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Date: Oct 29 2009

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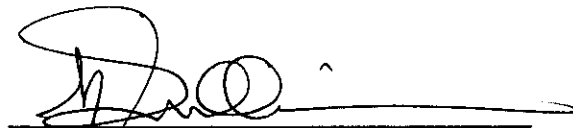
To: Registrar
Land Title and Survey Authority of BC

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

Amendment to Bylaws

Fee Payable: \$ 23.75

10/29/2009 10:52:20 AM 1
Doc File 1 \$23.75


Signature

NAME OF APPLICANT:

MICHAEL J SULLIVAN

ADDRESS:

#5 1917 KALTASIN RD

SOOKE BC V9Z 0B4

TELEPHONE:

250 642-7488

Villa Mara Strata 251

From: Gloria Simmons

Re: By laws

Annual General Meeting – September 22, 2009 6:30 – 9

The bylaws were approved at the AGM meeting noted above, as such we are requesting that the bylaws (copy attached) be registered as required under the strata act.

Form I is completed and attached.

Yours Truly,



Gloria Simmons

President

Phone 250 642-7488

Email address gloriasimmons@shaw.ca

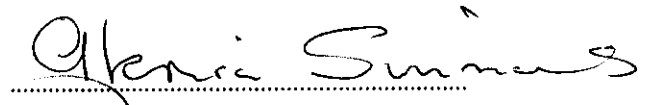
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**Strata Property Act
FORM I
AMENDMENT TO BYLAWS**

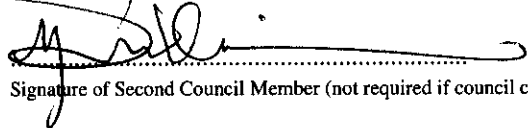
(Section 128)

The Owners, Strata Plan 251 [the registration number of the strata plan] 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 09/22/09 [month day, year]*:

[wording of bylaw amendment]



Signature of Council Member



Signature of Second Council Member (not required if council consists of only one member)

*Section 128 (3) of the Act provides that an Amendment to Bylaws must be filed in the land title office within 60 days of the amendment being approved.

Villa Mara Strata 251

From: Gloria Simmons

Re: Annual General Meeting – September 22, 2009 6:30 – 9 pm

MINUTES:

1. President's report:

Gloria presented her report which highlighted the repairs of the balconies, the update on the townhouse back property and the repairs to the water lines under the greenhouse (now since removed).

A motion was made to accept the president's report and passed unanimously.

2. Financial report:

Michael presented the financial report which compared the year to the past year and also to the budget. We saw an increase in the balance of the bank and a decline in spending compared to prior years.

A motion to accept the financials as presented was passed unanimously.

3. A discussion ensued concerning the history of the rental house and the expected future of said house. It was agreed that any major changes to the house would be subject to a SGM at that time. It was also agreed that a rental payment increase would be granted.

4. The bylaws were reviewed and approved. The bylaws will be registered as required under the strata laws. Motion made to complete the process was approve unaminously

5. Election of officers:

The existing council was voted to carry on with the work they are doing and the vote was by acclamation.

6. Being no further business the AGM was declared closed.

President: Gloria Simmons

SCHEDULE OF BYLAWS

VIS 251

VILLA MARA

DIVISION 1 - DUTIES OF OWNERS, TENANTS, OCCUPANTS AND VISITORS

1. Payment of strata fees

1.1 An owner must pay strata fees on or before the first day of the month to which the strata fees relate.

→ 1.2 ***Owners will be notified if their strata payment has not been received, and will have 10 business days to forward them to the corporation. The strata corporation has the right to charge a service charge of \$25.00 after this time for late payment. NSF cheques will also be charged a \$25.00 service fee.***

1.3 ***Owners who are in arrears may not vote at Annual General Meetings, Special General Meetings or Council Meetings. Cheques covering payments in arrears must be received 7 banking days before the scheduled date of the meeting. Any payments taken at the meetings must be in cash or certified funds.***

2. 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.

2.2 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.

3. 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. **Out of courtesy to all occupants, dishwashers, washers, and dryers should not be run after the hours of 10:00 p.m. or before 7:00 a.m. in the morning.**

(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.

