

**STRATA PLAN VIS1601 ARBUTUS RIDGE**  
**BYLAWS**

*Amended AGM August 31, 2022 – Registration #CB307626*

*Amended SGM March 9, 2023 – Registration #CB514172*

*Amended AGM August 24, 2023 – Registration #CB983986*

## STRATA PLAN VIS1601 REGISTERED BYLAWS

### **DEFINITIONS**

Words defined in section 1 of the *Strata Property Act* shall have the same meaning in this bylaw.

- (1) **“Act”** shall mean the *Strata Property Act*.
- (2) **“Council”** means Strata Council, Strata Plan VIS1601 or, where applicable, any person or persons to whom Council has delegated its powers as set out in Bylaw 27.
- (3) **“Strata Corporation”** or **“Corporation”** shall mean The Owners, Strata Plan VIS1601.
- (4) **“Regulation”** means regulations made under the *Strata Property Act*.
- (5) Whenever the singular, masculine or feminine is used, it shall be considered as if the plural, feminine or masculine has been used where the context hereto so requires.

### **DIVISION 1 – DUTIES OF OWNERS, TENANTS, OCCUPANTS AND VISITORS**

#### **1. PAYMENT OF STRATA FEES**

All monthly strata fees shall be paid on or before the first day of the month to which the strata fees relate.

#### **2. REPAIR AND MAINTENANCE OF PROPERTY BY OWNER**

- (1) An owner must repair and maintain his strata lot, buildings and improvements except for repair and maintenance that is the responsibility of the Strata Corporation under these bylaws, the Act or the Regulations.
- (2) An owner must not permit a strata lot or any improvement thereto, including fences or railings, the home exterior, any ancillary structure, lawn or garden, or any object stored thereon, to be or to become unsightly, unsanitary or neglected in the opinion of Council and according to the standards of the Strata Corporation. Exterior storage of items such as equipment, tools and waste containers shall be screened from view from common property and other strata lots. Council shall be at liberty, after 14 days written notice, to have any rubbish or weeds removed or to repair and maintain improvements on the strata lot. The costs of doing so shall be charged to the owner in addition to his common assessment and are due and payable on the first day of the month following the month in which the costs were incurred.
- (3) Landscaping of a strata lot by the owner must be completed within six months of substantial completion of construction of the home by the builder.
- (4) An owner must obtain prior written approval from Council before doing work to or having work done on a strata lot or the common property which involves any of the following:
  - (a) original landscaping, major landscape changes, and irrigation system installations.
  - (b) installation of fences or planting of hedges.
  - (c) installation or planting of privacy screens.

- (d) installation of golf ball protection screens.
  - (e) removal or pruning of trees on common property.
  - (f) removal or pruning of trees that existed on a strata lot before the home was built; removal of trees on a strata lot that were planted by the developer to create a streetscape; and all such work must comply with the Criteria.
- (5) An owner is responsible for the landscaping and maintenance of any common property boulevards located between the property line of his strata lot and the curb.
- (6) Council may make exceptions in writing to (1), (2) and (3) above if deemed advisable.
- (7) (a) Council may require an owner to trim plants, bushes and trees on his strata lot if, in the opinion of Council, this is required to provide proper visibility for drivers and pedestrians on the road or to prevent obstruction of fire hydrants, streetlights, service boxes, street signs and sidewalks.
- (b) An owner must trim trees and plants on his strata lot and on property for which he is responsible so that, in the opinion of the Council, they do not significantly block views, cause undue shade or prevent enjoyment by a neighbor of his strata lot.
- (8) Trees planted under the direction of the Strata Corporation or by the developer on common property shall be pruned by a certified arborist or shall be removed if, in the opinion of the Council, they block views from a strata lot.
- (9) To improve protection of the drinking water system from contamination, all residences having automatic irrigation systems must utilize a double check valve (DCVA) type backflow preventer.
- (10) (a) This section is intended to address the cost of required repair and maintenance of duplex exteriors, including duplex roofs to the extent that such repairs and maintenance must be carried out on both sides of the duplex (collectively the "Repairs"). In the event that the repairs are required, all the owners of the duplex must share in the cost of the Repairs. The owner(s) of each half of the duplex shall be obligated to pay for half of the total cost of Repairs.
- (b) Repairs are required, for purposes of this bylaw, in respect of duplex roofs, if one of the duplex owners submits to the strata corporation the written opinion of a certified home inspector who holds a current license issued by Consumer Protection BC stating that the roof should be replaced, or repaired immediately or within the following calendar year.
- (c) Non-roof Repairs shall be required if the Council passes a resolution stating that Repairs are required to bring the Duplex into conformity with the strata bylaws and delivers such a resolution to the duplex owners. If the Repairs could be affected by changing the outward appearance of the duplex (such as painting it a different colour) then the owners of both sides must agree to the change in appearance and the change must comply with the strata bylaws. If the owners of both sides of the duplex cannot agree to the change in appearance, then the repair must be affected without making a change in appearance.

- (d) An Owner shall be in breach of this section if:
  - (i) within 14 days of receiving written notice from the Strata Corporation that Repairs are required, the owner(s) refuse to permit the carrying out of such Repairs; or
  - (ii) the owner refuses to agree to pay for half of the Repairs; or
  - (iii) the owner fails to pay for half of the Repairs as the obligation to pay for the Repairs comes due, whether such payment is due to the contracting party who performed the Repairs, or to the other owner who paid that contracting party.
- (e) This section of Bylaw 2 is in addition to and in no way replaces or detracts from the prior sections of Bylaw 2.

**(11) Maintenance of the Limited Common Property Water Feature**

*(Repealed and amended at the July 8, 2020 SGM)*

- (a) Limited common property designations in Phase 18 (“LCP”) of the Strata Plan solely relate to and benefit strata lots 530 – 539, 604 - 609 and 616 – 622 (“LCP Lots”). The LCP Lots border a landscaping and water feature consisting of a series of connected pools, streams and waterfalls together with a pumping recirculation system (the “Water Course”).
- (b) The Owners of the LCP Lots (“LCP Owners”) must pay their proportionate share of all operating and maintenance expenses related to the LCP and Water Course which are all expenses which are normally incurred at least once per year, including, but not limited to, utilities, landscaping, and maintenance of the LCP Water Course. (“LCP Operating Expenses”).
- (c) Pursuant to Regulation 6.4 (1), the Owners of the LCP Lots shall pay the LCP Strata Lots’ Operating Expenses in accordance with the following formula:

$$\begin{array}{r}
 \text{Unit entitlement of an LCP strata lot} \\
 \text{Total unit entitlement of all LCP lots}
 \end{array}
 \times
 \begin{array}{r}
 \text{Total LCP} \\
 \text{Operating} \\
 \text{Expenses}
 \end{array}$$

- (d) The LCP Owners’ strata fees will be adjusted so that the LCP Owners pay the LCP Operating Expenses. The Strata Corporation will maintain the LCP according to the standards of the Strata Corporation and in accordance with the Strata’s obligation to repair and maintain common property pursuant section 72 of the *Strata Property Act*.
- (e) Contributions to the contingency reserve fund and special levy expenses which relate to the LCP and usually occur less often than once a year or that do not usually occur shall be paid by all owners in an amount proportionate to their unit entitlement.
- (f) The Strata Corporation and authorized persons, including agents, contractors and employees, shall be entitled to access the LCP without the requirement for prior written notice for the purpose of conducting maintenance, repairs or replacement of

any kind, relating to the LCP and/or Water Feature on business days between 9:00 a.m. and 5:00 p.m.

- (g) The LCP is for the exclusive use and enjoyment of the LCP owners. However, any Strata owner is entitled to enjoy the view of the Water Feature from the viewing platform at the bottom of the watercourse on St Andrews Lane.

### **3. USE OF PROPERTY**

An owner, tenant, occupant, or visitor must not:

- (1) cause a nuisance or hazard to another person, including the carrying out of door-to-door solicitation for any purpose except where residents are permitted to distribute notices of community events and activities approved by Council or as allowed by Federal or Provincial legislation.
- (2) make, or allow to be made, a noise which, impacts on the quiet use and enjoyment is unreasonable and disturbs the comfort and peaceful enjoyment of other strata lot owners; it being understood that:
  - (i) the installation of any mechanical device which emits noise heard outside a home, including, but not limited to, audio systems, heat pumps, hot tubs, air conditioners and filter systems, is not permitted without the prior written approval of Council.
  - (ii) HVAC Systems – the installation of an air conditioner/heat pump must be approved before work commences. The air conditioner/heat pump installation applications must include the manufacturer’s specification sheet, specifying the air conditioner/heat pump’s dB output, a to-scale drawing of the lot indicating the proposed installation location, and photograph(s) of the proposed installation location.

