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Bylaw Amendments

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CROSBY PROPERTY MANAGEMENT LTD.  
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ATTENTION:

Julie/Cindi/Heiz

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**DYE & DURHAM**

**DYE & DURHAM CLIENT No. 11661**

**Strata Property Act  
Form I  
AMENDMENT TO BYLAWS  
(Section 128)**

The Owners, Strata Plan LMS 2926 [the registration number of the strata plan] certify that the following or attached amendments to the bylaws of the strata corporation were approved by a resolution passed in accordance with section 128 of the *Strata Property Act* at an annual or special general meeting held on February 2, 2004 [month day, year]:

[wording of bylaw amendment]

[Signature]  
Signature of Council Member

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

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

**RESOLUTION "A" 3/4 VOTE****PROPOSED STRATA CORPORATION BYLAWS**

**BE IT RESOLVED** by Strata Corporation LMS 2926, King's Garden, that all of the present Section 115 to Section 142 and Schedule of Standard Bylaws 1 through 30(2) in their entirety, be repealed and replaced with the proposed Bylaws 1 through 43 (d) inclusive, as per the attached.

**STRATA PLAN LMS 2926  
KINGS GARDEN  
BYLAWS**

**Preamble**

These bylaws bind the strata corporation and the owners, tenants and occupants to the same extent as if the bylaws had been signed by the strata corporation and each owner, tenant and occupant and contained covenants on the part of the strata corporation with each owner, tenant and occupant and on the part of each owner, tenant and occupant with every other owner, tenant and occupant and with the strata corporation to observe and perform their provisions.

Unless otherwise stated, all terms have the meanings prescribed in the *Strata Property Act*, S.B.C. 1998, c. 43 (the "*Act*"). For the purposes of these bylaws, "resident" means, collectively, an owner, tenant or occupant and, unless the context requires otherwise, includes a non-resident owner of a residential strata lot, and an owner, tenant or occupant of a non-residential strata lot.

**Separate Sections of Strata Corporation**

**1. Residential and commercial sections**

- 1.1 The owners of all the residential strata lots shall form a separate section within the strata corporation consisting of all the residential strata lots and bearing the name "Section 1 of The Owners, Strata Plan LMS 2926" (the "Residential Section").
- 1.2 The owners of all non-residential strata lots shall form a separate section within the strata corporation consisting of all the non-residential strata lots and bearing the name "Section 2 of The Owners, Strata Plan LMS 2926" (the "Commercial Section").
- 1.3 Each section shall elect an executive council in the manner described in bylaw 15.

**Duties of Owners, Tenants, Occupants and Visitors**

**2. Compliance with bylaws and rules**

- 2.1 All residents and visitors must comply with the bylaws and rules of the strata corporation or a separate section.

**3. Payment of strata fees and special levies**

- 3.1 An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- 3.2 A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy.
- 3.3 Outstanding strata fees and special levies will be subject to interest charges of 10% per annum, compounded annually.

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- 3.4 In addition to interest, the strata corporation or a separate section, as the case may be, will fine an owner \$25.00:
- (a) for each contravention of bylaw 3.1, where the strata corporation or separate section has not received the owner's strata fees by the fifteenth day of the month to which the strata fees relate; and
  - (b) for each contravention of bylaw 3.2, where the strata corporation or separate section has not received the special levy payable by the owner by the fourteenth day after the date the special levy was due and payable.

**4. Repair and maintenance of property by owner**

- 4.1 An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation or either separate section under these bylaws.
- 4.2 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 or either separate section under these bylaws.

**5. Use of property**

- 5.1 A resident or visitor must not use a strata lot, the common property, common assets or limited common property 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, limited common property or another strata lot;
  - (d) is illegal; or
  - (e) 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.
- 5.2 A resident or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets, limited common property or those parts of a strata lot which the strata corporation or a separate section must repair and maintain under these bylaws or insure under section 149 of the *Act*.

