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LAND TITLE OFFICE
NEW WESTMINSTER/
VANCOUVER

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SURVEY DEPT.

December 7, 1993

Registrar
New Westminster/Vancouver
Land Title Office
88 - 6th Street
New Westminster, B.C.
V3L 5B3

12/08/93 A9314d DOC FIL 20.00

Dear Sirs:

Please find enclosed Form 8, Notification of Change of Bylaws for
filing.

Gayle Cooke

Gayle Cooke
MCCARTHY TÉTRAULT
Barristers and Solicitors
P.O. Box 10424, Pacific Centre
Suite 1300, 777 Dunsmuir Street
Vancouver, B.C. V7Y 1K2
(Direct) 663-7944

12/08/93

CONDOMINIUM ACT

FORM 8

NOTIFICATION OF CHANGE OF BYLAWS

(Section 26)

The bylaws of the strata corporation of the strata plan being deposited herewith of Lot D, District Lots 5028, 5275 and 7310 and an undivided 33/100 interest in Lot E, District Lots 5028, 5275 and 7310, Reference Plan LMP13047 shall be the following:

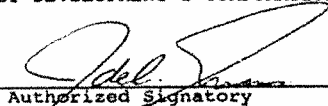
The bylaws set out in Schedule A attached hereto.


DATED this 30 day of November, 1993.

Owner Developer:

TRILOGY DEVELOPMENT I CORPORATION

by:


Authorized Signatory

J. G. Evans

for: Superintendent of Real Estate

SCHEDULE A

The Owners, Strata Plan No. LMS _____

BYLAWS

COMMERCIAL AND RESIDENTIAL SECTIONS

1. (1) The owners of all the non-residential strata lots shall form a separate section (the "Commercial Section") within the strata corporation consisting of all the non-residential strata lots in the strata plan.
- (2) The owners of all residential strata lots shall form a separate section (the "Residential Section") within the strata corporation consisting of all the residential strata lots in the strata plan.

DUTIES OF OWNERS

2. An owner shall:
 - (a) permit the strata corporation and its agents, at all reasonable times on notice, except in case of emergency, when no notice is required, to enter his strata lot for the purpose of inspecting the same and maintaining, repairing or renewing pipes, wires, cables and ducts for the time being existing in the strata lot and capable of being used in connection with the enjoyment of any other strata lot or common property, or for the purpose of maintaining, repairing or renewing common property, common facilities or other assets of the strata corporation, or for the purpose of ensuring that the bylaws and rules and regulations of the strata corporation and the separate sections are being observed and performed;
 - (b) promptly carry out all work that may be ordered by any competent public or local authority in respect of his strata lot and pay all rates, taxes, charges and assessments that are payable in respect of his strata lot;
 - (c) repair and maintain his strata lot, including windows and doors, and areas allocated to his exclusive use, and keep them in a state of good repair, reasonable wear and tear and damage by fire, storm, tempest or act of God excepted;
 - (d) use and enjoy the common property, common facilities or other assets of the strata corporation in a manner that will not unreasonably interfere with their use and enjoyment by other owners, their families or visitors;
 - (e) not use his strata lot, or permit the same to be used, in a manner or for a purpose that will cause a nuisance or hazard to any occupier of a strata lot, whether an owner or not, or his family;
 - (f) notify the strata corporation promptly on any change of ownership or of any mortgage or other dealing in connection with his strata lot;
 - (g) comply strictly with these bylaws, and all other bylaws of the strata corporation, and with rules and regulations adopted by the strata corporation or either of the separate sections applicable to such owner from time to time; and

- (h) receive the written permission of the strata council before undertaking alterations to the exterior or structure of any strata lot, but permission shall not be unreasonably withheld.

DUTIES OF STRATA CORPORATION

3. The strata corporation shall:

- (a) control, manage and administer the common property (excluding limited common property appurtenant to either separate section and common property to be controlled, managed and administered by either separate section, as described below), common facilities or other assets of the strata corporation for the benefit of all owners;
- (b) keep in a state of good and serviceable repair and properly maintain the fixtures and fittings, including any apparatus and equipment used in connection with the common property (excluding limited common property appurtenant to either separate section and common property to be controlled, managed and administered by either separate section, as described below), common facilities or other assets of the strata corporation;
- (c) subject to section 23, maintain all external common areas, including lawns, gardens and parking areas including the exterior of the building but excluding windows, doors, balconies and patios included in a strata lot or in limited common property appurtenant to a strata lot;
- (d) maintain and repair, including renewal where reasonably necessary, pipes, wires, cables, chutes and ducts for the time being existing in the parcel and capable of being used in connection with the enjoyment of: (i) common property, excluding limited common property appurtenant to either separate section and common property to be controlled, managed and administered by either separate section, as described below; or (ii) more than one strata lot where such strata lots are not within the same separate section;
- (e) on the written request of an owner or mortgagee of a strata lot, produce to him or a person authorized in writing by him the insurance policies effected by the strata corporation and the receipts for the last premiums;
- (f) collect and receive all contributions toward the common expenses levied by the strata corporation paid by the owners and deposit the same with a chartered bank or trust company or credit union or financial institution established by the government;
- (g) 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;
- (h) maintain the common property (excluding limited common property appurtenant to either separate section and common property to be controlled, managed and administered by either separate section, as described below) in a healthful and attractive condition; and
- (i) where an owner's interest is subject to a registered mortgage which entitles the mortgagee to receive notices of all meetings, minutes, financial statements and documents of a similar nature of the strata corporation, upon the request of the mortgagee, deliver

such notices to the mortgagee at such address as the mortgagee shall specify in writing.

