

**STEVENS ON VILLAS
STRATA BCS 868
CONSOLIDATED BYLAWS
2019**

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

1 PAYMENT OF STRATA FEES

- 1.1 An owner must pay strata fees on or before the first day of the month to which the strata fees relate. Notwithstanding the purpose for which an owner may indicate a payment is made, all payments received by the strata corporation from or no behalf of an owner will be applied on account of any debts owing by the owner to the strata corporation on a first in, first out basis irrespective of the manner in which the debt arose.
- 1.2 An owner owing such monies after the due date will be assessed a late penalty as identified in Division 7.
- 1.3 Owners must contribute equally to the Strata Corporations total contributions budgeted for the operating fund and the contingency reserve fund, by means of strata fees which are identical for each unit.

2 REPAIR AND MAINTENANCE OF PROPERTY BY OWNER

- 2.1 An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- 2.2 An owner who has the right to use limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- 2.3 No owner or occupant may prune, treat in any way, move, remove or add to any plantings on the common or limited common property without the prior consent of the strata council.
- 2.4 An owner must maintain a minimum temperature of at least 15 degrees Celsius in his or her strata lot.
- 2.5 Maintenance so as to ensure functional operation of the garage door is the sole responsibility of the owner.
- 2.6 The cost to replace a garage door or repair any physical damage to a garage door caused by an owner, occupant or visitor shall be the sole responsibility of the owner.

3 USE OF PROPERTY

- 3.1 An owner, occupant or visitor must not use a strata lot, the limited common property, the common property or common assets in a way that:
- (a) causes a nuisance or hazard to another person,
 - (b) causes unreasonable noise,
 - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - (d) is illegal, or
 - (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.
- 3.2 An owner, 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 *Strata Property Act*.
- 3.3 An owner, occupant or visitor must not operate a business in a strata lot where it affects or interferes with other owner's by way of traffic, water consumption, noise or unreasonable disturbance of living.
- 3.4 Patios and backyards are limited common property.
- 3.5 A strata lot must not be used for short-term accommodation purposes, including, but not limited to, a bed and breakfast, lodging house, hotel, motel, home exchange, timeshare, temporary housing, corporate housing, vacation rental or extended vacation rental, whether arranged through websites such as Airbnb, VBO, Premiere Executive Suites or through companies that advertise this type of accommodation. *(Added at the Annual General Meeting held on June 19, 2019)*
- 3.6 Without limiting the generality of the foregoing, a resident must not enter into a license for the use of all or part of a strata lot. *(Added at the Annual General Meeting held on June 19, 2019)*
- 3.7 When an owner plans to be absent from the strata lot, house sitting arrangements may be made. *(Added at the Annual General Meeting held on June 19, 2019)*

4 PETS

- 4.1 An owner or occupant must not keep any pets on a strata lot other than one or more of the following:
- (a) Up to 50 fish or small aquarium animals
 - (b) Up to 2 small caged mammals
 - (c) up to two caged birds; or
 - (d) one dogs not exceeding 18” shoulder height, or one cat, licensed as required under local government Animal Control Bylaws and with appropriate immunizations.
- 4.2 Owners must make their visitors aware of the pet bylaws and rules.
- 4.3 The only exception being dogs belonging to the visually impaired.
- 4.4 Dogs and cats must be on a hand held leash when not in the confines of the backyard.
- 4.5 When unsupervised in the back yard, leash length must not allow the pet to leave the boundary of the back yard.
- 4.6 A pet owner is personally responsible and liable for any damage caused by their pet to any strata property and /or persons.
- 4.7 Violations of this section may result in a fine as identified in Division 7.

5 INFORM STRATA CORPORATION

- 5.1 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, including any outside the strata plan.

