



Bradshaw Strata Management Ltd.

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November 17, 2015

**IMPORTANT NOTICE TO OWNERS
PROPOSED BYLAW AMENDMENTS
WATERS EDGE ESTATES – NW 1817**

Dear Owners:

Every strata corporation in the Province of British Columbia is governed by the Strata Property Act. That Act includes a set of Standard Bylaws by which every corporation must comply unless the Strata has amended their bylaws in accordance with the Act. Waters Edge Estates has not updated their bylaws since the inception of the Act in 1998 and instead were actually based on the Standard Bylaws of the Condominium Act which is no longer in force, although a few bylaw amendments have been approved.

The Strata Property Act allows each strata corporation to add additional bylaws that are more specific to the day to day living in a complex or to amend current bylaws to bring them in line with current legislation, court rulings and industry standards. Changes to the bylaws cannot be put into effect until the owners have approved them by a 3/4 vote resolution of the owners at a general meeting. During the past couple of years the Strata Council has been working with the Strata's legal counsel to bring the bylaws up to date.

Attached to this notice is the Proposed New Bylaw Package which, if approved, will replace all previous bylaws registered at Land Titles. Legal counsel (Cleveland Doan, Barristers & Solicitors) has reviewed the package to ensure compliance with the Strata Property Act and other regulations that protect the strata corporation particularly in the collection of strata fees, levies, and other potential legal situations in which the strata could find themselves.

Prior to approving these at a General Meeting, we are circulating them to all owners for feedback so that your suggestions/concerns can be reviewed by Council prior to them being voted on. We are requesting that you review the attached and provide any suggestions to council **no later than January 5, 2015.**

Please forward your comments **in writing** to **Waters Edge Estates c/o Bradshaw Strata Management Ltd.** at the address above, by fax to 604 576-2405 or email to Sheryl MacDonald, sheryl@bsmstrata.ca.

Thank you,

Strata Council

It is intended that these bylaws replace and supercede the standard bylaws found under the Strata Property Act S.B.C 1998 c.43 and amendments thereto (herein (the “Act”) and all other registered bylaws of the strata corporation.

Division 1 Duties of Owners, Tenants, Occupants and Visitors

1. *Payment of strata fees*

- (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate;
- (2) An owner must pay a special levy on the date(s) on which it is due.
- (3) Interest shall be charged on overdue strata fees (including special levies) and shall be calculated at ten percent (10%) per annum, compounded annually.
- (4) Strata fees not received by the seventh (7th) day of the month in which they are due are subject to a \$25.00 late payment fee, which is in addition to any interest charged under Bylaw 1(3).
- (5) An owner shall indemnify the strata corporation on a solicitor and own client basis for all legal fees, taxes and disbursements incurred by the strata corporation in collecting overdue strata fees and special levies.

2. *Repair and maintenance of property by owner*

- (1) An owner must repair and maintain the owner’s strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (2) An owner who has the use of limited common property must repair, maintain and clean it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (3) Where the common or limited common property has been altered by an owner with the approval of the council and it was term or condition of that approval that the owner and subsequent owners be responsible for the costs of the repair and maintenance of that alteration, then an owner who has the use and enjoyment of the altered common or limited common property or benefits from the alteration shall be responsible for the costs of the repair and maintenance of the alteration which would otherwise not have been incurred by the strata corporation.

