



1. Contact

Stevenson Luchies & Legh
Barristers & Solicitors
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File No. 16820-001 / JJH

2. Identification of Attached Strata Property Act Form or Other Supporting Document

Application Type

LTO Document Reference

Form-I Amendment to Bylaws

3. Description of Land

PID/Plan Number

Legal Description

EPS4949

THE OWNERS, STRATA PLAN EPS4949

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this application under section 168.4 of the *Land Title Act*, RSBC 1996, c.250, that you certify this application under section 168.43(3) and that the supporting document is in your possession.

**Johnathan Justin
Hanson 3H1NIJ**

**Digitally signed by
Johnathan Justin Hanson
3H1NIJ
Date: 2021-09-24
14:36:29 -07:00**

Strata Property Act
Form I
[am. B.C. Reg. 312/2009, s. 7.]
Amendment to Bylaws
(Section 128)

The Owners, Strata Plan EPS4949 certify that the following or attached amendments to the bylaws of the strata corporation were approved by a resolution passed in accordance with section 128 of the *Strata Property Act* at an annual or special general meeting held on .September 7, 2021.[month day, year]*:

See attached bylaw package per approved resolutions below;

BE IT RESOLVED AS $\frac{3}{4}$ VOTES OF THE OWNERS STRATA PLAN VIS 2700 THE OAKS ON RICHMOND, THAT THE STRATA CORPORATION AMEND ITS BYLAW BY:

Repealing bylaws 29 governing the calling of council meetings and bylaw 31 governing their procedure and adopt the following bylaws in their place:

29. Calling council meetings

- (1) Any council member may call a council meeting by giving the other council members at least ONE (1) weeks' 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 (1) weeks' notice if the notice is provided to all council members and:
 - (a) at least TWO-THIRDS (2/3) of the council members consent in advance of the meeting; or
 - (b) the meeting is required to deal with an emergency situation and TWO-THIRDS (2/3) of 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.

31. Council meetings and decision making between meetings

- (1) At the option of the Council, council meetings and council hearings may be held, or council decisions made by electronic means including conference telephone calls, so long as all council members and anyone attending a hearing can communicate with each other during the meeting.
- (2) If a council meeting or council hearing is held by electronic means, or a council member or any participant attends by electronic means, then such members or participants are deemed to be present in person.
- (3) Owners and spouses of owners may attend council meetings and hearings as observers but may not speak or address the Council unless invited to do so by a majority vote of the council.
- (4) Despite subsection (3), 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) outstanding strata fees, fines or special levy against a strata lot owner;
 - (d) council hearings conducted under sections 34.1 and 135 of the *Strata Property Act*;
 - (e) any legal action being considered against an owner, occupant or tenant;
 - (f) any costs being levied against a strata lot owner for repair work; and
 - (g) ongoing negotiation with a third party, where public knowledge of such negotiations might jeopardize the interests of the owners.
- (5) Audio and/or visual recording is prohibited during council meetings, without prior approval of the majority of council members.
- (6) Notwithstanding any other provision of these bylaws, a resolution of the Council may be passed without a meeting if written notice of the resolution is sent to all council members, and at least TWO-THIRDS (2/3) of the council members entitled to vote on the resolution consent to it in writing. A consent in writing under this section may be by signed document, fax, email or any other method of transmitting legibly recorded messages. A resolution of the Council passed in accordance with this section is effective on the date stated in the consent in writing and is deemed to be a proceeding at a council meeting and to be as valid and effective as if it had been passed at a council meeting that satisfies all the requirements of the Act and these bylaws relating to council meetings.

43.1 Electronic General Meetings

- (1) The Strata Corporation may hold annual or special general meetings, including special general meetings demanded by 20% of the strata lot owners' votes pursuant to section 43 of the Strata Property Act (the Act), by electronic means including by telephone conference call, video conferencing or any other electronic means, so long as all participants and eligible voters may communicate with each other during the meeting either through an electronic platform or teleconference, referred to herein as an "electronic meeting").
- (2) In holding an electronic meeting the Strata Corporation must make provision for owners to attend the meeting that does not require the use of a computer.
- (3) The Strata Corporation must specify the following in the notice of the electronic general meeting:
 - (a) the electronic means or variety of means by which it intends to hold the electronic meeting;
 - (b) how voters may attend the electronic meeting; and
 - (c) how votes may be cast at the electronic meeting.
- (4) Eligible voters may only attend an electronic meeting by proxy or in person, in the manner or manners specified in the notice of meeting.
- (5) If an eligible voter attends an electronic meeting, in the manner specified in the notice of meeting, then such voter is deemed to be present in person.
- (6) Eligible voters who wish to attend an electronic meeting by proxy should deliver their voting card (if any), and copies of their proxy to their proxy holder and Council at least 24 hours before the meeting's start.

