

BYLAWS
of
THE OWNERS, STRATA PLAN BCS _____
- THE RESIDENCES AT VILLAGE SQUARE -

Unless otherwise stated, all terms in these bylaws have the meanings prescribed in the *Strata Property Act*, S.B.C. 1998, c. 43 (the "Act"). For the purposes of these bylaws, "residents" means collectively, owners, tenants and occupants and individually, an owner, a tenant or an occupant and, unless the context requires otherwise, includes non-resident owners of residential strata lots and owners, tenants and occupants of non-residential strata lots. The Schedule of Standard Bylaws to the Act does not apply to the strata corporation.

Duties of Owners, Tenants, Occupants and Visitors

1. **Compliance with bylaws and rules**
 - 1.1 All residents and visitors must comply strictly with the bylaws and rules of the strata corporation adopted from time to time.
2. **Separate sections**
 - 2.1 The owners of all residential strata lots will form a separate section within the strata corporation consisting of all the residential strata lots and bearing the name "Section 1 of The Owners, Strata Plan BCS 1359 (the "Residential Section").
 - 2.2 The owner of the non-residential strata lot will form a separate section within the strata corporation consisting of the non-residential strata lot and bearing the name "Section 2 of The Owners, Strata Plan BCS 1359 (the "Commercial Section").
3. **Payment of strata fees and special levies**
 - 3.1 An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
 - 3.2 Where an owner fails to pay strata fees in accordance with bylaw 3.1, outstanding strata fees will be subject to an interest charge of 10% per annum, compounded annually. In addition to interest, failure to pay strata fees within 15 days after the due date will result in a fine of \$100. If the default continues for a further 15 days, an additional fine of \$100 will be assessed.
 - 3.3 An owner must provide the strata corporation or its agent with twelve (12) consecutive, monthly post-dated cheques for strata fees for the fiscal year of the strata corporation, dated as of the first day of each month or, if applicable, written authorization for monthly automatic debit from the owner's bank account.

3.4 Failure by an owner to submit twelve (12) monthly, post-dated strata fee cheques or written authorization for automatic debit in accordance with bylaw 3.3 is a contravention of bylaw 3.3 and the strata corporation will levy a fine of \$25 for each contravention. Each dishonoured cheque or dishonoured automatic debit will be subject to a fine of \$25 and an administration charge of \$35.

3.5 A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy.

3.6 Failure to pay a special levy on the due date will result in a fine of \$100 for each contravention of bylaw 3.5.

3.7 Where an owner fails to pay a special levy in accordance with bylaw 3.5, outstanding special levies will be subject to an interest charge of 10% per annum, compounded annually.

4. Repair and maintenance of property by owner

4.1 An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of a separate section or the strata corporation under these bylaws.

4.2 An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of a separate section or the strata corporation, as the case may be, under these bylaws.

5. Use of property

5.1 A resident or visitor must not use a strata lot, the common property or common assets in a way that

- (a) causes a nuisance or hazard to another person,
- (b) causes unreasonable noise,
- (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
- (d) is illegal or is injurious to the reputation of the building, or
- (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.

5.2 A resident 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 or a separate section must repair and maintain under these bylaws or insure under section 149 of the Act.

5.3 An owner is responsible for any damage to the owner's strata lot caused by occupants, tenants or visitors.

5.4 An owner shall indemnify and save harmless a separate section or the strata corporation, as the case may be, from the expense of any maintenance, repair or replacement rendered necessary to the common property, limited common property, common assets or to any strata lot by the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, any insurance deductible paid or payable by a separate section or the strata corporation, as the case may be, shall be considered an expense not covered by the proceeds received by a separate section or the strata corporation as insurance coverage and will be charged to the owner.

6. Age

6.1 No residential strata lot shall be occupied unless at least one person who occupies the strata lot is 55 years of age or over and all occupiers are 19 years of age or over.

7. Pets and animals

7.1 A resident or visitor must not keep any pets on a strata lot or common property or on land that is a common asset except in accordance with these bylaws.