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- 5.3 An owner is responsible for any damage caused by occupants, tenants or visitors to the owner's strata lot.
- 5.4 An owner shall indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered necessary to the common property, common assets, limited common property or to any strata lot by the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, and for the purposes of bylaws 5.1, 5.2 and 5.3, any insurance deductible paid or payable by the strata corporation or a separate section shall be considered an expense not covered by the proceeds received by the strata corporation as insurance coverage and will be charged to the owner.
- 6. Pets and animals**
- 6.1 A resident or visitor must not keep any pets on a strata lot, limited common property, common property or on land that is a common asset except in accordance with these bylaws.
- 6.2 A resident 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.
- 6.3 A resident or visitor must not keep or bring a "vicious dog" within the meaning of the City of New Westminster *Animal Control By-law*, or any other animal which, in the opinion of the council, poses a physical danger or threat to any person, on a strata lot, the common property, limited common property, or land that is a common asset.
- 6.4 A resident must not keep a pet on a strata lot which is a nuisance. If, in the opinion of the council, a pet is a nuisance or has caused or is causing an unreasonable interference with the use and enjoyment by residents or visitors of a strata lot, limited common property, common property or common assets, the council may order that the pet be removed permanently from the strata lot, limited common property, common property or common assets, or all of them.
- 6.5 A resident who keeps a pet on a strata lot, or who allows a pet to be brought onto common property or to the resident's strata lot, must ensure that the pet is kept quiet, controlled and clean, and must dispose immediately of any excrement left by the pet on common property or on land that is a common asset.
- 6.6 A strata lot owner must assume all liability for all actions by a pet kept on the owner's strata lot, regardless of whether the owner had knowledge, notice or forewarning of the likelihood of such action.

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- 6.7 A resident or visitor must not feed birds, rodents or other wild animals from any strata lot, limited common property, common property or land that is a common asset. No bird feeders of any kind are permitted to be kept on balconies, patios, strata lots, limited common property, common property, or land that is a common asset.
- 6.8 A resident must not keep a pet 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) up to 2 domestic pets.
- (SPA 3(4)(a),(b),(c) and (c) modified)**
- 6.9 A resident must not harbour exotic pets, including not exhaustively, snakes, reptiles, spiders or large members of the cat family.

## **7. Duty to inform strata corporation**

- 7.1 An owner must notify the strata corporation:
- (a) within two weeks of becoming an owner, of the owner's name, strata lot number and mailing address outside the strata plan, if any; and
  - (b) within two weeks of any mortgage or other dealing in connection with the owner's strata lot, of such mortgage or other dealing.
- 7.2 On request by a strata corporation, a tenant must inform the strata corporation of the tenant's name and the strata lot which the tenant occupies.

## **8. Obtain approval before altering a strata lot**

- 8.1 An owner must obtain the written approval of the strata corporation before making or authorizing 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) stairs, balconies, patios or other things attached to the exterior of a building;



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- (d) doors or windows on the exterior of a building, or that front on the common property;
  - (e) fences, railings and similar structures that enclose a balcony or patio;
  - (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*;
  - (h) wiring, plumbing, piping, heating, air conditioning and other similar services.
- 8.2 The strata corporation must not unreasonably withhold its approval under bylaw 8.1, 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 and to indemnify and hold harmless the strata corporation from any and all future costs in connection with the alteration.
- 9. Obtain approval before altering common property**
- 9.1 An owner must obtain the written approval of the strata corporation before making or authorizing an alteration to common property, limited common property or common assets.
- 9.2 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 and to indemnify and hold harmless the strata corporation, its council members, employees and agents from any and all claims, demands and future costs whatsoever arising out of or in any manner attributable to the alteration.
- 10. Permit entry to strata lot**
- 10.1 A resident must allow a person authorized by the strata corporation or a separate section to enter the strata lot or limited common property:
- (a) in an emergency, without notice, or if proper notice has been given 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 or separate section to repair and maintain under these bylaws or insure under section 149 of the *Act*.

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- 10.2 The notice referred to in bylaw 10.1(b) must include the date and approximate time of entry, and the reason for entry.