3. *Use of property*

- (1) An owner, tenant, occupant 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 (examples of which include, but are not limited to, loud televisions and stereos, honking of horns and squealing of tires, and loud talking or yelling in common areas), Quiet hours will be from 11pm to 7am;
 - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - (d) is illegal,
 - (e) unreasonably increases the risk of fire, or
 - (f) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan, namely as residential premises.
- (2) An owner, tenant, occupant or visitor must not cause damage (which shall include graffiti and other acts of vandalism), other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.
- (3) The patios, decks and balconies of each strata lot must not be used for the purpose of storage. Only patio furniture, propane or electric barbeques and potted plants shall be placed on the patios, decks or balconies. All draperies, blinds and shades visible from the outside of the building shall be neutral in colour so as not to deter from the appearance of the building. No other items may be displayed in any window;
- (4) An owner, tenant, occupant or visitor must not:
 - (a) Throw or shake any items from any window, patio or balcony;
 - (b) Display Christmas lights and decorations on the common or limited common property except between December 1 and January 31;
 - (c) Bring a live or fresh cut Christmas tree into a strata lot;
 - (d) Store in or about a strata lot, the limited common property or the common property any item or substance which would be considered an unreasonable fire hazard;
 - (e) Consume any alcohol on the common property;
 - (f) Consume or possess any illegal drugs on the common property.
 - (g) Loiter on the common property;
 - (h) Have open food or drink on the common property;

- (i) Litter on the common property;
 - (j) Hang or dry laundry, bedding, clothing or similar items on the common or limited common property;
 - (k) Feed birds (whether by use of a feeder or otherwise) or animals from or on the common or limited common property;
 - (l) Use or install a clothes washer or dryer in a strata lot except with the written permission of the council;
 - (m) Ride or use bicycles, skateboards, scooters, rollerblades or roller skates on the interior common property. Bicycles are to be brought into the building via the basement lobby and may not be transported in the stairwells;
 - (n) Bring a shopping cart onto the common property;
 - (o) Allow a strata lot to become unsanitary or a source of odour; and
 - (p) Have a waterbed in a strata lot
- (5) Subject to Bylaw 12 [for sale signs] and electoral legislation, no object such as signs, advertising, notices, or placards shall be erected or displayed on common or the limited common property or a strata lot such that it may be visible from the exterior of the strata lot .
- (6) No awning, shade screen, satellite dish, radio or television antenna or other such apparatus shall be hung from or attached to the exterior of any strata lot (including the limited common and common property), without the prior written approval of the council.
- (7) An owner, tenant, occupant or visitor must not smoke on the common property, including hallways, lobbies, stairwells, recreational facilities, common rooms or the parking garage, nor within 3 meters of any window, entrance door or air in-take system.
- (8) No more than:
- (a) three people may reside in a one bedroom strata lot;
 - (b) four people may reside in a two bedroom strata lot;
- (9) The speed limit on common property is 5 km/hour.
- (10) With respect to the common deck:
- a) No smoking
 - b) No alcohol consumption
 - c) No climbing or sitting on the railing

- d) No parties
- e) Anyone using the common deck must ensure that the sliding door to the laundry room and the sliding door to the hallway is closed and locked after each use.

4. *Pets*

- (1) An owner, tenant or occupant must not keep any pets on a strata lot other than any one of the following:
 - (a) a reasonable number of fish in an aquarium that is a maximum of 20 gallons (provided that the owner or tenant has in place liability covering water escape from their aquarium and that they provide proof of such insurance to the Strata Corporation on request);
 - (b) up to 1 caged bird;
 - (c) one dog not to exceed 14" at the withers
 - (d) two cats (not exceeding 14 inches at the withers).
- (2) No exotic pets are permitted.
- (3) All pets must be registered with the Strata Corporation within 7 days of residing in a strata lot. Registration must include a description and a picture of the pet.
- (4) All pets must be leashed on a leash not exceeding 6 feet in length (or otherwise secured) and under the control of their owner while on the common property.
- (5) A pet's owner must promptly remove any waste or excrement left by the pet on the common or limited common property;
- (6) Pets which are, at the discretion of the council, considered to be a nuisance or a danger shall be ordered in writing to be removed from the strata lot. An owner, tenant or occupant shall have thirty (30) days to comply with any such order.

5. *Inform Strata Corporation*

- (1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and mailing address outside the strata plan, if any.
- (2) Within 2 weeks of a tenant residing in a strata lot, the owner of that strata lot must provide the strata corporation with the tenant's name, strata lot number and telephone number.
- (3) Within two weeks of occupying a strata lot, an owner, tenant or occupant must provide the strata corporation with the make, model and licence plate number of their

vehicle(s). Updated information must be provided within seven (7) days of a resident acquiring a new vehicle.