The bylaw applies only to air conditioners/heat pumps with a manufacturer’s published dB output of up to 54 dB; air conditioners/heat pumps with a manufacturer’s published dB output greater than 54 dB will not be approved by Council.

- (a) **Type:** Manufacturer’s name, model # and tonnage must be provided.
- (b) **Location:** A detailed schematic must be provided confirming that the equipment will not be visible from the road and will not interfere with views from neighbouring homes.
- (ii) in the case of noise, e.g., resulting from an exhaust vent, Council may require installation of a muffling device or the taking of other action to reduce the noise.
- (3) unreasonably interfere with the rights and privileges of other persons to use and enjoy the common property, common assets or another strata lot and the owner shall be responsible for the conduct of any other member of his household or guest when on his strata lot or on common property.
- (4) use a strata lot, the common property or common assets in a way that is contrary to any statute, ordinance, bylaw or regulation of any government authority whether Federal, Provincial, Municipal or other.

- (5) use a strata lot, the common property or common assets in a way that is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.
- (6) permit to be installed on a strata lot, the exterior of a home or on the common property any structures or devices, including but not limited to, clotheslines, aerial wires, TV antennae or satellite dishes, without the express written approval of Council.
- (7) permit a residential strata lot to be used for any purpose other than a private dwelling house for no more than two persons, subject to the following exceptions, or such other use as shall be authorized by the applicable zoning bylaws or regulations of the Regional District provided that:
  - (i) a strata lot shall not be used by more than two persons, one of whom has attained the age of 55 years unless otherwise provided for in this bylaw.
  - (ii) any use of the strata lot by a dependent or guest of an owner, tenant or occupant shall be restricted to a maximum of 30 days in any calendar year. Additional exceptions, as detailed below, may be permitted upon written application to Council by owners requiring homecare or where homecare is being provided for members of the owner's immediate family.
  - (iii) upon detailed documentation acceptable to Council from an owner's medical doctor, or other recognized health care authority, specifying that said owner has an ongoing need for a live-in home-care worker, Council will authorize the home-care worker to reside in the owner's residence with no additional increase to that owner's strata fees. The exception related to the requirement of homecare may be granted for a period of up to one year, after which time the owner must apply for further extension periods.
  - (iv) where home care is being provided in the owner's residence for family members (as defined in Strata Property Regulation 8.1), within 30 days of such occupation, the lot owner must provide Council with written affirmation that the owner of the strata lot is aware of and has agreed to pay a user fee in the amount of 50 percent of the current strata fee per additional person per month. The user fee will form part of the monthly assessment and as such will become due and payable on the first day of each month. The user fee shall be charged for the month following the month in which the additional person(s) arrived in the home and remain in effect until such time as Council is advised in writing by the owner of the strata lot that the additional person(s) are no longer occupants of the strata lot. The exception related to the provision of home care may be granted for a period of up to one year, after which time the owner must apply for further extension periods.
- (8) do anything or permit anything to be done to or on a strata lot or common property that may cause damage to or interfere with the maintenance of any plants, flowers, lawns or grounds in general.
- (9) use plumbing, electrical, drainage or other utility equipment for any purpose other than for which they were constructed.

- (10) permit the disposal of any garbage, rubbish, or other waste material in any manner except in accordance with the instructions of the Strata Corporation from time to time given. All strata lots must be equipped with one kitchen compost bin and one yard and garden compost bin, in accordance with the Strata Corporation refuse disposal program standard. To assist in maintaining the efficiency of the Strata Corporation's waste disposal system, the installation and/or use of garburators is not permitted.
- (11) leave water running except when in actual use and every owner or resident shall be expected to use water in a reasonable manner.
- (12) permit any member of his household, a guest or a visitor to trespass on any part of the property to which another owner is entitled to exclusive occupation.
- (13) cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the Strata Corporation must repair and maintain under these bylaws or insure under section 149 of the Act. Council may charge the costs of repairing such damage to the owner, tenant or occupant responsible.

#### **5. Rental**

*(Amended at the October 5, 2016 SGM)*

All rentals are subject to the occupancy limits and age requirements set out in the within bylaws and, subject to the exceptions set out herein, owners may only lease their strata lot for a minimum of one month and a maximum of six months in any twelve-month period unless Council, in cases of hardship and upon application in writing by the lot owner, agrees to extend the time limits. The exceptions referred to are leases to any member of the lot owner's family or to another owner of a strata lot in Strata Plan VIS1601, in which cases there are no restrictions on the length of the lease.

#### **4. INFORM STRATA CORPORATION**

Within two weeks of becoming an owner, an owner must give written notice to the Strata Corporation of his name, strata lot number and mailing address outside the strata plan, if any. If this information changes, the owner must give written notice to the Strata Corporation of the new information within two weeks of the change.

#### **5. OBTAIN APPROVAL BEFORE COMMENCING NEW HOME CONSTRUCTION OR MAKING ALTERATIONS ON A STRATA LOT**

*(Amended at the August 26, 2020 AGM)*

- (1) As of February 23, 2016, both new home construction and the making of alterations on a strata lot require approval of Council and an owner must obtain written approval from Council before commencing new home construction or making an alteration on a strata lot that involves, but not restricted to any of the following:
  - (a) the external structure of the building.

- (b) chimneys, stairs, balconies, decks, sheds, temporary canvas gazebo, sidewalks, driveways, or other things whether attached or unattached to the exterior of a building.
  - (c) fences, railings or similar structures that enclose a patio, balcony or portion of a strata lot.
  - (d) color, siding and roofing material; approved roofing material for all buildings within the Strata Corporation, including strata lots and common property, shall be cedar shake, cedar shingle, concrete tile, shake-look metal roofing, tile-look metal roofing, composite roof shake, or asphalt-fiberglass shingle.
- (2) Approval shall be granted by Council when it is satisfied that the proposed construction complies with Strata Plan VIS1601 Bylaws and Criteria.



- (3) When considering Alteration requests for an owner, in order to permit owners to present their view before a final decision is made and promote dispute resolution in the community, the Strata Corporation must:
- (a) permit the General Manager to ask the owner requesting the alteration to consult with affected neighbours if the proposed change does not comply with the criteria established by the Strata Corporation's bylaws; and,
  - (b) if any affected neighbours objects to the proposed changes (the "Objecting Party"), the Strata Corporation shall cause the following procedures to be followed:
    - (i) The General Manager shall investigate by visiting the site and speaking to the Objecting Party(s) in order to obtain particulars of their objection.
    - (ii) If the Objecting Party(s) still objects the General Manager shall speak to the owner requesting the alteration and discuss the pros and cons of the application.
    - (iii) If the owner requesting the alteration still wishes to proceed with the application the General Manager shall refer the application to Council who shall place it on the agenda of the next Council meeting for discussion and a decision.
    - (iv) Council shall then communicate its decision to both the owner requesting the alteration and the Objecting Party(s) who shall have 7 full days to file in the Administration Office a written request for a hearing with Council.
    - (v) If no request for a hearing is filed within 7 days then Council's decision stands and the owner requesting the alteration and the objecting party(s) shall be so notified.
    - (vi) If however, a request for a hearing is filed then the Council shall set a date, time and place for the hearing, pursuant to section 34.1 of the Act. Notice of the hearing shall be given to both the owner requesting the alteration and the Objecting Party(s) at least 7 full days prior to the hearing and they shall have the right to attend and present their arguments to Council.
    - (vii) After the hearing Council shall make its decision within 7 days and shall notify in writing all the owners involved. The decision shall be reported in the minutes of the next council meeting.
- (This bylaw is required to comply with the Civil Resolution Tribunal Consent Resolution Order CO - ST-2016-00299 granted by J. Garth Cambrey, Vice Chair dated June 27, 2017).*
- (4) Subject to the exceptions set out herein, trades personnel will be allowed to work on site only during the hours of 7:00 a.m. to 5:00 p.m. Mondays through Fridays and 8:00 a.m. to 4:00 p.m. on Saturdays but not on Sundays or statutory holidays. The only exceptions are as follows:

- (a) in the event of emergencies in which case Security must be advised of the reason and the expected duration of the continued activity.
- (b) “quiet indoor trades” such as painting, plumbing and electrical may continue to work past the closing hours until 8:00 p.m. on weekdays and from 9:00 a.m. to 8:00 p.m. on Sundays and Statutory holidays provided they do not cause a disturbance or make a noise as provided in Bylaw 3 (1) and (2).

