

Strata Property Act
FORM Y
OWNER DEVELOPER'S NOTICE OF DIFFERENT BYLAWS
(Section 245(d); Regulations Section 14.6(2))

Re: PID: 018-050-859 LOT B, SECTION 10, ESQUIMALT DISTRICT, PLAN VIP55556.

The Standard Bylaws to the *Strata Property Act* shall be applicable with the amendments and additions as set forth below.

The following or attached bylaws differ from the Standard Bylaws to the *Strata Property Act*, permitted by section 120 of the Act:

1. SECTION 3(1) OF THE STANDARD BYLAWS IS AMENDED BY REPLACING IT WITH THE FOLLOWING:

3(1) An Owner, tenant, occupant or visitor must not use a Strata Lot, the Common Property, common assets or common facilities in a way that causes a nuisance or hazard to another person, causes noise that is contrary to the Township of Esquimalt Noise Bylaw, unreasonably interferes with the rights of other persons to use and enjoy the Common Property, common assets, common facilities or another Strata Lot, is illegal, is contrary to a purpose for which the Strata Lot or Common Property, common assets or common facilities are intended as shown expressly or by necessary implication on or by the Strata Plan, or is in contravention of any rule, order or bylaw of the Township of Esquimalt applicable to the Strata Lot that will result in any unusual or objectionable odour to emanate from the Strata Lot, the Common Property, common assets or common facilities, or that is inconsistent with the intent of these bylaws.

2. SECTION 3(4) OF THE STANDARD BYLAWS IS AMENDED BY REPLACING IT WITH THE FOLLOWING:

3(4) An Owner, tenant or occupant must not keep any pets on a Strata Lot other than one or more of the following:

- (a) a reasonable number of fish or other small aquarium animals;
- (b) a reasonable number of small caged mammals;
- (c) up to 2 caged birds;
- (d) up to 2 dogs or 2 cats or 1 dog and 1 cat.

3. THE FOLLOWING IS ADDED AS BYLAW 3(5):

3(5) An Owner, whose Strata Lot has hard floor surfaces, such as hardwood floor or tile, in the bedroom of his or her Strata Lot, must take all reasonable steps to satisfy impact type noise complaints from neighbours, including without limitation, ensuring that no less than 60% of such hard surfaces are covered with area rugs or carpet and avoiding walking on such flooring with hard heeled or soled shoes.

4. THE FOLLOWING IS ADDED AS BYLAW 3(6):

3(6) An Owner, tenant, occupant or visitor must not consume alcohol in the Common Property areas of the building, excluding Limited Common Property balconies, patios and terraces.

5. THE FOLLOWING IS ADDED AS BYLAW 3(7):

3(7) The Strata Corporation will not implement any strata bylaws inconsistent with the Township of Esquimalt bylaws applicable to the business uses permitted by the zoning applicable to the Commercial Strata Lots within the Development.

6. THE FOLLOWING IS ADDED AS BYLAW 3(8):

3(8) The Strata Corporation will not implement any bylaws restricting the hours of operation of any business carried on within the Commercial Strata Lots.

7. THE FOLLOWING IS ADDED AS BYLAW 3(9):

3(9) It is not a breach of the bylaws if the Commercial Strata Lots and the Limited Common Property for the Commercial Strata Lots are used in a manner permitted that does not constitute a breach of the Township of Esquimalt Bylaws.

8. THE FOLLOWING IS ADDED AS BYLAW 3(10):

3(10) The owners of the Commercial Strata Lots shall be entitled to place on the Common Property, signage, illuminated or not, as may be permitted, provided such signage is not inconsistent with the Township of Esquimalt Bylaws.

9. THE FOLLOWING IS ADDED AS BYLAW 3(11):

3(11) The Strata Corporation hereby creates two types of Strata Lots: Residential Type Strata Lots and Commercial Type Strata Lots, and where operating fund expenses relates to, and benefits, only one Type of Strata Lot, then such expenses shall be allocated to that Type of Strata Lot.

10. THE FOLLOWING IS ADDED AS BYLAW 3(12):

3(12) The Strata Corporation must provide bicycle access in common areas of the Development, pursuant to proposed Covenant CA9945805.

11. THE FOLLOWING IS ADDED AS BYLAW 3(13):

3(13) The five (5) parking stalls for the Commercial Strata Lots will be for their use during the business hours associated with the Commercial Strata Lots and thereafter will be made available for visitor parking use for the Residential Strata Lots outside of normal business hours associated with the business of such Commercial Strata Lots.

