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File No.: 03546-011.VIS3815

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

VIS3815

THE OWNERS, STRATA PLAN VIS3815

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.

**Glenda Lianne
Macdonald K9AYJL**

**Digitally signed by
Glenda Lianne Macdonald
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**Date: 2021-09-24
08:43:36 -07:00**

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Strata Property Act
FORM I
AMENDMENT TO BYLAWS
(Section 128)

The Owners, Strata Plan VIS 3815 "Polo Pacific" certify that the following amendments to the bylaws of the strata corporation is approved by a resolution passed in accordance with section 128 of the Strata Property Act at the Annual General Meeting held on September 20, 2021.

The following bylaw amendments are included with all other registered bylaws of the Strata Corporation:

Electronic general meetings

- 1
- (1) The council may hold annual or special general meetings by electronic means, including special general meetings demanded by 20% of the strata corporation's votes pursuant to section 43 of the *Act* or bylaw 12(4), including by telephone or videoconferencing or any other electronic means, so long as all authorized participants and eligible voters can communicate with each other during the meeting.
 - (2) If an annual or special general meeting is held by electronic means, eligible voters are deemed to be present in person or by proxy.
 - (3) An authorized participant means an agent of the Strata Corporation including a strata manager, legal counsel, insurance agent, CHOA representatives or any other person authorized by council to attend prior to the meeting.
 - (4) The notice package for an electronic meeting must include the following:
 - (a) a notice of meeting including a description of matters that will be voted on at the meeting and the proposed wording of any resolution requiring a $\frac{3}{4}$ vote, 80% vote or unanimous vote;
 - (b) budget and financial statement referred to in section 103 of the Act if the meeting is an annual general meeting;
 - (c) agenda;
 - (d) proxy form;
 - (e) voting ballot form; and,
 - (f) practices and procedures governing the meeting.

Person to chair electronic meeting

- 2
- (1) Annual and special general meetings held by electronic means must be chaired by the president of the council.
 - (2) If the president of the council is unwilling or unable to act, the electronic 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 electronic 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.
 - (4) The secretary of the council shall prepare the minutes of the electronic meeting.
 - (5) If the secretary of the council is unwilling or unable to act, the minutes of the electronic meeting must be prepared by an authorized person or eligible voter appointed by the chair.

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- (6) The chair may appoint authorized participants or eligible voters to assist with practice and procedure during the electronic meeting.

Participation by other than eligible voters at electronic meeting

- 3 Persons who are not eligible to vote or are not authorized participants cannot participate in the discussion at a general meeting held by electronic means.

Voting at electronic meeting


- 4 (1) At an annual or special general meeting held by electronic means, 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.
- (2) All matters will be decided by majority vote at an electronic annual or special general meeting unless a different voting threshold is required or permitted by the *Act* or the regulations.
- (3) The outcome of a vote on a resolution must be announced by the chair and recorded in the minutes of the meeting.
- (4) If a precise vote is requested, the chair must decide whether the vote will be by roll call or some other method.
- (5) The outcome of each vote requiring a precise count, including the number of votes for and against the resolution and any abstentions must be announced by the chair and recorded in the minutes of the meeting.
- (6) If there is a tie vote on any matter at an electronic 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.
- (7) Notwithstanding any other bylaw, a vote may not be conducted by secret ballot at an electronic annual or special general meeting.
- (8) The votes on a resolution at an electronic meeting may be cast by eligible voters using any one of the following voting methods:
 - (a) email during the voting window;
 - (b) show of voting ballots if visual electronic communication is available;
 - (c) call of the roll;
 - (d) restricted proxy; or,
 - (e) any other electronic method that identifies votes of eligible voters in the discretion of the chair.
- (9) Amendments to resolutions and the budget may be voted upon by calling the roll or by any other electronic method so long as the chair can determine the outcome of the vote by all eligible voters during the meeting.
- (10) After the voting window is closed at the meeting:
 - (a) the total number of votes cast by the eligible voters on each resolution including ballots cast during the voting window and restricted proxy votes will be calculated;
 - (b) restricted proxy votes must be addressed pursuant to the owner's instructions;
 - (c) the chair will announce the outcome of the vote for each resolution including the total number of votes cast, the number of votes in favour, against, abstentions and whether the resolution was approved or defeated; and,
 - (d) the outcome of the vote must be recorded in the minutes of the meeting.

- (11) The Strata Corporation must keep all ballots and proxies for an electronic annual or special general meeting for a period of two (2) years after which they shall be destroyed.

Order of business for electronic meeting

- 5 (1) The order of business at annual and special general meetings held by electronic means is as follows:
- (a) verify proxies;
 - (b) verify eligible voters present in person or by proxy and participating in the meeting by calling the roll;
 - (c) establish and announce quorum;
 - (d) call the meeting to order;
 - (e) elect a person to chair the meeting, if necessary;
 - (f) report the method of notice of the meeting;
 - (g) approve the agenda;
 - (h) confirm procedures and voting methods for the meeting;
 - (i) deal with unfinished business;
 - (j) approve minutes from the last annual or special general meeting;
 - (k) receive reports that relate to the order of business;
 - (l) ratify any new rules made by the strata corporation under section 125 of the Act included in the notice of meeting;
 - (m) report on insurance coverage as part of an electronic annual general meeting in accordance with section 154 of the Act;
 - (n) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an electronic annual general meeting;
 - (o) deal with new business and resolutions, including any matters about which notice has been given under section 45 of the Act;
 - (p) confirm the method for electing council, if the meeting is an annual general meeting;
 - (q) conduct balloting and vote on agenda items, resolutions and/or elect a council, as applicable, using the voting methods adopted for the meeting;
 - (r) terminate the meeting.
- (2) The order of business at an annual or special general meeting set out in subsection (1) may be changed by a majority vote at the meeting.

END



Strata Council



Strata Council

Ordered By: Troy Petersen of Sutton Group West Coast Realty on 2022/03/21

STRATA PROPERTY ACT FILING
PROVINCE OF BRITISH COLUMBIA

Strata Property Act


FORM 1

AMENDMENT TO BYLAWS

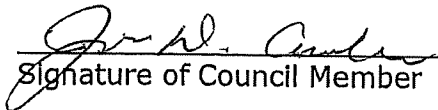
(Section 128)

The Owners, Strata Plan (VIS3815) POLO PACIFIC certify that the following amendment to the bylaws of the Strata Corporation are approved by a $\frac{3}{4}$ vote resolution passed in accordance with section 128 of the Strata Property Act, at the Annual General Meeting held on September 24, 2018.