7.2 A resident or visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset.

7.3 A resident must not keep a pet on a strata lot other than one or more of the following:

(a) a reasonable number of caged birds;

(b) one dog of reasonable size or one cat; or

(c) any other pet approved by the executive council of the Residential Section.

7.4 A resident must not harbour exotic pets, including not exhaustively, snakes, reptiles, spiders or large members of the cat family.

7.5 A resident must not keep a pet which is a nuisance on a strata lot, on common property or on land that is a common asset. If a resident has a pet that, in the opinion of executive council of the Residential Section, is a nuisance or has caused or is causing an unreasonable interference with the use and enjoyment by residents or visitors of a strata lot, common property or common assets, the executive council of the Residential Section may order such pet to be removed permanently from the strata lot, the common property or common asset or all of them.

7.6 If a resident contravenes bylaw 7.5, the owner of the strata lot will be subject to a fine of \$100.

- 7.7 Notwithstanding bylaw 7.6, a resident whose pet contravenes bylaw 7.5 will be subject to an immediate injunction application and the owner of the strata lot will be responsible for all expenses incurred by the strata corporation or a separate section to obtain the injunction, including legal costs.
- 7.8 A pet owner must ensure that a pet is kept quiet, controlled and clean. Any excrement on common property or on land that is a common asset must be immediately disposed of by the pet owner.
- 7.9 A strata lot owner must assume all liability for all actions by a pet, regardless of whether the owner had knowledge, notice or forewarning of the likelihood of such action.
- 7.10 A resident who contravenes any of bylaws 7.1 to 7.4 (inclusive), 7.8 or 7.9 will be subject to a fine of \$100.

8. Inform strata corporation

- 8.1 An owner must notify the strata corporation of:
- (a) within two weeks of becoming an owner; the owner's name and any occupants' names, strata lot number and mailing address outside the strata plan, if any; and
 - (b) any mortgage or other dealing in connection with the strata lot within two weeks of such mortgaging or other dealing.
- 8.2 On request by the strata corporation, a tenant must inform the strata corporation of the tenant's name and the strata lot which the tenant occupies.

9. Obtain approval before altering a strata lot

- 9.1 An owner must obtain the written approval of the strata corporation and a separate section before making or authorizing 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) patios, chimneys, stairs, balconies or other things attached to the exterior of a building;
 - (d) doors, windows or skylights on the exterior of a building, or that front on the common property;
 - (e) fences, railings or similar structures that enclose a patio, balcony or yard;
 - (f) common property located within the boundaries of a strata lot;

(g) those parts of the strata lot which the strata corporation must insure under section 149 of the Act; and

(h) wiring, plumbing, piping, heating, air conditioning and other services.

9.2 The strata corporation and the separate section must not unreasonably withhold their approval under bylaw 9.1, 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 and to indemnify and hold harmless the strata corporation and the separate section for any future costs in connection with the alteration.

9.3 An owner intending to apply to the strata corporation and the separate section for permission to alter a strata lot must submit, in writing, detailed plans and written description of the intended alteration.

10. Obtain approval before altering common property

10.1 An owner must obtain the written approval of the strata corporation and the separate section before making or authorizing an alteration to common property, including limited common property or common assets.

10.2 An owner, as part of its application to the strata corporation and the separate section for permission to alter common property, limited common property or common assets, must:

(a) submit, in writing, detailed plans and description of the intended alteration;

(b) obtain all applicable permits, licences and approvals from the appropriate governmental authorities and provide copies to the strata council and the executive council; and

(c) obtain the consent of the owners by written approval of the strata council and the executive council under bylaw 10.1.

