

EXHIBIT "D"
STRATA PROPERTY ACT
[SBC 1998] CHAPTER 43
Schedule of Standard Bylaws

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

Payment of strata fees

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

Repair and maintenance of property by owner

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

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

Use of property

- 3 (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that
 - (a) causes a nuisance or hazard to another person,
 - (b) causes unreasonable noise,
 - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - (d) is illegal, or
 - (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.

(2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.

(3) An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset.

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

- (a) a reasonable number of fish or other small aquarium animals;
- (b) a reasonable number of small caged mammals;
- (c) up to 2 caged birds;
- (d) one dog or one cat.

Inform strata corporation

4 (1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and mailing address outside the strata plan, if any.

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

Obtain approval before altering a strata lot

5 (1) An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves any of the following:

- (a) the structure of a building;
- (b) the exterior of a building;
- (c) chimneys, stairs, balconies or other things attached to the exterior of a building;

(d) doors, windows or skylights on the exterior of a building, or that front on the common property;

(e) fences, railings or similar structures that enclose a patio, balcony or yard;

(f) common property located within the boundaries of a strata lot;

(g) those parts of the strata lot which the strata corporation must insure under section 149 of the Act.

(2) The strata corporation must not unreasonably withhold its approval under subsection (1), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

(3) This section does not apply to a strata lot in a bare land strata plan.

Obtain approval before altering common property

6 (1) An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.

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

Permit entry to strata lot

7 (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot

(a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and

(b) at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and

maintain under these bylaws or insure under section 149 of the Act.

(2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.

Division 2 – Powers and Duties of Strata Corporation

Repair and maintenance of property by strata corporation

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

- (a) common assets of the strata corporation;
- (b) common property that has not been designated as limited common property;
- (c) limited common property, but the duty to repair and maintain it is restricted to
 - (i) repair and maintenance that in the ordinary course of events occurs less often than once a year, and
 - (ii) the following, no matter how often the repair or maintenance ordinarily occurs:
 - (A) the structure of a building;
 - (B) the exterior of a building;
 - (C) chimneys, stairs, balconies and other things attached to the exterior of a building;
 - (D) doors, windows and skylights on the exterior of a building or that front on the common property;
 - (E) fences, railings and similar structures that enclose patios, balconies and yards;
- (d) a strata lot in a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to
 - (i) the structure of a building,
 - (ii) the exterior of a building,

- (iii) chimneys, stairs, balconies and other things attached to the exterior of a building,
- (iv) doors, windows and skylights on the exterior of a building or that front on the common property, and
- (v) fences, railings and similar structures that enclose patios, balconies and yards.

Division 3 – Council

Council size

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

Council members' terms

- 10** (1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- (2) A person whose term as council member is ending is eligible for reelection.
- (3) to (5) [Repealed 1999-21-51.]

Removing council member

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

Replacing council member

- 12** (1) If a council member resigns or is unwilling or unable to act for a period of 2 or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.
- (2) A replacement council member may be appointed from any person eligible to sit on the council.
- (3) The council may appoint a council member under this section even if the absence of the member being replaced leaves the council without a quorum.
- (4) If all the members of the council resign or are unwilling or unable to act for a period of 2 or more months, persons holding at least 25% of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings.

Officers

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

Calling council meetings

- 14** (1) Any council member may call a council meeting by giving the other council members at least one week's notice of the meeting, specifying the reason for calling the meeting.
- (2) The notice does not have to be in writing.
- (3) A council meeting may be held on less than one week's notice if
- (a) all council members consent in advance of the meeting, or
 - (b) the meeting is required to deal with an emergency situation, and all council members either
 - (i) consent in advance of the meeting, or
 - (ii) are unavailable to provide consent after reasonable attempts to contact them.
- (4) The council must inform owners about a council meeting as soon as feasible after the meeting has been called.

Repealed

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

Quorum of council

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

Council meetings

- 17** (1) At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.
- (2) If a council meeting is held by electronic means, council members are deemed to be present in person.
- (3) Owners may attend council meetings as observers.
- (4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:
- (a) bylaw contravention hearings under section 135 of the Act;
 - (b) rental restriction bylaw exemption hearings under section 144 of the Act;
 - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

Voting at council meetings

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

Council to inform owners of minutes

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

Delegation of council's powers and duties

20 (1) Subject to subsections (2) to (4), the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.