6 OBTAIN APPROVAL BEFORE ALTERING A STRATA LOT

- 6.1 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, patios, or other things attached to the exterior of a building;
- (d) doors or windows on the exterior of a building, or that front on the common property;
- (e) fences, railings or similar structures that enclose a patio or yard, including fences, railings or similar structures involving limited common property;
- (f) common property located within the boundaries of a strata lot, and
- (g) those parts of the strata lot which the strata corporation must insure under section 149 of the *Strata Property Act*.

6.2 The strata corporation must not unreasonably withhold its approval under subsection 6.1, but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

7 OBTAIN APPROVAL BEFORE ALTERING COMMON PROPERTY

- 7.1 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.
- 7.2 The strata corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.
- 7.3 No structure shall be permanently attached to any part of the fence by nails, screws or any other means.

8 PERMIT ENTRY TO STRATA LOT

- 8.1 An owner, 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 *Strata Property Act*.

- 8.2 The notice referred to in subsection 8.1(b) must include the date and approximate time of entry, and the reason for entry.

9 RENTAL PROHIBITION

9.1 No strata lot within the strata corporation/strata plan may be rented or leased at any time. Any owner violating this bylaw is subject to a fine, at the discretion of the council, of up to \$200.00 initially, and a further fine of up to \$300.00 for each calendar month (or portion thereof) during which the violation continues after the first month.

A) To determine when this rental restriction bylaw applies to a specific strata lot:

i) if on the date this bylaw becomes effective by filing same at the Land Titles Office, such strata lot is still owned by the first owner/purchaser from the developer, then this rental restriction applies to such strata lot on the date which is the later of:

(a) One year after the tenancy in effect at the time the bylaw is passed ceases;

(b) One year after the bylaw is passed; and

(c) The date the strata lot is conveyed by the first owner/purchaser from the developer to a subsequent owner; and

(ii) if on the date this bylaw becomes effective by filing same at the Land Titles Office, such strata lot has already been sold by the first owner/ purchaser from the developer to a subsequent owner, then this rental restriction applies to such strata lot on the date which is the later of:

(a) One year after the tenancy in effect at the time the bylaw is passed ceases, and

(b) One year after the bylaw is passed.

9.2 Where hardship results to the owner, he may appeal to the council for permission to lease his strata lot, and the council shall not unreasonably refuse the appeal, all pursuant to the *Strata Property Act*, section 144 and amendments thereto.

9.3 Owners who have rental units must accompany or have an appointed agent accompany prospective renters when showing their unit.

- 9.4 Before an owner rents his strata lot, the owner must give the strata corporation the undertaking in *Strata Property Act Form K*, signed by the tenant, that the owner and the occupants of the strata lot will comply with the bylaws and rules of the strata corporation.

10 EXEMPTION FROM RENTAL RESTRICTION BYLAW

- 10.1 An owner wishing to rent his or her strata lot must apply in writing to the strata corporation for permission to rent same.
- 10.2 An owner may apply to the strata corporation for an exemption from a bylaw that prohibits or restricts rentals on the grounds that the bylaw causes hardship to the owner.
- 10.3 The application must be in writing and must state:
- (a) the reason the owner thinks the exemption should be made; and
 - (b) whether the owner wishes a hearing.
- 10.4 If the owner wishes a hearing, the strata corporation must hear the owner or the owner's agent within three weeks after the date the application is given to the strata corporation.
- 10.5 An exemption is allowed if the strata corporation does not give its decision in writing to the owner:
- (a) within one week after the hearing; or
 - (b) if no hearing is requested, within two weeks after the application is given to the strata corporation.
- 10.6 An exemption granted by the strata corporation may be for a limited time.
- 10.7 The strata corporation must not unreasonably refuse to grant an exemption.

11 AGE RESTRICTIONS

- 11.1 This is an adult oriented development, and save and except as otherwise set forth herein, no person under the age of 55 years can use or occupy any strata lot for more than 30 days, unless he or she has prior written approval of the strata council. If any owner or other occupants of a strata lot have a child while occupying a strata lot, then on or before the second birthday of such a child, the owners or occupants must vacate the strata lot.