3.2 An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common asset 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.

3.3 Outdoor patio fireplaces are allowed but must be attended to at all times and extinguished after use. Grate must be in place while fire is burning.

→ **3.4 An owner, tenant, occupant or visitor must not allow a strata lot or common property to become unsanitary or unsightly. Articles shall not be stored around the perimeters of the property or house. A warning letter will be sent if there are any infractions, , and the council has the right to hire a company to clean up the strata lot and bill the owner of that property in accordance to the bylaws.**

3.5 An owner, tenant, or occupant having a waterbed or aquarium in a strata lot, shall before filling the same with water, provide the strata corporation with evidence of adequate insurance coverage against flooding, with loss payable to the strata corporation and the occupier of any strata lot which may be affected by the waterbed or aquarium leaking or collapsing.

4. Pets

4.1 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 common asset. **Owners must clean up any excrement from their pet immediately.**

4.2 An owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following domestic pets:

(a) a reasonable number of fish or other small aquarium animals. **Aquariums to hold no more than 20 gallons of water.**

(b) **no more than 2 small caged animals excluding rats and rabbits.**

(c) up to 2 caged birds

- (d) 1 dog and one cat or 2 pets per household.***
- (e) no exotic pets.***

4.3 No owner, tenant or occupant shall permit its pets to interfere with any other person, pet or object, or permit its pet to disturb any owner, tenant or occupant with uncontrolled barking, howling, meowing or whining. If any owner, tenant, occupant or visitor violates any provision of these bylaws or if the strata council on reasonable grounds considers a pet to be a nuisance or threat to other residents or their pets, the strata council may, by written notice to such owner, tenant or occupant cause such owner, tenant or occupant to have the pet removed from the strata lot within 30 days of receiving such notice.

→ ***4.4 All visitors to the complex are governed under section 4. "Pets" 4.1 to 4.3.***

5. PATIOS AND LIMITED COMMON PROPERTY.

The patio area for each unit will be designated as limited common property. Owners will be responsible for the repair and maintenance of this area. The flower beds in the front of each unit will also be designated as limited common property and will be the responsibility of each individual occupant.

No owner, occupant, or tenant shall:

- 5.1 erect or fasten to the strata lot, the common property or any limited common property any television or radio antenna or similar structure or appurtenance thereto without prior written permission of the strata council.***
- 5.2 place any business signs, billboards, notices or other advertising material of any kind on, or visible from the exterior of a strata lot.***
- 5.3 Owners are responsible for obtaining and maintaining strata owner's insurance on their contents and third party liability insurance for their individual strata lots. Owners shall also ensure that tenants carry adequate insurance. Owner's insurance shall provide for any improvements or alterations that have been made to their strata lot.***
- 5.4 Any damage caused to the irrigation system by an owner/occupant is the owner's financial responsibility to repair. The corporation's responsibility for the sprinkler***

system is to repair any malfunctions that have occurred normally and have not been a result of human error.

5.5 An owner, tenant, occupant or visitor must not allow a strata lot or common property to become unsanitary or unsightly. Back and front yards are to be maintained in a neat and tidy fashion. Owners are required to maintain the esthetics of their strata lot so as not to allow it to become so unkept as to be unsightly to other residents.

6. Vehicles and Parking:

6.1 No owner, tenant or occupant shall keep, or permit to be kept, on the common property or limited common property

- (a) a utility trailer without written permission of the strata corporation**
- (b) a trailer-borne boat without written permission of the strata corporation**
- (c) a travel trailer, camper, or motor home without written permission of the strata corporation**
- (d) a vehicle that does not fit within a parking space**
- (e) a vehicle that is not licensed and insured**
- (f) a vehicle that is not road worthy by the standards of the motor vehicles branch of British Columbia.**

6.2 An owner or occupant must promptly and at his/her own expense clean up any oil or other substance which spills or leaks on to the common property or limited common property. Mechanical repairs are not allowed in the parking lot or common areas of the complex.