## **6. APPROVAL OF APPLICATIONS AND ENFORCEMENT OF CRITERIA**

- (1) (a) When an owner is required to obtain written approval from the Council in relation to an owner’s strata lot (the “Application”), pursuant to these bylaws, the Council shall apply the applicable Arbutus Ridge Change Criteria attached to this bylaw as Schedule “A” (the “Criteria”) when determining whether to grant the approval sought.
  - (b) The Council may, in its sole discretion, approve an Application even though the subject matter of the Application varies in whole or in part from the Criteria, and in such event the subject matter of the Application shall be deemed to comply with the Criteria and these bylaws.
  - (c) To the extent that the Criteria are not applicable to an Application, the Council maintains and reserves sole discretion to approve or reject the Application in whole or in part.
- (2) (a) The Criteria form part of these bylaws and are independently enforceable as bylaws.
  - (b) Notwithstanding the fact that the Criteria form part of these bylaws and are enforceable as such, the Council may in its sole discretion opt not to enforce the Criteria, in whole or in part, in respect of a strata lot even though the features of such strata lot vary from the Criteria.

## **7. REQUEST FOR ALTERATION OF COMMON PROPERTY**

- (1) An owner may request Council to alter common property, including limited common property or common assets.
- (2) Council, if it approves, may require that the owner pay to the Strata Corporation the cost of the alteration before the alteration is made.

## **8. PERMISSION TO ENTER A STRATA LOT**

Council and its agents shall have the right to enter a strata lot or any building or improvement on it in an emergency, without notice, to:

- (a) ensure safety or prevent significant loss or damage.
- (b) shut off water in the event water is required for firefighting or some other emergency, or
- (c) shut off water or a sprinkler that has been left running in an unreasonable manner or that has been left unattended while the owners or tenants of the strata lot are absent.

## **9. PETS**

- (1) An owner, tenant or occupant must not keep any pets on a strata lot other than the following:
  - (a) fish or small terrarium animals.
  - (b) a reasonable number of small, caged mammals.
  - (c) up to two caged birds.
  - (d) one dog or one cat.
- (2) Council may grant exceptions for compassionate reasons to new homeowners for existing pets; however, such pets in excess of the maximum number mentioned in section (1) may not be replaced.
- (3) When off the owner's, tenant's or occupant's strata lot but within Strata Plan VIS1601, all pets are to be kept on a leash and under the supervision of a responsible person at all times. The owner of a pet shall be responsible to remove the pet's excrement from any strata lot or common area.
- (4) If Council, on reasonable grounds, considers a permitted pet to be a nuisance, such pet shall not be kept within the strata lot following 30 days' notice in writing to that effect given to the owner, occupant or tenant of the strata lot where the pet is kept.

## **10. SIGNS AND MARKETING**

*(Amended at the October 5, 2016 SGM)*

- (1) No person may erect, place, allow, keep or display, signs, billboards, advertising matter or other notices or displays of any kind on the common property or in or about any strata lot in any manner which may make the same visible from the outside of a strata lot except when offering a strata lot for sale, signs permitted under the Canada Elections Act and the BC Election Act as set out in section 2 hereof, or the temporary display of the Arbutus Ridge Emergency Preparedness Help/Ok sign. All strata lot 'For Sale' signs (Spotlight Signs) must be obtained from the Activity Office of the Strata Corporation at cost price, and must be displayed in the following manner:
  - (a) each property is permitted to have a maximum of two Spotlight signs posted at any one time.
  - (b) the signs must refer to the sale of the subject property only and must not refer to any other property, nor promote the sale of any other products, goods or services.
  - (c) the signs should be placed parallel to the road.
  - (d) the signs must not interfere with buried service cables, gas lines or conduit, etc.
  - (e) the signs must contain an individual "shingle", 10" x 3.5", with the colour and style matching the signs and showing the Brokerage name, the Sales Representative's names

and phone number, which shingle can be obtained by the vendor or his/her agent from a supplier named by the office.

- (f) A Sold banner, 6" x 3.5", available from the same supplier, is permitted to be posted directly on the Spotlight signs for a period not to exceed one week.
- (2) Signs permitted under the Canada Elections Act and the BC Elections Act may be placed by an owner on his strata lot at any time after an election is called until the day following the vote. Signs must adhere to bylaw 13 (1) (c) and (d) above and may not exceed 61 x 91 cm (2' x 3'). Signs may not be displayed on common property at any time.
- (3) Notwithstanding Section 1 hereof, Council, upon application by an Owner before a special event may approve short term signage on common property or on a strata lot relating to a special event.

### **11. NON-RESIDENTIAL STRATA LOT (MAY CONTAIN COMMERCIAL TENANT(S))**

*(Repealed and replaced at the May 6, 2019 SGM)*

- (1) An owner of a Non-residential Strata lot must comply with all bylaws and rules of the Strata Corporation with the specific exception of Bylaws 5 (Rental) and 13 (3) (Signs and Marketing) or as they may be amended from time to time. In addition, Non-residential owners shall ensure compliance with the following:
  - (a) Commercial tenants who lease within a Non-residential strata lot shall not have access to the strata common facilities.
  - (b) Exterior signs on Non-residential strata lots must not exceed 61 cm x 91 cm (2' x 3') and may only advertise products or services available within the Non-residential strata lot on which the sign is affixed. Electric or neon signs are prohibited. Signs which do not meet the above specifications must be removed immediately upon written notification by Council or an authorized representative of Council.
  - (c) Proper exterior lighting for walkways and entrances is mandatory in respect of all Non-residential strata lots.
  - (d) Non-residential lot owners and their tenants must comply with all bylaws and rules of the strata corporation, except for Bylaws 5 and 13 (3), or as they may be amended from time to time. This Bylaw 14 applies to commercial tenants who lease within Non-residential strata lots ("Commercial Tenants"):
    - (i) Non-residential lot owners or their Commercial Tenants may offer services to all lot owners, occupants and tenants, their guests, agents, invitees, as well as golfers while playing on the golf course and strata employees.
    - (ii) The Strata must approve the type of services or goods which Commercial Tenants offer, and Non-residential owners shall specify the approved activities within the leases of the Commercial Tenants.

- (iii) In addition, Non-residential owners and Commercial Tenants may offer services to members of the general public on the following conditions:
  - a) Non-residential owners or the Commercial Tenant, as the case may be, must provide a list to Security staff at the security gatehouse identifying the names of clients who are expected to patronize the tenanted businesses that day.
  - b) Security employees will be entitled to refuse entry to clients if the business operator has not provided the names to security as provided for herein.
  - c) Clients will be given security passes to permit access to the business. Non-resident owners and tenants will advise the clients are obliged to leave the Strata property and deposit their security pass in the indicated drop-box after the client has concluded business at the Non-residential Strata lot.
- (e) The Non-resident owner may operate a guest suite within (Strata Lot 061) (the “Suite”), and is only permitted to rent the suite to strata residents and their guests. The Non-resident owner will not in any manner advertise the Suite on short term rental websites or to the general public. Any rentals of the Suite must comply with Bylaw 6.1, or as it may be amended, regarding the length of stay.

## **DIVISION 2 – POWERS AND DUTIES OF STRATA CORPORATION**

*The Strata Property Act Standard Bylaws require this Division, which will be used in a subsequent change once approved.*

## **DIVISION 3 – COUNCIL**

### **12. COUNCIL SIZE**

Council shall be comprised of seven members but may have only five or six members if less than seven eligible persons stand for election or if a vacancy occurs for any reason.

### **13. ELIGIBILITY FOR COUNCIL**

- (1) The only persons who may be Council members are the following:
  - (a) owners;
  - (b) the spouses of owners;
  - (c) individuals representing corporate owners.
- (2) Notwithstanding the above, no person may stand for Council or continue to be on Council with respect to a strata lot if the Strata Corporation is entitled to register a lien against that strata lot.

#### **14. ELECTION OF COUNCIL**

*(Amended at the August 26, 2020 AGM)*

- (1) The term of office of Council members ends at the conclusion of the annual general meeting at which replacements are elected.
- (2) A person whose term as Council member is ending is eligible for re-election.
- (3) In the election of Council members held at annual general meetings, the members elected to fill the vacant positions on Council shall be elected for a term of two years except when filling a vacancy referred to in Bylaw 20 (1), in which case the term shall be until the next AGM.
- (4) Candidates for election to Council shall be eligible persons whose names are put forward for election by a nominating committee appointed by Council annually, together with candidates at large whose written nominations are supported in writing in each case by at least five additional owners and whose nominations so supported are delivered during normal business hours to the Administration Office of the Strata Corporation or to the president of Council not less than 45 days before the date set for the annual general meeting. Candidates nominated at large and in accordance with this bylaw shall be entitled to participate in the same pre-election candidate meetings, activities and publicity events that are provided for candidates put forward by the nominating committee.

