private in-home elevator and/or air conditioning system; and,

(j) any portion of the limited common property (private yards).

(3) The strata corporation must not unreasonably withhold its approval under section 5, but may require as a condition of its approval that the owner agree, in writing, to take full responsibility for any expenses relating to the alteration. The strata corporation cannot approve the alteration if it is not allowed by authorities, particularly the registered development permit(s).

(4) Requests to make changes to outdoor limited common property (i.e. private yards) should be endorsed unless there are adverse impacts to other owners that cause reason to not permit the changes. Changes may include such things as a reasonable amount of shrubs, flowerbeds, hanging baskets, trees, pavers, hardscapes and other things or uses that the strata lot owner may enjoy. The landscaping contractor is not expected to tailor their work to custom standards but reasonable adaptations of the landscaping contractor's scope of work should be accommodated.

(5) Garage areas as shown on the strata plan are intended for parking vehicles indoors and are not intended to be developed for storage or other uses; the strata corporation, should not allow development of garage areas for other uses except for highly exceptional situations.

(6) Any alteration(s) to a strata lot, Unfinished Floor Area or Limited Common Property are done at the cost and risk of the owners of the strata lot and if a loss occurs, in any such case, it is the responsibility of the strata lot owner to rebuild all improvements that were lost and not the responsibility of the strata corporation.

### **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 post a cash bond or agree in writing to take responsibility for any expenses relating to the alteration.

### **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** 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 or skylights, on the exterior of a building or that front on the common property;
    - (e) fences, railings and similar structures that enclose decks, patios, balconies and yards;
    - (f) driveways;
- (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 and windows 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.
- (E) all exterior hose bibs that are subject to freezing need to have hoses disconnected, the water stop engaged and the water line drained out of the exterior wall bib prior to any outside temperatures dropping below freezing.

## **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.

### **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.

### **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. The council members cannot be from the same strata lot.

(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, those council members who attend by electronic means, 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 by the owner or tenant, or the employees, agents, invitees or tenants of either the owner or tenant; and
- (b) \$50 for each contravention of rule by the owner or tenant, or the employees, agents, invitees or tenants of either the owner or tenant.

(2) Fines levied in accordance with these bylaws shall be added to the owner's account and are due and payable on the first day of the month following assessment.

### **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**

### **Quorum of meeting**

**25** If within 30 minutes after the time appointed for an annual or special general meeting, a quorum is not present, the meeting stands adjourned for a further 30 minutes on the same day and at the same place. If after the time of the adjournment, a quorum is not present, the eligible voters, present in person or by proxy, constitute a quorum. This bylaw is an alternative to section 48(3) of the Act. This bylaw does not apply to a meeting demanded pursuant to section 43 of the Act and failure to obtain a quorum for a meeting demanded pursuant to section 43 terminates, and does not adjourn, that meeting.

### **Person to chair meeting**

**26** (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**

**27** (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**

**28** (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.

### **Order of business**

**29** The order of business at annual and special general meetings is as follows:

- (1) certify proxies and corporate representatives and issue voting cards;
- (2) determine that there is a quorum;
- (3) elect a person to chair the meeting, if necessary;
- (4) present to the meeting proof of notice of meeting or waiver of notice; (e) approve the agenda;
- (5) approve minutes from the last annual or special general meeting; (g) deal with unfinished business;
- (6) 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;
- (7) ratify any new rules made by the strata corporation under section 125 of the Act;
- (8) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;

- (9) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
- (10) deal with new business, including any matters about which notice has been given under section 45 of the Act;
- (11) elect a council, if the meeting is an annual general meeting;
- (12) terminate the meeting.

### **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.

(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**

**31** (1) The Owner Developer shall have the right, so long as it owns any unsold strata lots, to maintain and use its unsold strata lots and the common areas as display units and sales offices and to carry out such sales functions as the Owner Developer deems necessary or desirable to enable the sale and marketing of all strata lots in the development including:

- (i) erecting and placing directional, locational and advertising signage on the strata lots owned by the Owner Developer and on the common property;
- (ii) encouraging and allowing prospective purchasers to view the strata lots owned by the Owner Developer and all common property; and
- (iii) erecting and maintaining a sales trailer, placards, temporary fencing, flags and other like items for marketing, sales and advertising on the common property of the development which shall be removed at the Owner Developer's expense once all strata lots have been sold by the Owner Developer.

(2) In order to allow the Owner Developer of the strata lots and Strata Corporation to market and sell any strata lots owned by the Owner Developer, the Owner Developer may, until the last strata lot has been sold by the Owner Developer:

- (i) allow the project to remain open at any time the Owner Developer deems necessary including weekends so as to allow prospective purchasers reasonable and unimpeded access to any strata lot owned by the Owner Developer and access to the common property, visitor parking stalls and common facilities of the development; and
- (ii) have unimpeded access for the Owner Developer, its sales staff, agents and prospective purchasers to the common property and common facilities of the development.

### **Advertising**

**32** (1) No owner other than the Owner Developer may place signs advertising their strata lot for sale until such time as all the strata lots within the development have been sold by the Owner Developer.