(2) The council may delegate its spending powers or duties, but only by a resolution that

(a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or

(b) delegates the general authority to make expenditures in accordance with subsection (3).

(3) A delegation of a general authority to make expenditures must

(a) set a maximum amount that may be spent, and

(b) indicate the purposes for which, or the conditions under which, the money may be spent.

(4) The council may not delegate its powers to determine, based on the facts of a particular case,

(a) whether a person has contravened a bylaw or rule,

(b) whether a person should be fined, and the amount of the fine, or

(c) whether a person should be denied access to a recreational facility.

Spending restrictions

21 (1) A person may not spend the strata corporation's money unless the person has been delegated the power to do so in accordance with these bylaws.

(2) Despite subsection (1), a council member may spend the strata corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.

Limitation on liability of council member

22 (1) A council member who acts honestly and in good faith is not personally liable because of anything done or omitted in the exercise or intended exercise of any power or the performance or intended performance of any duty of the council.

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

Division 4 — Enforcement of Bylaws and Rules

Maximum fine

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

(a) \$50 for each contravention of a bylaw, and

(b) \$10 for each contravention of a rule.

Continuing contravention

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

Division 5 — Annual and Special General Meetings

Person to chair meeting

25 (1) Annual and special general meetings must be chaired by the president of the council.

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

(3) If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons who are present at the meeting.

Participation by other than eligible voters

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

Voting

- 27** (1) At an annual or special general meeting, voting cards must be issued to eligible voters.
- (2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
- (3) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.
- (4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.
- (5) If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote.
- (6) If there are only 2 strata lots in the strata plan, subsection (5) does not apply.
- (7) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.

Order of business

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

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

Division 6 – Voluntary Dispute Resolution

Voluntary dispute resolution

- 29 (1) A dispute among owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if
- (a) all the parties to the dispute consent, and
 - (b) the dispute involves the Act, the regulations, the bylaws or the rules.
- (2) A dispute resolution committee consists of
- (a) one owner or tenant of the strata corporation nominated by each of the disputing parties and one owner or tenant chosen to chair the committee by the persons nominated by the disputing parties, or
 - (b) any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties.
- (3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

Division 7 – Marketing Activities by Owner Developer

Display lot

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

| Schedule of Standard Bylaws

EXHIBIT "D"

Strata Property Act

Form Y

OWNER DEVELOPERS' NOTICE OF DIFFERENT BYLAWS

(Section 245 (d), Regulation section 14.6 (2))

Re: Strata Plan EPS2799, being a strata plan of:

PID 003-448-444, Lot Q, DL 1328, G. 1, NWD, Plan 20757

The following or attached bylaws differ from the Standard Bylaws to the *Strata Property Act*, as permitted by section 120 of the Act:

1. Delete Bylaw 3(4)(d) and substitute the following therefore:

3(4)(d) two small dogs or two cats or 1 dog and 1 cat. The dogs shall not exceed 10 kilograms in weight.

2. Amend Bylaw 3 by adding the following as section 3(4)(e):

3(4)(e) Owners and tenants are solely responsible for the actions of, and damage caused by, their pets within the common property. The strata council may order that a pet be removed from the strata property if such pet causes a nuisance or unreasonably interferes in the rights of other persons to use and enjoy the common property. Owners and tenants are responsible for ensuring that visitors are fully informed of the rules concerning pets, and will be responsible for any damage to common property caused by the pets of such visitors.

3. Amend Bylaw 4 by adding the following as section 4(3):

4(3)(a) The owner will deliver or cause to be delivered to the strata corporation a "Form K- Notice of Tenant's Responsibilities" in the form set out in the Act, signed by the tenant before such tenant moves into the owner's strata lot.

4(3)(b) Any owner of a strata lot who leases a strata lot without completing and tendering a Strata Property Act Form K to the Strata Council or the property manager designated by the Strata Council is liable to a fine of \$50.00 for every month or part thereof that a tenant is in occupancy of the strata lot until such time as the Form K is tendered.

4(3)(c) An owner will pay a non-refundable fee of \$75.00 on each move in or move out of the owner's strata lot, which fee must be paid no later than 48 hours prior to any move.

4.3(d) An owner, tenant or occupant using the elevator during a move will ensure that the elevator is protected from damage by installing protective elevator mats in such elevator. The owner of the strata lot into which an owner, tenant, or occupant is moving is liable for all damage caused to the elevator during such move.