### **Powers and Duties of Strata Corporation**

#### **11. Duties of strata corporation**

The strata corporation must:

- (a) control, manage and administer the common property (excluding limited common property appurtenant to either separate section and common property to be controlled, managed and administered by either separate section, as described below), common facilities or other common assets or the strata corporation for the benefit of all owners;
- (b) maintain and repair the common property (excluding limited common property appurtenant to either separate section and common property to be controlled, managed and administered by either separate section, as described below), and the fixtures and fittings (including any apparatus and equipment) used in connection with such common property, common facilities or other common assets of the strata corporation;
- (c) *Repealed*
- (d) maintain and repair, including renewal where reasonably necessary, pipes, wires, cables, chutes and ducts capable of being used in connection with the enjoyment of: (i) common property (excluding limited common property appurtenant to either separate section and common property to be controlled, managed and administered by either separate section, as described below); or (ii) more than one strata lot where such strata lots are now with the same separate section;
- (e) collect and receive all contributions toward the common expenses levied by the strata corporation paid by the owners and deposit the same with a chartered bank, trust company, credit union or financial institution established by the government; and
- (f) pay all sums of money properly required to be paid on account of all services, supplies and assessments pertaining to, or for the benefit of, the strata corporation.

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**12. Duties of separate section**

Each separate section of the strata corporation must:

- (a) control, manage and administer the limited common property appurtenant to the separate section, facilities common to the separate section, and other assets of the separate section of the strata corporation for the benefit of all members of the separate section;
- (b) maintain and repair the limited common property appurtenant to the separate section, and the fixtures and fittings (including the elevators, hot tub, sauna, exercise equipment, and other apparatus and equipment) used in connection with the limited common property appurtenant to the separate section, facilities common to the separate section, and other assets of the separate section;
- (c) maintain all areas common to the separate section, both internal and external, including storage areas, public halls, underground parking areas and appurtenant common areas and lobby areas;
- (d) maintain and repair, including renewal where reasonably necessary, pipes, wires, cables, chutes and ducts capable of being used in connection with the enjoyment of more than one strata lot within the separate section or the limited common property appurtenant to the separate section;
- (e) collect and receive all contributions toward the expenses common to the separate section paid by the owners and deposit the same with a chartered bank, trust company, credit union or financial institution established by the government; and
- (f) pay all sums of money properly required to be paid on account of all services, supplies and assessments pertaining to, or for the benefit of, the separate section.

**13. Maintenance and repair of limited common property**

Despite bylaws 11 and 12, any duty of the strata corporation or either separate section to repair and maintain limited common property is restricted to:

- (a) repair and maintenance that in the ordinary course of events occurs less often than once a year; and
- (b) the following, no matter how often the repair or maintenance ordinarily occurs:
  - (i) the structure of a building;
  - (ii) the exterior of a building;

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- (iii) stairs, balconies, patios and other things attached to the exterior of a building;
- (iv) doors and windows on the exterior of the building, or that front on the common property, except for evidence of obvious negligence or vandalism; and
- (v) fences, railings and similar structures that enclose balconies and patios.

### **Council**

#### **14. Strata council**

14.1 The council of the strata corporation must have at least 3 and not more than 7 members.

#### **15. Executives of the separate sections**

15.1 The executive of a separate section shall have at least 3 and not more than 7 members.

15.2 If a separate section has fewer than 4 owners, all the owners are on the executive of the separate section.

15.3 Bylaws 16 to 29 apply, with the necessary changes, to the executives of the separate sections.

#### **16. Council eligibility**

16.1 The spouse of an owner may stand for council.

16.2 Despite bylaw 16.1, if a strata lot is occupied by more than one person, only one occupier of the strata lot may be a council member at any one time with respect to that strata lot.

16.3 No person may stand for council or continue to be on council with respect to a strata lot, if:

(a) the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the *Act*; or

(b) there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules.

16.4 A member of the executive of either separate section is eligible for election to the council of the strata corporation.

**17. Council members' terms**

- 17.1 The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- 17.2 A person whose term as council member is ending is eligible for reelection.

**18. Removing council member**

- 18.1 Unless all the owners are on the council, the strata corporation may, by a resolution passed by a two-thirds vote at an annual or special general meeting, remove one or more council members.
- 18.2 For the purposes of bylaw 18.1, a "two-thirds vote" means a vote in favour of the resolution by at least two-thirds of the votes cast by eligible voters who are present in person or by proxy at the time the vote is taken and who have not abstained from voting.
- 18.3 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.

**19. Replacing council member**

- 19.1 If a council member resigns or is unwilling or unable to act for a period of two or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.
- 19.2 A replacement council member may be appointed from any person eligible to sit on the council.
- 19.3 The council may appoint a council member under bylaw 19.2 even if the absence of the member being replaced leaves the council without a quorum.
- 19.4 If all the members of the council resign or are unwilling or unable to act for a period of two 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.