DUTIES OF SEPARATE SECTIONS OF THE STRATA CORPORATION

4. Each separate section of the strata corporation shall:
- (a) control, manage and administer the limited common property appurtenant to the separate section, facilities common to the separate section, and other assets of the separate section of the strata corporation for the benefit of all members of the separate section;
 - (b) keep in a state of good and serviceable repair and properly maintain the fixtures and fittings, including the elevators, and other apparatus and equipment used in connection with the limited common property appurtenant to the separate section and common property to be controlled, managed and administered by either separate section, as described below, facilities common to the separate section, or other assets of the separate section;
 - (c) maintain all areas common to the separate section, both internal and external, including storage areas, public halls, underground parking areas and appurtenant common areas and lobby areas;
 - (d) maintain and repair (including renewal where reasonably necessary) pipes, wires, cables, chutes and ducts for the time being existing in the parcel and capable of being used in connection with the enjoyment of more than one strata lot within the separate section or the limited common property appurtenant to the separate section;
 - (e) collect and receive all contributions towards the expenses common to the separate section paid by the owners and deposit the same with a chartered bank or trust company or credit union or financial institution established by the government;
 - (f) 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 separate section; and
 - (g) maintain the limited common property appurtenant to the separate section in a safe and attractive condition.

POWERS OF STRATA CORPORATION

5. The strata corporation may:
- (a) purchase, hire or otherwise acquire personal property for use by owners in connection with their enjoyment of common property (excluding limited common property appurtenant to a separate section and common property to be controlled, managed and administered by either separate section, as described below), common facilities or other assets of the strata corporation;
 - (b) borrow money required by it in the performance of its duties or the exercise of its powers, including arranging an operating line of credit, on terms and at rates of interest which are consistent with prudent business practices;
 - (c) secure the repayment of money borrowed by it, and the payment of interest, by negotiable instrument or mortgage of unpaid

contributions, whether levied or not, or mortgage of any property vested in it, or by combination of those means;

- (d) invest as it may determine in separate accounts money in the fund for administrative expenses, or in the contingency reserve fund;
- (e) make an agreement with an owner or occupier of a strata lot for the provision of amenities or services by it to the strata lot or to the owner or occupier;
- (f) grant an owner the right to exclusive use and enjoyment of common property, or special privileges in respect thereto, the grant to be determinable on reasonable notice, unless the strata corporation by unanimous resolution otherwise resolves;
- (g) designate an area as limited common property and specify the strata lots that are to have the use of the limited common property;
- (h) make rules and regulations it considers necessary or desirable from time to time in relation to the enjoyment, safety and cleanliness of the common property (excluding limited common property appurtenant to a separate section and common property to be controlled, managed and administered by either separate section, as described below), common facilities or other assets of the strata corporation;
- (i) do all things necessary for the enforcement of the bylaws and the rules and regulations of the strata corporation, and for the control, management and administration of the common property, common facilities or other assets of the strata corporation, generally, including removing privileges in the use of certain facilities, or fixing and collecting fines for contravention of the bylaws, rules or regulations;
- (j) subject to the Condominium Act, determine the levy for the contingency reserve fund which shall be not less than 5% of the total annual budget, until the reserve reaches an amount that the strata council considers sufficient having regard to the type of buildings in the strata plan, and thereafter raise further amounts of replacements of funds from time to time and over a period of time as the strata council thinks fit;
- (k) set up and maintain separate contingency reserve funds for each of the separate sections to be assessed and used as is the contingency reserve fund for the strata corporation, but in respect of the limited common property of the relevant separate section, such funds to be separately accounted for, with all interest to accrue to the relevant fund, but such funds need not necessarily be deposited to separate accounts; and
- (l) join any organization serving the interests of strata corporations and assess the membership fee in the organization as part of the common expenses.

POWERS OF SEPARATE SECTIONS OF THE STRATA CORPORATION

- 6. (1) Each separate section of the strata corporation may:
 - (a) purchase, hire or otherwise acquire personal property for use by owners in the separate section in connection with their enjoyment of the limited common property appurtenant to and common property relevant to the separate section,

facilities common to the separate section or other assets of the separate section;

- (b) make an agreement with any owner or occupier of a strata lot within the separate section for the provision of amenities or services by it to the strata lot or to the owners or occupiers thereof;
- (c) grant to an owner within the separate section the right to exclusive use and enjoyment of limited common property appurtenant to or common property relevant to the separate section or special privileges in respect thereof, the grant to be determinable on reasonable notice, unless the separate section by unanimous resolution otherwise resolves;
- (d) make such rules and regulations as it may consider necessary or desirable from time to time in relation to the enjoyment, safety and cleanliness of the limited common property appurtenant to and common property relevant to the separate section, facilities common to the separate section, or other assets of the separate section; and
- (e) do all things necessary for the enforcement of the rules and regulations of the separate section, and for the control, management and administration of the limited common property appurtenant to and common property relevant to the separate section, facilities common to the separate section, or other assets of the separate section, generally, including removing privileges in use of certain facilities or fixing and collecting fines for contravention of the rules or regulations.

