

# **WILD COAST COTTAGES WATER'S EDGE BYLAWS**

**STRATA PLAN NO. EPS1360**

**LAST UPDATE: OCTOBER 15, 2021**

(Please note that these bylaws have been consolidated for convenience only. The official bylaws of the Strata Corporation are those approved by the owners in accordance with the Act and filed in the Land Title Office from time to time.)

***PLEASE ENSURE THIS COPY REMAINS IN THE UNIT AT ALL TIMES.***

The following bylaws differ from the Standard Bylaws to the *Strata Property Act*, as permitted by section 120 of the *Strata Property Act*. These bylaws are to be read with the Standard Bylaws but where the following bylaws are inconsistent or conflict with the Standard Bylaws, the following

bylaws shall apply. (Registered March 11, 2014 CA3626575)

## Definitions and Interpretation

1. (1) These bylaws bind the Strata Council and the owners, tenants and occupants to the same extent as if the bylaws had been signed by the Strata Council and each owner, tenant, and occupant and contained covenants on the part of the Strata Council with each owner, tenant and occupant and on the part of each owner, tenant and occupant with every other owner, tenant and occupant and the with the Strata Council to observe and perform their provisions.
- (2) Unless otherwise state, all terms 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 "a resident" means collectively, an owner, a tenant and an occupant. The Schedule of Standard Bylaws to the Act do apply to the Strata Council. Where there is a conflict, these bylaws take precedence, as applicable.
- (3) All words used in these bylaws shall have the meanings ascribed to them in the *Strata Property Act*, unless the context otherwise requires.
- (4) The "*Strata Property Act*" means the *Strata Property Act*, Statutes of British Columbia 1998 and subsequent amendments to that act.

## Duties of Owners, Tenants Occupants and Visitors

### 2. Compliance with bylaws and rules

- 2.1 All owners, occupiers and visitors must comply strictly with the bylaws and rules of the Strata Council adopted from time to time.

### 3. Use of Property

- 3.1 An owner, occupier or visitor must not use a Strata Lot, Limited Common Property, 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 person to use and enjoy the Common Property, common assets, or another Strata Lot,
  - (d) is illegal or
  - (e) is contrary to a purpose for which the Strata Lot or Common Property is intended as shown expressly or by necessary implication on or by the strata plan.
- 3.2 An owner, occupier 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 Council must repair and maintain under these bylaws or insure under section 149 of the Act.
- 3.3 An owner, occupier or visitor is responsible for any damage caused by the occupants, tenants or visitors to the owner's Strata Lot.
- 3.4 Storage of inflammable liquids and other substances and materials:

- (a) An owner, occupier or visitor of a Strata Lot must not, except with the prior written approval of the Strata Council, use or store on the Strata Lot or on the Common Property any inflammable chemical, liquid or gas or other inflammable material.
  - (b) This by-law does not apply to chemicals, liquids, gases or other material used or intended to be used for domestic purposes, or any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.
  - (c) Because of potential danger to others in close proximity, propane tanks are limited to a total of 200 pounds capacity on any one Strata Lot. Any propane tank can be placed in an enclosed area as long as there is proper ground level venting. All propane tanks must be in good repair and painted.
- 3.5 The owner, occupier or visitor of a Strata Lot must not do anything or permit any invitees of the owner, occupier or visitor to do anything on the Strata Lot or Common Property that is likely to affect the operation of fire safety devices in the parcel or to reduce the level of fire safety in the Strata Lots or Common Property.
- 3.6 An owner, occupier or visitor of a Strata Lot when on Limited Common Property or on Common Property must not use language or behave in a manner likely to cause offence or embarrassment to the owner or occupier of another lot or to any person lawfully using Common Property.
- 3.7 An owner, occupier or visitor of a Strata Lot must take all reasonable steps to ensure that invitees of the owner, occupier or visitor do not behave in a manner likely to interfere with the peaceful enjoyment of the owner, occupier or visitor of another lot or any person lawfully using Common Property.
- 3.8 An owner, occupier or visitor of a Strata Lot must not create any noise on a Strata Lot or the Common Property likely to interfere with the peaceful enjoyment of the owner, occupier or visitor of another Strata Lot or of any person lawfully using Common Property.
- 3.9 An owner, occupier or visitor of a Strata Lot must not park or stand any motor or other vehicle, including but not limited to a trailer, motor home, or camper, on Common Property except with the prior written approval of the Strata Council.
- 3.10 An owner, occupier or visitor of a Strata Lot must not, except with the prior written approval of the Strata Council:
  - (a) damage any lawn, garden, tree, shrub, plant or flower being part of or situated on Common Property, or
  - (b) use for his or her own purposes as a garden any portion of the Common Property.
- 3.11 An owner, occupier or visitor must not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the Common Property except with the prior written approval of the Strata Council.