- 11.2 Notwithstanding paragraph 9.1 of these bylaws, if spouses (as defined in paragraph 9 (3) of these bylaws) own or occupy a strata lot together, for such time as at least one of the spouses has attained the age of 55 years (the “Conforming Owner”), the spouse of the Conforming Owner (the “Non-Conforming Owner”) shall be entitled to own, use and occupy the strata lot. In the event of the death of the Conforming Owner, the Non-Conforming Owner shall be entitled to continue to own, use or occupy the strata lot, notwithstanding that he or she may be under the age of 55 years at the time of death of the Conforming Owner. In the event of the divorce or legal separation of the Conforming Owner and the Non-Conforming Owner, the Non-Conforming shall be entitled to continue to own, use or occupy the strata lot notwithstanding that he or she is under the age of 55 years. The exemption shall not, however, extend to any new spouse of the Non-Conforming Owner, unless the Non-Conforming Owner has at that time attained the age of 55 years.
- 11.3 For the purposes of this age restriction bylaw, “spouse” means legally married spouses and a person who is united to another person by a marriage that, although not a legal marriage, is valid by common law.

12 PARKING

- 12.1 The parking stalls of this strata corporation are common property, the driveways are limited common property.
- 12.2 Any vehicle left on common property is at the risk of the owner,
- 12.3 No vehicle that is inoperable or uninsured may be parked or stored on common property or limited common property,
- 12.4 There shall be 16 parking stalls designated for visitor parking as shown on the parking plan.
- 12.5 Recreational vehicles are not be permitted to be parked on the strata corporation’s property, with the exception of loading and unloading as may be necessary.
- 12.6 Vehicles that leak oil are not to be parked on the strata corporation’s property. Owners are responsible for the cleaning of all leaks from their visitor’s vehicles.
- 12.7 No vehicle shall be parked in a manner that obstructs another owner’s access to their garage or private parking area.
- 12.8 Parking on the roadways and streets is prohibited, with the exception of vehicle loading and unloading.
- 12.9 The speed limit in this complex is 15 K.M. hour.

- 12.10 No repairs shall be carried out on any vehicle on common or limited common property
- 12.11 Other than in an enclosed garage, no commercial vehicle shall be parked on any strata lot or common property, except to deliver goods or render services within the strata.
- 12.12 If any of these vehicle and parking rules are violated, the strata council has the authority to fine an owner as identified in Division 7 and /or have the vehicle towed at the owner's expense and risk.

13 SATELLITE DISHES

13.1 Use of satellite dishes on common property are permitted as follows:

- (a) The satellite dish must not interfere with the integrity of the building envelope.
- (b) The satellite dish must be installed by a qualified professional.
- (c) The size, color, and placement of the satellite dish are subject to council approval ,
- (d) Maximum of One satellite dish per strata lot.
- (e) All damage caused by the installation or removal of the satellite dish is the responsibility of the strata lot owner.

14 PATIO COVERS: FIXED OR RETRACTABLE

14.1 Use of a fixed or retractable patio cover (awning) attached to a strata unit is permitted subject to the strata lot owner complying with all the following conditions and subject to receiving council approval before installation commences:

- a) strata council must receive a written request complete with detailed plans,
- b) awning not to extend beyond patio lines
- c) color to closely match unit color
- d) installation to be done by a qualified professional
- (e) all building codes are satisfied and permits obtained if required

14.2 The strata owner is responsible for awning maintenance, upkeep of original appearance and repairs including replacement if required. The unit owner is also responsible for any incidental damage done to the unit resulting from the awning installation.