If the total number of Councillors continuing their terms plus new candidates for Council is less than 7 at the time of election at the annual general meeting, nominations may be taken from the floor to stand as candidates for Council.

The eligible voters shall elect between 5 to 7 eligible persons to Council who receive a majority vote or, if there are more than 7 nominees, those 7 nominees who receive the greatest number of votes above the majority threshold shall be elected. In the event of a tie vote for the 7<sup>th</sup> position, a run-off election will be held for the 7<sup>th</sup> position.

Pursuant to this bylaw, the election process will be repeated until a minimum of 5 Council members are elected by majority vote.

- (5) The inaugural meeting of the newly elected Council shall be held within seven days of the annual general meeting for the purpose of electing the officers of Council and other business.

#### **15. REMOVAL OF COUNCIL MEMBER**

The Strata Corporation may, by a resolution passed by a majority vote at a special general meeting, remove one or more Council members.

#### **16. REPLACING A COUNCIL MEMBER**

- (1) In case of any vacancy on Council, or if a Council member is unwilling or unable to act for a period of two or more consecutive months, the remaining members of the Council may appoint a replacement Council member until the next annual general meeting, at which time a Council member shall be elected for the remainder of the term, if any.

- (2) A replacement Council member may be appointed from any person eligible to be elected to Council.
- (3) If all the members of Council resign, a special general meeting must be held within 30 days to elect a new Council by complying with the provisions of the *Strata Property Act*, the Regulations and bylaws respecting the calling and holding of meetings.
- (4) If all the members of Council are unwilling or unable to act for a period of 30 days, a special general meeting must be held within a further 30 days 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.

#### **17. OFFICERS**

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

#### **18. CALLING COUNCIL MEETINGS**

- (1) Any Council member may call a Council meeting by giving the other Council members at least seven days' notice of the meeting, specifying the reason for calling the meeting.
- (2) The notice does not have to be in writing.
- (3) A Council meeting may be held on less than one week's notice if:
  - (a) all Council members consent in advance of the meeting; or,
  - (b) the meeting is required to deal with an urgent situation, and all Council members either consent in advance of the meeting or are unavailable to provide consent after reasonable attempts to contact them.

#### **19. REQUEST FOR COUNCIL HEARING**

*(Amended at the August 26, 2020 AGM)*

- (1) By application in writing, stating the reason for the request, an owner or tenant may request a hearing at a Council meeting.

- (2) If a hearing is requested under subsection (1), Council must hold a Council meeting to hear the applicant within four weeks after the request or hear the applicant at its next regularly scheduled Council meeting if agreeable to the applicant.
- (3) If the purpose of the hearing is to seek a decision of Council, Council must give the applicant a written decision within one week after the hearing.
- (4) If a Council meeting is to be run as an electronic meeting, hearings may be heard through electronic means as well.

## **20. QUORUM OF COUNCIL**

- (1) A quorum of the Council is:
  - (a) four, if the Council consists of seven members; or
  - (b) three, if the Council consists of five or six members.
- (2) Subject to Bylaw 24 (1) and (2), Council members must be present in person or by electronic means at the Council meeting to be counted in establishing a quorum.

## **21. COUNCIL MEETINGS**

- (1) At the option of Council, Council meetings may be held by electronic means, so long as all Council members and other participants can communicate with each other.
- (2) If a Council meeting is held by electronic means, Council members are deemed to be present in person.
- (3) All meetings of Council shall be open to owners as observers, except that no observers may attend those portions of Council meetings that deal with any of the following:
  - (a) bylaw contravention hearings under Section 135 of the Act.
  - (b) rental restriction bylaw exemption hearings under Section 144 of the Act.
  - (c) personnel issues.
  - (d) on-going negotiations with a third party, where public knowledge of such negotiations might jeopardize the interests of the owners in Strata Plan VIS1601.
  - (e) any other matters if the presence of observers would, in the Council's opinion, unreasonably interfere with an individual's privacy.
- (4) Documents provided to Council members relating to the "in camera" portion of Council meetings shall not be made available to owners without the express permission of Council.

## **22. VOTING AT COUNCIL MEETINGS**

- (1) At Council meetings, decisions must be made by a majority of Council members present in person or deemed to be present in person at the meeting.



- (2) In the case of a tie vote, the president may cast a second, deciding vote.
- (3) The results of all votes at a Council meeting must be recorded in the minutes. Any dissenting votes shall be recorded in the minutes at the request of the dissenting Council member(s).

### **23. COUNCIL TO INFORM OWNERS OF MINUTES**

Minutes of all Council meetings shall not include the discussions of matters dealt with in the “in camera” portion of the meetings, but shall include the decisions made on those matters unless deemed by Council to affect the privacy rights of an owner. The minutes shall be distributed to the owners as soon as possible after the meetings.

### **24. DELEGATION OF COUNCIL’S POWERS AND DUTIES**

- (1) Subject to subsection 2, Council may delegate some or all of its powers and duties to one or more Council members or persons who are not members of Council, and may revoke the delegation.
- (2) Council may delegate its spending powers or duties, but only by delegating the authority to make an expenditure of a specific amount for a specific purpose or by delegating the general authority to make expenditures in accordance with subsection (3).
- (3) A delegation of a general authority to make expenditures must set a maximum amount that may be spent and indicate the purposes for which, or the conditions under which, the money may be spent.
- (4) The Council may not delegate its powers to determine, based on the facts of a particular case, whether a person should be fined, and the amount of the fine, except for fines for late payment of strata assessments and parking violations.
- (5) Other than staff duties and responsibilities previously delegated and included in approved job descriptions, all delegations or revocations shall be in writing and shall describe the delegated power along with the identity of the person or group to whom the power is delegated. Such delegation or revocation shall be included in the minutes of Council meetings.

### **25. SPENDING RESTRICTIONS**

- (1) A person may not spend the Strata Corporation’s money unless the person has been delegated the power to do so in accordance with these bylaws.
- (2) Further to the *Strata Property Act*, Section 98(2)(a), Council shall not permit an expenditure exceeding \$10,000 per incident up to a maximum of \$50,000 per fiscal year, unless:
  - (a) the repair or replacement is immediately required to ensure safety or prevent significant loss or damage;
  - (b) the expenditure was set out in the annual budget of the Strata Corporation and approved by the owners at a general meeting;
  - (c) it was an expenditure from the Contingency Reserve Fund authorized by a resolution of the owners; or

- (d) the expenditure is for a repair or replacement of an asset or scheduled maintenance item specifically provided for in the depreciation report.
- (3) Further to the *Strata Property Act*, Section 82(3)(a), acquisition and disposal of personal property by Strata Corporation requires a % vote at an annual or special general meeting if the personal property has a market value of more than \$10,000.

## **26. AUDIT**

- (1) Council must ensure that the licensed public accountant appointed at the prior annual general meeting completes an audit of the Strata Corporation's financial records for the past year and submits his report to Council within 120 days of the fiscal year end.
- (2) The licensed public accountant will present his report at the next general meeting.

## **27. LIMITATION OF LIABILITY OF COUNCIL MEMBER**

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 Council. This does not affect a Council member's liability, as an owner, for a judgment against the Strata Corporation.

### **DIVISION 4 – ENFORCEMENT OF BYLAWS AND RULES**

## **28. COMPLAINTS**

A complaint by an owner, occupant or tenant regarding any contravention of the bylaws or rules of the Strata Corporation must be given to Council in writing.

## **29. FINES AND REMEDIES FOR VIOLATIONS**

- (1) A person, including an owner, tenant or occupant of an owner's strata lot who is not paying rent, or anyone admitted by the owner for social, business, family or any other reason, who violates a bylaw or rule, subjects the owner or tenant, as the case may be, to a fine as provided for in this bylaw.
- (2) Council, having given notice of a violation of a bylaw or rule, may impose the following fines:
  - (a) When a monthly assessment of strata fees has not been paid by the 21st day of the month in which it is payable, the owner shall be subject to a once-only fine of \$50 for each occurrence, plus the maximum rate of interest allowed by the Regulations.
  - (b) If an owner leases or rents his strata lot in contravention of Bylaw 5, the owner is subject to a fine of \$500 for each contravention.
  - (c) Fines for a contravention of any other bylaw, or a continuance of a contravention of a bylaw after notice given, may be assessed up to a maximum of \$200 for each contravention or continuance.

