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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

EPS1502

THE OWNERS, STRATA PLAN EPS1502

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.

Kelvin Arvid  
Scheuer TEX4YV

Digitally signed by  
Kelvin Arvid Scheuer  
TEX4YV  
Date: 2022-11-25  
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**Strata Property Act**  
**FORM I**  
**AMENDMENT TO BYLAWS**  
**(Section 128)**

The Owners, Strata Plan (EPS 1502) MONDRIAN 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 November 17, 2022.

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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**THE MONDRIAN**

**STRATA PLAN EPS1502**

**BYLAW REVISION DECEMBER 1, 2022**

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## ***Bylaws of The Owners, Strata Plan EPS1502***

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## Division 1 – Organization of Strata Corporation

- 1 Strata lots 1, 2, 3, and 4 are 'Commercial Type' strata lots pursuant to section 6.4 of the Strata Property Act Regulation.
- 2 Strata lots 5 through 97 are 'Residential Type' strata lots pursuant to section 6.4 of the Strata Property Act Regulation.
- 3 All contributions to the operations that relate to and benefit only one type of strata lot are shared only by owners of strata lots of that type.
- 4 All contributions to the contingency reserve fund or a special levy that relate to and benefit only one type of strata lot are shared only by owners of strata lots of that type.

## Division 2 — Duties of Owners, Tenants, Occupants and Visitors

### *Payments to the Strata Corporation*

- 5 An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- 6 Within three (3) weeks of the strata corporation informing an owner of the strata fees determined by an approved budget, an owner must provide post-dated cheques or a Pre-Authorized Withdrawal Form for the fiscal year.
- 7 An owner must pay to the strata corporation the maximum rate of interest specified in the regulations for the late payment of strata fees if demanded by the strata corporation.
- 8 An owner must pay a special levy as approved by the strata corporation.
- 9 An owner must pay to the strata corporation the maximum rate of interest specified in the regulations for the late payment of a special levy if demanded by the strata corporation.
- 10 An owner must pay a fine within fourteen (14) days of when it is imposed.
- 11 An owner must pay the reasonable costs of remedying a contravention of a bylaw that they are responsible for, within fourteen (14) days of when a demand for payment is provided by the strata corporation.
- 12 An owner must pay any other debt or obligation to the strata corporation upon demand of the strata corporation.
- 13 If an owner has a debt owing to the strata corporation, any payment to the strata corporation will be applied to outstanding debts on a first in, first out basis unless the owner provides a written statement regarding to which debt the payment is to be applied.

### *User Fee*

- 14 An owner must pay a \$150.00 user fee for the use of common property and common assets for each change of occupancy of their strata lot that involves the moving of furniture or large items of personal property (moving in or moving out).



- 15** If an owner loses or damages a remote keyless entry device (key fob) they must pay a user fee of \$150.00 for the replacement of the device.

*Repair and Maintenance of Property by Owner*

- 16** 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.
- 17** 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.

*Restrictions on Use of Property*

- 18** An owner, tenant, occupant, or visitor must not use a strata lot, the common property, limited common property or common assets in a way that:
- (a) causes a nuisance or hazard to another person,
  - (b) causes unreasonable noise especially between 10:30 pm and 7:00 am,
  - (c) causes unreasonable odour, vibration or glare,
  - (d) is contrary to the regulation of noise, by bylaw, of the local government authority,
  - (e) appears untidy, unkempt, disorganized or unsightly from the common property or another strata lot,
  - (f) unreasonably interferes with the rights of other persons to use and enjoy the common property, limited common property, common assets, or another strata lot,
  - (g) reasonably causes another owner, tenant, occupant, or invitee to feel harassed or disturbed,
  - (h) is illegal,
  - (i) will attract or pests, nuisance animals or vermin (including but not limited to pigeons, gulls, squirrels, rats and racoons but excluding hummingbirds), or
  - (j) is contrary to a purpose for which the strata lot, common property or limited common property is intended as shown expressly or by necessary implication on or by the strata plan.

*Access Through Common Property*

- 19** An owner, tenant, occupant, or visitor must not obstruct, cause to be obstructed or interfere with the safe passage over common property sidewalks, walkways, passages, driveways or parking areas.

*Prohibition on Disposal Through Plumbing System*

- 20** An owner, tenant, occupant, or visitor must not dispose of or permit the disposal of any solid materials through a sink connected to the plumbing system. This includes, but is not limited to, food waste, household chemicals, medications and paper products. This bylaw applies even if a sink is connected to a garburator or another device designed to chop, grind or liquify materials.