- 3.12 An owner, occupier or visitor of a Strata Lot must not permit any child of whom the owner, occupier or visitor has control to play on Common Property, unless accompanied by an adult exercising effective control, to be or to remain on Common Property comprising a car parking area or other area of possible danger or hazard to children.
- 3.13 The owner, occupier or visitor of a Strata Lot must ensure that the Strata Lot is not used for any purpose that is prohibited by law.
- 3.14 Recreational vehicles and Hybrid RV's must be equipped to be used for recreational living and sleeping purposes without requiring continuous connection to sewer, water and electrical systems. Recreational vehicles without holding tanks are not permissible.
- 3.15 No tents, tent-trailers, or pup-tents or tent-like enclosures are permitted within the Common Property. At the discretion of the Strata Council, attractive temporary shade (gazebo like) structures (no tarps) may be allowed for short periods of time.
- 3.16 Pleasure riding of motorcycles, scooters or all terrain vehicles is not permitted within the Common Property. The use of motorcycles and scooters as transportation between the entrance to the Common Property and the owner's Strata Lot is permitted.
- 3.17 The use of skateboards, rollerblades and bicycles is permitted within the Common Property when used in a responsible manner.
- 3.18 The gathering or cutting of wood or other vegetation within the Common Property or on land that is a common asset. Logs that wash up on the beach are not to be removed or cut up for firewood, without prior approval from the Strata Council.
- 3.19 The use and possession of firearms and all other weapons is prohibited within the on Common Property or on land that is a common asset.
- 3.20 The speed limit on the strata roads is 20 kph. unless otherwise posted. The speed limit applies to all motorized vehicles, cyclists and rollerbladers. Parking is permitted only within Limited Common Property assigned to the owner, and in designated parking areas and never under any circumstances on roadways or grassed areas. All guests must park in the designated Visitor Parking Areas, or within the Limited Common Property assigned to the visitor's host.
- 3.21 No major repairs or oil changes or lubrication or adjustments shall be made to motor vehicles on Common Property or on land that is a common asset.
- 3.22 Quiet hours shall be observed from 11:00 PM to 8:00 AM. Any noise-generating equipment such as televisions, radios, record or tape players and generators shall be restricted in their use and time of operation as the Strata Council shall from time to time direct for the mutual comfort and pleasure of the Strata Council and guests, and at no time shall the use of such equipment be permitted to cause a nuisance to other users of the area.
- 3.23 No outside clothes drying or clothes lines are permitted within the limited common property or Common Property, except the unobtrusive drying of

bathing suits and towels.

- 3.24 A small deep freeze (up to 8 cubic feet) OR refrigerator (height restricted to 36") may be stored outside on Limited Common Property but must not be visible from the road. The freezer or refrigerator must be in good repair and appearance and must be secure from wild and domestic animals. No other household appliances or upright storage units are allowed on Limited Common Property.
- 3.25 The storage or parking of more than 2 vehicles on a Strata Lot is not permitted. Additional visitor vehicles may be parked in designated parking areas.
- 3.26 The Strata Council reserves the right to determine the suitability of any vehicle for use or storage within the Limited Common Property and Common Property and to exclude same if it is deemed unsuitable. Unregistered and uninsured vehicles are not permitted on the premises.
- 3.27 Feeding of wildlife is not allowed.
- 3.28 No Owner or Visitor shall discharge or cause to be discharged from any Strata Lot more than 473 litres of liquid waste per day into the common sewage disposal system. An owner, occupier or visitor should use intelligent restraint and use water conserving fixtures with respect to water usage. All watering restrictions implemented by the Capital Regional District must be adhered to.
- 3.29 The infrastructure and plant such as sewer system and pumps, underground water valves, cable television kiosks, telephone kiosks, hot water tanks and common building thermostats are only to be worked on, adjusted, switched, regulated, turned on or off by authorized personnel.
- 3.30 The owner must keep the owner's strata lot and limited common property designated for the use of that owner in a good and tidy condition at all times and free of all garbage and debris kept in receptacles approved in writing by the Strata Council.
- 3.31 No recreational vehicle, camper, tent trailer, boat, boat trailer, or other similar chattels shall remain parked or stored on any strata lot for a consecutive period of more than 4 hours unless parked or stored at the rear or side of the building located thereon and screened from view of adjacent strata lots. All such chattels must be kept clean and in good condition and repair.