10.3 The strata corporation and the separate section may require, as a condition of their approval, that the owner agree, in writing, to certain terms and conditions, including, not exhaustively, the following:

(a) that alterations be done in accordance with the design or plans approved by the strata council and the executive council or their duly authorized representatives;

(b) that the standard of work and materials be not less than that of the existing structures;

(c) that all work and materials necessary for the alteration be at the sole expense of the owner;

(d) that the owner from time to time of the strata lot receiving the benefit of an alteration to common property, limited common property or common assets must,

for so long as he or she remains an owner, be responsible for all present and future maintenance, repairs and replacements, increases in insurance, and any damage suffered or cost incurred by the strata corporation and the separate section as a result, directly or indirectly, of the alterations to common property, limited common property or common assets;

- (e) that the owner and any subsequent owner who receives the benefit of such alteration, must, with respect only to claims or demands arising during the time that they shall have been owner, indemnify and hold harmless the strata corporation and the separate section, its council members, employees and agents from any and all claims and demands whatsoever arising out of or in any manner attributable to the alteration. Any costs or expenses incurred by the strata corporation and the separate section as the result of such claim or demand will be the responsibility of the owner from time to time of the strata lot who has benefited from the alteration and the said costs or expenses incurred must be charged to that owner and shall be added to and become part of the strata fees of that owner for the month next following the date upon which the cost or expenses are incurred, but not necessarily paid by the strata corporation or the separate section, and shall become due and payable on the due date of payment of monthly strata fees.
- 10.4 An owner who has altered common property, limited common property or common assets prior to the passage of these bylaws shall be subject to their content and intent to the extent that any damages suffered or costs incurred by the strata corporation and the separate section as a result, directly or indirectly, of the alteration, must be borne by the owner who has benefited from the alteration.
- 10.5 An owner who, subsequent to the passage of bylaws 10.1 to 10.3 inclusive, alters common property or limited common property without adhering strictly to these bylaws, must restore, at the owner's sole expense, the common property, limited common property or common assets, as the case may be, to its condition prior to the alteration. If the owner refuses or neglects to restore the alteration to its original condition, the strata corporation or the separate section may conduct the restoration, at the expense of the owner who altered the common property or limited common property. The cost of such restoration shall be added to the strata fees of that owner for the month next following the date on which the cost was incurred and will become due and payable on the due date of payment of monthly strata fees.
- 11. Renovations/alterations to residential strata lots**
- 11.1 An owner must give the executive council two working days' prior notice of the scheduled arrival of tradespersons or delivery of materials. Tradespersons must be licensed and bonded. Inadequate notice or work by unlicensed or unbonded tradespersons will result in the levy of fines.
- 11.2 A resident must not permit any construction debris, materials or packaging to be deposited in the strata corporation's disposal containers.

- 11.3 An owner must ensure that the delivery of any construction materials is through the parking lot and, if in an elevator, the owner must ensure the elevator is protected with proper wall pads and floor coverings. An owner must not permit any renovations/alterations materials to be delivered through the main lobby.
- 11.4 A resident must be responsible to ensure:
- (a) drop cloths are installed and removed daily between the elevators and the strata lot as well as between other doors to protect common areas from any spillage or dripping; and
 - (b) stairs, lobbies and paths through the parking areas are regularly cleaned (and vacuumed at the request of the executive council) and the residential corridor thoroughly vacuumed daily;
- 11.5 An owner must ensure that the hours of work are restricted to 8:00 a.m. to 5:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m., Saturdays, Sundays and statutory holidays. To perform renovations/alterations on statutory holidays, an owner must apply for permission in writing to the executive council at least five business days before the holiday date.
- 11.6 An owner must be in attendance for all significant renovations/alterations, the determination of "significant" shall be in the discretion of the executive council.
- 11.7 An owner performing or contracting with others to perform renovations or alterations will be responsible, financially and otherwise, for ensuring that any and all required permits and licences are obtained.
- 11.8 An owner in contravention of any of bylaws 11.1 to 11.7 (inclusive) shall be subject to a fine of \$200.00 for each contravention, as well as be responsible for any clean up or repair costs.
- 12. Permit entry to strata lot**
- 12.1 A resident or visitor must allow a person authorized by a separate section or the strata corporation to enter the strata lot or limited common property
- (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage;
 - (b) at a reasonable time, on 48 hours' written notice,
 - (i) to inspect, repair, renew, replace or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation or a separate section to repair, replace, renew and maintain under these bylaws or the Act or to insure under section 149 of the Act; or