### *Display of Signs, Billboards or Advertising*

- 21** An owner, tenant, occupant, or visitor of strata lots 5 through 97 (inclusive) must not use a strata lot, common property, limited common property or common assets to erect, place, keep or display signs, billboards, advertisements or other notices or displays of any kind which may be visible from the common property or another strata lot, except for municipal, provincial or federal election authorized signs which must not exceed eight square feet and may only be placed within a strata lot.
- 22** An owner, tenant, occupant, or visitor of strata lots 1 through 4 (inclusive) may erect, place, keep or display signs, billboards, advertisements or other notices, or displays of any kind on strata lots 1 through 4 (inclusive) provided that it does not:
- (a) appear untidy, unkempt, disorganized or unsightly from the common property or another strata lot;
  - (b) unreasonably interfere with the rights of other persons to use and enjoy the common property, limited common property, common assets, or another strata lot; or
  - (c) reasonably cause another owner, tenant, occupant, or invitee to feel harassed or disturbed.

### *Window Coverings*

- 23** An owner, tenant, occupant, or visitor must not install or permit the installation of window coverings that are not similar to the window coverings installed by the owner developer.
- 24** An owner, tenant, occupant, or visitor must not install or permit the installation of a film or similar material to the exterior windows on a strata lot.

### *Damage to Common Property, Common Assets of Parts of a Strata Lot*

- 25** An owner, tenant, occupant, or visitor must not cause damage, other than reasonable wear and tear, to the common property, limited 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.
- 26** An owner, tenant, occupant or visitor that becomes aware of any immediate source of damage or loss to common property, common assets or parts of a strata lot (as examples, through the failure of a plumbing fixture, the failure of a drain, or a fire) must notify the Strata Council and nearby owner, tenants occupants and visitors as soon as reasonably possible.
- 27** If an owner, tenant, occupant, or visitor is responsible for or causes damage to common property, limited 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, the cost incurred by the strata corporation (including the payment of a deductible) to repair that damage is to be invoiced to and paid by the owner of the related strata lot.

### *No Smoking in Common Property*

- 28** No owner, tenant, occupant, visitor or invitee shall carry or have in their possession a burning cigarette or cigar containing tobacco or another substance or a pipe containing burning tobacco, cannabis or another substance, or burn tobacco, cannabis or another substance using a pipe, hookah pipe, lighted smoking device, vaporizing device or any similar product whose use generates smoke anywhere within the common property or limited common property.

### *Parking*

- 29** An owner, tenant, occupant, or visitor must not permit a vehicle they own or are responsible for to enter onto the common property unless it is registered and insured as required by law.
- 30** An owner, tenant, occupant, or visitor must not permit a vehicle they own or are responsible for to be parked on the common property or limited common property other than at a designated parking location.
- 31** The owner of a vehicle that is parked on the common property not in accordance with these bylaws will be deemed to have authorized and empowered the strata corporation to be the owners agent for the purpose of towing the vehicle to a place of storage and stowing the vehicle.
- 32** An owner, tenant, occupant, or visitor must not perform or permit repairs, work, or maintenance to be done to a vehicle (including but not limited to a car, van, small truck, sport utility vehicle, motorcycle, scooter, or bicycle) that they own or are responsible for on the common property or limited common property. This includes but is not limited to oil changes.

### *Outdoor Patios, Roof Terraces and Balconies*

- 33** An owner, tenant, occupant or visitor must not keep or store items on an outdoor patio, roof terrace or balcony of a strata lot they occupy except for the following:
- (a) Furniture intended to be used in exterior spaces,
  - (b) Umbrellas intended to be used in exterior spaces,
  - (c) Planters, flowerpots and similar devices intended for the growing of plants provided they are not placed, attached or fastened to the balcony railing or exterior structure of the building, or
  - (d) Up to one hummingbird feeder.
- 34** An owner, tenant, occupant or visitor must not permit the placement or storage on an outdoor patio, roof terrace or balcony a hot tub, greenhouse or similar item or structure on a strata lot they occupy.
- 35** An owner, tenant, occupant or visitor must not place, perch, attach or fasten to balcony railings or the exterior structure of the building any items including:
- (a) Clothing, laundry or other items,
  - (b) Awnings,
  - (c) Antennas,

- (d) Satellite Dishes,
- (e) Equipment for receiving or transmitting electronic transmissions, or
- (f) Planters, flowerpots and similar devices intended for the growing of plants.

#### *Propane Tanks and Pressure Flammable Substances*

- 36** An owner, tenant, occupant or visitor must not use or permit the use of a barbeque, hibachi, cooking device, heater or other similar device that they own or is in their control in any strata lot or limited common property, including an outdoor patio, roof terrace or balcony, unless said device is powered by propane, natural gas or electricity and is used in compliance with the manufactures instructions.
- 37** An owner, tenant, occupant or visitor must not use or permit the use of a barbeque, hibachi, cooking device, heater or other similar device that they own or is in their control on common property.