- (7) Notwithstanding subsection (6) eligible voters must be allowed to register their proxies at the meeting.
- (8) Eligible voters who attend an electronic meeting are responsible for the manner or manners in which they attend, and the Strata Corporation is not responsible for the quality or consistency of their connection or their inability to connect or maintain connection.
- (9) Eligible voters attending an electronic meeting in person acknowledge and accept that the risks associated with the manner of their attendance including but not limited to:
 - (a) a loss of privacy;
 - (b) loss of connection and/or other technological problems;
 - (c) an inability to participate in discussions due to technological or connection problems; and
 - (d) an inability to vote due to technological or connection problems.
- (10) At an electronic meeting, registration, verification of proxies, participation, and quorum of eligible voters in person or by proxy must be confirmed by the chair at the beginning of the meeting by calling the roll or any other method that confirms eligible voters are present in person or by proxy.
- (11) Attendees and voters at the electronic meeting must provide proof of their identity satisfactory to the Council, if requested to do so by the Council.
- (12) Quorum will be determined by the number of eligible voters attending in person by the specified manner or manners or by proxy.
- (13) Notwithstanding any other bylaw, and unless otherwise specified in the notice of meeting, the chairperson will determine whether a vote must be conducted by secret ballot at an electronic annual or special general meeting.
- (14) The votes on a resolution at an electronic meeting may be cast by eligible voters using any one of, or combination of the following voting methods:
 - (a) email to a designated email address during a designated voting window;
 - (b) show of voting cards if visual electronic communication is available;
 - (c) roll call;
 - (d) hand delivery of the ballots to a designated location; or
 - (e) any other electronic method that identifies votes of eligible voters.
- (15) After the chair of the meeting determines that all votes have been cast the chair will announce the outcome of the vote for each resolution including the total number of votes cast, the number of votes in favor and against, and whether the resolution was approved or defeated; and the outcome of the vote must be recorded in the minutes of the meeting.
- (16) The property manager, or the council will keep a register and tally of eligible voters attending in person and by proxy, and update it as the meeting progresses.
- (17) If an eligible voter loses their connection to the electronic meeting:
 - (a) their vote will not be counted towards quorum for any period that they are absent from the meeting; and
 - (b) the meeting will continue in their absence unless their absence results in a loss of quorum.

- (18) If a majority of eligible voters who were present in person or by proxy at the electronic general meeting lose their connection to the electronic meeting, then the electronic meeting will stand adjourned for 30 minutes,
- (19) If a majority of the eligible voters who were present before the connection was lost cannot rejoin the meeting within that 30 minutes, then the electronic general meeting will stand adjourned for a week, and the Council will send out a new notice of meeting which meets the requirement of these bylaws.
- (20) Audio and/or visual recording of an electronic meeting, in part or in whole:
- (a) is permitted by the Council or it's designated agent for the purpose of facilitating accurate development of meeting minutes and confirming voting results post-meeting;
 - (b) is permitted by an owner, occupant, or tenant only if such owner, occupant or tenant, first obtains the express permission of the voters by a majority vote; and
 - (c) that are not made by the Council or authorized by a majority vote of the owners at the meeting, shall be deemed to be invalid and inaccurate.
- (21) Subject to subsection (22), all other bylaws pertaining to the calling and holding of general meetings continue to apply.
- (22) Where a conflict exists between a section or subsection of this bylaw and any other bylaw, the provisions of this bylaw take precedence over the other bylaw.



Signature of Council Member



Signature of Council Member

(not required if council consists of only one member)

*Section 128 (2) of the Act provides that an Amendment to the Bylaws must be filed in the land title office

Schedule of Bylaws
The Owners, Strata Plan EPS 4949
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. The strata fees will be made up of the fees owing to the strata corporation as set out in the approved budget.