#### **4. Commercial**

- 4.1 Except for any Strata Lot designated by the Owner Developer for such use, no Strata Lot shall be used for a business purpose other than rental of the unit for tourist accommodation or part-time residential use.

#### **5. Pets and Animals**

- 5.1 An owner, occupier or visitor must not keep any pet on a Strata Lot other than one or more of the following:
  - (a) a reasonable number of fish or other small aquarium animals;
  - (b) a reasonable number of small caged animals;
  - (c) up to 2 caged birds;
  - (d) two dogs and/or two cats.

- 5.2 An owner, occupier or visitor must not keep any pets on Common Property or on land that is a common asset unless if the pet is a dog, the dog is on a leash and for other pets unless the pet is under the direct supervision of its owner.
- 5.3 A pet owner must ensure that a pet is kept quiet, controlled and clean. Any excrement on Common Property, Limited Common Property or on land that is a common asset must be immediately disposed of by the pet owner.
- 5.4 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.

## **6. Inform Strata Council**

- 6.1 On request by the Strata Council, an owner must inform the Strata Council of the tenant's name and the Strata Lot which the tenant occupies.

## **7. Obtain approval before altering a Strata Lot or Limited Common Property**

- 7.1 An owner must obtain the written approval of the strata council 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, railing, or similar structures that enclose a patio, balcony or yard;
  - (f) Common property located within the boundaries of a strata lot and limited common property designated for the use of a Strata Lot and the installation, placement, replacement, or construction of any decks, patios, planters, storage units, sheds or other permanent or temporary structure on or within the common property;
  - (g) those parts of the Strata Lot which the Strata Council must insure under section 149 of the Act; and
  - (h) wiring, plumbing, piping, heating, air conditioning and other services.

Any improvement proposed must be consistent with the architectural form and character of the strata lots within the development constructed by the Owner Developer, including finishes, roofing, materials, doors, and windows.

- 7.2 The Strata Corporation must not unreasonably withhold its approval under Subsection 7(1), provided that the Owner, together with a written request for such approval has delivered to the Strata Council detailed plans and specifications (collectively the "Plans") for any alteration or addition to the strata lot, common property or limited common property as the case may be. The Plans must include among other things all improvements, elevations, colour schemes, exterior cladding, siding, landscaping, roofing colour type and materials.

## **8. Obtain approval before altering Common Property**

- 8.1 An owner must obtain the written approval of the strata council before making or authorizing an alteration to a strata Common Property, including Limited Common Property or common assets.
- 8.2 An owner, as part of its application to the strata council 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, licenses and approvals from the appropriate governmental authorities and provide copies to the strata council; and
  - (c) obtain the consent of the owners by written approval of the strata council under bylaw 8.1
- 8.3 The Strata Council may require, as a condition of its 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 or its 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 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 Council as a result, directly or indirectly, of the alterations to Common Property, Limited Common Property or common assets.
- 8.4 Any improvement proposed must be consistent with the architectural form and character of the development, including finishes, roofing, materials, doors, and windows.

## 9. Cleanliness

- 9.1 A owner, occupier or visitor must not allow a Strata Lot and Limited Common Property attached to the Strata Lot to become unsanitary or untidy. Rubbish, 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 Council to remove such refuse will be charged to the Strata Lot owner.
- 9.2 A owner, occupier or visitor must not allow a Strata Lot and Limited Common Property attached to the Strata Lot to become a storage area for such equipment or other chattels that no longer function, including but limited to: broken barbeques, lawn chairs, appliances, plumbing fixtures, electrical fixtures, toys, tools, and other similar items. Any expenses incurred by the Strata Council to clean up these items will be charged to the Strata Lot owner.
- 9.3 An owner, occupier or visitor must not store firewood in a disorderly manner,

and it must be stored in a location that is obscured from view from the internal strata access mad. Any expenses incurred by the Strata Council to clean up firewood will be charged to the Strata Lot owner.