- (ii) to ensure a resident's compliance with the Act, bylaws and rules.
- 12.2 If forced entry to a strata lot is required due to required emergency access and the inability to contact the owner of the strata lot, the owner shall be responsible for all costs of forced entry incurred by a separate section or the strata corporation, as the case may be.
- 12.3 The notice referred to in bylaw 12.1(b) must include the date and approximate time of entry, and the reason for entry.

Powers and Duties of a Separate Section or the Strata Corporation

13. Repair and maintenance of property by strata corporation

- 13.1 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 for a separate section;
 - (c) limited common property that has not been designated as limited common property for a strata lot or strata lots in a separate section, 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. patios, chimneys, stairs, balconies and other things attached to the exterior of a building;
 - D. doors, windows and skylights on the exterior of a building or that front on common property;
 - E. fences, railings and similar structures that enclose patios, balconies and yards;
 - (d) a strata lot, but the duty to repair and maintain it is restricted to
 - (i) the structure of a building,

- (ii) the exterior of a building,
- (iii) patios, chimneys, stairs, balconies and other things attached to the exterior of a building,
- (iv) doors, windows and skylights on the exterior of a building or that front on common property, and
- (v) fences, railings and similar structures that enclose patios, balconies and yards.

14. Repair and maintenance of property by a separate section

14.1 A separate section must repair and maintain all of the following:

- (a) common assets of the separate section;
- (b) limited common property that has been designated for the exclusive use of a strata lot or strata lots in a separate section, 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. patios, chimneys, stairs, balconies and other things attached to the exterior of a building;
 - D. doors, windows and skylights on the exterior of a building or that front on common property;
 - E. fences, railings and similar structures that enclose patios, balconies and yards. For greater certainty, where such repair and maintenance is with respect to structures within or bordering areas designated as limited common property for a strata lot or strata lots in the Residential Section, the Residential Section will be responsible.

14.2 Without limiting the generality of bylaw 14.1, a separate section must:

- (a) 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, facilities common to the separate section, or other assets of the separate section other than the underground parking facility; and

- (b) maintain all areas common to the separate section, both internal and external, including storage areas, public halls and the lobby.
- 14.3 Notwithstanding anything in bylaws 13.1 and 14.1, the underground parking facility will be controlled, managed and administered by the strata corporation.

Council

15. Councils' size

- 15.1 The strata council must have at least 3 and not more than 7 members.
- 15.2 An executive council of the Residential Section must have at least 3 and not more than 7 members.
- 15.3 The executive council of the Commercial Section will have one member.
- 15.4 If a separate section has fewer than 4 strata lots, all the owners are on the executive council of the separate section.
- 15.5 A member of an executive council is eligible for election to the strata council.
- 15.6 The sole member of the executive council of the Commercial Section must be a member of the strata council.

16. Council eligibility

- 16.1 No person may stand for council or continue to be on council, whether an executive council or the 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 Act.
- 16.2 No person may stand for council or continue to be on council, whether an executive council or the strata council, with respect to a strata lot if there are amounts owing to a separate section or the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules.
- 16.3 No person may stand for council or continue to be on council, whether an executive council or the strata council, with respect to a strata lot if there are amounts owing to a separate section or the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules for which the owner is responsible under section 131 of the Act.

17. Application of bylaws

- 17.1 Bylaws 18 to 29 apply with the necessary changes to the strata council of the strata corporation and to the executive council of a separate section and, where the meaning requires, apply generally with the necessary changes to the strata corporation and a separate section.

18. Council members' terms

- 18.1 The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.

- 18.2 A person whose term as council member is ending is eligible for reelection.