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## **20. Officers**

- 20.1 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.
- 20.2 A person may hold more than one office at a time, other than the offices of president and vice president.
- 20.3 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.
- 20.4 If an officer other than the president is unwilling or unable to act for a period of two or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

## **21. Calling council meetings**

- 21.1 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.
- 21.2 The notice in bylaw 21.1 does not have to be in writing.
- 21.3 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 every council members either:
    - (i) consents in advance of the meeting; or
    - (ii) is unavailable to provide consent after reasonable attempts to contact him or her.
- 21.4 Section 14(4) of the Schedule of Standard Bylaws to the *Act* does not apply to the strata corporation.

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## **22. Requisition of council hearing**

- 22.1 By application in writing, stating the reason for the request, a resident may request a hearing at a council meeting stating the reasons for the request.
- 22.2 If a hearing is requested under bylaw 22.1 and required to be granted under the *Act*, the council must hold a meeting to hear the applicant within two months of the date of the council's receipt of the application, or such shorter time period as may be required under the *Act*.
- 22.3 If the purpose of the hearing is to seek a decision of the council, the council must notify the applicant of its decision, in writing, within one week of the hearing.

## **23. Quorum of council**

- 23.1 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.
- 23.2 Council members must be present in person at the council meeting (or deemed to be present in person under bylaw 24.3) to be counted in establishing quorum.

## **24. Council meetings**

- 24.1 The council may meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit.
- 24.2 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.
- 24.3 If a council meeting is held by electronic means, council members are deemed to be present in person.
- 24.4 Owners may attend council meetings as observers.
- 24.5 Despite bylaw 24.4, no observers may attend those portions of council meetings that deal with:

- (a) bylaw contravention hearings under section 135 of the *Act*; or
- (b) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

**25. Voting at council meetings**

- 25.1 At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- 25.2 If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- 25.3 The results of all votes at a council meeting must be recorded in the council meeting minutes.

**26. Council to inform owners of minutes**

- 26.1 The council must circulate to or post for all owners the minutes of all council meetings within two weeks of the meeting, whether or not the minutes have been approved.

**27. Delegation of council's powers and duties**

- 27.1 Subject to bylaws 27.2, 27.3 and 27.4, 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.
- 27.2 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 bylaw 27.3.
- 27.3 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.



27.4 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.

**28. Spending restrictions**

28.1 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.

28.2 Despite bylaw 28.1, 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.

**29. Limitation on liability of council member**

29.1 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 or function of the council or the council member.

29.2 Bylaw 29.1 does not affect a council member’s liability, as an owner, for a judgment against the strata corporation.

29.3 All acts done in good faith by the council are, even if it is afterwards discovered that there was some defect in the appointment or continuance in office of a member of council, as valid as if the council member had been duly appointed or had duly continued in office.

**Enforcement of Bylaws and Rules**

**30. Fines**

30.1 Except where a lesser amount is specified in these bylaws, the strata corporation or a separate section may fine an owner or tenant up to:

- (a) \$200 for each contravention of a bylaw; and
- (b) \$50 for each contravention of a rule.

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30.2 If the strata council or an executive of a separate section determines, in its discretion, that a resident is in repeated contravention of any bylaws or rules, any fines levied in respect of such contravention shall be immediately added to the strata fees for the applicable strata lot, and shall be due and payable by the owner of the strata lot together with the strata fees for the strata lot in the next month following such contravention.

**31. Continuing contravention**

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

**Annual and Special General Meetings**

**32. Quorum**

32.1 A quorum for an annual or special general meeting is eligible voters holding one-third of the strata corporation's votes, present in person or by proxy.

32.2 If within a half-hour from the time appointed for an annual or special general meeting a quorum is not present, the eligible voters present in person or by proxy constitute a quorum.

32.3 Bylaw 32.2 is an alternative to section 48(3) of the *Act*, and does not apply to a special general meeting demanded under section 43 of the *Act*. Failure to obtain a quorum for a special general meeting demanded under section 43 of the *Act* terminates, and does not adjourn, that meeting.

**33. Person to chair meeting**

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

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

33.3 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, eligible to vote, who are present at the meeting.