(2) Any resolutions passed by the strata corporation, the council or the executive council of a separate section shall clearly state the particular strata lots or common property or limited common property to which such resolution applies and resolutions made by the executive of a separate section shall apply only to the strata lots within, and limited common property appurtenant to and common property relevant to, that separate section.

STRATA COUNCIL

7. (1) The powers and duties of the strata corporation shall, subject to any restrictions imposed or direction given at a general meeting, be exercised and performed by the council of the strata corporation.

(2) The owner-developer shall exercise the powers and duties of the strata council until a council is elected by the owners.

(3) A council shall be elected at the first annual general meeting of the owners called by the owner-developer under section 13.

(4) A council shall be elected by and from among the owners, the appointed representatives of the owners (including corporate owners) from time to time, and shall include not less than 2 owners and consist of not less than 3 or more than 7 persons and not less than one third of the members will be representatives of the Commercial Section. For greater certainty but without limitation, a representative of a professional rental or property management company which is licensed as an agent under the Real Estate Act (British Columbia) and which is responsible for 5 or more strata lots in the strata corporation may be elected to the council.

(5) Where a strata lot is owned by more than one person, only one owner of the strata lot or their appointed representative shall be a member of

the council at any one time. If a corporate owner, including the owner-developer, owns more than one strata lot, only one representative of that owner shall be a member of the council at one time. Similarly, only one representative of any particular rental or property management company shall be a member of the council at any one time.

(6) At each annual general meeting of the strata corporation all the members of the council shall retire from office and the strata corporation shall elect a new council. A retiring member of the council is eligible for re-election.

EXECUTIVE OF THE SEPARATE SECTIONS

8. (1) The powers and duties of a separate section shall, subject to any restriction imposed or any direction given at a general meeting of the separate section, be exercised and performed by the executive of the separate section and the members of the separate section may pursuant to these bylaws elect an executive, call and hold meetings and pass resolutions in the same manner as the strata corporation.

(2) The owner-developer shall exercise the powers and duties of the executive of each separate section until an executive is elected by the owners within the separate section.

(3) The executive of a separate section shall be elected at the first annual general meeting of the owners called by the owner-developer under section 13 then thereafter at each general meeting of the separate section called by the executive in accordance with section 13.

(4) The executive of each separate section shall be elected by the owners within that separate section, shall consist of not less than 3 or more than 6 persons, shall have a chairman and a vice-chairman and shall conduct its affairs in the same manner as the strata council is required to conduct its affairs pursuant to sections 9 to 16 inclusive. Where there are less than four strata lots or less than four owners in a separate section, the executive of that separate section shall consist of all owners within that separate section.

VACANCIES, QUORUM, ETC.

9. (1) Except where the council consists of all owners, the strata corporation may, by resolution at an extraordinary general meeting, remove for cause a member of the council before expiry of his term of office and appoint another owner in his place, to hold office until the next annual general meeting.

(2) A vacancy on the council may be filled by the remaining members of the council.

(3) Except where there is only one owner, a quorum of the council is two where the council consists of four or less persons, three where it consists of five or six persons and four where it consists of seven persons.

OFFICERS AND MEETINGS

10. (1) At the first meeting of the council held after each annual general meeting of the strata corporation, the council shall elect from among its members a chairman and vice-chairman, who shall hold office until the conclusion of the next annual general meeting of the strata corporation or until their successors are elected or appointed.

(2) The chairman of the council shall have a casting vote in addition to his original vote.

(3) Where the chairman is absent from any meeting of the council, or vacates the chair during the course of a meeting, the vice-chairman shall act as the chairman and have all the duties and powers of the chairman while so acting.

(4) In the absence of both the chairman and the vice-chairman, the members present shall from among themselves appoint a chairman for that meeting, who shall have all the duties and powers of the chairman while so acting.

(5) At meetings of the council all matters shall be determined by simple majority vote.

COUNCIL POWERS

11. The council may:

- (a) meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit, and it shall meet when any member gives the other members not less than 7 days' notice of a meeting proposed by him specifying the reason for calling the meeting, unless the other members agree to waive the notice;
- (b) employ for and on behalf of the strata corporation agents and employees as it thinks proper for the control, management and administration of the common property, common facilities or other assets of the strata corporation, and the exercise and performance of the powers and duties of the strata corporation; and
- (c) subject to any restriction imposed or direction given at a general meeting, delegate to one or more of its members, or to a member or committee of members of the strata corporation, or to its manager, those of its powers and duties it thinks proper, and at any time revoke a delegation.