BE IT RESOLVED that the Strata Corporation repeal all previously registered Bylaws including the Schedule of Standard Bylaws, and adopt the following Bylaws:



Signature of Council Member



Signature of Council Member

These new bylaws will take effect on the day of registration at Land Titles office.

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Polo Pacific Bylaws

THE OWNERS STRATA PLAN NO. VIS 3815 (Polo Pacific) SCHEDULE OF BYLAWS

Strata VIS 3815 Bylaws are described in a series of documents filed with the Land Titles Office. The following Consolidated Bylaws represent the effects of the filed amendments. In case of any discrepancies between the Consolidated Bylaws and the filed amendments, the filed amendments take precedence.

Bylaws provide a framework for the administration of the strata corporation. They provide for the control, management, maintenance and use and enjoyment of the strata lots, common property and common assets of the strata corporation. Rules are created to govern the use, safety and condition of the common and limited common property and common assets. Rules may not govern the use of strata lots, as this can be accomplished only through a bylaw. The strata council has a duty under law to enforce bylaws and rules established by the owners of the strata.

Principles adopted by the Polo Pacific strata council to guide bylaw and rule creation include the following:

- ***Equitable and consistent application of bylaws and rules;***
- ***Protection and maintenance of the economic interests of owners;***
- ***Maintenance of a healthy, liveable, secure and aesthetically attractive residence;***
- ***Clarity for present and future owners over the rules and expectations for those who live in the strata community;***
- ***Reasonable bylaws and rules;***
- ***Minimizing conflict among different interests;***
- ***Bylaws and rules that are enduring in nature.***

Revised September 24, 2018 AGM

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Bylaw #0.1 – Definitions

(1) In these bylaws and in the rules of the strata corporation:

“**day manager**” means an employee or third party contracted by the strata corporation who is responsible for day-to-day cleaning, maintenance, repair, operations, and onsite administration of common property.

“**owner’s local representative**” means a person who resides in the Greater Victoria area and who represents and acts for an owner in relation to a tenant or licensee of a strata lot of that owner.

“**resident**” means an owner, tenant or occupant and includes a landlord or other owner who does not reside at the premises of the strata corporation.

“**strata manager**” means a party hired by the strata corporation to provide strata management services as defined in section 1 of the *Real Estate Services Act*.

“**the Act**” means the *Strata Property Act*.

Bylaw #1- Payment of strata fees

- (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- (2) An owner must pay special assessments on or before the due date specified in the resolution approved by owners.

Bylaw #2 - Repair and maintenance of property by owner

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

Bylaw #3 - Use of property

- (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that
 - a. causes a nuisance or hazard to another person,
 - b. causes unreasonable noise,

- 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) No washers, dryers, vacuums, or other noisy appliances are to be operated before 8:00 a.m. or after 10:00 p.m.
 - (4) No work by a contractor or tradesman may be performed on a strata lot on a Sunday or a holiday, and in any event not before 8:30 a.m. or after 5:00 p.m. on any day.
 - (5) The day manager, their designate, or a council member may require a contractor or tradesman who is working in violation of the time restrictions in subsection (4) to immediately leave the premises.

Bylaw #4 - Inform strata corporation

- (1) A landlord or licensor who rents or licenses out a strata lot must, before the tenant or licensee moves in, provide the strata manager with:
 - a. a completed Notice of Tenant's Responsibilities [Form K];
 - b. if it has not already been provided, the landlord or licensor's current contact information, including name, strata lot number, mailing address, phone number, and if, available, an email address;
 - c. for the purpose of enabling the strata corporation, if required, to enter the lot in accordance with Bylaw #7, either
 - i. a key to the suite, or
 - ii. contact information for an owner's local representative who lives near enough to grant access to the suite in a timely manner and is authorized by the landlord or licensor to do so.
- (2) A landlord or licensor must ensure that the information provided under subsection 4(1) remains up to date and, where a key has been provided

pursuant to s. 4(1)(c)(i), ensure that an updated key is provided whenever the locks to the suite are changed.

(3) The strata corporation may fine a landlord or licensor for contravening this bylaw as follows:

- a. where a completed Notice of Tenant's Responsibilities has not been provided to the strata corporation, \$150 for each week or part of a week in which the notice has not been delivered; and
- b. where the strata manager is unable to gain access to a suite due to a non-fitting key or outdated contact information, \$150.

(4) No liability shall lie against the strata corporation for damages resulting from forced access to a rented or licensed strata lot during a lawful entry, and the strata corporation may invoice all costs associated with a lawful forced access back to the landlord.

Bylaw #5 - Obtain approval before altering a strata lot

(1) In this bylaw,

"major alteration" means 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. flooring, including but not limited to a replacement of flooring or a portion of flooring;
- f. fences, railings or similar structures that enclose a patio, balcony or yard;
- g. common property located within the boundaries of a strata lot;
- h. those parts of the strata lot which the Strata Corporation must insure under section 149 of the Act;
- i. the installation of any item requiring access to the plumbing or venting within any interior or exterior wall of the strata lot;
- j. an electrical panel, lighting, outlets, or switches;

- k. a change to plumbing that is not a "modification" under this bylaw;
- l. a gas fitting;
- m. a fireplace;
- n. structural changes to a wall or ceiling.

"minor alteration" means an alteration to a strata lot that is not a major alteration and involves any of the following:

- a. the replacement of kitchen, bathroom or other fixed cabinet or countertop;
- b. the installation of a screen door;
- c. the installation of window film;
- d. tiling, other than flooring (e.g. backsplashes);
- e. the replacement of a light fixture without changing its location;
- f. the replacement of an exterior lock or door handle.

"modification" means a change to a strata lot that is not a major or minor alteration and includes the replacement of appliances; the replacement of faucets, sinks, toilets, showers or bath tubs that do not require the water 'stack' to be shut off; the replacement of blinds, the replacement of window screens, and the painting of interior walls or ceilings.

"strata lot alteration and indemnity agreement" means the latest revision of the *Strata Lot Alterations Form and Indemnity Agreement* available from the strata manager.

(2) Before making a *major alteration* to a strata lot, an owner must:

- a. obtain the written approval of the council;
- b. provide a signed strata lot alteration and indemnity agreement to the strata corporation, with Parts B and C completed;
- c. either,
 - i. provide the strata corporation with proof of home owner's insurance, including personal liability insurance in excess of \$500,000, or
 - ii. deposit a bond with the strata corporation in the amount of 25% of the total estimated costs of the alteration project; and
- d. If the alteration involves flooring, comply with the requirements of Bylaw 5.1.