#### *Bicycles, Skateboards, Rollerblades*

- 38** An owner, tenant, occupant, or visitor must not store a bicycle on the common property or limited common property unless it is in a designated bicycle storage facility.
- 39** An owner, tenant, occupant, or visit must not use a common property electrical connection to charge an electric bike, electric scooter or similar device.
- 40** An owner, tenant, occupant, or visitor must not ride a skateboard or wear rollerblades or a similar device on the common property.
- 41** An owner, tenant, occupant, or visitor that brings a bicycle, skateboard, rollerblades or similar device onto or through the common property must carry that device and not allow it to be rolled on common property.

#### *Animals and Pets*

- 42** An owner, tenant, occupant, or visitor must ensure that all animals that they own or that are under their care are leashed, caged or otherwise under control when on the common property or on land that is a common asset.
- 43** An owner, tenant, occupant, or visitor must ensure that all animals that they own or that are under their care are properly licensed or registered as required by the local government authority.
- 44** An owner, tenant, occupant, or visitor must make reasonable efforts to ensure that all animals that they own or that are under their care do not urinate or defecate on the common property or limited common property and must remove any waste created by an animal that they own or that is under their care from the common property or limited common property immediately.
- 45** An owner is responsible to pay or reimburse the strata corporation for any expense incurred because of animals that they own or that are under their care. This includes but is not limited to the cost of repairing damage to common property, the cost of cleaning common property, and the cost of planting or maintaining landscaping on common property.

- 46** An owner, tenant or occupant that keeps any pets on a strata lot must inform the strata corporation in writing of the following:
- (a) The strata lot number;
  - (b) A description of the pet;
  - (c) Contact information for the owner, tenant or occupant that has care of the pet; and
  - (d) A copy of any license or registration issued by the local government authority.
- 47** An owner, tenant or occupant must not keep any pets on a strata lot other than:
- (a) A reasonable number of aquarium fish in one aquarium with a capacity not more than 190 litres (50 US gallons), or
  - (b) One dog, or
  - (c) One dog and one domestic cat; or
  - (d) Up to two domestic cats; or
  - (e) Up to two small birds similar in size to canaries or budgies.

#### *Movement of Furniture and Possessions*

- 48** An owner must provide 7 days written notice to the strata council if the movement of furniture or possessions will impact the usual use of the common property, including the use of an elevator, for a period greater than 1 hour.
- 49** An owner must provide 3 days written notice to the strata council if the movement of furniture or possessions will impact the usual use of the common property, including the use of an elevator, for a period less than 1 hour.
- 50** An owner may only impact the usual use of the common property, including the use of an elevator, by the movement of their furniture or possessions at a time and in a manner as authorized by strata council.

#### *Inform Strata Corporation*

- 51** Within two (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.
- 52** Within two (2) weeks of occupying a strata lot as a tenant, a person must inform the strata corporation of that person's name, the strata lot number of the strata lot they are occupying and the person's mailing address outside the strata plan, if any.
- 53** Within two (2) weeks of becoming an owner's representative with respect to the strata lot, an owner's representative must inform the strata corporation of the strata lot that the representative's name, the strata lot number they are representing and the representative's mailing address.
- 54** On request by the strata corporation, a tenant must inform the strata corporation of his or her name and must confirm if they have received a copy of the bylaws and rules.

- 55** An owner, or tenant, must notify the strata council in writing of forwarding addresses, points of contact or local contacts prior to their strata lot being uninhabited for longer than fourteen (14) days.

*Alterations, Modifications, and Improvements to a Strata Lot*

- 56** 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 the building,
  - (b) the floors installed or affixed to a strata lot,
  - (c) the walls of a strata lot,
  - (d) the plumbing or electrical system,
  - (e) the exterior of the building,
  - (f) patios, balconies or other things attached to the exterior of the building,
  - (g) doors or windows on the exterior of the building, or that front on the common property,
  - (h) common property located within the boundaries of a strata lot, and
  - (i) those parts of the strata lot which the strata corporation must insure under section 149 of the Act.
- 57** An owner must obtain the written approval of the strata corporation before installing significant equipment within a strata lot, including but not limited to:
- (a) Heating and Ventilation Equipment (for example a heat pump or air conditioner);
  - (b) Any equipment that contains significant volumes of water (regardless of whether connected to 110v outlets or wired into 220v connections); and
  - (c) Electric fireplaces (whether free-standing or wall-mounted).
- 58** An owner must apply in writing to the strata corporation describing any alterations, modifications or improvements to a strata lot and shall include with that application:
- (a) Plans and specifications for the proposed alterations, modifications, or improvements,
  - (b) An estimated cost for the proposed alterations, modifications, or improvements,
  - (c) Estimated beginning date for the alteration,
  - (d) Estimated completion date for the alteration,
  - (e) Name and contact detail for all companies or contractors expected to be involved in the alteration, and
  - (f) Information from the local government authority stating whether a building permit, development permit or other formal approval process is required.
- 59** The strata corporation must not unreasonably withhold its approval for alterations, modifications, or improvements to a strata lot, but may require as a condition of its approval that the owner