15 AIR CONDITIONERS

15.1 Central air conditioner systems may be installed but only by a qualified professional.

15.2 An owner must inform strata council in writing of his/her intent to install said central air conditioner system.

15.3 Heat pump systems and Window air conditioners are not allowed.

16 OTHER REQUIREMENTS OF OWNERS

16.1 The following shall apply to all owners:

- (a) owners shall not cause any trade, business, professional or other sign to be exhibited on or about their strata lot, the common property or limited common property,
- (b) any damage done to the building, common property or limited common property at any time by an owner or his/her visitor shall be the responsibility of the owner,
- (c) an owner shall not permit any disturbance which may interfere with other owner(s) enjoying their strata lots at any time, and in particular between the hours of 11:00 p.m. and 8:00 a.m.,
- (d) no feeding of wildlife is permitted on any common or limited common property with the exception of hummingbirds. Birdbaths are permitted in backyards,
- (e) an owner may only move into or out of his/her strata lot between 8:00 a.m. and 8:00 p.m.,
- (f) Complaints shall be submitted to the strata council in writing, and provide all pertinent information.
- (g) Storage of hazardous material in unapproved containers that are not permitted by the fire marshal or insurance carrier are not allowed.

Propane tanks must not be stored or in any way used inside the units or garages.

- (h) Damage to lawns, trees and other plantings shall be paid for by those responsible for causing that damage in order that satisfactory repair or replacement is made.
- (i) Solicitation is not allowed in the complex;
- (j) 2 Garage sales are allowed yearly in the complex. The strata council shall approve and determine the dates.
- (k) The deductible portion of any claim for damages against the strata corporation's insurance policy may be recovered from the owner from which the cause of the claim originated.
- (l) Damage to the strata lot occurring as a result of the use of outside taps between November 1st and March 31st, will be at the expense of the owner. Owners must not leave any hose permanently attached to their outside faucets during this time period.
- (m) Exterior Christmas lights may be up from November 15th to January 31st. Weather conditions will be taken into consideration. Lights must be hung on non staining fasteners. Lights may be turned on as of December 1st.
- (n) A maximum of 5 flower pots, including hanging baskets, may be placed at the front of a lot.
- (o) Strata gates will not be left open on Halloween.
- (p) One motion sensor light may be installed on the back patio.
- (q) Front screen doors are permitted if they are retractable. Rear screen doors may be either retractable or regular screen doors. Approval from council is required prior to installation.
- (r) A mailbox may be attached to the pillar at the front door of the unit.

DIVISION 2 – POWERS AND DUTIES OF STRATA CORPORATION

17 REPAIR AND MAINTENANCE OF PROPERTY BY STRATA CORPORATION

17.1 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, patios, and other things attached to the exterior of a building;
 - (D) doors and windows on the exterior of a building or that front on the common property; and
 - (E) all perimeter structures that enclose the complex and are owned by the strata corporation.
- 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:
 - (iii) the structure of a building,
 - (iv) the exterior of a building,
 - (v) chimneys, stairs, patios, and other things attached to the exterior of a building,
 - (vi) doors and windows on the exterior of a building or that front on the common property, and

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

17.2 The strata corporation must also do the following:

- (a) on the written request of an owner or mortgagee of a strata lot produce to him or her or a person authorized in writing by him or her copies of the insurance policies effected by the corporation and copies of the receipts for the last premiums upon receipt by the strata corporation of a reasonable sum of money to cover the costs of the copies,
- (b) collect and receive all contributions toward the common expenses paid by the owners and deposit them with a savings institution,
- (c) pay all sums of money properly required to be paid on account of all services, supplies and assessments pertaining to or for the benefit of the strata corporation,
- (d) report the financial status of the strata corporation on a timely basis to the owners of the strata corporation and
- (e) when a strata management company is retained defer all duties specified in subsections 17.2 (b), (c) and (d) to the management company.

18 INSURANCE

18.1 The insurance obtained by the strata corporation must insure against the major perils in section 9.1(2) of the *Strata Property Act* Regulations as well as flood, glass breakage and earthquake.