COUNCIL DUTIES

12. (1) The 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 the following:

- (a) a copy of the Condominium Act and of changes in the bylaws;
- (b) a copy of any and all special or unanimous resolutions;
- (c) a copy of all the legal agreements to which the strata corporation is a party, including management contracts, insurance policies, insurance trustee agreements, deeds, mortgages, agreements for sale, leases, licences, easements or rights of way;
- (d) a register of the members of the council;
- (e) a register of the strata lot owners, setting out the strata lot number, the name of the owner, the unit entitlement, the name and address of any mortgagee who has notified the strata corporation, the name of any tenant or lessee, and a notation of any assignment by the owner to the lessee;

- (f) the annual budget for each year; and
- (g) minutes of all general meetings and of all council meetings.

(2) The executive of each separate section shall keep, in one location, or in the possession of one person and shall make available on request to an owner within the separate section or a person authorized by him the following:

- (a) a copy of any and all special or unanimous resolutions passed by the separate section;
- (b) copies of all the legal agreements to which the separate section is a party, including management contracts, deeds, mortgages, agreements for sale, leases, licences, easements or rights-of-way;
- (c) minutes of all general meetings of the separate section;
- (d) the annual budget for each year; and
- (e) minutes of all meetings of the executive of the separate section.

(3) The council and the executive of each section shall:

- (a) keep minutes of its proceedings;
- (b) cause minutes to be kept of general meetings;
- (c) cause proper books of account to be kept in respect of all sums of money received and expended by it and the matters in respect of which receipt and expenditure take place;
- (d) prepare proper accounts relating to all money of the strata corporation, or the separate section, as the case may be, and the income and expenditure of it, for each annual general meeting; and
- (e) on application of an owner or mortgagee, or a person authorized in writing by him, make the books of account available for inspection at all reasonable times.

(4) All acts done in good faith by the council are, notwithstanding it is afterwards discovered that there was some defect in the appointment or continuance in office of a member of the council, as valid as if the member had been duly appointed or had duly continued in office.

(5) All acts done in good faith by the executive of a separate section are, notwithstanding it is afterwards discovered that there was some defect in the appointment or continuance in office of a member of the executive of that separate section, as valid as if the member had been duly appointed or had duly continued in office.

(6) A member of the strata council is not personally liable for an act done in good faith in carrying out his duties as a member of the council.

(7) A member of the executive of a separate section is not personally liable for an act done in good faith in carrying out his duties as a member of the executive of that section.

GENERAL MEETINGS

13. (1) The first annual general meeting shall be called by the owner-developer and the meeting shall be held on the earlier of the date on which 60% of the strata lots have been conveyed by him or a date nine months after registration of the strata plan.
- (2) Subsequent annual general meetings of the strata corporation or a separate section, as the case may be, shall be held at the time and place designated by the council or the executive provided that they shall be held once in each calendar year, and not more than 13 months shall elapse between one annual general meeting and the next.
- (3) General meetings other than the annual general meetings shall be called extraordinary general meetings.
- (4) The strata council may, whenever it thinks proper, and shall on a requisition in writing by owners or mortgagees of not less than 25% of the strata lots, within 2 weeks after the requisition, convene an extraordinary general meeting.
- (5) The executive may, whenever it thinks proper, and shall on a requisition in writing by owners or mortgagees of not less than 25% of the strata lots in a separate section, within 2 weeks after the requisition, convene an extraordinary meeting.
- (6) Seven days' notice of every general meeting specifying the place, date and hour of the meeting, and in case of special business the general nature of that business, shall be given to all owners and first mortgagees who have notified their interests to the strata corporation. Accidental omission to give notice to an owner or to a first mortgagee or failure to receive the notice by an owner does not invalidate proceedings at the meeting.

PROCEDURE

14. (1) All business shall be deemed special that is transacted at an annual general meeting, with the exception of the consideration of accounts and election of members to the strata council or executive, or at an extraordinary general meeting.
- (2) Save as in these bylaws otherwise provided, business shall not be transacted at a general meeting unless a quorum of persons entitled to vote is present at the time when the meeting proceeds to business.
- (3) One-third of the persons entitled to vote present in person or by proxy constitutes a quorum.
- (4) If within a half-hour from the time appointed for a general meeting a quorum is not present, the meeting stands adjourned to the same day in the next week at the same place and time. If at the adjourned meeting a quorum is not present within a half-hour from the time appointed for the meeting, the persons entitled to vote present constitute a quorum.
- (5) The chairman of the council or the executive, as the case may be, shall be the chairman of all general meetings. In his absence from the meeting or in the case he vacates the chair, the vice-chairman of the council or the executive, as the case may be, shall act as chairman. In other cases, the meeting shall appoint a chairman.
- (6) The order of business at general meetings, and as far as is appropriate for extraordinary general meetings, shall be
 - (a) electing the chairman of the meeting, if necessary;

- (b) calling the roll, certifying proxies and issuing a voting card for each strata lot represented at the meeting;
- (c) filing proof of notice of meeting or waiver of notice;
- (d) reading and disposing of any unapproved minutes;
- (e) receiving reports of committees;
- (f) considering the accounts;
- (g) electing a strata council or executive, as the case may be, if necessary;
- (h) unfinished business;
- (i) new business; and
- (j) adjournment.