- 9.4 Cutting of firewood by a chainsaw or other means that generates significant noise or generates sawdust or other woody debris on a Strata Lot, Common Property, Limited Common Property, or common assets is prohibited.
- 9.5 Any and all garbage or refuse generated by or on a Strata Lot must be stored neatly and be completely contained within an animal proof residential garbage receptacle at the rear of the Strata Lot or in a screened area and removed at least bi-weekly. Such a receptacle is not permitted to become unsightly or generate an unpleasant odour. Garbage or refuse collection is the responsibility of the individual Strata Lot owner to arrange and pay for. Any expenses incurred by the Strata Council to tidy or to remove such refuse will be charged to the Strata Lot owner.
- 9.6 Strata Lots shall be left in a clean and tidy condition at all times. When vacating the Strata Lot, especially during the winter months, items left on the Strata Lot, such as picnic tables, lawn furniture and barbecues should be covered with tarpaulins and securely tied down in order to withstand severe wind conditions. It is not the responsibility of the Strata Council to secure the Strata Lots in absence of owners, occupiers and visitors.
- 9.7 Without any exception, no food shall left outside on Limited Common Property or Common Property including but not limited to pet food, bird feeders, unclean barbeques and grills, garbage, and food scraps for the protection of all owner and visitors.

Supplied to StrataDocs 2021/10/28  
Ordered by Troy Petersen 2022/04/20

## 10. Division 7 - Marketing Activities by Owner Developer

### Display Lot

- 10.1 (1) The owner developer may carry on sales functions that relate to the sale of unsold strata lots owned by the owner developer, including the posting of signs; and
- (2) The owner developer may use a strata lot, that the owner developer owns or rents, as a display lot for the sale of other strata lots in the strata plan.
- 10.3 Other than a contravention of the rental bylaw, if an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than seven (7) days, a fine may be imposed every seven (7) days.

## 11. Division 8 - Marketing Activities by Owner

### Owner Developer Signs

- 11.1 (1) All signs to advertise a Strata Lot for sale, lease, or rent must be located on a common sign board erected by the Owner Developer at the Baird Road entrance for such purpose. No other signs, posters or other advertising material shall be permitted.

### Unapproved expenditures

**(Added February 22, 2016 CA5037586)**

- 11.1 Despite section 98(2) of the Act, the strata corporation may make expenditures out of its operating fund that were not put forward for approval in the operating budget, if the expenditure, together with all other unapproved expenditures within the same fiscal year, whether of the same type or not, is less than \$2,500. **(Added February 22, 2016 CA5037586)**

## 12. Enforcement of Bylaws and Rules

- 12.1 Subject to s. 10.3, Council may fine an owner or occupier tenant a maximum of:
  - (a) \$200 for each contravention of a bylaw;
  - (b) \$50 for each contravention of a rule; and
  - (c) \$500 per month for each contravention of the rental bylaw.
- 12.2 (a) Fines levied pursuant to these bylaws and rules, and the reasonable costs of the enforcement or remedying of any contravention of the bylaws or rules incurred by the Strata Corporation on behalf of an owner, shall be assessed and charged to the responsible owner.
- (b) All costs, expenses and damages (including but not limited to the full repair or restoration of common property) incurred by the Strata Corporation as a result of a contravention of a bylaw or rule by an owner,

occupier or visitor shall be assessed and charged to the responsible owner.

- (c) Where an owner fails to comply with a work order from a public or local authority and where such failure results in Council causing the Strata Corporation to complete such work, the cost of the work shall be assessed and charged to the responsible owner.
- (d) Notwithstanding any provision of the Act, Council may cause the Strata Corporation to proceed under the Small *Claims Act* (British Columbia) against an owner or other person to collect money owing to the Strata Corporation, including money owing as a fine, without requiring authorization by a resolution passed by a 3/4 vote of owners.