- (d) Fines for each contravention of a rule, or a continuation of a contravention of a rule after notice given, may be assessed up to a maximum of \$50 for each contravention or continuance.
- (3) For the purpose of section 2, “continuance of a contravention” means failure to rectify the activity which constitutes the violation within seven days unless an extension is granted by Council. Additional fines may be imposed every seven days for any activity or lack of activity that constitutes a contravention of any bylaw or rule.
- (4) The Strata Corporation is authorized to sue an owner or other person in small claims court under the Small Claims Act to collect money owing to the Strata Corporation, including money owing as a fine, and in addition to its other rights, to waive fines already imposed in whole or in part.

## **DIVISION 5 – ANNUAL AND SPECIAL GENERAL MEETINGS**

### **30. MANAGEMENT OF GENERAL MEETINGS**

*(Repealed and replaced at the July 8, 2020 SGM)*

(1) **Electronic Meetings:**

- (a) At the option of Council, general meetings may be held by electronic means, so long as all Owners present can communicate with each other.
- (b) When electronic meetings are held, voting may be conducted by email as prescribed by Council.

(2) **Person to Chair Meeting:**

- (a) Except as provided in sections (b) and (c) hereof, annual and special general meetings must be chaired by the president of Council.
- (b) If the president of Council is unwilling or unable to act, the meeting must be chaired by the vice president of Council.
- (c) If neither the president nor the vice president of Council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons who are present at the meeting.

### **31. PARTICIPATION BY OTHER THAN ELIGIBLE VOTERS**

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

### **32. LACK OF QUORUM**

If a quorum is not present within 15 minutes of the appointed time, those persons who are present in person or by proxy for the remainder of the meeting shall constitute a quorum.

### **33. VOTING**

- (1) At an annual or special general meeting, voting cards must be issued to eligible voters.
- (2) At an annual or special general meeting, voting on resolutions shall be decided by way of ballot, and voting on procedural matters shall be decided on a show of voting cards, unless an eligible voter requests a precise count.
- (3) If a precise count is requested, the chair must decide whether it will be by a count of voting cards, secret ballot or some other method.
- (4) If there is a tie vote at an annual or special general meeting, other than for the election of Council members, the chair may break the tie by casting a deciding vote.
- (5) The election of Council must be held by secret ballot. If there is a tie vote for the last position available on Council, the chair shall conduct a run-off vote by secret ballot to determine the winner between the tied candidates. If there is a further tie after the run-off vote, then the chair shall break the tie by casting a deciding vote.
- (6) The outcome of each vote must be announced by the chair and recorded in the minutes of the meeting, including:
  - (a) the number of votes for and against a resolution if a precise count is requested,
  - (b) the names of all candidates standing for election to Council, the number of votes each candidate obtained and the names of those candidates elected to Council.
- (7) All ballots cast at annual or special general meetings shall be retained by the Administration Office for a period of at least 90 days, after which they can be destroyed unless anyone files a written request that they be retained for a further period of time pending an enquiry.

### **34. ORDER OF BUSINESS**

The order of business at annual and special general meetings is as follows but not necessarily in that order:

- (a) certify proxies and Strata Corporation representatives and issue voting cards.
- (b) determine that there is a quorum.
- (c) elect a person to chair the meeting, if necessary.
- (d) present to the meeting proof of notice of meeting or waiver of notice.
- (e) approve minutes from the last annual or special general meeting.
- (f) deal with any unfinished business.

- (g) 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.
- (h) receive a report from the licensed public accountant appointed at the last annual general meeting regarding the previous fiscal year's audit.
- (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) appoint a licensed public accountant to conduct an audit of the corporation's financial records.
- (m) deal with new business, including any matters about which notice has been given under section 45 of the Act.
- (n) elect a Council if the meeting is an annual general meeting.
- (o) adjourn the meeting.

#### **DIVISION 6 – VEHICLES AND VEHICLE PARKING**

**(38)** An owner, tenant or occupant must not:

- (1) (a) except as provided herein, permit more than two vehicles, of which only one may be a truck no larger than a one-ton pickup, to be parked outside overnight on the owner's strata lot. All other vehicles must be parked overnight within an enclosed garage.

Notwithstanding the foregoing:

- (i) upon obtaining prior approval from Council, owners, tenants or occupants are allowed to park their vehicles, normally parked in the owner's garage, on the owner's strata lot while renovations are being carried out on the owner's house.
- (ii) recreational vehicles such as: boats, trailers, campers and motor homes may be parked on common property or on the owner's driveway for a cumulative total, for all vehicles, for a period not to exceed 48 hours per calendar month to facilitate cleaning, loading and unloading.
- (iii) owners are permitted to park a motor vehicle overnight in the Village Centre parking lot for no more than seven days within a three-month period, except upon prior approval by Council.
- (iv) visitors with recreational vehicles are allowed to park them on their hosts' driveway or in the Village Centre parking lot for a period not exceeding 48 hours.

- (v) visitors with an automobile or a truck no larger than a one-ton pick-up may park overnight on their host's driveway, or on the adjacent road unless prohibited by the Rules, during their visit.
- (vi) authorized users of the RV yard are permitted to park their recreational vehicles in the RV Yard in accordance with the rules of the facility.
- (b) permit repairs other than emergency repairs to motor vehicles to be carried out in view on private property or common property, with the exception of works permitted in the RV Yard. Whether a repair is of an emergency nature is wholly within the discretion of Council.
- (c) permit a vehicle engine to idle for longer than two minutes with the exception of emergency vehicles or construction vehicles requiring power for secondary equipment.
- (2) No person shall operate a motor vehicle upon the common property without a current driver's license and valid vehicle insurance. No person under the age of 16 years shall operate a golf cart upon the common property.

#### **DIVISION 7 – VIDEO SURVEILLANCE**

### **35. VIDEO SURVEILLANCE**

*(Amended at October 5, 2016 SGM)*

The Owners, Strata Plan VIS1601 authorize the use of video surveillance as follows:

- (1) Arbutus Ridge Strata Plan VIS1601 utilizes real-time and recorded video surveillance at a number of entry and exit points to the community to assist security staff in the identification of resident, guest and trades vehicles for the purpose of entry authorization, and to alert security staff to potential trespass threats.
- (2) The locations and fields of vision of the video surveillance systems include:
  - (a) North Gate (exit) – displays the inbound and outbound traffic lanes on Arbutus Drive North, intercom device, recreational vehicle (RV) compound gate and the north gate.
  - (b) North Gate (entry) – displays the inbound traffic lane on Ratcliffe Road, partial outbound traffic lane and the intercom device.
  - (c) West Gate (entry) – displays the inbound visitor and resident lanes on Country Club Parkway, the intercom device and a partial image of the inbound visitor gate.
  - (d) West Gate (exit) – displays the exit lane on Country Club Parkway.
  - (e) South Gate and Golf Maintenance Gate (entry) – displays the inbound and outbound traffic lanes at the corner of Hutchison and Ratcliffe Roads and both the South and Golf Maintenance Gates.
  - (f) Marine Facility – to display an area within the foreshore lease including the dock and boat launch ramp.

- (g) Main Entrance (Security Gatehouse) displays the exit lane on the Parkway.
  - (h) Main Exit (Security Gatehouse) displays the exit lane on the Parkway.
- (3) The rationale and purpose of the specific locations of video surveillance and fields of vision are:
- (a) North Gate (exit) – to provide security staff the means to identify authorized outbound traffic that may require the gate to be remotely opened from the gatehouse. To provide security staff the means to monitor for automated gate malfunctions and safety issues, and to monitor entry and exit from the RV compound. The field of vision selected is the minimum practical for the above monitoring purposes.
  - (b) North Gate (entry) – to provide security staff the means to identify authorized inbound traffic that may require the gate to be remotely opened from the gatehouse, and to provide security staff the means to identify unauthorized inbound traffic that may need to be redirected to the main gate. To provide security staff the means to monitor traffic that may attempt unauthorized entry and to monitor for automated gate malfunctions and safety issues. The field of vision selected is the minimum practical for the above monitoring purposes.
  - (c) West Gate (entry) – to provide security staff the means to identify authorized resident traffic that may require the gate(s) to be remotely opened from the gatehouse, to provide security staff the means to identify authorized visitor traffic that will require the gate(s) to be remotely opened from the gatehouse, and to redirect unauthorized traffic to the main gate. To provide security staff the means to monitor traffic that may attempt unauthorized entry and to monitor for automated gate malfunctions and safety issues. The field of vision selected is the minimum practical for the above monitoring purposes.
  - (d) West Gate (exit) – to provide security staff the means to monitor traffic and for automated gate malfunction.
  - (e) South Gate and Golf Maintenance Gate (entry) – to provide security staff the means to monitor for unauthorized entry, suspicious activity or trespass threats at this location. The field of vision selected is the minimum practical for the above monitoring purposes.
  - (f) Marine Facility – to provide security staff the means to monitor arrivals and departures of resident and guest boat traffic at the dock, use of boat launch ramp, use of dock by unaccompanied children, and weather and wave conditions that may be damaging to common and private property. To provide security staff the means to monitor unauthorized entry, suspicious activity or trespass threats at this location. The field of vision selected is the minimum practical for the above monitoring purposes.
  - (g) Main entrance and exit (Security Gatehouse) – to provide security staff the means to monitor traffic flow through the main entrance and exit.
- (4) Only security staff are authorized to monitor the video surveillance images for the above-mentioned purposes.