Late payment of strata fees and special levies

- 2** If an owner is late in paying his or her strata fees, then the owner must pay to the strata corporation interest on the late payment in the amount of 10% per annum compounded annually, and allocated on a monthly basis commencing the date the payment was due and continuing until the last day of the month in which it is paid. In addition to interest, after compliance with the notice and hearing provisions set out in section 135 of the Strata Property Act, SBC 1998 c. 43 (the "Act"), the strata corporation will be entitled to assess a fine against such owner in the amount of \$50.00. An additional \$50.00 fine will be levied on a cumulative basis, for each month or part thereof that the strata fees or special levy remain unpaid.
- 3** Any late payments made by an owner will first be applied to the payment of outstanding interest and special levies and secondly to the payment of outstanding strata fees.

Payment of other amounts owing to the strata corporation

- 4** Each owner is responsible for payment, without invoice, of all other amounts owing to the strata corporation as provided for in the Act or these bylaws and if the owner fails to pay any money so owing within 15 days after the date such money becomes due, then the owner will, after having been given written notice of the default and being provided with a reasonable opportunity to answer the complaint, be assessed and pay a fine of \$50, and if such default continues for a further 15 days, then an additional fine of \$50 will be levied against and paid by the owner for each additional 7-day period that such amount remains unpaid.
- 5** Fines authorized by these bylaws, banking charges, filing costs, full indemnity legal expenses, expenses incurred by the strata corporation to enforce these bylaws, as they may be amended from time to time, expenses incurred by the strata corporation to enforce any rule which may be established from time to time by the council pursuant to the Act or these bylaws, and any other expenses that are the responsibility of the owner under the Act, will be the responsibility

of the owner who has caused any such costs or expenses to be incurred by the strata corporation, and will become due and payable on the first day of the month following notification to the owner in writing of the amount owing.

- 6 Any costs or expenses incurred by the strata corporation as a result of an infraction or violation of the bylaws or any rules established under them, including but not limited to the full cost of repairing any damage to the plumbing, electrical and other systems of the building or other parts of the common property caused by the owner, his or her tenants, occupants, employees, agents, invitees, guests or visitors, will be charged to that owner and will be payable on or before the first day of the month next following the date on which the costs or expenses are incurred.
- 7 Where any claim has been made against the insurance policy of the strata corporation as a result of a violation of any of the bylaws or any rule which may be established from time to time by the council pursuant to the Act or the bylaws, by any owner or any tenant, occupant, employee, agent, invitee, guest or visitor of such owner, a sum equal to the amount of the deductible charged by the insurer of the strata corporation as a result of the claim will be payable by the owner of the strata lot and will become due and payable on the first day of the month next following.

Repair and maintenance of property by owner

- 8 (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 the Act and these bylaws. See bylaw 22.

(2) Subject to bylaw 22, an owner who has the use of limited common property deck, yard area or parking area must attend to the day-to-day cleaning and maintenance of such limited common property. All other maintenance and repair of limited common property is the responsibility of the strata corporation.

(3) All maintenance by an owner must be carried out to a standard consistent with the design and character of the original construction.

Use of property

- 9 (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 or repetitive noise,

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- (c) cause or produce, undue smell, vibration or glare,
- (d) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
- (e) is illegal, immoral or injurious to the reputation of the building; 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.

(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 pets are leashed or otherwise secured when on the common property or on land that is a common asset, and that pets shall not cause a nuisance to any other owner, tenant, occupier or visitor.

(4) An owner, tenant, occupant or visitor must immediately bag and dispose of all excrement deposited on common property or a common asset by the animal or pet of such owner, tenant, occupant or visitor. If, in the reasonable opinion of the strata corporation, any special cleaning is required as a result of the pet urinating or defecating, then the owner, tenant or occupant will pay all related costs. An owner, tenant or occupant of a strata lot will be responsible to ensure that its guest or invitee complies with all requirements of these bylaws as if the animal were one kept by the owner, tenant or occupant. The strata corporation may require removal of any pet or other animal kept by the owner, tenant or occupier of a strata lot within thirty (30) days after receiving written notice from the strata council if such pet or animal, in the reasonable opinion of the council, constitutes a nuisance to any owner, tenant or occupier of a strata lot or causes danger or damage to any owner, tenant or occupier of a strata lot or to any property of the strata corporation. An owner, tenant or occupant that keeps a pet must also comply with any rules enacted by the council on behalf of the strata corporation with respect to the keeping of pets.