### **Insurance and responsibility**

**(Added February 22, 2016 CA5037586)**

- 12.1 A resident is responsible for obtaining insurance coverage to cover risks that are not covered by the strata insurance. Without limiting the foregoing, an owner is responsible for obtaining insurance coverage to pay any deductibles payable under the strata insurance for which the owner is responsible under these bylaws or section 158(2) of the Act.  
**(Added February 22, 2016 CA5037586)**
- 12.2 If an owner is responsible for any loss or damage to a strata lot, common property, limited common property, or common assets, that owner must indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered necessary to the strata lot, common property, limited common property or common assets but only to the extent that such expense is not reimbursed from the proceeds received by operation of any strata insurance policy. Without limiting the generality of the word "responsible", an owner is responsible for the owner's own acts or omissions, as well as those of any of the tenants, occupants, visitors, agents, contractors or employees of the strata lot or the owner.  
**(Added February 22, 2016 CA5037586)**
- 12.3 For the purposes of these bylaws, any insurance deductible paid or payable by the strata corporation will be considered an expense not covered by the strata insurance proceeds received by the strata corporation and will be charged to the owner. **(Added February 22, 2016 CA5037586)**

### **13. Quorum of Meeting**

**(Added March 15, 2018 CA6680897)**

- 13.1 If within 15 minutes 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. **(Added March 15, 2018 CA6680897)**

This bylaw 13.1 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.

**(Added March 15, 2018 CA6680897)**

**14. Strata Council meetings**  
**(Added October 15, 2021 CA9436937)**

- 14.1 The Strata Council may meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit.
- 14.2 The Strata Council may provide for attendance at a Strata Council meeting by telephone or any other electronic method if the method permits all persons participating in the meeting to communicate with each other during the meeting. For certainty, the Strata Council may call an exclusively electronic Strata Council meeting, hold a Strata Council meeting exclusively by telephone or any other electronic method, and is not required to provide for in-person attendance at an electronic meeting of the Strata Council, provided the electronic method permits all persons participating in the meeting to communicate with each other during the meeting. For clarity, the Strata Council may only make a decision by electronic mail where the following criteria are met:
- (a) a decision of the Strata Council is required before the next scheduled strata council meeting;
  - (b) except where section 32 of the Act applies, all Strata Council members must be included in all electronic mail exchanged between Strata Council members regarding the decision,
  - (c) except in the event of an emergency to prevent or minimize physical loss or damage or injury, or where responses are received in a shorter period, Strata Council members must have no less than 48 hours to respond to the request for a decision;
  - (d) any decision must be approved by a majority vote of the total number of Strata Council members;
  - (e) any decisions made by electronic mail must be ratified by the Strata Council at the next Strata Council meeting and reflected in the minutes of that meeting; and
  - (f) the Strata Corporation must keep a record of the electronic mail exchanged amongst the Strata Council members and the managing agent regarding the decision for the 2 year period following the making of the decision. Subject to redaction of such electronic mail in accordance with the Personal Information Protection Act or where solicitor-client privilege of the Strata Corporation applies, such electronic mail shall be considered a record of the Strata Corporation for the purposes of sections 35 and 36 of the Act.
- 14.3 At the option of the Strata Council, a Strata Council member or other permitted observer or invited participant may attend a Strata Council meeting by electronic means, so long as all Strata Council members and other permitted observers and invited participants can communicate with each other.
- 14.4 Any person attending a Strata Council meeting by electronic means is deemed to be present in person for the purposes of the meeting.

- 14.5 Owners may attend Strata Council meetings as observers.
- 14.6 Despite bylaw 14.5, no observers may attend those portions of Strata 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 Strata Council's opinion, unreasonably interfere with an individual's privacy.

**15. Electronic general meetings**  
**(Added October 15, 2021 CA9436937)**

- 15.1 The Strata Corporation may provide for attendance at an annual or special general meeting by telephone or any other electronic method if the method permits all persons participating in the meeting to communicate with each other during the meeting. For certainty, the Strata Corporation may call an exclusively electronic annual or special general meeting, hold an annual or special general meeting exclusively by telephone or any other electronic method, and is not required to provide for in-person attendance at an electronic annual or special general meeting, provided the electronic method permits all persons participating in the meeting to communicate with each other during the meeting.
- 15.2 A person who is eligible to vote may attend an annual or special general meeting by electronic means so long as the person and the other participants can communicate with each other.
- 15.3 Any person attending an annual or special general meeting by electronic means is deemed to be present in person for the purposes of the meeting.
- 15.4 Despite bylaw 27, in the event that a general meeting is held pursuant to bylaw 15.1 or an eligible voter attends an annual or special general meeting by electronic means, the Strata Corporation has no obligation to make provision for a secret ballot or issue a voting card for, as applicable, that meeting or the particular voter.