- (5) Video surveillance cameras are to be operational 24 hours a day, 365 days a year and will record when motion is detected. The recordings will be deleted after 168 hours and will only be reviewed by management or the security supervisor with direction of management as the result of an incident.
- (6) All video surveillance signals and images are received and monitored at the Security Gatehouse only.
- (7) All areas under video surveillance and recording will have signs posted advising of same, and will provide information about who a person should contact if he or she has any questions about being subject to video surveillance.

## **DIVISION 8 – SEVERABILITY**

### **36. SEVERABILITY**

For the purposes of interpreting these bylaws, each heading, paragraph, subparagraph, sentence, word or words shall be severable in the event that an arbitrator appointed pursuant to the provisions of the *Strata Property Act*, or any court of competent jurisdiction determines that such heading, paragraph, subparagraph, sentence word or words render the bylaw in question unenforceable. In such a case, the balance of the bylaw remaining after severance of such heading, paragraph, subparagraph, sentence, word or words shall remain in full force and effect, to the extent that the remaining portion of the bylaw could have been enacted independently of the severed portion.

### **37. BYLAW AMENDMENT PROCEDURES**

*(Added by Resolution #18 at the August 26, 2020 AGM)*

When voting on bylaw amendments, a resolution for a bylaw amendment must be approved by a  $\frac{3}{4}$  vote of all lot owners. Pursuant to *s. 128(c) of the Strata Property Act* the Strata shall not be required to obtain a separate  $\frac{3}{4}$  vote approval from non-residential strata lot owners. The non-residential strata lot owners shall be entitled to cast votes at any general meeting of the Strata and each residential or non-residential strata lot shall have one vote at such a meeting.

## **ARBUTUS RIDGE CHANGE CRITERIA AND POLICIES**

### **Bylaw 9, Schedule A (the “CRITERIA”)**

#### **Approval Requirements**

- 1.0. Prior to landscaping, or commencement of any exterior change to the home or property, owners should refer to the following restrictions in their copy of the Disclosure Statement:
  - (a) Exhibit “D” - Schedule of Restrictions Declared by CRC, Canadian Retirement Corporation.
  - (b) Exhibit “I” - Registered Bylaws, Strata Plan VIS1601: Bylaw 29, Obtain approval before making alterations on a strata lot; Bylaw 30, Landscaping and irrigation; and Bylaw 31, Approval and Enforcement of Arbutus Ridge Change Criteria and Policies (the “Criteria”).



- (c) Please note that for strata lots purchased after June 1st, 1993, CRC, Canadian Retirement Corporation will retain a performance deposit until landscaping is completed, in accordance with approved plans distributed by CRC.
- 2.0. Landscaping designs and plans to change the exterior of a home or strata lot, (including, but not limited to, exterior paint colour, roof replacement, fencing, retaining walls, golf ball screening, privacy screens, refuse container screens, hedging, ductless heat pumps or satellite dishes) require approval prior to commencement of improvements. Management has been authorized to approve applications which comply with Strata Plan VIS1601 Registered Bylaws and meet applicable Criteria. Applications that vary from the Criteria will require Council consideration. *(Amended June 21, 2013)*
- 3.0. Approval of landscaping plans given by the Strata Corporation are in regard to design and plant species only and do not extend to geo-technical, architectural, building code or approval by any other governing body such as the Cowichan Valley Regional District. Any other approvals are the responsibility of the lot owner and must be obtained before any work commences.
- 4.0. An owner shall submit scaled plans and specifications of the proposed landscaping or design change to the Strata Corporation. A site plan should accompany the proposal. Owners are responsible to ensure that plans comply with relevant bylaws and Change Criteria, and are in keeping with the standards of the Arbutus Ridge community.
- 5.0. Plans should be delivered to the Administration Office or mailed to 600 Fairways Place, Arbutus Ridge, Cobble Hill, BC, V0R 1L1. Applications are generally processed within 2 weeks at which time a notice of approval, including relevant conditions, will be forwarded to the owner. The owner shall advise the Administration Office when the work is completed and request a final inspection. Applications will expire one year from the approval date. Should a project not be initiated within this timeframe, the owner will be required to reapply.
- 6.0. Curbs shall be inspected prior to the commencement of a project. Any existing damage will be noted. On completion of the project, curbs will be re-inspected, and any damage made during the project shall become the responsibility of the lot owner to repair.
- 7.0. Pursuant to Bylaw 29, (Section C, Owners' Handbook), owners are responsible to determine if a building permit or variance permit are required for their project and for ensuring that relevant permits are obtained from the Cowichan Valley Regional District (CVRD). The Strata Corporation does not generally support the extension of structures beyond minimum set back lines, as established by the CVRD.
- 8.0. A number of properties in phases 1 and 2 of Arbutus Ridge accommodate duplexes. In these instances, owners are responsible to collaborate with their immediate neighbour to ensure that a consistent appearance is maintained on both halves of the duplex such that the duplex and strata lot comply with Bylaw 24(3), (Section C, Owners' Handbook). Proposals that will substantially alter the appearance of the duplex or strata lot must be submitted jointly and signed by the owner(s) of both halves of the duplex. Substantial alterations to the appearance of a duplex include but are not limited to paint colour, siding, roofing material and primary architectural features. Whether a change constitutes a substantial alteration shall be left to the sole discretion of the strata council. *(Amended June 24, 2011)*

## **SECTION 1 – LANDSCAPING**

### **INTRODUCTION**

The landscape setting is an important part of Vancouver Island architecture and strongly influences the overall success of a residential community in terms of both beauty and living comfort. Arbutus Ridge property owners are urged to plan their landscape improvements carefully.

### **1.1. LANDSCAPING DESIGN**

The objective at Arbutus Ridge is that homes shall be compatible with each other regarding external design, colour and landscaping. Landscaping should take advantage of existing natural topography and be generally congruent with the pacific north-west environment. An open “unfenced” flow between homes is recommended. Standards for landscaping should include the following:

- (a) At least one shade tree should be planted on each lot. Care must be exercised to ensure that such planting does not restrict the view of neighbours and therefore a carefully designed landscape plan is essential. Plant material, as well as location, should be carefully chosen with regard to height and width at maturity.
- (b) Significant rock outcrops and other topographical features shall be considered a valuable asset and incorporated into the landscaping planning. Ground shaping shall emulate natural land forms.
- (c) Placement of plant materials shall include functional applications, such as screening objectionable views, creating privacy and providing relief from sun and wind.
- (d) Consideration should be given to the ultimate maintenance programs. Landscapes should require moderate upkeep and light watering, especially in large areas and on sloping lots. Selected plants should be resistant to disease, pests, deer, and in some areas, salt spray.
- (e) Colour through foliage and flowering material shall be used to accent ground cover in other than grassed open areas.
- (f) Any construction on steep slopes, i.e. retaining walls, terracing, placement of large rocks, etc., should be approved by a geo-technical engineer to ensure that footings are secure.
- (g) Owners should be aware that underground services such as water mains, gas lines, hydro lines, and cable and telephone lines are located adjacent to the front and/or the rear of property lines.

Some lots also contain easements through the property. These can be damaged or rendered inaccessible for necessary repairs due to the installation of steps, patios, walkways, or large plantings. It is important that landscape designers are aware of these restrictions when planning their installations. Owners are responsible for any damage to Strata Plan VIS1601 infrastructure due to landscaping. Strata Plan VIS1601 will not be responsible for damages to landscaping due to any repairs necessary.