4. **Delete Bylaw 30 and substitute the following therefore:**

“30(1) An owner developer who has one or more unsold strata lots may:

- a) Use any strata lot or strata lots, whether owned or leased by it, as display lots and/or sales centers and carry on any marketing and sales functions and events within such strata lots and the common property within the strata plan and/or any limited common property of any strata lot owned or leased by the owner developer;
 - b) Have access to and utilize any and all parts of the common property (including parking areas) and common facilities for the purpose of showing strata lots, the common property and the common facilities to prospective purchasers and their representatives; and
 - c) Display marketing signs on the common property and/or the limited common property or window of any strata lot owned or leased by the owner developer,
- (2) The owner developer shall act reasonably in exercising its rights under this Bylaw 30.”

5. The following new bylaws are added to the Standard Bylaws immediately following the end of Bylaw 30:

31. Types of Strata Lots

- (1) The commercial strata lots, being strata lots 1 to 4 (the “**Commercial Strata Lots**”) shall be one “type” of strata lot.
- (2) The residential strata lots, being 5 to 32 (the “**Residential Strata Lots**”) shall be a different “type” of strata lot from the Commercial Strata Lots.
- (3) A contribution to the operating fund which relates to and benefits only the Commercial Strata Lots shall be shared only by the owners of the Commercial Strata Lots. Each Commercial Strata Lot's share of such contribution shall be calculated in accordance with the following formula from section 6.4(2) of the *Strata Property Regulation*:

$$\frac{\text{unit entitlement of Commercial Strata Lot}}{\text{total unit entitlement of all Commercial Strata Lots}} \times \text{contribution to operating fund}$$

- (4) A contribution to the operating fund which relates to and benefits only the Residential Strata Lots shall be shared only by the owners of the Residential Strata Lots. Each Residential Strata Lot's share of such contribution shall be calculated in accordance with the following formula from section 6.4(2) of the *Strata Property Regulation*:

$$\frac{\text{unit entitlement of Residential Strata Lot}}{\text{total unit entitlement of all Residential Strata Lots}} \times \text{contribution to operating fund}$$

- (5) In accordance with section 6.4(3) of the Strata Property Regulation, if a strata lot's share of a contribution to the operating fund is calculated in accordance with section 6.4(1) or 6.4(2), each strata lot's share of a total contribution to the contingency reserve fund or a special levy is to be calculated using the following formula:

$$\frac{\text{unit entitlement of strata lot}}{\text{total unit entitlement of all strata lots within strata plan}} \times \text{contribution to special levy or contingency reserve fund}$$

32: Barbeques

No barbecues other than those fuelled by propane or natural gas or electricity may be used. No owner shall operate a barbecue in a manner which, in the reasonable opinion of the strata council, is a nuisance to another owner's enjoyment of his or her strata lot. All barbecues must be kept at a minimum distance of 24 inches away from the building exterior walls. Strata lot owners or residents are responsible for, and will immediately repair, any damage caused to the building envelope by use of a barbecue.

33: Hazards

- (1) Owners, tenants, and occupants will take all reasonable precautions to minimize the risk of fire. Nothing shall be brought onto or stored in a strata lot or the common property which constitutes a fire hazard or which will increase or tend to increase the risk of fire, or which will have the effect of either increasing the rate of, or invalidating, fire insurance policies placed by the strata corporation.
- ~~(2) An owner, tenant, or occupant will not install a garburator or similar device within a strata lot.~~
- (3) An owner, tenant or occupant will not install or use a waterbed within a strata lot.

34: Cleanliness

- (1) All household refuse and recycling material shall be secured in suitable plastic bags or recycling containers.
- (2) No waste material, other than ordinary household refuse and recyclable materials, shall be stored on or in a strata lot or common property.

35: Exterior Appearance

Except as permitted by Bylaw 38 in respect to Commercial Strata Lots or as otherwise permitted for an owner developer:

- (1) No signs, fences, gates, billboards, placards, advertising or notices of any kind shall be erected or displayed on the common property or the strata lot without prior written approval by the strata council.
- (2) Advertising for the resale or rental of a strata lot shall only be permitted on a single sign that shall be located, supplied and maintained by the Strata Corporation.
- (3) No awning, shade screen, smoke stack, satellite dish, radio or television antenna shall be hung from or attached to the exterior of the strata lot, without prior written consent of the strata council.
- (4) No laundry, clothing, bedding, or other articles shall be hung or displayed from windows, patios, balconies or other parts of the strata lot so that they are visible from the outside.
- (5) Draperies or window covering that are visible from the exterior of any strata lot shall be cream or white in colour.