agree, in writing, to save harmless and indemnify the strata corporation from any and all liabilities, damages, interests, costs (including legal fees and disbursements), expenses and compensation of whatsoever kind arising or resulting from the alteration, modification or improvement to a strata lot. All costs associated with preparing and administering this covenant and agreement shall be borne by the owner undertaking the alteration, modification, or improvement to a strata lot.

- 60** If an owner alters, modifies or improves a strata lot without the prior permission of the strata council it is a breach of the bylaws and the strata council must take all reasonable steps to enforce the bylaw.

*Obtain Approval Before Altering Common Property*

- 61** 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.
- 62** An owner must apply in writing to the strata corporation describing any proposed alterations, modifications or improvements to the common property, limited common property or common assets and shall include with that application:
- (a) Plans and specifications for the proposed alterations, modifications, or improvements,
  - (b) An estimated cost for the proposed alterations, modifications, or improvements,
  - (c) Estimated beginning date for the alteration,
  - (d) Estimated completion date for the alteration,
  - (e) Name and contact detail for all companies or contractors expected to be involved in the alteration, and
  - (f) Information from the local government authority stating whether a building permit, development permit or other formal approval process is required.
- 63** The strata corporation may require as a condition of its approval that the owner agree, in writing, to save harmless and indemnify the strata corporation from any and all liabilities, damages, interests, costs (including legal fees and disbursements), expenses and compensation of whatsoever kind arising or resulting from the alteration, modification or improvement to a strata lot. All costs associated with preparing and administering this covenant and agreement shall be borne by the owner undertaking the alteration, modification or improvement to a strata lot.

*Permit Entry to Strata Lot*

- 64** The strata corporation has a right to access a strata lot for the following purposes:
- (a) to inspect, repair or maintain common property or limited common property,
  - (b) to inspect, repair or maintain common assets,
  - (c) to inspect, repair or maintain any portion of a strata lot that is the responsibility of the strata corporation to repair and maintain under these bylaws,

- (d) to inspect a fire alarms, smoke alarms, water escape notification devices and other devices and instruments related to health and safety,
- (e) to inspect, repair or maintain anything insured by the strata corporation under section 149 of the *Strata Property Act* , and
- (f) to investigate whether there is a current contravention of a bylaw or a rule.

- 65** An owner, tenant, occupant, or visitor must allow a person authorized by the strata corporation to enter the strata lot without notice if there is an emergency, or immediate entry to the strata lot is required to ensure safety or prevent significant loss or damage to property.
- 66** If a strata corporation requires access to a strata lot when there is not an emergency and immediate entry is not required, the strata corporation must provide 48 hours' written notice to the owner, tenant, occupant, or visitor of a strata lot stating:
- (a) the reason for entry to a strata lot; and
  - (b) the date and approximate time of entry to a strata lot.
- 67** An owner, tenant, occupant, or visitor that has received written notice that the strata corporation requires access to their strata lot must permit a person authorized by the strata corporation to enter the strata lot on the date specified in that written notice.

#### *Owner Responsibility for Limited Common Property*

- 68** An owner is responsible for the cleanliness and preventative maintenance of common property and limited common property that the owner has a right to use, including parking spaces.

### Division 3 — Powers and Duties of Strata Corporation

#### *Strata Corporation Responsibility for Common Property*

- 69** The strata corporation must repair and maintain the following:
- (a) common assets of the strata corporation,
  - (b) common property that has not been designated as limited common property,
  - (c) the structure of the building,
  - (d) the exterior of the building,
  - (e) doors, windows and skylights on the exterior of the building or that front on the common property, and
  - (f) fences, railings, and similar structures located on common property.

#### *Strata Corporation Responsibility for Limited Common Property*

- 70** The strata corporation must perform repair and maintenance to limited common property that in the ordinary course of events occurs less often than once a year.



### *Strata Corporation Responsibility for Safety and Security*

- 71** The strata corporation may install and operate a closed-circuit television camera system (“CCTV”) solely for purposes of the safety and security of owners, tenants and occupants of the Strata Corporation and the protection of personal and common property.
- 72** The Strata Corporation is authorized to install on the common property signs warning that certain areas are monitored by video surveillance. No cameras will be positioned to record areas beyond the common property or to capture images peripherally or directly through the windows of the Strata Corporation or adjacent buildings.
- 73** CCTV recordings stored on an electronic storage device are stored for a maximum of 30 days, unless it must be retained by law or because it is relevant to the safety and security of owners, tenants and occupants of the Strata Corporation.
- 74** The CCTV records shall only be accessed in the event of a breach of safety or security and at a minimum the privacy officer and one member of strata council shall be present at all times during the viewing of the CCTV recordings.
- 75** The privacy officer must address all requests for access to the records of the CCTV system in accordance with the provisions of the *Personal Information and Privacy Act* (“PIPA”).