- (4) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

6. Obtain approval before altering a strata lot

- (1) An owner, tenant or occupant must obtain the written approval of the strata corporation before making an alteration, addition, change or improvement to a strata lot that involves any of the following:
 - (a) the structure of a building;
 - (b) the exterior of a building;
 - (c) chimneys, stairs, 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) flooring;
 - (h) any portion of the plumbing, electrical, heating or fire suppression/detection systems; or
 - (i) those parts of the strata lot which the strata corporation must insure under section 149 of the Act.
- (2) The strata corporation must not unreasonably withhold its approval under subsection (1), but as a condition of its approval, it may require an owner, tenant or occupant to:
 - (a) present design drawings and specifications pertaining to the proposed alteration (including a letter of assurance from a structural engineer regarding any structural changes which form part of the work);
 - (b) ensure that all work is done to a standard and is of a quality consistent with that of the rest of the building;
 - (c) obtain all necessary permits and governmental approvals (including final inspection certificates) and provide copies thereof to the strata corporation;
 - (d) Provide proof of third party liability insurance in an amount specified by the strata corporation and proof of current Worksafe BC coverage for all trades; and
 - (e) in the case of a tenant or occupant making the request, provide written approval of the changes by the owner.

- (3) If approval is granted under subsection (1), only licensed, insured, and qualified trades may carry out work on the structural, electrical, plumbing, heating and fire suppression systems.
- (4) The strata corporation, at an owner's expense, may return to its previous condition any alteration which has been made and has not been approved.
- (5) Work for which approval has been granted may only be carried out between the hours of 8 am and 8pm Monday to Saturday and 10 am and 4 pm on Sundays.

7. Obtain approval before altering common property

- (1) An owner, tenant or occupant must obtain the written approval of the strata corporation before making an alteration, addition, change or improvement to common property, including limited common property, or common assets.
- (2) The strata corporation may require as a condition of its approval that the owner of the strata lot for whose exclusive use the common or limited common property is designated or the tenant or occupant must:
 - (a) present design drawings and specifications pertaining to the proposed alteration (including a letter of assurance from a structural engineer regarding any structural changes which form part of the work);
 - (b) ensure that all work is done to a standard and is of a quality consistent with that of the rest of the building;
 - (c) obtain all necessary permits and governmental approvals (including final inspection certificates) and provide copies thereof to the strata corporation;
 - (d) have the owner of the strata lot enter into a written agreement that they shall be responsible for any future repair and maintenance costs relating directly or indirectly to the alteration. The owner shall, prior to transferring title to the strata lot cause any future owner to agree in writing to be bound by the terms of such agreement; and
 - (e) Provide proof of third party liability insurance in an amount specified by the strata corporation and proof of current Worksafe BC coverage for all trades.
- (3) If approval is granted under subsection (1), only licensed, insured, and qualified trades may carry out work on the structural, electrical, plumbing, heating and fire suppression systems.
- (4) The strata corporation, at an owner's expense, may return to its previous condition any alteration which has been made and has not been approved.
- (5) Work for which approval has been granted may only be carried out between the hours of 8 am and 8pm Monday to Saturday and 10 am and 4 pm on Sundays.

8. *Permit entry to strata lot*

- (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot
 - (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
 - (b) at a reasonable time, on 48 hours' written notice, to:
 - (i) inspect, repair or maintain common property (including limited common property), common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act; or
 - (ii) investigate allegations of a violation of a bylaw or rule upon receipt of a complaint that a bylaw or rule has been breached; or
 - (iii) remedy the contravention of a bylaw or rule under s.133 of the Act.
- (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.