DIVISION 3 – COUNCIL

19 STRATA COUNCIL SIZE

19.1 Strata council must have at least three and not more than seven members.

20 STRATA COUNCIL MEMBERSHIP

20.1 Only owner residents of the strata corporation may serve as council members.

20.2 No person may stand for strata council or continue to be on strata council with respect to a strata lot if the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the *Strata Property Act*.

- 20.3 If a strata lot is owned by more than one person, only one owner of the strata lot shall be a member of strata council at any one time.

21 STRATA COUNCIL MEMBERS' TERMS

- 21.1 The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- 21.2 A person whose term as council member is ending is eligible for re-election.

22 REMOVING STRATA COUNCIL MEMBERS

- 22.1 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.
- 22.2 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.

23 REPLACING A STRATA COUNCIL MEMBER

- 23.1 If a council member resigns or is unwilling or unable to act for a period of two or more consecutive months, the remaining members of the strata council may appoint a replacement strata council member for the remainder of the term.
- 23.2 A replacement council member may be appointed from any owner eligible to sit on the strata council.
- 23.3 The strata council may appoint a strata council member under this section even if the absence of the member being replaced leaves the council without a quorum.
- 23.4 If all the members of the strata council resign or are unwilling or unable to act for a period of two or more consecutive months, persons holding at least 25% of the strata corporation's votes may hold a special general meeting to elect a new strata council by complying with the provisions of the *Strata Property Act*, the regulations and the bylaws respecting the calling and holding of meetings.

24 OFFICERS

- 24.1 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.

- 24.2 A person may hold more than one office at a time, other than the offices of president and vice-president.
- 24.3 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.
- 24.4 In the absence of both the president and the vice-president, the members shall from among themselves, appoint a president for that meeting who shall have all duties and powers of the president while so acting.
- 24.5 If an officer other than the president is unwilling or unable to act for a period of two or more consecutive months, the strata council members may appoint a replacement officer from among themselves for the remainder of the term.

25 CALLING STRATA COUNCIL MEETINGS

- 25.1 Any strata council member may call a council meeting by giving the other strata council members at least one week's notice of the meeting, specifying the reason for calling the meeting.
- 25.2 The notice does not have to be in writing.
- 25.3 A strata council meeting may be held on less than one week's notice if;
- (a) all strata 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.
- 25.4 The strata council must inform owners about a strata council meeting as soon as possible after the meeting has been called.

26 REQUISITION OF COUNCIL HEARING

- 26.1 By application in writing, stating the reason for the request, an owner may request a hearing at a council meeting.

- 26.2 If a hearing is requested under subsection 26.1, the strata council must hold a meeting to hear the applicant within 30 days of receiving the request.
- 26.3 If the purpose of the hearing is to seek a decision of the strata council, the council must give the applicant a written decision within 7 days of the hearing.

27 QUORUM OF STRATA COUNCIL

- 27.1 A quorum of the strata council is:
- (a) 2, if the council consists of two, three or four members,
 - (b) 3, if the council consists of five or six members, and
 - (c) 4, if the council consists of seven members.

28 STRATA COUNCIL MEETINGS

- 28.1 Unless otherwise stipulated in the Strata Property Act or these bylaws, Robert's Rules of Order Newly Revised may be used as a guideline for strata council meetings.
- 28.2 At the option of the strata council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.
- 28.3 If a strata council meeting is held by electronic means, strata council members are deemed to be present in person.
- 28.4 Owners may attend council meetings as observers as long as they provide the president or vice president with prior notice of their intention to attend.
- 28.5 Despite subsection 28.4, 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 *Strata Property Act*;
 - (b) rental restriction bylaw exemption hearings under section 144 of the *Strata Property Act*;
 - (c) any other matters if the presence of observers would, in the strata council's opinion, unreasonably interfere with an individual's privacy.

29 **VOTING AT STRATA COUNCIL MEETINGS**

- 29.1 At strata council meetings, decisions must be made by a majority of strata council members present in person at the meeting.
- 29.2 The names of the strata council members moving and seconding a motion must be recorded in the strata council meeting minutes.
- 29.3 The results of all votes at a council meeting must be recorded in the strata council meeting minutes.