**In Addition to the above registered bylaws, please see below Standard Bylaws registered to SP EPS1360 as stated In Section 1 to 30 inclusive in the Strata Property Act of B.C. (2002). These bylaws should be adhered to at all times.**

**Schedule of Standard Bylaws**

**Division 1 — Duties of Owners, Tenants, Occupants and Visitors**

**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.

### **Repair and maintenance of property by owner**

- 2 (1) An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (2) 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 the strata corporation under these bylaws.

### **Use of property**

- 3 (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,
  - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
  - (d) is illegal, or
  - (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.
- (2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.
- (3) An owner, tenant, occupant 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.
- (4) An owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following:
- (a) a reasonable number of fish or other small aquarium animals;
  - (b) a reasonable number of small caged mammals;
  - (c) up to 2 caged birds;
  - (d) one dog or one cat.

### **Inform strata corporation**

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

### **Obtain approval before altering a strata lot**

- 5
- (1) An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves any of the following:
    - (a) the structure of a building;
    - (b) the exterior of a building;
    - (c) chimneys, stairs, 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.
  - (2) The strata corporation must not unreasonably withhold its approval under subsection (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.
  - (3) This section does not apply to a strata lot in a bare land strata plan.

#### **Obtain approval before altering common property**

- 6
- (1) An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.
  - (2) The strata corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

#### **Permit entry to strata lot**

- 7
- (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 inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act.
  - (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.

### **Division 2 — Powers and Duties of Strata Corporation**

#### **Repair and maintenance of property by strata corporation**

- 8
- 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, 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 the common property;
    - (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, 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 the common property, and
  - (v) fences, railings and similar structures that enclose patios, balconies and yards.

### **Division 3 — Council**

#### **Council size**

- 9** (1) Subject to subsection (2), the council must have at least 3 and not more than 7 members.
- (2) If the strata plan has fewer than 4 strata lots or the strata corporation has fewer than 4 owners, all the owners are on the council.

#### **Council members' terms**

- 10** (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.
- (2) A person whose term as council member is ending is eligible for reelection.
- (3) to (5) [Repealed 1999-21-51.]

#### **Removing council member**

- 11 (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.

### Replacing council member

- 12 (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 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.

### Officers

- 13 (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.

### Calling council meetings

- 14 (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.
- (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 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.
- (4) The council must inform owners about a council meeting as soon as feasible after the meeting has been called.

**15** [Repealed 2009-17-35.]

### **Quorum of council**

- 16** (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.
- (2) Council members must be present in person at the council meeting to be counted in establishing quorum.

**17** [Repealed October 15, 2021 - CA9436937]

### **Voting at council meetings**

- 18** (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- (2) Unless there are only 2 strata lots in the strata plan, 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.

### **Council to inform owners of minutes**

- 19** 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.

### **Delegation of council's powers and duties**

- 20** (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.

### **Spending restrictions**

- 21** (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.

### **Limitation on liability of council member**

- 22** (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.
- (2) Subsection (1) does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

## **Division 4 — Enforcement of Bylaws and Rules**

### **Maximum fine**

- 23** The strata corporation may fine an owner or tenant a maximum of
  - (a) \$50 for each contravention of a bylaw, and
  - (b) \$10 for each contravention of a rule.

### **Continuing contravention**

- 24** 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**

### **Person to chair meeting**

- 25**
- (1) 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.

### **Participation by other than eligible voters**

- 26**
- (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.

### **Voting**

- 27**
- (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) If there are only 2 strata lots in the strata plan, subsection (5) does not apply.

- (7) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.

## **Order of business**

- 28** 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.

### **Division 6 — Voluntary Dispute Resolution**

#### **Voluntary dispute resolution**

- 29** (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.
- (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.
- (3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

### **Division 7 — Marketing Activities by Owner Developer**

#### **Display lot**

- 30
- (1) An owner developer who has an unsold strata lot may carry on sales functions that relate to its sale, including the posting of signs.
  - (2) An owner developer may use a strata lot, that the owner developer owns or rents, as a display lot for the sale of other strata lots in the strata plan.

**END OF DOCUMENT**

Supplied to StrataDocs 2021/10/28  
Ordered by Troy Petersen 2022/04/20