9. *Moving*

- (1) Seven (7) days' notice of a move-in or move-out of a strata lot must be given to the Strata Corporation.
- (2) An owner must pay a non-refundable fee of \$50 for any move into a strata lot.
- (3) All moves, including the delivery of furniture and other large items, must take place between 8 am and 8 pm and shall only be done through the loading zone/parking area entrance. No moves are permitted to be conducted through the main lobby.
- (4) Removal of all boxes and waste which is a result of the move is the responsibility of the owner(s), tenant(s) or occupant(s) moving in. Costs incurred by the strata corporation in removing such items will be charged to the strata lot.

10. *Garbage*

- (1) Any articles or material, other than normal household garbage and recyclables, being disposed of must be removed by, and at the expense of the owners, tenants and occupants of the strata lot from which the articles or materials originated.
- (2) All normal household garbage must be properly bagged and cardboard must be flattened before being placed in the designated containers.
- (3) No item which is required by law to be recycled shall be placed in the garbage.

- (4) Should the strata corporation incur any costs associated with removal of items left on common property and not properly disposed of, the strata corporation will charge the costs incurred to the strata lot from which the items originated.

11. *Parking*

- (1) An owner, tenant or occupant (herein a "Resident") must only use the parking space which is specifically assigned to the strata lot in which he or she resides, and no other person shall use such parking space without that Resident's permission.
- (2) A Resident must not park their vehicle on the common property (including fire lanes) other than in a designated parking space. When properly parked, vehicles must not exceed the boundaries of the parking space.
- (3) A parking space assigned to a strata lot must not be rented or leased to non-residents.
- (4) Residents must stop and wait for the parking gate to close when entering or leaving the parking area. No repairs to motor vehicles may be made in the parking area except in an emergency.
- (5) Items other than a motor vehicle must not be stored in parking spaces.
- (6) The allotted parking space must be kept clean and tidy by the Resident to whom it is assigned.
- (7) Motor vehicles dripping oil, gasoline or any other fluid may, at the discretion of the council, be prohibited from entering upon the common and limited common property (including the parking garage) until repaired. Owners of motor vehicles causing floor stains or leaving fluids shall, upon notice of the council, clean up all drippings including stains or, failing to do so within seven (7) days, the strata corporation may do so and the costs of such cleaning shall be assessed as a charge against the owner of the strata lot to whom the parking space is assigned. Drip pans placed under vehicles must be metal.
- (8) Unlicensed vehicles must be covered by insurance for third party liability, and a copy of the said insurance must be delivered to the council. If evidence of insurance on the unlicensed vehicles is not provided to council, and the Resident to whom the parking space has been assigned has been requested in writing to provide a copy but has not done so within a reasonable time, the council may arrange to have the unlicensed vehicle removed from the parking garage and the cost of removal shall be charged to the owner of the strata lot to whom the parking space has been assigned and become due and shall be payable with his next monthly maintenance fee.
- (9) Commercial vehicles (being those in excess of 9000 lbs GVW), recreational vehicles, trailers and boats shall not be parked on common or limited common property.

- (10) Any vehicle found to be in violation of any provision of this bylaw or of a rule pertaining to parking of vehicles may, at the discretion of the council, be towed at the expense of the owner of the vehicle, in addition to any other remedies available to the Strata Corporation under these bylaws or the Act

12. *Resale of Strata Lots*

For Sale signs and other advertising regarding strata lots for sale shall only be posted on the directory board created for that purpose. For Sale signs must be removed within 7 days of a binding contract for purchase and sale being entered into.

13. *Reporting Damage*

An owner, tenant or occupant of a strata lot must promptly report to the strata corporation any damage to their strata lot, the cause of which originated from the common property and, where possible, take reasonable steps to mitigate the continuation and expansion of such damage. Where an owner, tenant or occupant fails to do so they shall not be entitled to any compensation, damages or reimbursement from the strata corporation as a result of the failure to report or mitigate.