→ **6.3 Visitor's parking is to be used by a single vehicle for a maximum of 48 hours consecutively only. Any vehicle parking longer than this period of time must have prior written permission from council.**

7. Inform strata corporation

7.1 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.

7.2 On request by the strata corporation, a tenant must inform the strata corporation of his or her name. Owners should receive a copy of the tenant's content insurance policy.

7.3 Before a landlord rents all or part of a residential strata lot, the landlord must give the prospective tenant

- (a) the current bylaws and rules, and**
- (b) a notice of tenants responsibilities in the prescribed form (Form K).**

7.4 Within 2 weeks of renting all or part of a residential strata lot, the landlord must give the strata corporation a copy of the notice signed by the tenant.

7.5 The minimum length of time for renting or leasing a strata lot shall not be less than one month. Bed and breakfast operations are not permitted at the Villa Mara complex.

8. Obtain approval before altering a strata lot

8.1 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, decks, patios, or other things attached to the exterior of a building**
- (d) doors, windows or skylights including casings, the frames and the sills of such doors, windows and 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.**

8.2 The strata corporation must not unreasonably withhold its approval under subsection 14.1, 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. *Owners insurance shall provide for any improvements or alterations that have been made to their strata lot.*

8.3 An owner, tenant or occupant must not do any act, nor alter any strata lot, in any manner which in the opinion of the council will alter the exterior appearance of the building without the prior written approval of the council.

9. Obtain approval before altering common property

9.1 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.

9.2 The strata corporation will require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

10. Permit entry to strata lot

10.1 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, and

(c) to ensure compliance with the Act and these bylaws.

10.2 The notice referred to in subsection 16.1 (b) must include the date and approximate time of entry, and the reason for entry.

DIVISION 2 - POWERS AND DUTIES OF STRATA CORPORATION

11. Repair and maintenance of property by strata corporation

11.1 The strata corporation must repair and maintain all of the following:

(a) common assets of the strata corporation

(b) common property that has not been designated as limited common property

(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) window casings, sills and frames of 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 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) the chimneys, stairs, balconies and other things attached to the exterior of a building
- (iv) window casings, sills and frames of 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

12. Council Size

12.1 Subject to subsection (2), the council must have at least 3 and not more than 7 members.

13. Council Member's terms

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

13.2 A person whose term as council member is ending is eligible for re-election.

13.3 At the time of nominations, the seated positions will be voted on and elected.

14. Removing council member

14.1 Unless all the owners are on the council, the strata corporation may, by resolution passed by majority vote at an annual or special general meeting, remove one or more council members.

14.2 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.



14.3 An owner, owner's representative is prohibited from standing or continuing to stand on council if the strata corporation is entitled to register a lien against that persons strata lot under the Act. If a lien is registered against a lot by the strata corporation a registered letter will be sent to the owner informing them of this action taken.

15. Replacing council member

15.1 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.

15.2 A replacement council member may be appointed from any person eligible to sit on the council

15.3 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.

15.4 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 corporations 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.

16. Officers

16.1 A person may hold more than one office at a time, other than the office of president and vice president.

16.2 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.

16.3 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.

17. Calling council meetings

17.1 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.

17.2 The notice does not have to be in writing.

17.3 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 members either
 - (i) consent in advance of the meeting, or
 - (ii) are unavailable to provide consent after reasonable attempts to contact them.

17.4 The council must inform owners about a council meeting as soon as feasible after the meeting has been called.

18. Requisition of council hearing

18.1 By application in writing, stating the reason for the request, an owner or tenant may request a hearing at a council meeting.

18.2 If a hearing is requested under subsection 25.1, the council must hold a meeting to hear the applicant within one month of the request.

18.3 If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within one week of the hearing.

19. Quorum of Council

19.1 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.

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

20. Council Meetings

20.1 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 and the council member wishing to communicate by electronic means sets up the system for the council prior to the meeting.

20.2 If a council meeting is held by electronic means, council members are deemed to be present in person.

20.3 Owners and tenants may attend council meetings as observers.

20.4 Despite subsection 27.3, 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.

21. Voting at council meetings

21.1 At council meetings, decisions must be made by a majority of council members present in person at the meeting.

21.2 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.