## **1.2. LANDSCAPING REQUIREMENTS**

*(Amended June 21, 2013)*

- (a) Front yard designs must include at least 30% plant materials at the time of planting. Grass as a portion of the front yard ground cover is desirable and recommended.
- (b) Extensive use of bark mulch and gravel is discouraged. When used, bark mulch must be of the finely ground type. Use of gravel and rock should be limited to river rock or other landscape grade material. Use of crushed gravel or drain rock is not generally acceptable in a landscape application. When used, gravel, rock and bark mulch should be interspersed with vegetation, or other appropriate landscape features.
- (c) Hog fuel, artificial turf, clover or asphalt is not permitted.
- (d) Drainage of each property is the responsibility of the owner.
- (e) Landscaping and maintenance of boulevard areas adjoining an owner's lot are the responsibility of the lot owner.
- (f) Where a retaining wall between properties is required as part of a landscape plan, the construction and cost of same shall be the responsibility of the property owner on the lower or "down side" of the slope to be retained. Exposed portions of retaining walls shall be of natural materials. Native stone is recommended wherever possible. In some instances, the adjacent lot owner may wish to co-operate in the construction of the retaining wall.

Where retaining walls are required in the front yard, front driveway area or adjacent to common property, they are to be constructed of concrete with either an exposed aggregate or stone facing, natural stone, pre-cast planting blocks or other approved materials. Railway ties are not acceptable.

Retaining walls will be limited to an exposed height of 1.2 m (4 feet) unless it can be proven that a higher wall is necessary. If so, a stepped form shall be used to reduce the walls' visual mass. All retaining walls and their foundations are to be within property lines.

- (g) No landscaping shall impede or obstruct the normal operation or maintenance of fire hydrants, streetlights, Telus boxes, BC Hydro boxes, underground services conduit or water shutoff valves, whether above ground or underground.

Plants, shrubs, trees, hedges, etc., fences and other structures shall not be so close to a hydrant or a valve box as to obstruct the siting of or the free access to, the operation of the hydrant, air relief, water meter, or the valve box by duly authorized employees or agents of the Cowichan Valley Regional District.

## **1.3. REAR YARD LANDSCAPING**

In all circumstances, it is necessary to have a selection of plantings or green growth.

Arbutus Ridge is an unusual community due to the many different residential lot designs and configurations. Unlike more conventional communities where lots front onto a street and back onto a lane, a number of different scenarios exist:

- Backing onto a neighbour.
- Backing onto common property.
- Backing onto the golf course.
- Backing onto a street.
- Backing onto forest or native land.
- Lots with an extreme slope.

The first seven points under “Landscaping Requirements” found on the previous page, with the exception of (a), apply to all landscaping. It is important and necessary to include the following principles for rear yard landscaping.

- (a) Care must be taken not to infringe or restrict unreasonably on the view or light source of adjoining property.
- (b) Lots backing on a street or thoroughfare should not use plantings that will impede sight or traffic on that thoroughfare. Curbside planting is restricted to low growing shrubs or flowers to maintain sight lines and prevent damage to underground services.
- (c) Steeply sloping lots should be designed with an eye to erosion prevention, as well as appearance.
- (d) Landscaping must be deemed appropriate for the lot configuration. While it is not possible to set out regulations that would apply equally in every individual case, approval for rear yard landscaping will be based upon the circumstances of each lot.

#### **1.4. PLANT MATERIAL**

- (a) The selection of plant materials should be based on adaptability to exposure, soil and climate of Arbutus Ridge.
- (b) The choice and arrangement of plants shall respect growth rates, ultimate shape, colour, texture and seasonal variations.
- (c) Plants should be selected to complement land forms, enhance building lines and facades, and to preserve and frame attractive vistas. In many cases, the plants themselves may provide a focal point or visual feature. A wide range of plant material may be used within the residential environment.
- (d) Curb side planting is restricted to low growing shrubs or flowers in order to maintain sight lines for vehicles exiting the lot and to prevent damage to the underground services, water mains, etc., that are usually situated adjacent to the curb.

#### **1.5. PLANT SIZE**

The suggested minimum sizes of plant materials at the time of installation are:

- Flowering and canopy trees: 8 ft. high, 2-inch diameter trunk, 4 ft. spread.
- Evergreen trees: 4 ft. to 6 ft. high.
- Shrubs: 2 ft. high, 2½ gallon container.
- Ground cover: well-established plant cuttings and/or a reasonable proportion of grass.

The above may be modified according to the specific type of plant.

### **1.6. GARDEN SAFETY AROUND TRANSFORMERS**

If there is a transformer kiosk on your property, you are welcome to plant appropriate shrubs around it to make it blend in with the surrounding area. Remember that transformers carry high voltages of electricity and can be hazardous if you come into contact with them.

Before excavating for fences or driving stakes for garden trees, please call the local Hydro office. They can advise you of the location of electrical cables. Around transformers, shrubs must be at least 2.5 metres (8 feet) from the side with doors and 1.5 metres (5 feet) from the sides without doors. Plant shrubs that can be trimmed back each year to keep the necessary clearance. Do not install retaining walls or other landscaping that would alter the terrain within 2.5 metres (8 feet) of any transformer cabinet.

### **1.7. LANDSCAPING TIMETABLE**

After the purchase of a lot, the lot owner is responsible for the maintenance of any brush or trees as well as control of weeds or other noxious plants, in accordance with Bylaw 24(2), (Section C, Owners' Handbook). Should an empty lot not be maintained by the owner, the Strata Corporation will do so. Any cost for such maintenance will be added to the strata assessment and charged to the lot owner. (Refer to interpretation of Bylaw 24(2), #4.4 on page D-15, Weed Control.)

Permanent landscaping of the lot cannot begin until after the home is turned over to the owner by the builder and must be completed within 6 months of that date. Should special circumstances prevent or interfere with landscaping within this timeframe, the owner shall submit a written request for an extension with brief details of the reason for the delay to the Strata Council.

### **1.8. IRRIGATION**

Automatic irrigation systems are encouraged with a view to conserving water. They shall be installed underground. When arranging to have landscape irrigation installed on your property, advise your contractor that the following components must be included:

- (a) **Application:** A detailed plan must be submitted to the Administration Office.
- (b) **Backflow preventer:** A double check backflow preventer in accordance with Strata Plan VIS1601 Bylaw 30(7), (Section C, Owners' Handbook), **must** be installed. Its purpose is to prevent groundwater which could contain fertilizer, insecticides, animal faeces, etc., from backing into and contaminating the domestic water system.
- (c) **Outside shut off:** In the event of a program timer malfunction or a plumbing break in the system, an accessible shutoff valve must be installed in the irrigation main outside of the building.

- (d) **Zone layout:** Sprinkler zones should be laid out so that they water only to the perimeter of your lot line. Water must not exceed these boundaries to include golf course or common properties unless the property is a road boulevard.
- (e) **Irrigating slopes and rock faces:** Steep slopes or landscaping which includes a large amount of rock should be irrigated using drip or micro sprinkler heads. This will help to prevent soil erosion and wastage of water.
- (f) Owners of irrigation systems are reminded that they are liable for any flood damage in the event of a malfunction, and for contamination of the domestic water system should a backflow occur from their property. Please be sure to turn off timed systems in rainy weather to conserve water.

### **1.9. TREE REMOVAL AND PRUNING**

*(Amended November 2010)*

Approval authority has been delegated to Management for the removal of, or modification to, naturally occurring, planted, or self-seeded trees on private strata lots or common property, within the parameters of past precedent. Otherwise, the applications will be forwarded to the Strata Council for consideration.

It is the Strata Corporation's policy to preserve trees within the community, and to promote tree planting on both private and common property. Trees contribute greatly to the ambience and character of our community.

Nevertheless, as trees in the community mature, there is the potential for serious problems to arise. Problem trees would include those that seriously restrict the view from a strata lot, are unsafe, cause undue shade, or those whose roots pose a threat to roadways, sidewalks, retaining walls or other property.

The policies and decision-making authority with respect to problem trees are as follows, to be read in conjunction with Bylaw 30, (Section C, Owner's Handbook).

- (a) **Trees planted by an owner:** This section refers to trees situated on private strata lots that were planted by the owner as part of their landscaping or trees that have seeded naturally since the construction of the home. Trees of this kind may be trimmed or removed at the expense of the owner without reference to Strata Council, conditional upon the property remaining in compliance with the balance of the Landscaping & Exterior Change Rules. (Please see Policies and Interpretations, #4.4. Weed Control, page D-15, for information regarding trees planted or self-seeded on undeveloped lots.)
- (b) **Trees planted by the developer on a private strata lot:** This section refers to trees planted as part of a streetscape by the developer on private property. Because trees in this category might contribute to an attractive streetscape, any alteration will require prior approval by Administrative staff. With the exception of light seasonal pruning, work will be undertaken or overseen by the Strata Corporation, as appropriate to the scope of work, and will generally be paid for by the homeowner(s) making the request.