Division 2 - Powers and Duties of Strata corporation

14. *Repair and maintenance of property by strata corporation*

- (1) Subject to Bylaw 2(3) the strata corporation must repair and maintain all of the following:
- (a) common assets of the strata corporation;
 - (b) common property that has not been designated as limited common property;
 - (c) limited common property, but the duty to repair and maintain it is restricted to
 - (i) repair and maintenance that in the ordinary course of events occurs less often than once a year, and
 - (ii) the following, no matter how often the repair or maintenance ordinarily occurs:
 - A. the structure of a building;
 - B. the exterior of a building;
 - C. chimneys, stairs, patios, decks, balconies and other things attached to the exterior of a building;

- D. doors, windows (including frames) and skylights on the exterior of a building or that front on the common property; and
 - E. fences, railings and similar structures that enclose patios, balconies and yards.
- (d) A strata lot in a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to
- (i) the structure of a building,
 - (ii) the exterior of a building,
 - (iii) chimneys, stairs, decks, balconies and other things attached to the exterior of a building,
 - (iv) doors, windows (including frames) and skylights on the exterior of a building or that front on the common property; and
 - (v) fences, railings and similar structures that enclose patios, balconies and yards

15. *Acquisition and Disposal of Personal Property*

For the purposes of section 82(3) of the Act, the strata corporation may acquire or dispose of personal property of the strata corporation up to and including \$2,000.00 in value without approval by way of a resolution of the owners passed by a 3/4 vote. If the acquisition is approved as part of the Operating Budget, then the amount for the purposes of section 82(3) shall be the amount set out in the Operating Budget.

Division 3 - Council

16. *Council size*

The council must have a minimum of 3 and a maximum of 7 members.

17. *Council membership*

Where the strata corporation is entitled to register a lien for unpaid strata fees against a strata lot, the owner of that strata lot is ineligible for election to the council and where that owner is already a member of the council, they must resign from council.

18. *Council members' terms*

- (1) The term of office of a council member ends with the election of a new council.
- (2) A person whose term as council member is ending is eligible for re-election.

19. *Removing Council member*

- (1) Unless all the owners are on the council, the strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members.
- (2) After removing a council member, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.

20. *Replacing council member*

- (1) If a council member resigns or is unwilling or unable to act for a period of 2 or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.
- (2) A replacement council member may be appointed from any person eligible to sit on the council.
- (3) The council may appoint a council member under this section even if the absence of the member being replaced leaves the council without a quorum.
- (4) If all the members of the council resign or are unwilling or unable to act for a period of 2 or more months, persons holding at least 20% 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*

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

- (5) The secretary shall serve as privacy officer under the *Personal Information Protection Act* unless another council member is appointed to that role.

22. *Limit on Liability of Council Member*

- (1) A council member who acts honestly and in good faith is not personally liable because of anything done or omitted to be done in the exercise or intended exercise of any power or duty of the council.
- (2) Subparagraph (1) does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

23. *Calling council meetings*

- (1) Any council member may call a council meeting by giving the other council members one week's notice of the meeting, specifying the reason for calling the meeting.
- (2) The notice does not have to be in writing.
- (3) A council meeting may be held on less than one week's notice if
 - (a) all council members consent in advance of the meeting, or
 - (b) the meeting is required to deal with an emergency or urgent 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.

24. *Quorum of council*

- (1) A quorum of the council is
 - (a) 2, if the council consists of 3 or 4 members,
 - (b) 3, if the council consists of 5 or 6 members, and
 - (c) 4, if the council consists of 7 members.
- (2) Council members must be present in person at the council meeting to be counted in establishing quorum.

25. *Council meetings*

- (1) At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.

- (2) If a council meeting is held by electronic means, council members are deemed to be present in person.