VOTING AT MEETINGS

15. (1) At a general meeting a resolution by the vote of the meeting shall be decided on a show of hands, unless a poll is requested by an owner present in person or by proxy. A request for a poll may be withdrawn.

(2) Unless a poll is requested, a declaration by the chairman that a resolution had, on the show of hands, been carried is conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.

(3) A poll, if demanded, shall be taken in whatever manner the chairman thinks proper, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was requested.

(4) In the case of equality in the votes, whether on a show of hands or on a poll, the chairman of the meeting is entitled to a casting vote in addition to his original vote.

(5) On a show of hands, an owner shall indicate his vote by showing his voting card. On a show of hands or on a poll, votes may be given either personally or by proxy.

(6) Except in cases where, under the Condominium Act, a unanimous resolution is required, an owner is not entitled to vote at a general meeting unless all contributions payable for his strata lot have been paid.

(7) Where owners are entitled to successive interests in a lot, the owner entitled to the first interest is alone entitled to vote, whether on a show of hands or a poll.

(8) An owner who is a trustee is entitled to exercise the vote for the strata lot in respect of which he is trustee. The persons beneficially interested may not vote.

PROXIES

16. (1) An instrument appointing a proxy shall be in writing signed by the appointer or his attorney, and may be either general or for a particular meeting.

(2) A proxy need not be an owner.

(3) Notwithstanding the provisions of these bylaws on appointment of a proxy, where the owner's interest is subject to a registered mortgage and where the mortgage provides that the power of vote conferred on an owner under the Condominium Act may be exercised by the mortgagee and where the mortgagee has given written notice of his mortgage to the corporation, no instrument or proxy shall be necessary to give the mortgagee the power to vote. The mortgagee shall indicate his presence at the calling of the roll and he, rather than the owner, shall be issued a voting card.

VIOLATION OF BYLAWS

17. (1) An infraction or violation of these bylaws or any rules and regulations established under them on the part of an owner, his employees, agents, invitees or tenants may be corrected, remedied or cured by the strata corporation. Any cost or expense so incurred by the strata corporation shall be charged to that 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 costs or expenses are incurred but not necessarily paid by the strata corporation, and shall become immediately due and payable by the owner to the strata corporation on the date of the monthly assessment.

(2) Any infraction or violation of any rules and regulations established by a separate section pursuant to these bylaws on the part of an owner, his employees, agents, invitees or tenants may be corrected, remedied, or cured by the separate section, and any costs or expenses expended or incurred by the separate section in correcting, remedying, or curing such infraction or violation, shall be charged to that owner and shall be added to and become a part of the assessment of that owner for the next month following the date on which the costs or expenses are extended or incurred, but not necessarily paid, by the separate section and shall become due and payable by the owner to the executive on the date of payment of the monthly assessment.

(3) The strata corporation or executive of a separate section, as the case may be, may recover from an owner by an action for debt in a court of competent jurisdiction money which the strata corporation or the separate section is required to expend as a result of an act or omission by the owner, his employees, agents, invitees or tenants, or an infraction or violation of these bylaws or any rules or regulations established under them.

COMMON EXPENSES

18. (1) "Common expenses" means the total of all expenses incurred or to be incurred by the strata corporation in controlling, managing and administering, operating, repairing, maintaining and replacing the common property, common facilities and other assets of the strata corporation and in discharging all obligations of the strata corporation under the Condominium Act and the bylaws of the strata corporation including, without limiting the generality of the foregoing, the costs of repairs, maintenance and replacement, premiums on insurance policies, landscaping and gardening costs, snow removal, lighting costs, parking lot cleaning, wages, legal and accounting fees, management fees, rental costs, maintenance service and contingency reserve for unusual or extraordinary future expenses whether of a capital nature or not.

(2) The strata lot owners' contributions to the common expenses of the strata corporation shall be levied in accordance with this bylaw.

(3) The contribution by any owner of a strata lot within a separate section to the expenses common to that separate section shall be levied in accordance with this bylaw.

(4) Common expenses shall be apportioned between the Residential Section and the Commercial Section and to individual strata lots in the following manner:

- (a) common expenses attributable to either separate section shall be allocated to that separate section and, subject to subsection 18(11), shall be borne by the owners of the strata lots within that separate section in the proportion that the unit entitlement of such strata lot bears to the aggregate unit entitlement of all strata lots within that separate section;
- (b) common expenses not attributable to either separate section, shall be allocated to all strata lots and shall be borne by the owners in proportion to the unit entitlement of their strata lot or as otherwise set out in the current budget of the strata corporation; and
- (c) common expenses attributable to any one strata lot shall be allocated to such strata lot.