### *Insurance*

- 76** The Strata Corporation may enter into a policy of insurance as required or permitted under the Act and may agree to any reasonable deductible amount.
- 77** The Strata Corporation may enter into a policy of insurance for the perils of earthquake and to provide for Directors and Officers Liability Insurance.

## **Division 4 — Council**

### *Responsibilities of Council*

- 78** Subject to the *Strata Property Act*, the regulations and the bylaws, the council must exercise the powers and perform the duties of the strata corporation.
- 79** The powers and duties of council include, but are not limited to:
- (a) creating rules governing the use, safety, and condition of the common property, limited common property and common assets,
  - (b) authorizing expenditures of the strata corporation’s resources,
  - (c) spending 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,
  - (d) enforcing the bylaws and rules of the strata corporation, and
  - (e) maintaining the records of the strata corporation.

- 80** 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, the amount of the fine, or whether another sanction should be applied,
  - (c) whether a person should be required under *Strata Property Act* section 133 (2) to pay the reasonable costs of remedying a contravention of the bylaws or rules, or
  - (d) whether an owner should be exempted under *Strata Property Act* section 144 from a bylaw that prohibits or limits rentals.
- 81** The council, by a vote in support by a majority of council members present at a meeting, 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.

#### *Delegation of Spending Powers or Duties*

- 82** 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.
- 83** The council may, by resolution, approve expenditures from the operating fund for non-budgeted expenses. The total expenditure in this manner each fiscal year must not exceed 5,000 dollars in that fiscal year.
- 84** The council may, by resolution, approve expenditures from the contingency reserve fund for the payment of an insurance deductible.
- 85** The council may, by resolution, delegate its spending powers or duties for an expenditure of a specific amount for a specific purpose.
- 86** The council may, by resolution, delegate a general authority to make expenditures if that resolution states a maximum amount that may be spent, and the purposes for which, or the conditions under which, the money may be spent.

#### *Limitation on Liability of Council Member*

- 87** 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. However, this does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

#### *Election of Council*

- 88** At each annual general meeting, the eligible voters who are present in person or by proxy at the meeting must elect a council.
- 89** The strata council must have at least 3 and not more than 7 members.
- 90** The only persons who may be council members are the following:
- (a) owners,

- (b) individuals in a marriage-like relationship with an owner,
- (c) individuals representing corporate owners, and
- (d) tenants who, under section 147 or 148 of the *Strata Property Act*, have been assigned a landlord's right to stand for council.

- 91** No person may stand for council or continue to be on council with respect to a strata lot if the strata corporation has registered a lien against that strata lot under section 116 (1) of the *Strata Property Act*.
- 92** If a strata lot is owned by more than one person, only one owner of the strata lot may be a council member at any one time with respect to that lot.
- 93** If a strata lot is owned by a corporation, only one representative of the corporation may be a council member at any one time with respect to that lot.
- 94** All persons elected to council must be elected by a majority of the votes cast.

#### *Council Members' Terms*

- 95** The term of office of a council member ends at the end of the annual general meeting at which a new council is elected.
- 96** A person whose term as council member is ending is eligible for re-election.

#### *Removing Council Member*

- 97** 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.
- 98** If a council member is removed by a resolution, the strata corporation must hold an election at the same annual or special general meeting to replace the council member.

#### *Replacing Council Member*

- 99** If a council member resigns or is unwilling or unable to act for a period of two (2) or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.
- 100** A replacement council member may be appointed from any person eligible to sit on the council.
- 101** 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.
- 102** If all the members of the council resign or are unwilling or unable to act for a period of two (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 *Strata Property Act*, the regulations and the bylaws respecting the calling and holding of meetings.

### *Officers*

- 103** 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.
- 104** At the first meeting of the council held after each annual general meeting of the strata corporation, the council must designate someone to be accountable on the strata corporation's behalf for the strata corporation's compliance with the Personal Information Protection Act. This person does not need to be someone qualified to stand for council. On request of any person, the strata corporation must provide this person's address, telephone number and email address to that person.
- 105** No person may simultaneously hold the office of president and vice president.
- 106** 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.
- 107** If an officer other than the president is unwilling or unable to act for a period of two (2) or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

### *Calling Council Meetings*

- 108** Council shall not go more than two (2) consecutive months without a meeting unless notice is provided to the owners with the date of the next council meeting.
- 109** An owner or tenant may apply in writing for a hearing before council. The application must state the reason for the request for a hearing. Council must provide an opportunity for an owner or tenant to be heard before council within four (4) weeks of receiving a written request and that hearing may occur during a council meeting that has additional agenda items.