30 **STRATA COUNCIL TO INFORM OWNERS OF MINUTES**

- 30.1 The strata council must inform owners of the minutes of all strata council meetings within two weeks of the meeting, whether or not the minutes have been approved.
- 30.2 Strata council shall keep in one location or in the possession of one person and shall make available on request to an owner or a person authorized by him her, minutes of all strata council meetings.

31 **DELEGATION OF STRATA COUNCIL'S POWERS AND DUTIES**

- 31.1 Subject to subsections 31.2 and 31.4, the council may delegate some or all of its powers and duties to one or more strata council members or persons who are not members of the strata council, and may revoke the delegation.
- 31.2 The strata 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 31.3.
- 31.3 A delegation of a general authority to make expenditures must;
 - (a) set a maximum amount that may be spent, and
 - (b) indicate the purpose for which, or the conditions under which, the money may be spent.
- 31.4 The strata council may not delegate its powers to determine, based on the facts of a particular case, whether a person;

- (a) has contravened a bylaw or rule,
- (b) should be fined, and the amount of the fine.

32 SPENDING RESTRICTIONS

- 32.1 A person or company may not spend the strata corporation's money unless the person or company has been delegated the power to do so in accordance with these bylaws.
- 32.2 Despite subsection 32.1, a strata 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.
- 32.3 Before acquiring or disposing of personal property which has a market value of \$1000.00 or more, the strata corporation must obtain prior approval by a special resolution passed by a $\frac{3}{4}$ vote at an annual general meeting or special general meeting.
- 32.4 If a proposed expenditure has not been put forward for approval in the budget at an annual general or special general meeting, the strata corporation may only make the expenditure out of the operating fund if the expenditure, together with all other unapproved expenditures made up under this bylaw in the same fiscal year, is less than \$2,000.00.

33 LIMITATION ON LIABILITY OF STRATA COUNCIL MEMBER

- 33.1 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.
- 33.2 Subsection 33.1 does not affect a strata council member's liability, as an owner, for a judgment against the strata corporation.

34 REMUNERATION FOR STRATA COUNCIL MEMBERS

- 34.1 Strata council members shall not be paid an honorarium or fee for being a member of the strata council.

DIVISION 4 – VOLUNTARY DISPUTE RESOLUTION

35 VOLUNTARY DISPUTE RESOLUTION

- 35.1 A dispute between owners, occupants, the strata corporation or any combination of them must be referred to a dispute resolution committee if:
- (a) any of the parties to the dispute request a committee hearing and
 - (b) the dispute involves the Strata Property Act, the regulations, the bylaws or the rules.
- 35.2 A dispute resolution committee shall consist of:
- (a) one owner or occupant of the strata corporation nominated by each of the disputing parties and one owner or occupant 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.
- 35.3 The dispute resolutions committee shall attempt to help the disputing parties to voluntarily end the dispute.
- 35.4 Division 4 (Voluntary Dispute Resolution) shall be applied before Division 5 (Enforcement of Bylaws and Rules) and Division 7 (Schedule of Fines) may be implemented.
- 35.5 If none of the disputing parties wishes to attempt a voluntary resolution as identified above then the strata corporation may, at their discretion, proceed directly to Division 5 and Division 7.

DIVISION 5 – ENFORCEMENT OF BYLAWS AND RULES

36 MAXIMUM FINE

- 36.1 The strata corporation may fine an owner or occupant from time to time for infractions of any bylaws based on the schedule of fines located in Division 7 of these bylaws.
- 36.2 The strata corporation must issue a warning in writing before imposing a fine.
- 36.3 Unless otherwise stipulated in these bylaws, a fine is due and payable within 5 business days of assessment.
- 36.4 An infraction of any bylaw or rule on the part of an owner, their employees, agents, invitees or occupants may be corrected, remedied or cured by the strata corporation. Any costs or expenses so incurred by the strata corporation shall be charged to the owner or occupant and shall be added to and become part of the

assessment of that owner or occupant for the month next following the date on which the expenses are incurred, but not necessarily paid by the strata corporation, and shall become due and payable on the date of the monthly assessment.