(5) Without limiting the generality of the subsection (4) and unless otherwise determined by the executives of each of the Residential Section and the Commercial Section, acting reasonably, the following common expenses shall be allocated between the separate sections as follows:

- (a) expenses relating to the common areas in each separate section (such as recreation rooms, storage areas, entrances, lobbies, utility rooms and other common areas in each area) will be for the account of the owners of strata lots in each respective section;
- (b) the underground parking area and appurtenant common areas will be maintained by the strata corporation as part of the overall maintenance of the common property but the cost of such maintenance will be the responsibility of the Residential Section;
- (c) the cost of insurance placed by the strata corporation will be apportioned between the two sections on the basis of the total interest upon destruction of the strata lots in each section; and
- (d) the cost of maintaining the landscaped and other outdoor areas within the common property will be apportioned between the two sections on the basis of the total unit entitlement of the strata lots in each section.

(6) Where the strata plan includes limited common property, expenses attributable to the limited common property which would not have been expended if the area had not been designated as limited common property shall be borne equally by the owners of the strata lots entitled to use the limited common property.

(7) The owner-developer shall cause to be prepared interim budgets of anticipated common expenses for each section for the first 12 month period following registration of the strata plan which allocates common expenses

between the separate sections, and the budget shall be distributed to each purchaser. The estimated interim budget for each section for the first nine months following the deposit of the strata plan, as required by subsection 128(4) of the Condominium Act, can be calculated by multiplying each annual budget by 9/12.

(8) For the period from the date on which the strata plan is registered until the earlier of the date on which the first strata lot is occupied, or the date on which the first strata lot is conveyed to a purchaser, the owner-developer shall pay the actual common expenses.

(9) For the period from the earlier of the date on which the first strata lot is occupied, or the date on which the first strata lot is conveyed to a purchaser until the first annual budget is approved by the first annual general meeting, the owners, including the owner-developer, shall pay to the strata corporation their proportionate share of the estimated monthly common expenses in accordance with the budget prepared under subsection (7).

(10) If the actual common expenses during the period referred to in subsection (8) exceed the estimated common expenses for that period, the owner-developer shall pay the excess.

(11) Common expenses attributable to a separate section shall be apportioned by the executive of that separate section in the following manner:

(a) Common expenses except electricity shall be allocated to all strata lots in the separate section and shall be borne by the owners in that section in the proportion that the unit entitlement of each such strata lot bears to the aggregate unit entitlement of all strata lots in that section or as otherwise set out in the current budget of that separate section. If a strata lot requires a utility service or other common expense not supplied to all lots the cost shall not be a common expense and if this utility is not separately metered or billed so as to measure the use thereof by the strata lot the cost of such utility shall be apportioned and charged to the strata lot by the executive of the separate section, on such reasonable basis as it shall determine.

(b) The cost to each owner of a strata lot of the electrical power supplied to it if not separately metered for that strata lot shall be borne by the owners in the proportion that the unit entitlement of their strata lot bears to the aggregate unit entitlement of all strata lots in that section.

(12) At the first annual general meeting, the strata corporation shall cause to be prepared a budget for a period commencing on the date of the first annual general meeting and ending on the first anniversary of the last day of the month during which the first annual general meeting is held. Such annual budget shall allocate common expenses as between the separate sections of the strata corporation. After that, all owners, including the owner-developer, shall, subject to subsection (4), pay a monthly assessment based on that budget determined in accordance with their unit entitlements.

(13) Where, at the first annual general meeting, the budget shows that the estimated common expenses as shown on the interim budget exceeded the actual common expenses, the owners, including the owner-developer, shall receive from the strata corporation a rebate of their contribution to the common expenses, based on the unit entitlement of the strata lots for which their contribution was paid, and the period of time during which their contribution was paid.

(14) At each annual general meeting subsequent to the first annual general meeting, the strata corporation shall prepare an annual budget for the following 12 month period and, after that, all owners shall, subject to this bylaw, pay a monthly assessment in accordance with their unit entitlement.

NOTICES

19. (1) Unless otherwise specifically stated in these bylaws, delivery of any notice required to be given under the Condominium Act or under these bylaws shall be well and sufficiently given if mailed to the owner at the address of his strata lot, or at another address specified by the owner, and if left with him or some adult person at that address.

(2) A notice given by post shall be deemed to have been given 48 hours after it is posted.

(3) An owner may at any time in writing advise the strata corporation of a change of address at which notice shall be given, and thereafter the address specified shall be deemed to be the address of the owner for the giving of notices.

(4) The word "notice" shall include any request, statement or other writing required or permitted to be given by the strata corporation or the executive of a separate section to the owner of the strata lot.

CORPORATE COMMON SEAL

20. The strata corporation shall have a common seal, which shall not be used except by authority of the council previously given and in the presence of the members of the strata council or at least one member of it, who shall sign every instrument to which the seal is affixed. Where there is only one member of the strata corporation, his signature is sufficient for the purpose of this section, and, if the only member is a corporation, the signature of its appointed representative on the strata council shall be sufficient for the purpose of this section.