- (6) No balcony or deck shall be used for general storage purposes, including, but not limited to, the storage of bicycles.

36: Parking

- (1) The allocation of parking to Residential Strata Lots will be as set out in the attached Schedule of Residential Strata Lot Parking Allocation.
- (2) The allocation of parking to Commercial Strata Lots will be as set out in the attached Schedule of Commercial Strata Lot Parking Allocation.
- (3) Owners, tenants, and occupants shall use only the parking stall(s) assigned for their Strata Lot.
- (4) Visitors shall only park in the parking stalls assigned for visitors. It is the responsibility of owners, tenants, and occupiers to ensure their visitors comply with this bylaw.
- (5) No owner, tenant or occupant shall conduct repairs or servicing on a motor vehicle, motorcycle, or any other motorized device in areas designated for parking, or on the common property.

37: Insurance and Responsibility

- (1) An owner, tenant, or occupant of a strata unit will obtain insurance coverage to cover risks that are not covered by the strata insurance and will, upon request, deliver proof of such insurance to the authorized representative of the Strata Corporation. Without limiting the foregoing, an owner is responsible for obtaining insurance coverage to pay any deductibles payable under the strata insurance for which the owner is responsible.
- (2) If an owner is responsible for any loss or damage to a strata lot, common property, limited common property, or common assets, that owner must indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered necessary to the strata lot, common property, limited common property or common assets but only to the extent that such expense is not reimbursed from the proceeds received by operation of any strata insurance policy. Without limiting the generality of the word "responsible", an owner is responsible for the owner's own acts or omissions, as well as those of any of the tenants, occupants, visitors, agents, contractors or employees of the strata lot or the owner.
- (3) For the purposes of these bylaws, any insurance deductible paid or payable by the strata corporation will be considered an expense not covered by the strata insurance proceeds received by the strata corporation and will be charged to the owner.

38. Signs and displays

- (1) The owners, occupants or tenants of the (1) commercial strata lots must not install signs or notices within the commercial strata lots so as to be visible from the exterior of such strata lots and on the exterior of such strata lots except those signs or notices that:
 - (a) have received any approvals required from applicable governmental authorities, including, but not limited to, the Town of Gibsons, and
 - (b) are in keeping with the overall presentation of the development in terms of quality, design and colour as determined in the reasonable discretion of the Strata Council.
- (2) All such signs and notices will be installed and maintained at the sole expense and risk of the owners of the commercial strata lots and such owners will take out and maintain insurance for such signage as a reasonable owner displaying similar signage would obtain.
- (3) If signs or notices are connected or attached to the building envelope, the owners, occupants or tenants of the commercial strata lots will not install such sign or notice until a written report from

a building envelope engineer that specifies the manner in which such signs or notices may be installed without damage to the building envelope is delivered to the Strata Council for the Strata Council's reasonable approval. No awnings will be installed on any part of the building without the prior written consent of the Strata Council.

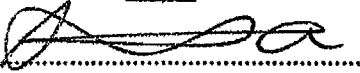
39. Hours of Operation For Commercial Strata Lots

- (1) The owner, tenant, or occupant of a Commercial Strata Lot shall operate and conduct its business during such hours as permitted under any proper law or by-law regulating or limiting the hours when such business may be carried on, but in no event shall such business be operated and conducted earlier than 7am each day and no later than 9pm Sundays to Thursdays, and 10pm on Fridays and Saturdays.

40. Composition of Strata Council

- (1) At least one member of the Strata Council will be elected from the Owners of the Commercial Strata Lots.
- (2) At least one member of the Strata Council will be elected from the Owners of the Residential Strata Lots.
- (3) If no representative of the Commercial or Residential Strata Lots is willing or able to be appointed a member of the Strata Council then the members of the Strata Council will appoint one of their members to represent the interests of the unrepresented Commercial or Residential Strata Lot Owners for the remainder of the term.

Date: .APRIL 27, 2015


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Signature of Owner Developer