(5) An owner, tenant or occupant must not keep any pets on a strata lot other than as follows:

- (a) a reasonable number of fish or other aquarium animals;

- (b) a reasonable number of small caged mammals;
 - (c) up to 2 caged birds;
 - (d) a combination of dogs or cats up to a maximum of 2.
- (6) An owner, tenant or occupant shall not:
- (a) keep any dog in a strata lot that has a height of greater than 75 centimetres measured from the point of the shoulder to the floor when the dog is standing on a level surface with its front feet directly under it and its hind feet in the accepted show stack position for its breed;
 - (b) keep any pets that are, in the reasonable discretion of the strata council, of an exotic type, including, without limitation, snakes, reptiles, spiders or large members of the cat family.
 - (c) install, or permit any guest, agent or invitee to install, any window coverings, visible from the exterior of his strata lot which are different in size or colour from those originally installed, except with the written permission of the council;
 - (d) use or install, or permit any guest, agent or invitee to use or install, in or about the strata lot any shades, awnings, window guards or screens, ventilators, except with the written permission of the council;
 - (e) erect on or fasten to the strata lot, the common property or any limited common property any television or radio antenna satellite dish or any other object, except with the written permission of the council;
 - (f) place planters or other such items or equipment within any part of the limited common property designated on the strata plan exclusively for the use of such owner unless such planters, items or equipment are in keeping with the balance of the development in terms of design, quality, proportion and colour and are maintained in good and tidy condition on an ongoing basis. Under no circumstances will an owner, tenant or occupant install a hook, hanger, bracket or other device to the exterior of the building which could potentially cause a breach of the integrity of the building envelope;
 - (g) do or permit any guest, agent or invitee to do, anything that will increase the risk of fire or rate of insurance on the building or any part thereof;

- (h) feed or permit any guest, agent or invitee to feed any birds or wildlife including pigeons, seagulls, squirrels and raccoons on or from the strata lot, limited common property or common property;
- (i) use, or permit any occupant of his or her strata lot to use his or her strata lot for any purpose which involves undue traffic or noise in or about the strata lot, limited common property or common property between the hours of 11:00 p.m. and 7:00 a.m. or that encourages loitering by persons in or about the strata lot, limited common property or common property;
- (j) hang or display, or permit any occupant of his or her strata lot or any guest, employee, agent or invitee of the owner or occupant to hang or display, any laundry, washing, clothing, bedding or other articles from windows, or other parts of the strata lot so that they are visible from the outside, without first obtaining the prior written approval of the council;
- (k) place or permit any occupant of his or her strata lot or any guest, employee, agent or invitee of the owner or occupant to place, any signs, billboards, notices or other advertising matter of any kind on, or in a manner visible from, the exterior of a strata lot;
- (l) have, install or use a hot tub, jacuzzi, spa, whirlpool or swirlpool on the deck or yard area of the strata lot or any area in the limited common property or the common property, without first obtaining the prior written approval of the council;
- (m) use, or permit any guest, agent, or invitee, to park on the common property, or any limited common property, except in the six (6) designated common property parking spaces which shall be available to visitors on a first-come first-served temporary basis;
- (n) carry out, or permit any occupant of his or her strata lot or a guest, or invitee of the owner or occupant to carry out, any oil changes, major repairs or adjustments to motor vehicles or other mechanical equipment on common property or on any limited common property;
- (o) permit "For Sale", "For Lease" or any such signs to be placed on or about the common property, including the exterior of the building, or the limited common property or permit any such signs to be displayed within a strata lot so as to be visible from the outside (such signs will only be permitted in an area designated by the council);

- (p) use, or permit any occupant of his or her strata lot or tenant, employee, agent, invitee, guest or visitor of the owner or occupant to use, a barbecue, hibachi, or other like cooking device on a deck unless such barbecue, hibachi or cooking device is powered by natural gas, propane or electricity and only in accordance with rules made by the strata council; or
 - (q) store garbage cans anywhere other than within their strata lot except on the days in which garbage is collected, in which case such owner, tenant or occupant must deliver their garbage cans to the designated pick-up location;
- (7) An owner, tenant or occupant shall promptly and at its own expense clean up any oil or other substance which spills or leaks onto the limited common property or common property as a result of any activity prohibited by these bylaws.
- (8) An owner shall deliver or cause to be delivered to the strata corporation a Notice of Tenant Responsibilities in Form K under the Act, signed by the owner's prospective tenant, before the tenant moves into any strata lot.
- (9) The six (6) common property parking stalls are reserved, on a 'first come first served' basis, for the use of visitors of the strata lots. No owner may claim any of the common property parking stalls for such owner's exclusive use. No boats, trailers or vehicle that extends unsafely or unreasonably out of the boundaries of any parking stall is permitted.