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**34. Participation by other than eligible voters**

- 34.1 Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.
- 34.2 Persons who are not eligible to vote, including tenants and occupants, may participate in the discussion at a meeting, but only if permitted to do so by the chair of the meeting.
- 34.3 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.

**35. Voting**

- 35.1 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if:
- (a) the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the *Act*; or
- 35.2 At an annual or special general meeting, voting cards must be issued to eligible voters.
- 35.3 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.
- 35.4 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.
- 35.5 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.
- 35.6 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.
- 35.7 Despite anything in bylaws 35.1 to 35.6, an election of council or vote to remove a council member must be held by secret ballot, if the secret ballot is requested by an eligible voter.

**36. Order of business**

- 36.1 The order of business at annual general meetings, and as far as is appropriate for special general meetings, is as follows:

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- (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 or 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.

**37. Annual and Special General Meetings of separate sections**

- 37.1 Bylaws 32 to 36 apply, with the necessary changes, to annual and special general meetings of the separate sections.

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### **Voluntary Dispute Resolution**

#### **38. Voluntary dispute resolution**

38.1 A dispute among owners, tenants, occupants, the strata corporation, the separate sections, 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.

38.2 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.

38.3 The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

### **Small Claims Court Proceedings**

#### **39. Authorization to proceed**

39.1 The strata corporation or a separate section may sue any person in Small Claims Court, without further authorization by the owners, for the recovery of any debt or damages owing to the strata corporation or separate section, including money owing as a fine.

### **Parking**

#### **40. Parking**

40.1 Parking stalls in the underground parking area must not be used for any purpose other than for parking vehicles owned or leased by residents or temporary visitors.

40.2 An owner must not lease or licence a parking stall assigned to the owner's strata lot to any person who is not a resident.

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- 40.3 A resident must park only in a parking stall which has been assigned to the resident's strata lot, or leased by the resident from another owner.
- 40.4 A resident must not park and/or store any vehicle in a manner which will reduce the width of the adjacent parking stalls or any roadway on the common property or on any limited common property.
- 40.5 A resident must not permit an unlicensed or uninsured vehicle to be stored in the underground parking area, or on common property, limited common property, or land that is a common asset.
- 40.6 A resident storing a vehicle must provide proof of insurance to the strata corporation on the commencement date of the storage.
- 40.7 A resident or visitor must not permit any vehicle to be parked or left unattended in a no parking zone, or in a manner that interferes with or obstructs access to or use of the underground parking area, parking stalls, or the access lane.
- 40.8 Any vehicle parked in violation of bylaw 40.7 will be subject to removal by a towing company authorized by council. If the vehicle belongs to a resident of a strata lot, all costs associated with the removal will be charged to the strata lot owner.
- 40.9 A resident or visitor must not drive any vehicle in excess of 7 km/h (5 m.p.h.) in the underground parking area.
- 40.10 A resident or visitor must not smoke in the underground parking area, including inside a vehicle.
- 40.11 A resident must not permit any vehicle that drips oil or gasoline to be parked or stored in the underground parking area, or on common property, limited common property, or land that is a common asset, and must remove any dripped oil, gasoline or other automotive residue by a vehicle parked or stored in contravention of this bylaw.
- 40.12 A resident or visitor must not use any part of the underground parking area as a work area for carpentry, renovations, or repairs of any kind.

### **Moving**

#### **41. Moving in/out procedures**

- 41.1 An owner must conform to, and ensure that any tenants conform to, any move-in and move-out rules established by the council.

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- 41.2 A resident must provide at least 48 hours' notice to the resident manager of all moving arrangements or large furniture deliveries. All moves or large furniture deliveries must take place between 8:00 a.m. and 5:00 p.m.
- 41.3 A resident using the elevator during a move or large furniture delivery must ensure that:
- (a) pads are hung in the elevator to prevent damage; and
  - (b) the elevator service key is used to control the elevator and the doors are not jammed open in any manner.
- 41.4 A resident must pay a non-refundable assessment of \$50 to the strata corporation on any residential move-in, to defray the costs to the strata corporation including the cost of inspecting the common area before and after the move-in and installing elevator pads. In addition to this assessment, any expenses incurred by the strata corporation for damage, other than reasonable wear and tear, caused as a result of the move will be charged to the strata lot owner.
- 41.5 The council may, by rule, increase or decrease the amount of the non-refundable assessment payable under bylaw 41.4.