- (3) Before making a *minor alteration* to a strata lot, an owner must:
- a. obtain the written approval of the strata corporation; and
 - b. provide a signed strata lot alterations and indemnity agreement to the strata corporation, with Parts B and C completed.
- (4) Unless otherwise directed by the council, the strata manager may:
- a. consider a minor alteration approval request under paragraph (3)(a), and
 - b. give approval to it on behalf of the strata corporation or refer it to the council to consider.
- (5) Before making a *modification* to a strata lot, an owner must:
- a. provide a signed strata lot alterations and indemnity agreement to the strata corporation, with Part A completed; and
 - b. notify the day manager of the owner's intent so that elevator pads can be put up, parking passes arranged, entry points secured etc., where applicable, and so that the day manager is aware of any strangers in the building.
- (6) The following requirements shall apply where an owner seeks a written approval under paragraph (2)(a) [*major alteration*] or (3)(a) [*minor alteration*]:
- a. The owner must apply in writing for the approval;
 - b. The owner must ensure that the completed application, accompanied by the required completed portions of the strata lot alterations and indemnity agreement and valid and current versions of all required supporting documents, is received by the strata manager not less than two weeks before the proposed start date of the alteration;
 - c. The receipt of a completed approval request application and strata lot alterations and indemnity agreement does not constitute approval by the strata corporation: an owner must not commence an alteration before receiving a written confirmation of approval from the strata manager or the strata corporation.
- (7) At any point during the approval process or the alteration process, the strata corporation may, in accordance with the requirements of Bylaw 7, inspect a strata lot alteration or have a third party approved by the council inspect it for purposes such as considering the approval request, imposing conditions on the approval, or confirming that alterations have been completed in accordance with approved plans.

- (8) The strata corporation must not unreasonably withhold an approval under paragraph (2)(a) or (3)(a), 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.
- (9) The strata corporation, in granting an approval under paragraph (2)(a) [*major alterations*], may impose terms and conditions on an owner, including requirements to:
- a. Permit a qualified professional chosen by the strata corporation to inspect the alteration at any point in the alteration process; and to pay for the inspection;
 - b. Provide the strata corporation with copies of any building permit, plumbing permit, electrical permit or other municipal permit or certificate authorizing the alteration as may be required by the City of Victoria;
 - c. Provide the strata corporation with the full name and contact phone numbers of any person working on the alteration in any capacity, for the purpose of facilitating communication between that person and the day manager;
 - d. Provide written confirmation from a qualified professional chosen by the strata corporation that the alteration conforms with the building code and with any other regulatory standards in effect for the specific alteration; and to pay for the written confirmation;
 - e. Provide design drawings, permit drawings, as-built drawings, or letters of assurance that have been sealed by a professional engineer or professional architect;
 - f. Confirm in writing that the owner has reviewed and understands specific bylaws and rules that apply to the alteration and will ensure that it proceeds in compliance with them.
- (10) The strata corporation may require an owner to enter into a written supplementary agreement to the strata lot alterations and indemnity agreement that includes terms and conditions imposed under subsection (9).
- (11) An owner who has obtained an approval under paragraph (2)(a) or (3)(a) must not, in carrying out the alteration, depart from the materials and scope of work descriptions contained in the strata lot alterations and indemnity agreement approved under the application process or under any other terms or conditions of approval.
- (12) The strata corporation must return a bond deposited under subparagraph (2)(c)(ii) once the council is satisfied that the alterations have been completed in

accordance with the terms and conditions of its approval and that no damage has been done to common property.

(13) If an alteration results in damage to common property or requires remedial action on the part of the strata corporation due to construction deficiencies or the alteration not having been completed in accordance with the terms and conditions of its approval, the strata corporation may assess the value of the damage or remediation costs or both and,

- a. Where a bond has been deposited pursuant to subparagraph (2)(c)(ii), deduct the assessed amount from the bond;
- b. Where proof of home owner's insurance has been provided pursuant to subparagraph (2)(c)(i) in lieu of a bond deposit, direct the homeowner to make an insurance claim in an amount equal to the assessed amount and remit the resulting payment to the strata corporation,
- c. Where
 - i. An insurance claim under subparagraph (13)(b) has not been made or does not result in a full reimbursement to the strata corporation of the assessed amount, or
 - ii. the assessed amount exceeds the value of the bond,

commence court or tribunal proceedings to recover any unpaid portion of the assessed amount, together with any related damages, including legal costs, of the strata corporation on a full indemnity basis.

(14) The strata corporation may fine an owner or tenant \$200 for each contravention of this bylaw and for each 7 days that a contravention continues.

5.1 - Alterations involving flooring

(1) In this bylaw,

"approved flooring contractor" means a company or individual that

- a. possesses a valid business license from a British Columbia local government;
- b. is registered with Work Safe BC (Worker's Compensation); and
- c. only employs or contracts with professional flooring installation service providers who meet the requirements in paragraphs (a) and (b).

"high quality underlay" means a sound reduction underlay of the highest sound rating available at the time of installation, as determined by the council from time to time. As of September, 2012, the strata corporation's minimum sound rating

standards for an underlay floor product are an IIC (Impact Insulation Class) rating of 71 and a STC (Sound Transmission Class) of 73.

(2) Where a request for approval of a major alteration under Bylaw 5(2) involves flooring, the request for approval must include:

- a. a description of the flooring area to be replaced;
- b. details of the proposed flooring, including product specifications for the flooring type (e.g. carpet, laminate, cork, tile, linoleum, or engineered wood);
- c. product specifications for the proposed underlay type;
- d. where applicable, product specifications for the proposed subfloor type;
- e. documents establishing that the contractor proposed to do the flooring work meets the requirements for an approved flooring contractor as defined above, together with the contractor's company name, a contact name, the contractor's business address, and its phone number; and
- f. any additional information required under Part B or Part C of the strata lot alteration and indemnity agreement.

(3) An owner who makes an alteration to a strata lot that involves flooring must ensure that levels of sound transmission between strata lots within the building are minimized as much as possible and must abide by the following requirements when replacing flooring:

- a. If the proposed flooring product has a commercially-available underlay that meets or exceeds the strata corporation's minimum sound rating standards for a high quality underlay, that underlay must be installed along with the flooring product;
- b. If the proposed flooring product does not have a commercially-available underlay that meets or exceeds the strata corporation's minimum sound rating standards for a high quality underlay, the flooring product must not be installed, except that the council may permit the flooring product to be installed together with
 - i. the highest-rated sound-reduction underlay available for the flooring product, and
 - ii. a subfloor that, in the opinion of the council, sufficiently reduces sound transfer to other strata lots.