19. Removing council member

- 19.1 Unless all the owners are on the council, the strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members. The strata corporation must pass a separate resolution for each council member to be removed.

- 19.2 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 or the remaining members of the council may appoint a replacement council member for the remainder of the term.

- 19.3 If the strata corporation removes all of the council members, the strata corporation must hold an election at the same annual or special general meeting to replace the council members for the remainder of the term up to, at least, the minimum number of council members required by bylaw of the strata corporation for the remainder of the term.

- 19.4 The council may appoint the remaining council members necessary to achieve a quorum for the strata corporation, even if the absence of the members being replaced leaves the council without a quorum.

- 19.5 A replacement council member appointed pursuant to bylaws 19.2 and 19.4 may be appointed from any person eligible to sit on the council.

20. Replacing council member

- 20.1 If a council member resigns or is unwilling or unable to act, for a period of 2 or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.

- 20.2 A replacement council member may be appointed from any person eligible to sit on the council.

- 20.3 The council may appoint a council member under bylaw 20.2 even if the absence of the member being replaced leaves the council without a quorum.
- 20.4 If all the members of the council resign or are unwilling or unable to act for a period of 2 or more months, persons holding at least 25% of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings.

21. Officers

- 21.1 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.
- 21.2 A person may hold more than one office at a time, other than the offices of president and vice president.
- 21.3 The vice president has the powers and duties of the president
- (a) while the president is absent or is unwilling or unable to act,
 - (b) if the president is removed, or
 - (c) for the remainder of the president's term if the president ceases to hold office.
- 21.4 The strata council may vote to remove an officer.
- 21.5 If an officer other than the president is removed, resigns, is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

22. Calling council meetings

- 22.1 Any council member may call a council meeting by giving the other council members at least one week's notice of the meeting, specifying the reason for calling the meeting.
- 22.2 The notice in bylaw 22.1 does not have to be in writing.
- 22.3 A council meeting may be held on less than one week's notice if
- (a) all council members consent in advance of the meeting, or
 - (b) the meeting is required to deal with an emergency situation, and all council members either
 - (i) consent in advance of the meeting, or
 - (ii) are unavailable to provide consent after reasonable attempts to contact them.

23. Requisition of council hearing

- 23.1 By application in writing, a resident may request a hearing at a council meeting stating the reasons for the request.
- 23.2 Except for a hearing pursuant to section 144 of the Act, if a hearing is requested under bylaw 23.1, the council must hold a meeting to hear the applicant within one (1) month of the date of receipt by the council of the application.
- 23.3 If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within one week of the date of the hearing.

24. Quorum of council

24.1 A quorum of the council is

- (a) 1, if the council consists of one member,
- (b) 2, if the council consists of 2, 3 or 4 members,
- (c) 3, if the council consists of 5 or 6 members, and
- (d) 4, if the council consists of 7 members.

24.2 Council members must be present in person at the council meeting to be counted in establishing quorum.

25. Council meetings

- 25.1 The council may meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit.
- 25.2 At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.
- 25.3 If a council meeting is held by electronic means, council members are deemed to be present in person.
- 25.4 Owners may attend council meetings as observers.
- 25.5 Despite bylaw 25.4, 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 Act;
 - (b) rental restriction bylaw exemption hearings under section 144 of the Act;
 - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

26. Voting at council meetings

- 26.1 At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- 26.2 If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- 26.3 The results of all votes at a council meeting must be recorded in the council meeting minutes.

27. Council to inform owners of minutes

- 27.1 The council must inform owners the minutes of all council meetings within 2 weeks of the meeting, whether or not the minutes have been approved.