12. THE FOLLOWING IS ADDED AS BYLAW 3(14):

3(14) The Owners of Strata Lots agree to allow for a third-party review of the Development, with regards to the new home warranty, which review will occur nine (9) months after occupancy, whereby a third-party consultant report (the "Report") is issued and the Developer will be responsible for addressing any defects identified in the Report and covered under the new home warranty labour and material coverage on the Common Property pursuant to the *Homeowner Protection Act*.

13. THE FOLLOWING IS ADDED AS BYLAW 3(15):

- 3(15) An Owner, tenant or occupant must not (without the written permission of the Strata Corporation) smoke or permit smoking of any kind in a Strata Lot or on any Common Property, Limited Common Property or land that is a common asset, or within 8 meters of any common area building door, open window or air intake. For the purpose of this bylaw, “smoke” or “smoking” means using, inhaling, exhaling, burning or carrying of a lighted cigarette, joint, e-cigarette, vapor pen or similar vaporizing device, cigar, pipe, hookah, bong or other smoking equipment that burns or vaporizes tobacco, nicotine, or marijuana/cannabis including oils, resins or other derivatives.

14. THE FOLLOWING IS ADDED AS BYLAW 3(16):

- 3(16) An Owner, tenant or occupant must ensure that drapes or blinds visible from the outside of the building are cream or white in colour.

15. THE FOLLOWING IS ADDED AS BYLAW 3(17):

- 3(17) An Owner of a Strata Lot, when selling his or her Strata Lot, will not display or post or permit any agent to display or post “for sale” signs or other signage for the purpose of selling or marketing a Strata lot in any of the following places:
- (a) within the Owner’s Strata Lot such that the signage is visible from the exterior of the Strata Lot, or
 - (b) anywhere on the Common Property (including Limited Common Property) and land that is a common asset, except for in a location on the Common Property or land that is a common asset approved by the Strata Council.

16. THE FOLLOWING IS ADDED AS BYLAW 3(18):

- 3(18) Advertising for the resale or rental of a Strata Lot shall only be permitted on a single sign that shall be located, supplied and maintained by the Strata Corporation.

17. THE FOLLOWING IS ADDED AS BYLAW 3(19):

- 3(19) Notwithstanding bylaws 3(17) and 3(18), during the time the Owner Developer is the Owner or lessee of any Strata Lot, the Owner Developer and/or its affiliates, employees, agents and guests will have the right to:
- (a) use any Strata Lot or Strata Lots, whether owned or leased by the Owner Developer, as display suites and/or sales centres and to carry on within such Strata Lots and within any area of the Common Property or land that is a common asset any marketing and sales functions in respect of the Development and developments owned, constructed and/or developed by the Owner Developer and/or its affiliates;
 - (b) erect and maintain signage, including, but not limited to “for sale” signs, in and around any unsold Strata Lots and on the Common Property or land that is a common asset for the duration of the marketing and sales program;
 - (c) maintain display areas, landscaping and parking areas;

- (d) use any parking intended to be assigned to any unsold Strata Lots for marketing and sales purposes and for any other reason related to the developments;
- (e) have access to any and all parts of the Common Property and common assets for the purposes of showing strata lots, the Common Property and common assets the prospective purchasers and their representatives; and
- (f) in each case as may be reasonable determined by the Owner Developer in order to enable or assist it in marketing or selling any Strata Lot within the Development and developments owned, constructed and/or developed by the Owner Developer and/or its affiliates. The Owner Developer will act reasonably in exercising its rights under this bylaw 3(19).

19. THE FOLLOWING IS ADDED AS BYLAW 3(20):

- 3(20) An Owner, tenant or occupant must ensure that no laundry, flags, clothing, bedding or other articles are hung or displayed from windows, balconies or other parts of the building so that they are visible from the outside of the building.

21. THE FOLLOWING IS ADDED AS BYLAW 3(21):

- 3(21) Strata Lot Owners must obtain written consent in advance from the Strata Corporation prior to hanging any form of lighting on Limited Common Property.

22. THE FOLLOWING IS ADDED AS BYLAW 3(22):

- 3(22) An Owner must obtain the written approval of the Strata Corporation prior to installing any air conditioning or cooling equipment.

Date: _____, 2023.

SIGNATURE OF OWNER DEVELOPER:
1075 TILlicum DEVELOPMENTS LTD.