(4) Upon completing an alteration involving flooring, the owner must provide written proof to the strata corporation that the flooring and underlay were installed by an approved contractor and in accordance with the requirements of subsection (3). Typically, this proof will be in the form of an invoice with this verification from a

supplier. Alternatively, the installation may be inspected during the installation process by a contractor approved by the council.

- (5) The council may exempt a flooring alteration request from the requirements of subsection 5.1(3) if it pertains solely to flooring:
- a. not situated above habitable space; *i.e.*, the flooring in the following strata lots falls within this exemption:
 - i. all first floor suites except suites 119, 120, and 121; and
 - ii. suites 19, 20, and 21;
 - b. situated inside a utility closet or storage room; or
 - c. situated in a common area, including but not limited to a hallway, stairwell, elevator, utility closet, or other storage room on common property.

Bylaw #5.2 - Interruption of services to another strata lot

- (1) Except in case of an emergency, a resident must not, in the course of an alteration, modification, repair, or for any other reason, interrupt the water, gas, electricity, or any other service to another strata lot without prior authorization from the strata corporation.
- (2) The strata corporation, in authorizing an interruption, may require the work to be supervised by the day manager and may impose other conditions, including time and date restrictions and a requirement to give notice to the residents of affected lots.
- (3) A person must not install, replace, or perform maintenance on a gas fireplace unless they first locate the shut off valve for the supply stack to which the gas line being connected belongs.
- (4) The strata corporation may fine an owner or tenant \$200 for each contravention of this bylaw and for each 7 days that a contravention continues.

Bylaw #6 - Obtain approval before altering limited common or common property

- (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.

- (3) A resident must not put new or additional holes in the exterior membrane of the building.

Bylaw #7 - Permit entry to strata lot

- (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot
- a. in an emergency, without notice, to ensure safety or prevent significant loss or damage,
 - b. at a reasonable time, on at least 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. at a reasonable time, on at least 48 hours' written notice, to ensure compliance with the Act and the Bylaws.
- (2) The notice referred to in subsection (1)(b) and (1)(c) must include the date and approximate time of entry, and the reason for entry, except that where an inspection or repair is being made to a building system that requires entry to multiple strata lots (e.g., inspections of fire sprinkler heads, windows, or patios), the notice need only include the approximate date of entry and the reason for entry.
- (3) Where an owner, tenant, occupant, or visitor fails or refuses to provide access in accordance with a written notice, the strata corporation may hold that person responsible for any damages or additional costs incurred by the strata corporation as a result of the failure or refusal. The strata corporation may commence court or tribunal proceedings to compel an owner, tenant, or occupant to provide access to the strata lot, and may hold that person responsible for related damages, including legal costs, of the strata corporation on a full indemnity basis.

Bylaw #8 - Repair and maintenance of property by the strata corporation

- (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
 - i. to 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.

Bylaw #9 - Council eligibility and size

- (1) The only persons who may be council members are the following:
- a. an owner;
 - b. the spouse or common law spouse of an owner;
 - c. a person holding a valid power of attorney granted by an owner.
- (2) The council must have at least 3 and not more than 7 members.

Bylaw #10 - Council members' terms

- (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 re-election.

Bylaw # 11 - Removing council member

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

Bylaw # 12 - Replacing council member

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

Bylaw #13 Officers

- (1) At the first meeting of the council held after each annual general meeting of the strata corporation, the council must elect, from among its members, a president, a vice president, a secretary and a treasurer.
- (2) A person may hold more than one office at a time, other than the offices of president and vice president.
- (3) The vice president has the powers and duties of the president
 - a. while the president is absent or is unwilling or unable to act, or
 - b. for the remainder of the president's term if the president ceases to hold office.
- (4) If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

Bylaw #14 - Calling council meetings

- (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, unless the meeting is an emergency meeting, an unscheduled meeting, an *in camera* meeting, a bylaw contravention hearing under section 135 of the Act, or a rental restriction under section 144 of the Act..

Bylaw #15 - Quorum of council

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

Bylaw #16 - Council meetings

- (1) At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.
- (2) If a council meeting is held by electronic means, council members are deemed to be present in person.
- (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.

Bylaw #17 - Voting at council meetings

- (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- (2) 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.

Bylaw #17.1 – Council decisions by electronic communication

- (1) In this bylaw,
 - “DBEC” means decision by electronic communication.
 - “chair” means the strata president or an alternate council member designated by the president to preside over a DBEC.
 - “main motion” means the council motion or resolution to be decided in a DBEC.
- (2) The council may make decisions
 - a. at a meeting held in accordance with Bylaws 14 - 17;
 - b. through a unanimous written consent resolution of all voting members of the council; or
 - c. through an affirmative vote of a majority of all the voting members of the council obtained by means of a DBEC.
- (3) The council must not make a DBEC except in accordance with this bylaw and the policies and processes adopted by the council for a DBEC.
- (4) The chair may call for a DBEC, if, in his or her opinion, a matter is time-sensitive and otherwise suitable for a DBEC.

- (5) A call for a DBEC must not address more than one main motion: a separate call for a DBEC must be initiated for each main motion that is considered.
- (6) The strata council must adopt policies and procedures for making a DBEC that address the following:
- a. the forms of electronic communication that may be used to make a DBEC (e.g., email, board portal software);
 - b. the roles and responsibilities of the chair, secretary and strata manager in the DBEC process;
 - c. the process by which a call for a DBEC may be initiated, including the required contents for an originating communication introducing the motion to be decided;
 - d. the means by which the chair is to determine that a quorum for a valid vote has been established;
 - e. how the beginning and end points of the discussion period for the main motion are to be determined and communicated;
 - f. the electronic communications and other contents that are to be included in the record of the DBEC, and the document management procedures that are to be followed to ensure that those documents can be identified and compiled;
 - g. the processes, if any, by which a member may move a secondary motion, (for example to amend the main motion or conduct a secret ballot), and by which such motions shall be voted;
 - h. how conflicts of interests are to be addressed;
 - i. how or whether non-council members are allowed to participate;
 - j. the voting process for the main motion, including directions about
 - i. the content to be included in the balloting communication,
 - ii. how the beginning and end point of the voting period are to be determined and communicated, and
 - iii. how votes are to be communicated to the chair, including whether the default process is for voting communications to be secret (sent to the chair only) or open (sent to all participants).
 - k. how the vote is to be tallied and communicated to council members;
- (7) The record of a DBEC must be placed before the council for approval at the next council meeting, and if the council determines that the record is materially

incomplete or that a substantive error or omission occurred during the DBEC, the council must either ratify the DBEC or decide the matter anew.