28. Delegation of council's powers and duties

- 28.1 Subject to bylaws 28.2, 28.3 and 28.4, the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.
- 28.2 The council may delegate its spending powers or duties, but only by a resolution that
 - (a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
 - (b) delegates the general authority to make expenditures in accordance with bylaw 28.3.
- 28.3 A delegation of a general authority to make expenditures must
 - (a) set a maximum amount that may be spent, and
 - (b) indicate the purposes for which, or the conditions under which, the money may be spent.
- 28.4 The council may not delegate its powers to determine, based on the facts of a particular case,
 - (a) whether a person has contravened a bylaw or rule,
 - (b) whether a person should be fined, and the amount of the fine,
 - (c) whether a person should be denied access to a recreational facility, or
 - (d) whether an owner should be granted an exemption from a rental restriction bylaw under section 144 of the Act.

29. Spending restrictions

- 29.1 A person may not spend the strata corporation's money unless the person has been delegated the power to do so in accordance with these bylaws.
- 29.2 Despite bylaw 29.1, a council member may spend the strata corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.

30. Limitation on liability of council member

- 30.1 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.
- 30.2 Bylaw 30.1 does not affect a council member's liability, as an owner, for a judgment against the strata corporation.
- 30.3 All acts done in good faith by the council are, even if it is afterwards discovered that there was some defect in the appointment or continuance in office of a member of council, as valid as if the council member had been duly appointed or had duly continued in office.

Enforcement of Bylaws and Rules

31. Fines

- 31.1 Except where specifically stated to be otherwise in these bylaws, the strata corporation may fine an owner or tenant:
 - (a) \$200.00 for each contravention of a bylaw, and
 - (b) \$50.00 for each contravention of a rule.
- 31.2 An executive council or the strata council, as the case may be, must, if it determines in its discretion that a resident is in repeated contravention of any bylaws or rules of the strata corporation, levy fines and the fines so levied shall be immediately added to the strata fees for the strata lot and shall be due and payable together with the strata fees for the strata lot in the next month following such contravention.

32. Continuing contravention

- 32.1 Except where specifically stated to be otherwise in these bylaws, if an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than 7 days, a fine may be imposed every 7 days.

Annual and Special General Meetings

33. Application of bylaws

- 33.1 Bylaws 34 to 38 apply with the necessary changes to the holding of general meetings and to the strata council of the strata corporation and to the holding of general meetings and to the executive council of a separate section and, where the meaning requires, apply generally with the necessary changes to the strata corporation and a separate section.

34. Quorum of meeting

- 34.1 If within 1/2 hour from the time appointed for an annual or special general meeting, a quorum is not present, the eligible voters, present in person or by proxy, constitute a quorum.

This bylaw 34.1 is an alternative to section 48(3) of the Act. This bylaw does not apply to a meeting demanded pursuant to section 43 of the Act and failure to obtain a quorum for a meeting demanded pursuant to section 43 terminates, and does not adjourn, that meeting.

35. Person to chair meeting

- 35.1 Annual and special general meetings must be chaired by the president of the council.
- 35.2 If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
- 35.3 If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons, who are present at the meeting.

36. Participation by other than eligible voters

- 36.1 Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.
- 36.2 Persons who are not eligible to vote, may participate in the discussion at a meeting, but only if permitted to do so by the chair of the meeting.
- 36.3 Persons who are not eligible to vote, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

37. Voting

- 37.1 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the Act.

- ✓ 37.2 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules.
- ✓ 37.3 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules, including legal costs, for which the owner is responsible under section 131 of the Act.
- 37.4 At an annual or special general meeting, voting cards must be issued to eligible voters.
- 37.5 At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
- 37.6 If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.
- 37.7 The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.
- 37.8 If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote.
- 37.9 Despite anything in bylaws 37.1 to 37.8 (inclusive), an election of council or removal of a council member must be held by secret ballot, if the secret ballot is requested by an eligible voter.

38. Order of business

- 38.1 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) deal with unfinished business;

- (h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;
- (i) ratify any new rules made by the strata corporation under section 125 of the Act;
- (j) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
- (k) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
- (l) deal with new business, including any matters about which notice has been given under section 45 of the Act;
- (m) elect a council, if the meeting is an annual general meeting;
- (n) terminate the meeting.