Inform strata corporation and Rentals

- 10** (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) Rentals are permitted subject always to the provisions of Part 8 of the Act.
- (3) 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

- 11** (1) An owner, tenant or occupant 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, patios, decks, porches or decks whether or not attached to the exterior of the building, 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 limited common property or common property;
- (e) fences, railings or similar structures that enclose a patio, deck, porch, deck or yard;
- (f) limited common property or common property located within the boundaries of a strata lot including wiring, plumbing or piping;
- (g) parts of the strata lot which the strata corporation must insure under section 149 of the Act including, without limitation, fixtures installed by the owner developer as part of the original construction of a strata lot (e.g. the original wall to wall flooring, tile or carpeting).

Obtain approval before altering common property

- 12** An owner, tenant or occupant must obtain the written approval of the strata corporation before making an alteration, temporary or permanent, including landscaping and hardscaping alterations, to common property, including limited common property, or common assets.

Conditions relating to alterations to a strata lot or common property

- 13** Any alteration to a strata lot or to common property, limited common property, or common assets that has not received the prior written approval of council as required by bylaws 11 and 12 must be removed at the owner's expense if the council orders that the alteration be removed.
- 14** The strata corporation may require as a condition of its approval that the owner agree, in writing:
- (a) to be responsible for all current and future expenses relating to the alteration (including, without limitation, all repair and maintenance);

- (b) to be responsible for the cost of repairing and maintaining any limited common property, common property or other strata lots that are damaged due to such alteration including, without limitation, weathering, staining or discoloration to the limited common property, common property or other strata lots;
 - (c) to provide, at the request of the strata corporation, evidence of appropriate insurance coverage relating to the alteration; and
 - (d) to remove the alteration and restore the common property, if required by the strata corporation, prior to moving out of the strata lot.
- 15 The council may maintain, repair, or remove alterations to limited common property or common property if in the opinion of the council
 - (a) the alterations are not maintained or repaired, or
 - (b) the alterations are damaged.

All costs incurred in the maintenance, repair, and/or removal will be charged to the owner of the strata lot and are his or her responsibility.
- 16 On the sale of a strata lot, owners must include all obligations and costs that may be applied relating to alterations in any agreement of sale. If the subsequent owner refuses to sign an agreement with the strata corporation assuming such obligations, the alteration may be removed by council and the cost of the removal will be charged to the new owner.
- 17 To remove an approved alteration or attachment, an owner must negotiate the terms of removal with the council.
- 18 The council reserves the right to require, or have an owner provide, specified professional supervision or inspection, or both, of approved alterations. The council may include specified supervision or inspection as a requirement of approval.
- 19 An owner must not do, or permit any tenant or occupant of his or her strata lot to do, any act, nor alter, or permit any tenant or occupant of his or her strata lot to alter, his or her strata lot, in any manner, which in the opinion of the council will alter the exterior appearance of a building.

- 20** The owner will be responsible for obtaining all applicable building, electrical and/or plumbing permits prior to commencing any such work, and may be required to submit copies to council as a condition of the council's approval.

Permit entry to strata lot

- 21** (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, 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) ensure compliance with the Act or these bylaws, as amended from time to time.
- (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

- 22** Subject to section 8(2), 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) repairs,
 - (ii) maintenance that in the ordinary course of events occurs less often than once a year, and
 - (iii) 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, porches and decks whether or not attached to the exterior of the building, 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, porches, decks 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) chimneys, stairs, patios, porches and decks whether or not attached to the exterior of the building, 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, porches, decks and yards.

23 (1) For greater clarity,

- (a) the strata corporation is responsible for maintaining the integrity of the building envelope and the structural components of the building;
- (b) any repair, maintenance or replacement that has the potential of affecting the building envelope or the building's structural components is the responsibility of the strata corporation;
- (c) the repair or replacement of all components of the exterior windows is the responsibility of the strata corporation; and

- (d) the repair or replacement of all components of the decks, yard areas and parking areas are the responsibility of the strata corporation.

Division 3 — Council

Council size

- 24 (1) The council must have at least 2 and not more than 6 members.
- (2) An owner will not be entitled to be elected to council or continue to stand on council if the strata corporation is entitled to register a lien against that owner's strata lot under section 116 of the Act.

Council members' terms

- 25 (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.

Removing council member

- 26 (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

- 27 (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.