Bylaw #18 - Council to inform owners of minutes

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

Bylaw #19 - Delegation of council's powers and duties

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

Bylaw #20 - Spending restrictions

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

Bylaw #21 - Limitation on liability of council member

- (1) A council member who acts honestly and in good faith is not personally liable because of anything done or omitted 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.

Bylaw #22 - Fines

- (1) Except as otherwise provided in these bylaws, the strata corporation may fine an owner or tenant as follows for the contravention of a bylaw:
 - a. For a first contravention, written notice;
 - b. For a second contravention or a contravention continuing more than 7 days, \$50.00;
 - c. For a third contravention or a contravention continuing more than 7 additional days, \$100.00; and
 - d. For each contravention after the third or each additional 7 days of a continuing contravention, \$150.00.
- (2) Except as otherwise provided in these bylaws, the strata corporation may fine an owner or tenant as follows for the contravention of a rule:
 - a. For a first contravention, written notice;
 - b. For a second contravention or a contravention continuing more than 7 days, \$25.00;
 - c. For a third contravention or a contravention continuing more than 7 additional days, \$50.00; and
 - d. For each contravention after the third or each additional 7 days of a continuing contravention, \$50.00.

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- (3) Where Rule 2 [Building Security], Rule 14(1) [report loss of building key, fob, parking garage clicker, or parking pass] or Rule 16 (4) [construction waste bins prohibited on parking garage entrance ramp] has been contravened, the strata corporation may fine an owner or tenant \$50 for each contravention.

Bylaw #22.1 – Collection of tenant and occupant user fees

Where a tenant or occupant fails to pay a user fee imposed under the bylaws or rules for a use of common property or common assets [for example, a moving fee, a guest suite rental fee, a storage locker fee, or a bicycle rack rental fee], the strata corporation may inform the landlord or owner of the strata lot at which the tenant or occupant resides of the unpaid fee and collect it from the landlord or owner.

Bylaw #23 - Person to chair meeting

- (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.

Bylaw #24 - Participation by other than eligible voters

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

Bylaw #25 - Voting

- (1) At an annual or special general meeting, voting cards must be issued to eligible voters.
- (2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.

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

Bylaw #26 - Order of business

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

Bylaw #27 - Voluntary dispute resolution

- (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.

Bylaw #28 – Pets

- (1) An owner, tenant, occupant or visitor who possesses or has care, custody, or control of an animal must
 - a. Whenever the animal is on the common property or land that is a common asset, ensure that the animal is on a short leash or otherwise secured and is not left unattended or free to roam;
 - b. Enter or exit the premises with the leashed or secured animal by way of the nearest stairwell or elevator exit to their suite which leads outside the building. **Under no circumstances are owners to take an animal through the main entrances to the building (front lobby or courtyard entrance by the postal boxes), into or through the lobby area;**
 - c. Immediately remove and lawfully dispose of any excrement deposited by the animal.
- (2) 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 cat or one dog.

- (3) Feeding animals or birds on common and limited common property is prohibited.

Bylaw #29 – Moving

- (1) In this bylaw,

“council representative” means a person who represents or acts for the council during a move in or out of a strata lot when the day manager is unavailable. The council representative may be a council member but need not be.

“moving fee” means a fee paid to the strata corporation to cover the costs to it associated with a person moving in or out of a strata lot, including but not limited to changes to the entrance phone system, the placement of blankets in elevators, wear and tear on the common property, the processing of forms associated with the move, and changes to administrative records.

“moving security deposit” means a money payment to the strata corporation by a person moving in or out of a strata lot, to be held by the strata corporation as security for damage to common property or fines imposed for contraventions of the bylaws or rules that occur during the move.

“weekend moving surcharge” means an additional fee charged to a person who moves on a Saturday, Sunday, or holiday to help cover the cost of having the day manager or a council representative oversee a move during these times.

- (2) A landlord, upon receiving a notice to end a tenancy or otherwise learning that a tenant or occupant will be moving out of the landlord’s strata lot, must immediately inform the strata corporation in writing of the upcoming move. This obligation is in addition to the obligation of a tenant or occupant who is moving out of the strata lot to provide notice under subsection (4).
- (3) An owner of a strata lot is responsible for the actions of a tenant or occupant during their move in or out of the lot and is liable for any contravention of a bylaw or rule or any damage to common or limited common property during the move by that person or a person they admit to the premises.
- (4) A resident or prospective resident who is moving in or out of the building must, at least two weeks in advance of the move,
- a. give notice in writing to the strata manager and the day manager; and
 - b. except as permitted under subsection (6) below, schedule the move with the strata manager so that it takes place between 8:30 a.m. and 5:00 p.m. on Monday to Friday on a day that is not a holiday; and

- c. enclose the moving security deposit, and, for a move-in only, the moving fee, in the amounts prescribed under the rules, payable to the strata corporation, with the notice.
- (5) Unless otherwise directed by the council, the strata manager may allow a move to proceed where less than two weeks' notice has been provided by a resident.
- (6) Unless otherwise directed by the council, the strata manager may, on a request received not less than one week before a move,
 - a. allow the move to take place after 5:00 p.m. on a weeknight, but no moving activities through common areas will be allowed after 7:00 p.m.;
 - b. allow the move to take place between 10:00 a.m. and 4:00 p.m. on a Saturday, Sunday, or holiday, in which case the resident must pay a weekend moving surcharge in the amount prescribed under the rules.
- (7) A resident may not commence a move until the day manager, or in his absence, a council representative, has made preparations for the move, including the following:
 - a. ensuring elevator pads are installed, if furniture or unprotected appliances are being moved or if otherwise required in the opinion of the day manager or council representative,
 - b. locking out an elevator (if required),
 - c. providing security instruction for the door(s),
 - d. conducting a pre-move inspection of the condition of the common property along the proposed move route and noting the condition of the property, accompanied by a representative of the moving party if the moving party so chooses, and
 - e. delivering instructions for the operation of the move to the moving party.
- (8) A person who pays a moving security deposit is entitled to have it refunded within 30 days of a move, if,
 - a. a post-move inspection of the common areas utilized during the move, conducted by both the moving party and the day manager or council representative, establishes that no damage was done to common property, and
 - b. no bylaws or rules were contravened during the move.
- (9) The strata corporation may deduct from the moving security deposit an amount equal to any damage to the common property during the move, as assessed by the day manager or council representative, together with any fines for breaches of the bylaws or rules during the move.