PROHIBITIONS

21. (1) An owner shall not:

- (a) use his strata lot for any purpose which may be illegal or injurious to the reputation of the building;
- (b) make undue noise in or about any strata lot or common property;
- (c) keep any animals on his strata lot or the common property;
or
- (d) make or cause to be made any structural alteration to his strata lot, or paint, decorate, or add to or remove any structure from the exterior of the building or the strata lot or add to or alter the wiring, plumbing, piping, or other services on his strata lot, or within any bearing or party wall or the common property without first obtaining the written consent of the executive of the separate section; provided that the owners of strata lot(s) may from time to time and at any time make such changes, additions, improvements, alterations, enlargements, decorations, subtractions from, rearrangements of and subdivisions (collectively called the "Alterations") of the interior of

such strata lots which they in their sole discretion may consider necessary or desirable, but which do not affect any structural or supporting members of the building, including, without limiting the generality of the foregoing but subject to these bylaws, the right to use the same for whatever lawful purpose or purposes which such owners deem necessary or desirable, so long as the owner of the strata lot in question shall not interfere with other strata lots owners more than is reasonably necessary in the conduct of such Alterations.

(2) When the purpose for which a strata lot is intended to be used is shown expressly or by necessary implication on or by the registered strata plan, an owner shall not use his strata lot for any other purpose, or permit it to be so used.

PROMOTION

22. During the time that the owner-developer of the strata corporation is a first owner of any strata lots, he shall have the right to maintain any strata lot or lots, whether owned or leased by him, as a display strata lot, and to carry on sales functions he considers necessary in order to enable him to sell the strata lots.

BUILDING EXTERIOR

23. Notwithstanding anything else in these bylaws, any decision which involves any addition or change to the appearance of the exterior of the building (including, without limitation, the colour, design, quality and proportion of the finishing treatment of the building exterior or any portion of the building exterior) shall require:

- (a) prior approval by special resolution of the strata corporation;
- (b) prior approval by at least 50% of the owners of strata lots in the Commercial Section present and entitled to vote; and
- (c) compliance with all applicable restrictions imposed by lawful authorities, including pursuant to any encumbrance registered against the common property.

AWNINGS

24. Owners or tenants of strata lots in the Commercial Section will be permitted to install awnings within and attach the same to the common property around the outside perimeter of the strata lots on the condition that the plans for such awnings (i) have received the written approval of the owner-developer, if installation of the awnings is intended to commence within six months after substantial completion of the development, and thereafter the executive of the Commercial Section and the strata council, (ii) have received any approvals required from Resort Municipality of Whistler, and (iii) depict awnings which are in keeping with the balance of the development in terms of design, quality, proportion and colour. Any awning installed as aforesaid will be maintained in good condition on an ongoing basis and the responsibility for such maintenance will be solely for the account of the commercial strata owner who installs such awning.

COMMON PARKING PARCEL

25. Each owner of a strata lot also owns an undivided interest in Lot E, District Lots 5028, 5275 and 7310, Reference Plan LMP 13047 ("Lot E") which comprises the common parking lot for Whistler's Marketplace shopping centre. The aggregate undivided interest of the strata lot owners in the common parking lot is intended to be dealt with as an asset of the strata corporation and no owner is intended to have any liability therefor except to the extent that such owner is a member of the strata corporation; however, an undivided interest in Lot E is included in the title to each strata lot because it is not legally possible to deal with it otherwise. Notwithstanding anything else in these bylaws or the undivided interest of each owner in Lot E, the owners' aggregate share of the cost of maintaining and repairing the common parking lot located on Lot E will be apportioned between the Commercial and Residential Sections, 90% to the Commercial Section and 10% to the Residential Section.

98 APR 14 14 56

BM106621

LAND TITLE OFFICE
NEW WESTMINSTER/VANCOUVER

REGISTRAR
LAND TITLE OFFICE
NEW WESTMINSTER, BC

April 14, 1998

*1st
2nd
3rd
4th
5th
6th
7th
8th
9th
10th
11th
12th*

Please receive herewith the following document(s) for filing:

Notification of change of bylaws Lms1148

15 98/04/14 14:55:46 01 NW
DOL FILE

064638
\$20.00

SURVEY DEPT.

Debra Kelly

(SIGNATURE)

Tribal Management

331 - 4370 Loumer road

Whistler BC V0N 1B4

684-5856

Att: board bw

FILE REF:

AGENTIS INFORMATION SERVICES INC.

FORM 9**PROPOSED CHANGE OF BYLAWS**

(Section 26, Section 28(2))

The owners, Strata Plan No. LMS 1148 (a strata corporation) hereby certify that by a special resolution duly passed on February 24, 1998, the bylaws of the said strata corporation, were added to, amended or repealed as follows:

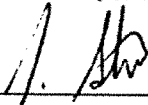
- 1) **PROHIBITION OF SKATEBOARDING, ROLLERBLADING, & BICYCLING:** Owners, guests, and invitees of Strata Plan LMS 1148 are prohibited from skateboarding, rollerblading, or bicycling in the interior residential common areas of the Marketplace Lodge at any time. Violation of this bylaw shall result in immediate fines as applicable in the bylaws.
- 2) **FINES FOR NUISANCE, SKATEBOARDING, ROLLERBLADING AND BICYCLING:** Notwithstanding any other remedies available to the Strata Corporation or its separate sections, any violation of bylaws, rules, or regulations regarding nuisance, skateboarding, rollerblading, or bicycling by the owner, guests or invitees of a residential unit will result in the following fines after notification of the owner and/or occupant:


First Offence	\$50
Second Offence	\$100
Third Offence	\$500 at the discretion of Council upon notification of the owner and/or occupant
- 3) **LATE PAYMENT CHARGES:** The penalty for payments received after the 1st day of each month shall be the greater of \$25 per month or 1.5% of the total outstanding amount per month at the discretion of Council. The Strata Council also reserves the right to pursue whatever legal action is required to collect outstanding amounts after three months. NSF cheques will also be subject to an NSF charge for each occurrence.