Voluntary Dispute Resolution

39. Voluntary dispute resolution

39.1 A dispute among owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if

- (a) all the parties to the dispute consent, and
- (b) the dispute involves the Act, the regulations, the bylaws or the rules.

39.2 A dispute resolution committee consists of

- (a) one owner or tenant of the strata corporation nominated by each of the disputing parties and one owner or tenant chosen to chair the committee by the persons nominated by the disputing parties, or
- (b) any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties.

39.3 The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

Small Claims Court Proceedings

40. Authorization to proceed

40.1 The strata corporation or a separate section may proceed under the *Small Claims Act*, without further authorization by the owners, to recover from an owner or other person, by

an action in debt in Small Claims Court, money owing to the strata corporation, including money owing as administration fees, bank charges, fines, penalties, interest or the costs, including legal costs, of remedying a contravention of the bylaws or rules and to recover money which the strata corporation is required to expend as a result of the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family.

Marketing Activities by Owners and Occupants

41. Sale of a strata lot

- 41.1 Real estate signs must not be displayed in a strata lot or on the common property except in the location designated by the strata corporation for real estate signs.

Insurance

42. Insuring against major perils

- 42.1 The strata corporation must insure against major perils, as set out in regulation 9.1(2), including, without limitation, earthquakes.

Storage

43. Storage lockers and bicycle storage

- 43.1 A resident or visitor must not permit bicycles in an elevator, a hallway or any other common area.
- 43.2 A resident or visitor must not keep or place a bicycle on a balcony or patio.
- 43.3 A resident must store bicycles only in areas prescribed by the executive council.
- 43.4 All bicycles must enter or exit the building by way of the vehicle entry to the parking garage only.
- 43.5 A resident must not store any hazardous or flammable substances in storage lockers.

Parking

44. Parking

- 44.1 A resident must not permit any oversized, commercial or recreational vehicles including, but not exhaustively, boats, trailers and campers to enter or be parked or stored on common property, limited common property or land that is a common asset.
- 44.2 A resident must not store unlicensed or uninsured vehicles on the common property, limited common property or on land that is a common asset.

- 44.3 A resident storing a vehicle must provide proof of valid insurance to the strata council on the commencement date of the storage and on request thereafter or display proof of valid insurance in the vehicle and visible from the exterior of the vehicle.
- 44.4 An owner must not sell, lease or licence parking stalls to any person other than an owner or occupant.
- 44.5 A resident must park only in the parking stall assigned to the resident.
- 44.6 A resident or visitor must not permit a vehicle to be parked or left unattended in a manner that interferes with parking stalls, access lanes or no parking zones.
- 44.7 Any resident's vehicle parked in violation of bylaws 44.3 or 44.6 will be subject to removal by a towing company authorized by the strata council, and all costs associated with such removal will be charged to the owner of the strata lot.
- 44.8 A resident or visitor must not use any parking area as a work area for carpentry, renovations, repairs (including, but not exhaustively, sawing, drilling and the use of any adhesive or hardening compounds) or work on vehicles involving any automotive fluids or paints, motor tune ups or mechanical repairs.
- 44.9 A resident or visitor must not store any articles in parking stalls or on any part of the common property, including limited common property.
- 44.10 A resident must not park or store any vehicle that drips oil or gasoline. A resident must remove any dripped oil, gasoline or other automotive residue.

Moving

45. Moving in/out procedures

- 45.1 An owner must conform and ensure that any tenants conform to the Move In and Move Out rules established by executive council from time to time.
- 45.2 A resident must provide notice to the strata corporation of all moving arrangements at least 48 hours before the moving date. All moves must take place between 9:00 a.m. and 6:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays, Sundays and statutory holidays.
- 45.3 A resident using the elevator during a move must ensure that the elevator service key is used to control the elevator and the doors not jammed open in any manner.
- 45.4 A resident must ensure that the lobby doors are not left open, ajar or unattended and that furniture is not left piled in the lobby area.
- 45.5 A resident must ensure that all common areas are left damage free, clean and all hallways and lobby areas vacuumed immediately upon completion of the move.