26. *Voting at council meetings*

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

27. *Council to inform owners of minutes*

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

28. *Delegation of council's powers and duties*

- (1) Subject to subsections (2) to (4), the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.
- (2) The council may delegate its spending powers or duties, but only by a resolution that
 - (a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
 - (b) delegates the general authority to make expenditures in accordance with subsection (3).
- (3) A delegation of a general authority to make expenditures must
 - (a) set a maximum amount that may be spent, and
 - (b) indicate the purposes for which, or the conditions under which, the money may be spent.
- (4) The council may not delegate its powers to determine, based on the facts of a particular case,
 - (a) whether a person has contravened a bylaw or rule,
 - (b) whether a person should be fined, and the amount of the fine, or
 - (c) whether a person should be denied access to a recreational facility.

29. *Spending restrictions*

- (1) A person may not spend the strata corporation's money unless the person has been delegated the power to do so in accordance with these bylaws.
- (2) Despite subsection (1), a council member may spend the strata corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.

30. *Unapproved Expenditures*

For the purposes of section 98(2) of the Act the maximum unapproved expenditure, together with all other unapproved expenditures, shall not exceed \$5000.

Division 4 - Enforcement of Bylaws and Rules

31. *Fines*

- (1) The Strata corporation may fine an owner or a tenant a maximum of:
 - (a) \$200.00 for each contravention of a bylaw, other than a rental bylaw;
 - (b) \$50.00 for each contravention of a rule.
- (2) Fines levied by the strata corporation shall be due and owing along with the next instalment of strata maintenance fees.

32. *Continuing contravention*

If an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than 7 days, a fine may be imposed every 7 days.

Division 5 - Annual and Special General Meetings

33. *Persons to chair meeting*

- (1) Subject to subsections (2) and (3) annual and special general meetings must be chaired by the president of the council.
- (2) If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
- (3) If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons who are present at the meeting, including a strata manager.

34. *Participation by other than eligible voters*

- (1) Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.
- (2) Persons who are not eligible to vote, including tenants and occupants, may participate in the discussion at the meeting, but only if permitted to do so by the chair of the meeting.
- (3) Persons who are not eligible to vote, including tenants and occupants, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.
- (4) A vote for strata lot may not be exercised, except on matters requiring a unanimous vote, if the strata corporation is entitled to register a lien against that strata lot under s.116 of the Act.

35. *Voting*

- (1) At an annual or special general meeting, voting cards must be issued to eligible voters.
- (2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
- (3) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.
- (4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.
- (5) If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote.
- (6) A vote must be held by secret ballot, if the secret ballot is requested by an eligible voter, unless the chair has already decided on another form of vote.

36. *Calling council meetings*

- (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.

37. *Failure to Reach Quorum*

Pursuant to section 48(3) of the Act if within 15 minutes from the time appointed for an annual or special general meeting a quorum is not present, the meeting shall be terminated if the meeting was convened upon the requisition of owners; but in any other case the eligible voters present in person or by proxy at that time shall constitute a quorum. In the event that one or more eligible voters leave during the course of the meeting, the quorum shall be reduced to the number of eligible voters then present.

38. *Summary Financial Statements*

Pursuant to Regulation 6.7(3) the strata corporation may distribute with its Notice of Annual General Meeting, financial statements in summary form.

Division 6 - Additional Bylaws

39. Insurance Deductible and Damage to Property

- (1) For the purposes of section 149(4)(b) of the Act "major perils" shall include the peril of "earthquake" in addition to those perils listed under Regulation 9.1(2).
- (2) The owner of a strata lot shall be obligated to pay to the strata corporation upon demand the amount of any insurance deductible paid by the strata corporation in relation to any claim made under or against the strata corporation's insurance policy, where:
 - (a) the owner, a tenant, an occupant of that owner's strata lot or their guest or invitee are responsible for the cause of the claim: or
 - (b) the source of the damage giving rise to the claim originated in that owner's strata lot (other than from common property within the strata lot).
- (3) If an owner makes an insurance claim under the strata corporation's insurance policy in relation to any portion of that owner's strata lot which the strata corporation is required to insure and:
 - (a) the owner, a tenant, an occupant of that owner's strata lot or their guest or invitee are responsible for the cause of the claim; or
 - (b) the source of the damage giving rise to the claim originated in that owner's strata lot (other than from common property within the strata lot), the owner shall pay directly any deductible related to such claim.
- (4) The strata corporation, subject to the terms of the Strata Property Act and these bylaws, shall recover from an owner or tenant (as the case may be) the costs to repair any physical damage to the common property, limited common property or those portions of a strata lot which the strata corporation is required to repair (or otherwise choose to repair) and which is not covered by the strata corporation's insurance policy for which:
 - (a) the owner, a tenant, an occupant of the strata lot or their guest or invitee are responsible; or
 - (b) the source of which originated in that strata lot (other than from common property within the strata lot).
- (5) The strata corporation may choose to seek recovery (including suing) from only the owner of a strata lot in relation to damage caused by a tenant or occupant of that strata lot or their guest or invitee. Nothing in this section shall act to restrict the rights of the strata corporation pursuant to s.133 of the Strata Property Act.