Officers

- 28** (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

- 29** (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.

Quorum of council

30 (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.

Council meetings

31 (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.

(3) Owners may attend council meetings as observers.

(4) Despite subsection (3), 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.

Voting at council meetings

- 32 (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

- 33 The council must circulate for the owners the minutes of all council meetings within 3 weeks of the meeting, whether or not the minutes have been approved.

Delegation of council's powers and duties

- 34 (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

- 35 (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

- 36 (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

- 37 The strata corporation may fine an owner or tenant a maximum of
- (a) \$200 for each contravention of a bylaw, and
 - (b) \$50 for each contravention of a rule.

Continuing contravention

- 38 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

- 39** (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

- 40** (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.

Quorum of Meeting

- 41** If within ½ hour from the time appointed for an annual or special general meeting, a quorum is not present, the meeting stands adjourned for a further ½ hour on the same day and at the same place. If within a further ½ hour from the time of the adjournment, a quorum is not present, the eligible voters, present in person or by proxy, constitute a quorum.

This bylaw 40 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.

Voting

- 42** (1) At an annual or special general meeting, voting cards must be issued to eligible voters.

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- (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.
- (8) An owner who is otherwise an eligible voter will not be entitled to vote for a strata lot, except on matters requiring unanimous vote, if the strata corporation is entitled to register a lien against that strata lot under the Act, as amended.

Order of business

- 43** 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 – Common Expenses

Strata Fees

- 44** The strata lot owners' contributions to the common expenses of the strata corporation will be levied in accordance with this bylaw.

Apportionment of Common Expenses

- 45** Common expenses will be for the account of the strata corporation and will be allocated to all strata lots and will be borne by the owners in proportion to the unit entitlement of their strata lot or as otherwise set out in the current budget of the strata corporation.

Payment of "non-common" expenses - In addition to the payments contemplated in these bylaws, if a strata lot requires a utility or other service:

- (a) that is not supplied to all strata lots, then the cost will not be a common expense and if this utility is not separately metered or billed so as to measure the use thereof by the strata lot then the cost of such utility or service will be apportioned and charged to the strata lot by the strata corporation on such reasonable basis as it will determine; and

- (b) that is separately metered by individual strata lot, then the cost will not be a common expense, but to facilitate payment the strata corporation is hereby authorized pursuant to section 38(a) and 72(3) of the *Strata Property Act* (British Columbia) to assume responsibility for the maintenance of metered utilities and/or services to the strata development, if it so elects, and may enter into contracts with utility providers that provide for payment of metered utilities by the strata corporation which will then be allocated to individual owners on the basis of the meters.

Division 7 — Voluntary Dispute Resolution

Voluntary dispute resolution

- 46** (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 8 — Marketing Activities by Owner Developer

- 47** During the time that the owner developer of the strata corporation is the owner or lessee of any strata lot, it shall have the right to:
- (a) erect and maintain promotional, marketing and sales signage on the common property for the purposes of promoting, marketing and sales at this development and other developments of the owner developer,

- (b) hold special promotions and open houses and other marketing events for the purposes of promoting, marketing and sales at this development and other developments of the owner developer,
- (c) locate construction trailers and equipment on the common property during the construction of the development,
- (d) have access to any and all parts of the common property, including limited common property that comprises public use areas, for the purpose of promoting, marketing or selling strata lots.

Division 9 – Small Claims

- 48 Pursuant to section 171 of the Act, the council, on behalf of the strata corporation, or an executive on behalf of a section, may commence a proceeding under the *Small Claims Act*, without further authorization from the strata corporation, against an owner or other person 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. The council may commence the proceedings to collect money owing to the strata corporation including administration fees, banking charges, fines, penalties, interest, the costs, including full indemnity legal fees, of remedying a contravention of the bylaw or rules, or to recover the deductible portion of an insurance claim if the person is responsible for the loss or damage that gave rise to the claim. The council has full authority to negotiate a settlement or discontinue or dismiss the action.

Division 10 – Severability

- 49 (1) Should any portion of these bylaws be deemed unenforceable by any court of competent jurisdiction, then for the purposes of interpretation and enforcement of the bylaws, each paragraph, sub-paragraph or clause hereof shall be deemed a separate provision and severable, and the balance of the provisions contained herein shall remain in full force and effect.
- (2) For the purposes of all bylaws, wherever the singular or masculine is used, it shall be construed as meaning the plural or feminine or body corporate where the context requires.