- 45.6 Excluding the move-in by the purchaser from the owner developer, a resident must pay a move in fee of \$100.00 at the time the move-in takes place.
- 45.7 A resident contravening any of bylaws 45.1 to 45.6 (inclusive) shall be subject to a fine of \$100.

Appearance of strata lots

46. Cleanliness

- 46.1 A resident must not allow a strata lot to become unsanitary or untidy. Rubbish, dust, garbage, boxes, packing cases and other similar refuse must not be thrown, piled or stored in the strata lot or on common property. Any expenses incurred by the strata corporation to remove such refuse will be charged to the strata lot owner.
- 46.2 A resident must remove ordinary household refuse and garbage from a strata lot and deposit same in the containers provided by the strata corporation for that purpose. All garbage must be bagged and tied before so depositing.
- 46.3 A resident must deposit recyclable materials in designated areas and must remove any materials other than ordinary household or business refuse or garbage, as the case may be, from the common property at the resident's sole expense.

Visitors and Children

47. Children and supervision

- 47.1 Residents are responsible for the conduct of visitors including ensuring that noise is kept at a level, in the sole determination of a majority of the executive council, that will not disturb the rights of quiet enjoyment of others.
- 47.2 Residents are responsible for the conduct of children residing in their strata lot, including ensuring that noise is kept at a level, in the sole determination of a majority of the executive council, that will not disturb the quiet enjoyment of others.
- 47.3 Residents are responsible to assume liability for and properly supervise activities of children including, but not exhaustively, bicycling, skateboarding and hockey.

48. Miscellaneous

- 48.1 A resident or visitor must not use a briquette type barbecue. Only propane gas barbecues are permitted.
- 48.2 A resident or visitor must not hinder or restrict sidewalks, entrances, exits, halls, passageways, stairways and other parts of the common property. Hindrance and restriction includes the keeping of personal items and garbage.

- 48.3 A resident or visitor must not wear or use inline skates and skateboards anywhere in the building, including a strata lot.
- 48.4 A resident must not permit any person to play or loiter in the garden areas, on common property or on land that is a common asset, unless such common property or common asset is a playground.
- 48.5 Subject to bylaw 41.1, a resident or owner must not erect or display or permit to be erected or displayed any signs, fences, billboards, placards, advertising, notices or other fixtures of any kind on the common property or in a strata lot, unless authorized by an executive council. This shall include exterior painting and the addition of wood, ironwork, concrete or other materials.
- 48.6 A resident may post notices on the designated bulletin board, subject to being removed by the executive council if deemed inappropriate or posted for in excess of one week.
- 48.7 A resident must ensure that all entrance doors to strata lots are kept closed and kitchen extract fans are used when cooking.
- 48.8 A resident or visitor must not shake rugs, carpets, mops or dusters of any kind from any balcony, window, stairway or other part of a strata lot or common property.
- 48.9 A resident must not install or permit anyone to install window coverings, visible from the exterior of a strata lot in the Residential Section that are different in size or colour from those of the original building specifications.
- 48.10 A resident must ensure that drapes or blinds visible from the outside of the building are neutral, cream or white in colour.
- 48.11 A resident must ensure that no air conditioning units, satellite dishes, 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.
- 48.12 A resident must not display or erect fixtures, poles, clotheslines, racks, storage sheds and similar structures permanently or temporarily on limited common property, common property or land that is a common asset. Despite the foregoing, the placing of items on the limited common property balconies or patio areas shall be limited to free standing, self contained planter boxes or containers, summer furniture and accessories.
- 48.13 A resident or visitor must not install any festive or Christmas lights on the exterior of any strata lot or on the common property, including limited common property, without prior permission of council for the Residential Section.
- 48.14 A resident or visitor must not bring a live, cut Christmas tree onto a strata lot or common property, including limited common property.