- (10) If damages in excess of the value of the moving security deposit occur during the move, the strata corporation may charge the damages to the strata lot owner or the tenant.
- (11) The council may remunerate a council representative who makes preparations for and supervises a move under subsection 29(7) and conducts a post-move inspection under subsection 29(8).
- (12) A person must not park a vehicle in the front circular driveway or on the parking garage entrance ramp for the purpose of moving in or out.
- (13) The strata corporation may fine an owner or tenant \$200 for each contravention of this bylaw

Bylaw #29.1 –Delivery and pickup of large Items

- (1) In this bylaw,

“**large item**” means an item that is delivered or picked up in a commercial delivery vehicle or other large truck, or is large enough to require an elevator lock-off or elevator pads to be installed so it can be moved in or out of the building, or the moving of which leads to noise in common areas. Large items include, for example, a piece of furniture such as a bed frame or mattress and an appliance such as a washing machine. Large items do not include, for example, a pizza delivery, groceries, a toaster, or a box of clothes being donated to charity.

- (2) Except as permitted under subsection (3), a person must not move a large item on or off the premises except between 8:30 a.m. and 5:00 p.m. on Monday through Saturday on a day that is not a holiday.
- (3) Unless otherwise directed by the council, the strata manager may, on reasonable notice, allow a large item to be moved on or off the premises after 5:00 p.m. or on a Sunday or holiday after 10:00 a.m.
- (4) Restrictions under the rules on the parking of vehicles on the circular entrance driveway or the parking garage entrance ramp apply when a large item is being delivered or picked up.

Bylaw #30 – Window coverings

- (1) A person must not place a window covering in a strata lot window that can be seen from the exterior of the building unless the covering is neutral in colour or covered by keeping the venetian blinds down.
 - a. in this bylaw, “neutral in colour” means off-white, white, or cream
 - b. venetian blinds must also be neutral in colour.
- (2) A person must not install a metalized or reflecting coating or tinting on an exterior glass window or door unless it is V-KOOL 70 window film or an equivalent and must, by means of an application through the strata manager, obtain the approval of the council before installing the covering.
- (3) The council may require the installation of a window coating or tinting to be supervised or inspected or both by such a person and in such a manner as the council sees fit or may require a resident to obtain such supervision or inspection; and the council may impose such requirements as a condition of its approval of the installation.
- (4) Installation work may be performed only between the hours of 8:30 a.m. and 5:00 p.m. or at such other times as prescribed by council. No installation work may be performed on a Sunday or a holiday.
- (5) The strata corporation may fine an owner or tenant \$200 for each contravention of this bylaw and for each 7 days that a contravention continues.

Bylaw #31 – Advertising Signs

- (1) No person may place an advertising sign on any strata lot, common property, or limited common property, or adjacent to the building, except as permitted by the strata corporation.

Bylaw #32 – Bicycles

- (1) Bicycles are not permitted within or on any common or limited common property except when
 - a. travelling along the entry driveway to the parking garage, to facilitate storage;
 - b. in the designated storage locker room, in an individual's storage locker, providing such storage locker is located at the parking garage level only;
 - c. stored in the designated area for storage in the parking garage level;

- d. leaned against a section of parking garage level wall or fence adjacent to the parking stall designated to the strata lot in which the owner of the bicycle resides; or
 - e. suspended from a wall adjacent to a resident's designated parking stall or at the head of the parking stall, using a mount (pedestal or wall) that is approved by the council, and purchased and installed at the strata lot owner's cost. The installation must not cause any parked vehicle to interfere with the parking stall on either side, behind, or in front, or (in the estimation of the council) interfere with parking garage traffic flow. The storage of bicycles in the freestanding bicycle racks is limited to two bicycles per strata lot.
- (2)
- a. The council may consider an application from a resident for other bicycle storage solutions upon receiving a written suggestion.
 - b. Powered scooters and mopeds (except vehicles for disabled persons) are not permitted within or on any common or limited common property, with the exception of the parking garage and the designated area for storage in the parking garage level.
 - c. The use of such items as skateboards, scooters, and in-line skates is not permitted on the strata corporation premises.
- (3) All bicycle racks must be tagged with the either the resident's suite or lot number.
- (4) The strata corporation may charge a user of the bicycle racks an annual fee, in an amount to be set under the rules. There will be no refund if use of a bicycle rack is no longer needed.
- (5) Visitor bicycles may be temporarily (up to 5 days) parked in the parking space designated for the lot or alternately in the visitor parking area or in one of the designated 'visitor' parking spots in the bike racks.
- (6) If a bicycle is parked in the visitor parking area or a designated 'visitor' parking spot on the bicycle racks for more than 5 days, the resident who made the parking space available must promptly provide the day manager with the resident's name and lot number, the make and type of bicycle, and the identity of the bicycle owner.
- (7) The strata corporation may cut the lock of a bicycle and remove it if a resident fails to tag their bicycle rack in accordance with subsection (3), fails to provide the information required in subsection (6), or otherwise fails to adhere to this bylaw.

Bylaw #33 – Parking stalls

- (1) A resident must not rent, lease or lend the parking stall designated to the strata lot occupied by that resident to anyone other than another resident.
- (2) A resident may park only in the parking stall designated to the strata lot occupied by the resident or in a stall that has been rented or loaned to the resident by another resident.
- (3) The council may, by means of a towing company authorized by the council, remove the vehicle of any resident parked in violation of bylaw 33 (2), and may charge all costs associated with the removal to the resident or the owner of the strata lot.
- (4) A resident must maintain their limited common property parking stall and repair it as may be required (Bylaw #2). This includes keeping a parking stall free and clear of any fluids leaking from vehicles. If fluids are leaking from vehicles in a parking stall, the resident must immediately cause a drip pan (no cardboard) to be placed under the vehicle(s) to catch drips and must make reasonable efforts to have the leak eliminated. Drip pans must be regularly emptied and the parking stall cleaned and repaired as deemed necessary by the strata council. Fluids must be properly disposed of at one of the recycling facilities in Victoria.
- (5) The strata corporation may fine an owner or tenant \$200 if a resident of their strata lot or a person visiting them or admitted to the premises by them is found to be disposing of such fluids in the garbage containers or down the parking garage drain and may hold the owner or tenant liable for any environmental fees and related costs incurred by the strata corporation as a result of the contravention, including legal costs, on a full indemnity basis.
- (6) A resident who rents additional parking spaces from the strata corporation and requires an additional remote control for the parking garage door is required to purchase one from the strata manager.
- (7) Each stall is permitted:
 - a. any combination of vehicles that can be accommodated within the parking stall and not interfere with the parking stall on either side, behind, or in front. Bicycles, scooters and motorcycles must be located either in front or in the rear of a parking stall. Contents of parking stall must be kept orderly and tidy.
 - b. one upright transportation dolly (no larger than 75 cm (2.5 ft) width x 155 cm (5 ft) height), to be placed so as not to interfere with the parking stall on either side, behind, or in front, and
 - c. one fold up grocery basket, to be placed so as not to interfere with the parking stall on either side, behind, or in front.