4) OWNERS TO PAY BY POST-DATES OR AUTOMATIC STRATA FEE WITHDRAWAL:

All owners must pay strata fees by the first day of each month in the amount(s) specified in the annual budget which is duly approved at the Annual General Meeting of the Owners, Strata Plan LMS 1148. Each owner is required to pay strata fees by one of the following two methods (I) submitting twelve (12) post-dated cheques to the Strata Manager for each monthly strata lot assessment by February 1 of the given fiscal year; OR (II) signing up for the Automatic Strata Fee Withdrawal program by completing the standard form and forwarding it along with a void cheque to the Strata Manager by February 1 of the given fiscal year.

The Common Seal of the Owners, Strata Plan No. LMS 1148 was hereunto affixed this 17th day of March, 1998 in the presence of:





(Members of the Council)

99 JUN 30 11 25

BN172443

LAND TITLE OFFICE

203

REGISTRAR
LAND TITLE OFFICE
88 - 6TH STREET
NEW WESTMINSTER, B.C.
V3L 5B3

13 99/06/30 11:16:38 01 NW 153371
DOC FILE \$20.00

JUNE 30, 1999

PLEASE RECEIVE HERewith THE FOLLOWING DOCUMENT(S) FOR FILING:

CHANGE OF BYLAWS.



Signature

APPLICANT: TRILOGY MANAGEMENT
331-4370 Lorimer Rd.
WINSTLER, B.C. V0N 1B4

ATTENTION: Brad Warkentin

PHONE: 684-5858

AGENTIS INFORMATION SERVICES INC.

SURVEY DEPT.

FORM 9**-NOTIFICATION OF CHANGE OF BYLAWS-**

The Owners, Strata Plan No. LMS1148 (a strata corporation) hereby certify that by a special resolution duly passed on May 18, 1999, the bylaws of said strata corporation, were added to, amended or repealed as follows:

To be amended to the existing bylaws for The Owners, Strata Plan LMS1148 under "Violation of Bylaws," Section 18:

Fines for Nuisance, Skateboarding, Rollerblading, Bicycling, and Late Payment: Notwithstanding any other remedies available to the Strata Corporation or its separate sections, any violation of bylaws, rules, or regulations regarding nuisance, skateboarding, rollerblading, bicycling, or late payment by the owner, guests, or invitees of a residential unit will result in the following fines after notification of the owner and/or occupant:

First Offence	\$50
Second Offence	\$100
Third & Subsequent Offences	\$500 at the discretion of the Council

The Common Seal of the Owners, Strata Plan No. LMS 1148 was hereunto affixed this 21 day of June, 1999 in the presence of:


(Chairperson)


(Member of Council)

1/2
220-728
SURVEY DEPT.

BH071284

McCarthy Tétrault

BARRISTERS & SOLICITORS • PATENT & TRADE MARK AGENTS
P.O. BOX 10424, PACIFIC CENTRE
SUITE 1300, 777 DUNSMUIR STREET
VANCOUVER, B.C. CANADA V7Y 1K2
FACSIMILE (604) 643-7900
TELEPHONE (604) 643-7100

March 1, 1994

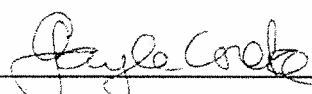
Registrar
New Westminster/Vancouver
Land Title Office
88 - 6th Street
New Westminster, B.C.
V3L 5B3

227103

Dear Sirs:

Please find enclosed Notification of Change of Bylaws for filing.

03/01/94 K5311e DOC FIL 20.00



Gayle Cooke
MCCARTHY TÉTRAULT
Barristers and Solicitors
P.O. Box 10424, Pacific Centre
Suite 1300, 777 Dunsmuir Street
Vancouver, B.C. V7Y 1K2
(Direct) 663-7944

CONDOMINIUM ACT

FORM 9

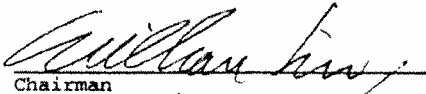
NOTIFICATION OF CHANGE OF BYLAWS

(Section 26, Section 28(2))

The Owners, Strata Plan No. LMS1148 (a strata corporation) hereby certify that by a special resolution duly passed on the 26th day of February, 1994, the bylaws of the said strata corporation, were added to, amended or repealed as follows:

The bylaws filed in the New Westminster/Vancouver Land Title Office on December 8, 1993 are repealed in their entirety and replaced with the bylaws set out in Schedule A attached hereto.

The Common Seal of The Owners, Strata Plan No. LMS1148 was hereunto affixed this 26th day of February, 1994 in the presence of:


Chairman


Secretary

(Members of the Council)

C/S