### *Council Meetings - Electronic Meetings Permitted*

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

### *Council Meetings - Usual Notice*

- 112** Any council member may call a council meeting by giving the other council members at least seven (7) days notice of the meeting, specifying the reason for calling the meeting. The notice does not have to be in writing.

*Council Meetings - Short Notice*

- 113** 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.

*Council Meetings - Notice to Owners of Council Meeting*

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

*Quorum of Council*

- 115** A quorum of the council is the greater of two (2) members or at least 50% of the total members of council.
- 116** No council member may be present at a council meeting by proxy.
- 117** A council member who has a direct or indirect interest in a contract or transaction with the strata corporation or a matter that is subject of consideration by the council must leave the council meeting while the contract, transaction or matter is discussed and while the council votes on the contract, transaction, or matter.
- 118** A council member who leaves the council meeting because they have a direct or indirect interest in a contract or transaction with the strata corporation or a matter that is subject of consideration by the council may be counted in the quorum at the meeting despite the member leaving the meeting and not participating in the vote.

*Owners Attendance and Participation at Council Meetings*

- 119** An owner may only participate in a council meeting with the permission of the chair of the meeting.

*Deliberative Secrecy at Council Meetings*

- 120** No observers may attend those portions of council meetings that deal with any of the following:
- (a) bylaw contravention hearings under *Strata Property Act*, section 135,
  - (b) rental restriction bylaw exemption hearings under *Strata Property Act*, section 144,
  - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy,
  - (d) any other matter if the presence of observers would, in the council's opinion, constitute of a waiver of solicitor-client privilege, and
  - (e) any other matters during which the council is making an adjudicative decision.

### *Voting at Council Meetings*

- 121** At council meetings, decisions must be made by a resolution by a majority of council members present, and who have not abstained from voting, in person at the meeting.
- 122** If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote. If the president is unable or unwilling to vote, the vice president may break the tie by casting a second, deciding vote.

### *Minutes*

- 123** Written minutes must be made of all council meetings, and include:
- (a) the wording of all resolutions; and
  - (b) the results of all votes.
- 124** The council must inform owners of the minutes of all council meetings within two (2) weeks of the meeting, whether or not the minutes have been approved.

## Division 5 — Bylaws and Rules

### *Adoption and Amendment of Bylaws*

- 125** A bylaw is not enforceable to the extent that it:
- (a) contravenes the *Strata Property Act*, the regulations, the *Human Rights Code* or any other enactment or law,
  - (b) prohibits or restricts the right of an owner of a strata lot to freely sell, lease, mortgage or otherwise dispose of the strata lot or an interest in the strata lot except regarding prohibitions on;
    - (i) rentals,
    - (ii) activities relating to the sale of a strata lot, or
    - (iii) restricting the age of persons who may reside in a strata lot.

### *Adoption and Amendment of Rules*

- 126** A rule is enforceable if it:
- (a) would be enforceable if it were a bylaw,
  - (b) does not conflict with a bylaw,
  - (c) governs the use, safety, and condition of the common property, limited common property or common assets,
  - (d) is set out in a written document that is capable of being photocopied, and
  - (e) is communicated to owners and tenants as soon as feasible after it is approved by resolution of the strata council.

- 127** A rule ceases to be enforceable if it is not ratified by a resolution passed by a majority vote at the first annual general meeting or special general meeting held after it is approved by resolution of the strata council.

*Investigation of a Violation of a Bylaw or a Rule*

- 128** An owner, tenant, or occupier is responsible for the conduct of themselves and any invitees, visitors, or guests authorized by that owner, tenant, or occupier to enter onto the common property, limited common property or a strata lot.
- 129** Any owner, tenant, occupant may provide notice to the strata council that they have reason to believe that an owner, tenant, occupant, invitee, visitor, or guest has violated a bylaw or a rule.
- 130** Strata Council, upon receipt of notice that an owner, tenant, occupant, invitee, visitor, or guest may have violated a bylaw, or a rule must provide the relevant owner or tenant the particulars of the complaint in writing and a reasonable opportunity to answer the complaint. If the complaint is regarding a tenant, the particulars of the complaint must be provided to the person's landlord and the owner.
- 131** An owner or tenant that has been provided with the particulars of a complaint can request to be heard in person at a council meeting.
- 132** Strata council, after reviewing the complaint and considering any answer to the complaint, must determine whether a bylaw or rule has been violated and must promptly give written notice to the owner or tenant of that determination.