- (8) Contents of parking stalls must not cause any vehicle to extend beyond the end of a parking stall such that it impedes access to another stall or parking lot traffic flow or – in the opinion of the council – causes a potential accident hazard. In the event that the council determines that a vehicle or contents in a parking stall is a hazard, every effort will - if requested – be made to provide another parking stall on a temporary basis as circumstances require.
- (9) Holes are not to be drilled into common property in the parking garage or storage locker areas without prior permission from the council.

Bylaw #34 - Balconies and patios

- (1) A resident must not allow water or debris to overflow from their balcony onto balconies below, when
 - a. watering plants,
 - b. washing their balcony, or
 - c. sweeping their balcony.
- (2) Balconies and patios are to contain only patio furniture, plants, planter boxes, and garden tools (hidden from external view), garden ornaments and freestanding trellis or latticework for climbing plants. Trellis and latticework shall be no higher than the height of the balcony railings unless standing against the building wall. Planter boxes, flowerpots and containers shall have drip saucers under them.
- (3) Any plant pots on a balcony shall not exceed 22 kg (50 lbs) unless the pot is mounted on wheels or rollers. Individual plants shall not exceed 30 cm (12 in) above the top of the balcony railing unless the plant pots are pulled back to the wall of the balcony.
- (4) Proper plant pots shall be used and such containers as ice pails or other plastic containers are not allowed.
- (5) Items are not to be suspended from or attached to the outside of the balcony railings or posts.
- (6) Containers/flower pots are not to be placed on the top of the higher patio walls at the main entrance which face directly onto Quebec Street where streaking of such walls from plant watering is a risk and visible on approach to the main entrance. A resident of a ground floor suite must have drip saucers under planter boxes, containers and flower pots if such planter boxes, containers and flower pots are placed on top of their patio wall.

- (7) The contents or the placement of contents on balconies must not create what is, in the opinion of the council, a safety hazard.
- (8) No laundry shall be left to dry on balconies, patios, balcony rails, lines or racks.
- (9) Any damage to the original membrane covering of the balcony area that is not due to normal wear, in the opinion of the council, must be repaired by *the owner*. See Bylaw #2.

Bylaw #35 – Gardens

A resident must not plant on the common property.

Bylaw #36 – Courtyard

Children (age 12 and under) must be supervised in the courtyard.

Bylaw #37 – Storage rooms and garbage room

- (1)
 - a. A person must not store material of any kind on top of a storage locker;
 - b. For fire prevention and safety reasons, a person must not leave items outside of a storage locker, in a hallway, or against a wall in a storage room.
 - c. A person storing materials in the storage rooms or garbage room must abide by section 33 of the Fire Prevention and Regulation Bylaw of the City of Victoria and section 2.4.1.1 of the BC Fire Code, prohibiting the accumulation of combustible materials in quantities or locations that will constitute an undue fire hazard.
- (2) If an item is found unattended and stored against a wall or in front of a locker or in the garbage/recycling room (or elsewhere in these areas), the strata corporation may remove the item, charge the costs of removal and disposal to the resident who owned the item or put it there, and fine the resident \$200 per incident.
- (3) Owners are responsible for ensuring that they (and their tenants and licensees as applicable) are familiar with the latest garbage and recycling rules and bylaws of the Capital Regional District. All residents are to ensure that waste material is sorted and put in the appropriate bins in the garbage room. Cardboard boxes must be flattened, and recyclable materials and kitchen waste must be put in the appropriate bins. **Failure to comply will result in financial penalties to the strata corporation and impact the economic interests of all.**

(4)

- a. In this subsection, “non-garbage item” means any item that the waste management company contracted by the strata corporation will not accept, including but not limited to furniture, mattresses, appliances, paint, and motor oil.
- b. A resident must properly remove and dispose of an unwanted non-garbage item and shall be responsible for any related costs. The day manager, if contacted, may assist a resident to find someone to help with the removal, but the costs will be borne by the resident.
- c. The strata corporation may remove a non-garbage item left in or around the garbage or storage room (or elsewhere on the premises), charge the costs of removal and disposal back to a resident who owned the item or left it there, and fine the resident \$200 per incident.

Bylaw #38 – Rentals, licenses, transient accommodation, and temporary accommodation

- (1) An owner or tenant must not enter into a “tenancy agreement”, within the meaning of that term as it is used in the *Residential Tenancy Act*, S.C.B. 2002, c. 78, for the rental of a strata lot or portion of a strata lot (a “Tenancy Agreement”) having a term of less than 60 consecutive days.
- (2) An owner or tenant must not enter into Tenancy Agreements having overlapping terms in respect of the same strata lot or portion of the strata lot.
- (3) An owner or tenant must not license for monetary consideration the occupation of a strata lot or portion of a strata lot to a person or persons as vacation accommodation, transient accommodation, travel accommodation or temporary accommodation, for a term of less than 60 consecutive days.
- (4) An owner or tenant must not enter into licenses having overlapping terms in respect of the same strata lot or portion of the strata lot.
- (5) Where this bylaw has been contravened, the strata corporation may fine an owner or tenant \$500.00 for each contravention, and, for a continuing contravention, \$500.00 every seven days.

Bylaw #39 – Fireplaces

- (1) An owner must have their in-suite gas fireplace cleaned and inspected at least every two years by a licensed gas fitter and must, by December 31st of every even-numbered year, provide proof to the council, in the form of a written report from the gas fitter, that their fireplace has been cleaned and inspected, replaced, or decommissioned.
- (2) A fireplace installed or replaced after October 1, 2018 must have an electronic ignition or equivalent and must meet all current fire safety and electrical codes.