- (6) The owner of a strata lot shall be obligated to pay to another owner the reasonable costs (including any insurance deductible) to repair any damage to that other owner's strata lot for which the owner, a tenant, an occupant of the strata lot or their guest or invitee are responsible or the source of which originated in the owner's strata lot (other than from common property within the strata lot).
- (7) The strata council, acting reasonably, and after having provided an owner facing liability under this bylaw with an opportunity to make submissions to the strata council, shall determine whether or not an owner is responsible for damage or whether the source of the damage originated within the owner's strata lot.

40. Court Action

- (1) In accordance with section 171(4) of the Act the authorization referred to under section 171(2) of the Act is not required for a proceeding under the Small Claims Act. Such proceedings may be commenced with the approval of the council only.

41. The strata corporation, in enforcing the Act, the bylaws or the rules or in collecting money owed to the strata corporation (including money owing as a fine) against or from one or more owners, tenants or occupants of a strata lot shall (unless the court or arbitrator orders otherwise) be entitled to recover from that owner, tenant or occupant (or one or more of them jointly and severally) its legal costs on a solicitor-and-own-client basis.

42. Rental Restrictions

- (1) An owner who rents or leases a strata lot must submit a signed Notice of Tenant's Responsibility to the Strata corporation within the time limit allowed under the Act.
- (2) An owner who fails to submit a signed Notice of Tenant's Responsibility within the time limit allowed under the Act shall be subject to a fine of \$100 for every month or part thereof that the strata lot is rented and the strata corporation is not in receipt of a signed Notice of Tenant's Responsibility.
- (3) An owner who rents or leases a strata lot must inspect the strata lot on a regular basis, and not less than once every six months.
- (4) For the purposes of this bylaw, the rental or leasing of a strata lot shall be defined to include occupancy of a strata lot by a person who is not an owner without the owner also residing in the strata lot for a period of greater than thirty (30) days regardless of whether or not money or other consideration is paid for the right to reside in the strata lot.

43. Building Security

An owner, tenant or occupant (herein a "Resident") shall not admit anyone to the building using the interphone unless that person is coming to visit the Resident's strata lot.

- (1) Residents entering or leaving the building must not admit anyone at the door who is unknown to them and when leaving or entering the building must ensure that the doors are securely closed behind them.
- (2) At no time are common area entrance doors, any outside entrance doors or fire escape doors to be left or propped open for any purpose without direct supervision by the Resident and the written approval of the council.
- (3) An owner shall be responsible for the cost of re keying all of the common area door locks or reprogramming gate openers if they or their tenant, occupant or visitor lose a key and/or a gate opener or if their key and/or gate opener is stolen.
- (4) Residents must escort any visitors to their strata lot out of the building.
- (5) The strata council may install and operate a video surveillance system on the common property and shall establish a policy in compliance with the Personal Information Protection Act for the operation of the system and the use and storage of information collected by it. Owners, tenants and occupants of the strata corporation are hereby deemed to have consented to the use, collection and disclosure of information recorded by the system so long as the same is done in accordance with the terms of the policy established pursuant to this bylaw.