*Enforcement of a Bylaw or a Rule*

- 133** If strata council determines that a bylaw or rule has been violated, strata council must take all reasonable steps to enforce the bylaw or rule.
- 134** The strata council can enforce a bylaw or rule by any of the following methods:
- (a) providing a warning if strata council considers it reasonable that the owner, tenant or occupant will not violate the bylaw or rule again,
  - (b) imposing a fine on an owner or tenant,
  - (c) doing work on a strata lot, the common property, limited common property or common assets,
  - (d) removing objects from common property or common assets,
  - (e) applying to the Supreme Court for an order that:
    - (i) an owner, tenant or other person perform a duty required under the *Strata Property Act*, the bylaws, or the rules,
    - (ii) an owner, tenant, or other person stop contravening the *Strata Property Act*, the bylaws, or the rules or
    - (iii) an owner, tenant or other person take other actions required to enforce a bylaw or rule,

- (f) applying to the Civil Resolution Tribunal to resolve a dispute over which the civil resolution tribunal has jurisdiction,
- (g) proceeding under the *Small Claims Act* to collect money owing as a fine, and
- (h) registering a lien against an owner's strata lot if the bylaw or rule relates to the payment of:
  - (i) strata fees,
  - (ii) a special levy,
  - (iii) reimbursement for the cost of doing work on a strata lot required by an order of a public or local authority, or
  - (iv) the strata lot's share of a judgment against the strata corporation.

#### *Imposition of a Fine*

**135** The strata corporation may fine an owner if a bylaw or rule is contravened by:

- (a) the owner,
- (b) a person who is visiting the owner or was admitted to the premises by the owner for social, business or family reasons or any other reason, or
- (c) an occupant, if the strata lot is not rented by the owner to a tenant.

**136** The strata corporation may fine a tenant if a bylaw or rule is contravened by:

- (a) the tenant,
- (b) a person who is visiting the tenant or was admitted to the premises by the tenant for social, business or family reasons or any other reason, or
- (c) an occupant, if the strata lot is not sublet by the tenant to a subtenant.

**137** If the strata corporation fines a tenant or requires a tenant to pay the costs of remedying a contravention of the bylaws or rules, the strata corporation may collect the fine or costs from the tenant, that tenant's landlord and the owner, but may not collect an amount that, in total, is greater than the fine or costs.

**138** The maximum fines are:

- (a) \$200 for each contravention of a bylaw that does not prohibit or limit rental of a residential strata lot or the use of a strata lot for remuneration as vacation, travel, or temporary accommodation.
- (b) \$500 for each contravention of a bylaw that prohibits or limits rental of a residential strata lot.
- (c) \$1,000 for each contravention of a bylaw that prohibits or limits use of all or part of a residential strata lot for remuneration as vacation, travel, or temporary accommodation.
- (d) \$50 for each contravention of a rule.



- 139** A fine can be levied for a single continuous contravention of a bylaw or rule or a succession or repetition of separate contraventions of a bylaw or rule of the same character, except a bylaw that prohibits, or limits use of all or part of a residential strata lot for remuneration as vacation, travel, or temporary accommodation, every seven (7) days.
- 140** A fine can be levied for the contravention of a bylaw that prohibits or limits use of all or part of a residential strata lot for remuneration as vacation, travel or temporary accommodation every one (1) day.

*Doing Work on a Strata Lot, the Common Property or Common Assets*

- 141** If the strata corporation enforces a bylaw or rule by doing work on a strata lot, the common property, limited common property or common assets, the strata corporation may require that the reasonable costs of remedying the contravention, including actual legal costs incurred, be paid by the person who may be fined for the contravention.

*Application to the Supreme Court*

- 142** If the strata corporation enforces a bylaw or rule by making an application to the Supreme Court, the strata corporation may require that the reasonable costs of remedying the contravention, including actual legal costs incurred, be paid by the person who may be fined for the contravention.

*Apply to the Civil Resolution Tribunal*

- 143** If the strata corporation enforces a bylaw or rule by making an application to the Civil Resolution Tribunal, the strata corporation may require that the reasonable costs of remedying the contravention, including actual legal costs incurred, be paid by the person who may be fined for the contravention.

*Proceeding Under the Small Claims Act*

- 144** The strata corporation can proceed under the *Small Claims Act* against an owner or other person to collect money owing to the strata corporation, including money owing as a fine, without requiring a resolution authorizing that proceeding.
- 145** If the strata corporation enforces a bylaw or rule through a proceeding under the *Small Claims Act*, the strata corporation may require that the reasonable costs of remedying the contravention, including actual legal costs incurred, be paid by the person who may be fined for the contravention.