Bylaw #40 - Key fobs and use of video

- (1) The strata corporation may operate a fob access system and a Closed Circuit Television (CCTV) system, updating or modifying the systems from time to time as necessary, and, as part of operating them, may place CCTV cameras along the building exterior, at points of entry, in public areas, and at other locations as may be specified under a policy or directive issued by the council.
- (2) The strata corporation may collect, use, or disclose personal information generated by the fob access system and the CCTV system for all reasonable purposes, including:
 - a. to assist a resident to identify a person requesting access to the premises;
 - b. to prevent an unauthorized entry, theft, or threat to personal safety or property;
 - c. to provide a greater measure of safety and security for the building and its residents;
 - d. to safeguard the economic interests of residents;
 - e. to investigate bylaw infractions after an infraction has been reported;
 - f. to gather evidence in response to a challenge to an alleged bylaw infraction, including but not limited to a challenge to (for example) a chargeback or fine or under Bylaw #37 [items in storage room or garbage room] or a fine under Rule #8 [stopping at the security gate and waiting for it to close]; or
 - g. to investigate or assist in the investigation of a possible crime or safety issue.
- (3) The strata corporation may not collect, use, or disclose personal information generated by its fob access system or CCTV system to actively monitor or enforce strata bylaws or rules.

(4) The strata corporation may produce a still of a CCTV image, distribute it to persons on the council email list, provide it to the police, post it on bulletin boards on the premises, and distribute it to residents by other means, if in the opinion of the council, the image will

- a. assist in the identification of a person who has damaged property owned by the strata corporation or a resident or who has engaged in an activity that is illegal or puts residents, their property, or strata property at risk; or
- b. assist law enforcement authorities in the investigation of a possible criminal offense;

but the strata corporation may not produce or disclose a still solely for the purpose of enforcing a strata bylaw or rule.

(5) The strata council must adopt a privacy policy addressing the following:

- a. who is authorized to view surveillance footage or access control records, and under what circumstances;
- b. the location of surveillance cameras and the times during which they operate;
- c. the length of time the video recordings and access control records will be retained;
- d. how the video surveillance records and access control records will be securely stored and destroyed;
- e. how the strata corporation will respond to requests under the *Personal Information Protection Act* for access to the personal information contained in video surveillance records or access control records; and
- f. how residents and visitors will be given notice that the premises are being monitored by video surveillance and that their movements may be monitored by the key fob system.

Bylaw #41 – Smoking

(1) In this bylaw, “**smoking**” means releasing into the air gases, particles, or vapors as a result of combustion, electrical ignition or vaporization, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of the by-products, except when the combusting or vaporizing material contains no tobacco, nicotine, or cannabis (marijuana) and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term “smoking” includes, but is not limited to, tobacco smoking, smoking using electronic cigarettes, cannabis smoking, and crack cocaine smoking.

- (2) Polo Pacific is a non-smoking complex. No smoking of any kind is allowed in any strata lot, on limited common property, or on common property.
- (3) The prohibition in subsection (2) does not apply to a resident who was registered as a smoker in accordance with the initial version of this bylaw [which came into effect on October 1, 2016] and who, within 30 days of that date, caused their name to be entered into the logbook of grandfathered smokers kept by the strata manager.
- (4) An owner or tenant must ensure that no person who leases, licenses or occupies their strata lot, or who is visiting or is admitted to the premises for any reason, violates this bylaw.
- (5) The council may make reasonable accommodation for a resident who has an addiction to nicotine that is a physical or mental disability or who must necessarily smoke (e.g., cannot ingest) medically-prescribed cannabis for a medically-diagnosed and documented disability. Whether or not reasonable accommodation is required is in the reasonable discretion of the council.
- (6) In making an accommodation under subsection (5) the council must consider how to accommodate the disability without exposing others to second-hand smoke.

Bylaw #41.1 – Cannabis

- (1) No person may cultivate, process, or alter cannabis in any strata lot, on limited common property, or on common property.
- (2) The council may make reasonable accommodation for a resident who must necessarily consume medically-prescribed cannabis for a medically-diagnosed and documented disability. Whether or not reasonable accommodation is required is in the reasonable discretion of the council

Bylaw #42 - Charge backs

- (1) An owner must indemnify and save harmless the strata corporation from all expenses for any maintenance, repair or replacement rendered necessary to the common property, limited common property, common assets or a strata lot if the owner or the tenant, occupant, contractor, agent, guest or invitee of the owner is responsible for the loss or damage to the extent that the loss is not covered by the strata corporation's insurance.

(2) In the event that

- a. loss or damage occurs to common property, limited common property, common assets or any strata lot that
 - i. gives rise to a valid claim under the strata corporation's insurance policy, or
 - ii. would likely, in the opinion of the strata corporation, give rise to a valid claim under the strata corporation's insurance policy were it not for the fact that the amount of the loss or damage is less than the deductible portion of the claim,

an owner must reimburse the strata corporation on a full indemnity basis for

- b. where sub-paragraph (2)(a)(i) applies, the deductible portion of the insurance claim, or
- c. where sub-paragraph (2)(a)(ii) applies and the strata corporation repairs the loss or damage, its cost to do so, including any costs to the strata corporation to administer the repairs or to obtain reimbursement from the owner

if the owner is responsible for the loss or damage that gave rise to the claim or would-be claim.

Bylaw #43 - Grandfathering

Where an owner has made an alteration to a strata lot, limited common property, or common property in compliance with the bylaws and rules in force at the time the alteration was made, including any requirement to obtain written approval from the strata corporation, the strata corporation must not, at a later time, fine the owner, require the owner to pay remediation costs, or require the owner to modify the alteration solely on the ground that it is not compliant with a bylaw or rule that has come into effect since the alteration was made.

Bylaw #44 - Services of the day manager

- (1) A resident must not utilize the services of the day manager for the resident's personal benefit or the benefit of the resident's strata lot without prior authorization from the strata corporation.
- (2) The strata corporation may require a person who contravenes section (1) to reimburse the strata corporation for services rendered in an amount equal to the time spent by the day manager multiplied by the hourly wage of the day manager, multiplied by a factor of 1.2.

STRATA PROPERTY ACT

THE OWNERS, STRATA PLAN VIS 6561 (PACIFIC PLACE)

PET RESTRICTION RULE

(Section 125)

The following Rule has been ratified by a majority vote of the owners Strata Plan VIS 6561 (Pacific Place) at their Annual General Meeting held on September 13, 2012.

Pets belonging to owners, tenants, occupants or visitors must be leashed or controlled on common property and their excrement must be cleaned up immediately.

Dogs determined by the Strata Council to be aggressive will be required to be muzzled on common property.

Council has the authority to enforce this Rule to the extent of the Strata Property Act, and contraventions of the rule are enforceable by a fine for each violation.

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