21.3 The results of all votes at a council meeting must be recorded in the council meeting minutes.

22. Council to inform owners of minutes

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

22.2 In camera minutes are excluded from compliance with 29.1.

23. Delegation of council's powers and duties.

23.1 Subject to subsections 30.2 to 30.4, 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.

23.2 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 these bylaws

23.3 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.

23.4 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.

24. Spending restrictions

24.1 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.

24.2 Despite subsection 31.1 the council 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.

24.3 The strata council is specifically authorized to make expenditures not in excess of \$2000.00 which have not been provided for in the budget, in its sole discretion.

24.4 The strata corporation can make an expenditure out of either the operating fund or the contingency reserve fund if there are reasonable grounds to believe that an immediate expenditure is necessary to ensure safety or to prevent significant loss or damage, whether physical, financial or otherwise.

25. Limitation on liability of council member

25.1 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.

25.2 Subsection 32.1 does not affect a council member's liability, as an owner, for a judgement against the strata corporation.

DIVISION 4 - ENFORCEMENT OF BYLAWS AND RULES

26. Procedure for Bylaw Enforcement

1) Council receives a letter of complaint.

2) Invitation to owner and/or tenant to be heard at the next council meeting.

3) Decision made by council on action to be taken.

→ *4) Any correspondence received by council is to be acknowledged that it has been received by written notification to the writer.*

27. Maximum Fine

27.1 The strata corporation may fine an owner or tenant a maximum of

→ *(a) up to \$200. for each contravention of a bylaw, and*

→ *(b) up to \$50. for each contravention of a rule.*

Fines for infringement of bylaws will progress from \$50.00 for the first offence to \$100.00 for the second offence and each offence thereafter is \$200. at the discretion of the council.

27.2 The strata corporation may impose a fine on an owner or tenant for a continuing contravention of a bylaw or rule every 7 days.

28. Continuing contravention

28.1 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**29. Person to chair meeting**

29.1 Annual and special general meetings must be chaired by the president of the council.

29.2 If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.

29.3 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.

30. Quorum for Adjourned Meeting

30.1 Notwithstanding section 48(3) of the Act, if within 1/2 hour from the time appointed for an annual or special general meeting a quorum is not present, the meeting shall be terminated if the meeting was convened upon the requisition of members; but in any other case, the meeting will stand adjourned for a further 1/2 hour from the time appointed and, if within one hour from the time appointed a quorum is not present for the meeting, the eligible voters present in person or by proxy shall constitute a quorum.

31. Participation by other than eligible voters.

31.1 Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.

31.2 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.

31.3 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.

32. Voting

32.1 At an annual or special general meeting, voting cards must be issued to eligible voters.

32.2 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.

32.3 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.

32.4 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.

32.5 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.

32.6 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 a majority vote.

32.7 An owner's vote may not be exercised (except where an unanimous vote is required) if the strata corporation is entitled to register a lien against the strata lot.

33. Order of business

33.1 The order of business at annual and special general meetings is as follows:

- (a) certify proxies and corporate representatives and issue voting cards
- (b) determine that there is a quorum
- (c) elect a person to chair the meeting, if necessary,
- (d) present to the meeting proof of notice of meeting or waiver of notice
- (e) approve the agenda
- (f) approve minutes from the last annual or special general meeting
- (g) deal with unfinished business
- (h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting
- (i) ratify any new rules made by the strata corporation under section 125 of the Act.
- (j) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting
- (k) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting
- (l) deal with new business, including any matters about which notice has been given under section 45 of the Act

- (m) elect a council, if the meeting is an annual general meeting
- (n) adjourn the meeting.

34. DIVISION 7 - GENERAL

34.1 An owner, tenant or visitor shall not

- (a) Interfere with the work of or reprimand or give direction to any employee of the strata corporation or any independent contractor employed by the strata corporation. Any complaints concerning the conduct of employees or contractors employed by the strata corporation are to be given in writing to the strata council.**

34.2 Villa Mara, Strata Plan 251 is an "adults only" complex with the age definition of adult as 25 years of age or older. This adults only ruling applies to all occupants of the complex, whether residing as an owner or as a tenant.