### **Miscellaneous**

#### **42. Miscellaneous**

- 42.1 A resident or visitor must not smoke in any of the indoor common areas, including the elevators, hallways, storage areas, recreation areas, lobby and stairwells, or in the exterior entranceways to the building.
- 42.2 A resident must not allow hazardous materials or items that may deteriorate or attract pests in any storage locker area.
- 42.3 A resident or visitor must not cycle, skateboard, or wear or use inline skates or rollerskates on any common property, limited common property, or land that is a common asset.
- 42.4 A resident must not allow a strata lot to become unsanitary or untidy. Rubbish, dust, garbage, boxes, packing cases and other similar refuse must not be thrown, piled or stored in the strata lot or on common property or limited common property, except in places designated by the strata corporation. Any expenses incurred by the strata corporation to remove such refuse will be charged to the strata lot owner.
- 42.5 A resident must ensure that ordinary household refuse and garbage is securely wrapped and placed in the containers provided for that purposes, recyclable material is kept in

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designated areas, and material other than recyclable or ordinary household refuse and garbage is removed appropriately.

- 42.6 A resident must not shake rugs, carpets, mops or dusters of any kind from any balcony, window, stairway or other part of a strata lot, common property or limited common property.
- 42.7 A resident must not allow any refuse, water, cigarettes, matches, or any other material to fall or be thrown out of any window or door, from any balcony, or into any stairwell, hallway or other indoor common area.
- 42.8 A resident must not store or keep any items, other than patio furniture, barbecues and plants, on a balcony or patio in a manner which is visible to pedestrians or other strata lot residents.
- 42.9 A resident must not hang or place any window drapes, blinds, tinfoil, signs or other objects which, in the opinion of the strata council, will adversely affect the consistency of the exterior appearance of the building.
- 42.10 A resident must not hang or permit to be hung any laundry, bedding, towels or similar items on or from any balcony or on any other common property or limited common property in a manner which is visible to pedestrians or other strata lot residents.
- 42.11 A resident must not, unless authorized by the council, permit signs, billboards, advertising matter, or any other notice or display of any kind, including real estate and "open house" signs, on the common property or, with the exception of the strata lots in the Commercial Section, in a strata lot in any manner which is visible from the outside of the strata lot.
- 42.12 A resident must not erect or attach to any strata lot or to the common property or limited common property a television or radio antenna or satellite dish or similar structure.
- 42.13 A resident must not allow soliciting to be done within the strata plan.
- 42.14 A resident must not permit an instrument or other device to be used within a strata lot which, in the opinion of the council, causes a disturbance or interferes with the comfort of other owners.
- 42.15 If a hard surface floor is installed in a strata lot, the owner must ensure the floor is insulated in order to minimize noise.
- 42.16 A resident must not permit a waterbed to be placed in a strata lot, unless the waterbed is equipped with proper frames and safety liners, and the resident carries a minimum of \$100,000 waterbed liability insurance.



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42.17 Any resident who brings a live Christmas tree into the building must ensure that the tree is bagged when it is brought into and removed from the building, and that the tree is removed from the building before January 6th.

**43. Use of the Commercial Strata Lots and Limited Common Property**

The Strata Corporation confirms that:

- (a) the owners of the Commercial Strata Lots shall be entitled to place on the limited common property designated for those strata lots advertising signage, illuminated or not, as may be permitted under the applicable bylaws of the City of New Westminster in effect from time to time;
- (b) the Strata Corporation will do no act, nor pass any bylaw, rule or regulation, which would have the effect of prohibiting or impairing the owners of the Commercial Strata Lots from fully utilizing those strata lots for commercial purposes in accordance with the applicable bylaws, rules and regulations of the City of New Westminster in effect from time to time;
- (c) the Strata Corporation will not pass any bylaws, rules or regulations which prohibit, prevent or impair the owners of the Commercial Strata Lots from leasing, subleasing, granting a license, entering into any lease, sublease or license arrangement with respect to the use of the Commercial Strata Lots; and
- (d) any amendment to this bylaw may only be made with the written consent of the owners of the Commercial Strata Lots.