## Division 6 — Annual and Special General Meetings

*General*

- 146** The primary function of an annual general meeting is to:
- (a) decide certain routine matters on an ongoing basis, such as budgets and insurance coverage,

- (b) decide certain special measures or steps,
- (c) permit the consideration of proposals from owners, and
- (d) enable collective decision-making.

**147** The strata corporation will hold an annual general meeting no later than (2) months after the strata corporation's fiscal year end, unless:

- (a) All persons that have a right to cast a vote with respect to a strata lot waive, in writing, the holding of the meeting and consent in writing to resolutions that;
  - (i) approve the budget for the coming fiscal year,
  - (ii) elect a council by acclamation, and
  - (iii) deal with any other business.

*Location – Participation by Electronic Means Permitted*

**148** At the option of the council, a person who is entitled to participate in, including vote at, a general meeting may do so by telephone or other communications medium if all of the persons participating in the general meeting, whether by telephone, by other communications medium or in person, are able to communicate with each other and, if applicable, vote at the meeting. For greater certainty, strata council is not obligated to permit a person to participate in a general meeting by telephone or other communications medium.

**149** A person who participates in or attends or votes at a general meeting by telephone or other communications medium is deemed to be present in person at the meeting.

**150** If a general meeting is to be held solely by telephone or other communications medium notice of the meeting must provide instructions for attending at or participating in the meeting by the communications medium, including, if applicable, instructions for how to vote at the meeting.

*Agenda for an Annual General Meeting*

**151** The agenda (order of business) for an Annual General Meeting is as follows:

- (a) Register eligible voters, certify proxies, and issue voting cards,
- (b) Call the meeting to order,
- (c) Elect a person to chair the meeting, if necessary,
- (d) Determine that there is a quorum,
- (e) Present proof of notice of meeting,
- (f) Approve the order of the agenda,
- (g) Approve the minutes of the most recent general meeting or waiver of notice of meeting,
- (h) Deal with any unfinished business,
- (i) Receive reports of council activities and decisions since the previous annual general meeting,

- (j) Ratify any new rules made by the strata corporation since the previous annual general meeting,
- (k) Report on insurance coverage, including the certificate of insurance and the most recent appraisal,
- (l) Approve the budget for the coming fiscal year,
- (m) Deal with other matters,
- (n) Elect a council,
- (o) Terminate the meeting.

#### *Proxies*

- 152** An owner can appoint a person as their proxy if that person is not an employee of the strata corporation nor a person who provides strata management services to the strata corporation.
- 153** A proxy can do anything that owner could do, including vote, propose and second motions and participate in the discussion.
- 154** When a person provides proof of a document appointing them as a proxy, in accordance with the requirements of the *Strata Property Act*, they will be issued the voting card for the strata lot for which they are appointed the proxy. The document appointing the person as a proxy remains the property of the proxy and is not collected by the strata corporation.

#### *Person to Chair Meeting*

- 155** The president and vice president have the right of first refusal to chair the annual general meeting. If neither the president nor vice president 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. A chair elected by the eligible voters present does not need to be an eligible voter.

#### *Quorum*

- 156** Quorum for an annual general meeting is 1/3 of the strata corporation's votes, present in person or by proxy.
- 157** If within fifteen (15) minutes from the time appointed for an annual meeting a quorum is not present, the meeting stands adjourned to thirty (30) minutes from the appointed time at the same place and at that time the eligible voters present in person or by proxy constitute a quorum.
- 158** If a quorum is present at the opening of an annual general meeting, the eligible voters present may proceed with the business of the meeting even if a quorum is not present throughout the meeting.

#### *Participation by Other Than Eligible Voters*

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

- 160** With the permission of the chair of the meeting, persons who are not eligible to vote, including tenants and occupants, may participate in the discussion at the meeting.
- 161** 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*

- 162** At a general meeting, each strata lot has one vote and a maximum of one (1) voting card for each strata lot may be issued regardless of the number of owners, tenants, or mortgagees of that strata lot attend in person.
- 163** If the strata corporation has registered a Certificate of Lien against a strata lot, that strata lot may not vote except on matters requiring an 80% or unanimous vote.
- 164** At a general meeting, a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
- 165** If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, written ballot, or some other method.
- 166** A resolution passed by a majority vote may require that a written ballot is required for a specific vote.
- 167** 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.
- 168** 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. If neither the president nor vice president chairs the meeting the chair may not cast a second, deciding vote.

### *Minutes*

- 169** Written minutes must be made of all annual general meetings, and include:
- (a) the wording of all resolutions; and
  - (b) the results of all votes.
- 170** The council must inform owners of any changes to their strata fees within two (2) weeks following an annual general meeting at which a budget is passed.
- 171** The council must inform owners of the minutes of all annual general meetings within three (3) weeks of the meeting, whether or not the minutes have been approved.