- 36.5 The strata corporation may recover from an owner or occupant by an action for debt in court of competent jurisdiction money which the strata corporation is required to expend and fines which have been levied as the result of an act or omission by the owner, their employees, agents, invitees or occupants, or an infraction of these bylaws or any rules.
- 36.6 After the unsuccessful resolution of a dispute using Division 4 of these bylaws, the strata corporation may move directly to the imposing of a fine or fines as identified in Division 7.

37 CONTINUING CONTRAVENTION

- 37.1 Other than rental violation, if an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than seven days, a fine may be imposed every seven days.

DIVISION 6 – ANNUAL AND SPECIAL GENERAL MEETINGS

38 NOTICE OF MEETING

- 38.1 The strata corporation must give at least 20 days' written notice of an annual or special general meeting.
- 38.2 The requirement of a 20 day notice for an annual or special general meeting shall be deemed to have been met by:
- (a) Mailing to address provided by the person.
 - (b) Leaving it under the strata lot door.
 - (c) Leaving it with an adult in the strata lot.
 - (d) Mailing it to the strata lot address.
 - (e) Putting it in the strata lot's mailbox.
 - (f) Faxing it to a fax number provided by the person.
- 38.3 Actual Notice:

- (a) Actually handing it to the person.
- (b) This requires 16 days notice.

39 RULES OF ORDER

39.1 Annual and special general meetings of the strata corporation, unless specified elsewhere in these bylaws or the Strata Property Act, may use the Robert's Rules of Order Newly Revised as a guideline.

40 PERSON TO CHAIR MEETING

40.1 Annual and special general meetings must be chaired by the president of the council.

40.2 If the president of the strata council is unwilling or unable to act, the meeting must be chaired by the vice-president of the council.

40.3 If neither the president nor the vice-president of the strata 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.

41 PARTICIPATION BY OTHER THAN ELIGIBLE VOTERS

41.1 Occupants may attend annual and special general meetings, whether or not they are eligible to vote.

41.2 Persons, who are not eligible to vote, including occupants, may participate in the discussion at the meeting, if permitted to do so by the chair of the meeting.

41.3 Persons, who are not eligible to vote, must absent the meeting if a resolution passed by a majority vote at the meeting requires they leave.

42 VOTING

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

42.2 At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a secret ballot.

42.3 If a secret ballot is requested by an eligible voter, vote must be secret ballot.

- 42.4 The outcome of each vote, including the number of votes for and against the resolution if a secret ballot is requested, must be announced by the chair and recorded in the minutes of the meeting.
- 42.5 Despite anything in this section, an election of council or any other vote must be held by secret ballot.
- 42.6 The vote for a strata lot may not be exercised, except on matters requiring a unanimous vote if the strata corporation is entitled to register a lien against that strata lot under section 116 (1) of the *Strata Property Act*.

43 QUORUM

- 43.1 A quorum for an annual or special general meeting is 15 owners or occupants entitled to vote including proxy votes.
- 43.2 Notwithstanding section 48(3) of the Act, if within 1/2 hour from the time appointed for an Annual or Special General Meeting a quorum is not present, the meeting shall be terminated if the meeting was convened upon the requisition of members; but in any other case, the meeting shall stand adjourned for a further 1/2 hour from the time appointed and, if within *one hour* of the time appointed a quorum is not present for the meeting, the eligible voters present in person or by proxy shall constitute a quorum.

44 ORDER OF BUSINESS

- 44.1 The order of business at annual and special general meetings is as follows:
- (a) certify proxies and corporate representatives and issue voting cards;
 - (b) determine that there is a quorum;
 - (c) elect a person to chair the meeting, if necessary;
 - (d) present to the meeting proof of notice of meeting or waiver of notice;
 - (e) approve the agenda;
 - (f) approve minutes from the last annual or special general meeting;
 - (g) business arising from the last minutes;
 - (h) receive reports of strata 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 *Strata Property Act*;
- (j) report on insurance coverage in accordance with section 154 of the *Strata Property Act*, if the meeting is an annual general meeting;
- (k) approve the budget for the coming year in accordance with section 103 of the *Strata Property Act*, if the meeting is an annual general meeting;
- (l) new business, including any matters about which notice has been given under section 45 of the *Strata Property Act*;
- (m) elect a council, if the meeting is an annual general meeting;
- (n) terminate the meeting.

45 DISPLAY LOT

- 45.1 An owner who is selling his or her strata lot must ensure that the real estate signage is placed on the designated signboard provided by the strata corporation. The required dimensions for the real estate signs are 24 inches in length by 10 inches in height.
- 45.2 An owner who is selling his or her strata lot may only have an on house during the hours of 10:00am and 4:00pm.

DIVISION 7 – SCHEDULE OF FINES

46 SCHEDULE OF FINES

- 46.1 The strata corporation may fine an owner or tenant the maximum amounts set out below:

	<u>First Offense</u>	<u>Second (subsequent) Offense</u>
Pet	\$100.00	\$200.00
Noise and Disturbance	\$100.00	\$200.00
Unlicensed/Uninsured Vehicles	\$100.00	\$200.00
Parking	\$100.00	\$200.00
Common Property Damage	\$100.00	\$200.00

Trespass/Common Property	\$100.00	\$200.00
Rental Restriction	\$200.00	\$300.00
Late Payment of Strata fees	\$50.00	\$50.00
Other	\$25.00	\$50.00

DIVISION 8 – RULES

47 **RULES**

- 47.1 The strata corporation may create and amend rules from time to time in accordance with the Strata Property Act.
- 47.2 Rules that have been approved by the strata council have force and effect only until the next annual or special general meeting where they must either:
- (a) be approved by a 314 vote and become part of the bylaws of the strata corporation or
 - (b) cease to exist.
- 47.3 Rules which the strata council approves from time to time have immediate force and effect.

DIVISION 9 - DEFINITIONS

48 **DEFINITIONS**

- 48.1** "**occupant**" shall include all persons other than owners except for Bylaw (9) Rental Prohibition section.
- 48.2** "**common property**" means;
- (a) that part of the land and buildings shown on a strata plan that is not part of a strata lot, and
 - (b) pipes, wires, cables, chutes, ducts and other facilities for the passage or provision of water, sewage, drainage, gas, oil, electricity, telephone, radio, garbage, television, heating and cooling systems, or other similar services, if they are located;
 - (i) within a floor, wall or ceiling that forms a boundary

- (a) between a strata lot and another strata lot,
 - (b) between a strata lot and the common property, or
 - (c) between a strata lot or common property and another piece of land, or
- (ii) wholly or partially within a strata lot, if they are capable of being and intended to be used in connection with the enjoyment of another strata lot or the common property.
- 48.3 "limited common property"** means common property designated for the exclusive use of the owners of one or more strata lots,
- 48.4 "residential strata lot"** means a strata lot designed or intended to be used primarily as a residence.
- 48.5 "strata lot"** means a lot shown on a strata plan
- 48.6 "recreational and commercial vehicle"** Council shall have authority to make the final determination of the classification of any vehicle as a recreational or commercial vehicle, taking into account the design and actual size of the vehicle. Any vehicle which has an extended roof, or one in which a person may stand erect is deemed to be a recreational vehicle for the purpose of the Bylaw. A vehicle with a gross vehicle weight (GVW) over 10,000 pounds and a length over twenty-four (24) feet is deemed to be a commercial vehicle for the purpose of this Bylaw.

END OF BYLAWS