- (c) **Original naturally occurring trees:** This section includes those trees located on common property or private strata lots that were part of a forested area left in place by the developer. Any alteration of trees in this category will require prior approval by Administrative staff and, for those situated within a restricted covenant (within 15 meters of the natural high-water mark), by the relevant Ministry of the Provincial Government. The opinion of a certified arborist is required when requesting the removal or modification of a naturally occurring tree.

Generally, these trees will be removed only if they pose a hazard or pose a threat to a home/structure, and not to improve the view from a strata lot. However, approval may be given for such trees to be pruned for view improvement.

Work must be performed by a certified arborist, and will be undertaken or overseen by the Strata Corporation, as appropriate to the scope of work. Work to be paid for by the homeowner(s) making the request, except where a common property tree has been deemed, by a certified arborist, to be a hazard or threat, in which case the Strata Corporation will pay for its removal or modification.

- (d) **Other trees on common property:** Included in this section are trees that have been planted on common property by the developer or Strata Plan VIS1601, and trees that were not planted but have seeded naturally on common property. Any proposed alteration to these trees will require prior approval by Administrative staff.

Administrative staff may authorize the trimming of these trees in accordance with the bylaws, if they cause a nuisance, are a hazard, or cause a blockage of views. If trimming is not a reasonable solution, removal may be authorized. Work to be undertaken by the Strata Corporation.

Responsibility for funding of modifications shall be assessed by the Strata Corporation on a case-by-case basis. Generally, funding for work requested for view improvement purposes shall be the responsibility of the homeowner(s) making the application, work required for hazard abatement shall be the responsibility of the Strata Corporation.

## **SECTION 2 – FENCES, HEDGES, WALLS AND SCREENING**

### **INTRODUCTION**

Fencing, privacy screens and other improvements as outlined in the Disclosure Statement require the approval of the Strata Council.

#### **2.1. FENCING AND SCREENING DESIGNS**

While fencing and screening with plant materials is preferred, the following are guidelines used in approval of the various types of fencing:

- (a) Front yard privacy screens must be architecturally designed to be part of the individual home design. These screens are normally designed to be attached to, or appear as a part of, the structure of the home. Materials and finishing used must be the same as the home.
- (b) Arbutus Ridge has been designed as an *open plan* concept. This design calls for front yard landscaping to flow from one property to the next without interruption by fencing, hedging or screening. Therefore, “boxed in” front yards are not approved. (*Amended June 22, 2012*)

- (c) In support of the open planning concept, homes backing onto common property areas shall not have fences installed along their rear property lines; however, hedges may be approved to a maximum of 1.22 m (4 feet) in height. Privacy for these homes may also be achieved by landscaping with plant materials and/or privacy screens.
- (d) Hedges or a line of trees such as pyramidal cedar can be planted to form a screen or a type of evergreen fence. Where these guidelines refer to a wall, privacy screen or fence, they also shall include hedges, groups or lines of trees, or dense landscaping.
- (e) Landscaping and the creation of privacy for one property owner may mean loss of view or some other infringement for a neighbouring owner. The following restrictions have been created to maintain the architecture of the community and achieve private outdoor living areas. Special circumstances, such as control of views or exposure to an exceptionally high-traffic area, may have a bearing on individual approvals.

## **2.2. PRIVACY SCREENS AND WALLS**

The following represents the basic standards and restrictions for the homeowner's guidance in all Phases except 16, 18 & 19. It is recognized that some homes may have special needs, and these should be reviewed on an individual basis with the Strata Council.

- (a) **Location:** Adjacent to patios, decks, front or side entrances. The erection of a privacy screen or wall may restrict the view of neighbours. Residents should discuss their plans for a privacy screen with their neighbours before making application to the Strata Corporation.
- (b) **Restrictions:** The overall Landscaping & Exterior Change Rules for Arbutus Ridge shall apply.

Front yard screens or walls are subject to CVRD setback requirements.

Screens or privacy walls shall not extend beyond the building line of the house or patio as originally designed and constructed. It is recognized that, on steeply sloping lots, private outdoor seating areas are sometimes difficult to attain. In consideration of this, patios and adjacent privacy screens in the front yards on lots with a grade of more than 25% (measured from the curb to the rear property line) will be allowed to extend a maximum of ten feet past the front wall (usually the garage door) of the house, or one half of the distance from the front wall to the road, whichever is less.

- (c) **Height:** 1.67 m (5 feet 6 inches) as measured from top of wall or screen to existing or approved grade level.
- (d) **Design:** Matching or complementary to the original house design. Any use of construction material should be architecturally designed to match the house and blend with the surroundings.
- (e) **Materials:** Same as used on house if attached to house. Complementary materials if not attached, i.e. wood, solid or lattice, opaque tempered glass (suitably framed) or vinyl. Plant material is strongly recommended.
- (f) **Fastenings:** Screws, nails, brackets shall be rust-resistant.



- (g) **Colour/Finish:** To match house if joined to the house. If wood is used, whether solid or lattice work, it shall be painted to match the house colour, vinyl is to be either white or the colour of the home. If cedar is used and natural colour is preferred, it must be sealed to avoid discolouration.

### **2.3. FENCES AND HEDGES**

*(Amended June 22, 2012)*

- (a) **Location:** Along sides and/or rear of property lines. Adjacent to common property only hedges are acceptable, fences are not permitted.
- (b) **Restrictions:** The overall Landscaping & Exterior Change Rules for Arbutus Ridge shall apply. Side yard fences or hedges shall not extend into the front yard or beyond the front building line of a home as originally designed and constructed. Where hedging is used in lieu of a fence, it must be maintained and trimmed on a regular basis.
- (c) **Height:** Side and rear maximum height 1.22 m (4 feet) applies to both fences and hedging. (Refer to Bylaw 30(5)(b), Section C, Owner's Handbook). The height of 1.22 m (4 feet) will be measured from finished grade level to face of top rail. Variations in grade level will necessitate stepping down of some sections in order to maintain the height restriction.
- (d) **Materials:** Wood, brick, vinyl, powder coated aluminum or other materials of equivalent appearance and equal or better quality as may be approved by Strata Council may be used for fences not adjacent to golf course property. Materials must be complementary to the home and surroundings. Only poly coated chain link fencing may be used for fences adjacent to golf course property.
- (e) **Fastenings:** Screws, nails, brackets etc., shall be rust-resistant.
- (f) **Design:** Fence design shall be complementary to the home design. Open lattice work at the top of fence panels should be a minimum of 30 cm (1 foot) and must be included in the 1.22 m (4 feet) overall height. Traditional picket style fences are not among the approved designs.
- (g) **Gates:** Gates should be of like or complementary design to any adjacent fence(s) and appropriate to the surroundings. Height and materials in accordance with fence guidelines indicated above.
- (h) **Colour/Finish:** Wood, if painted, is to match the home, vinyl and powder coated aluminium is to be either white or the colour of the home. If cedar is used and natural colour is preferred, it must be sealed to avoid discolouration. Fences must be finished to an equivalent standard on both sides of the structure. Poly coated chain link is to be black; all posts and cross bars are to be black powder coated galvanized steel.

### **2.4. FENCES AT THE TOP OF LOCK BLOCK WALLS**

Fencing at the top of lock block walls in the rear of lots must conform to the following specifications. Minimum variations may be approved by the Council if circumstances warrant.

- (a) **Paint Finish:** White powder coated aluminum.

- (b) **Height:** Not to exceed 42 inches from the attachment point.
- (c) **Dimensions:** Top Rail - 2 x 2 inches square; Bottom Rail - 1 x 2 inches; Pickets - 5/8 x 5/8 inch; Posts – 2¼ x 2¼ inches square with cap.
- (d) **Spacing:** 4 inches between each picket, 6 to 7 feet between posts.
- (e) Stairways at the rear of the lot, from the top of the lock block walls, may not extend onto common property. If located on an easement, the stairway must be removable in case repairs to the services located in the easement are necessary

## **2.5. GOLF BALL SCREENS**

Where a residence backs onto the golf course, the owner may wish to provide screening against errant golf shots. With this in mind, Strata Council recommends a basic design and materials that have been proven effective and acceptable in appearance. It is emphasized that the design is primarily for personal protection and the involvement of Strata Council in this matter is only intended to provide advice to residents who may be concerned about their personal safety. The Strata Council does not assume any liability for the cost of the recommended screens nor for any personal injury or property damage that may result through failure of the recommended design material or installation.

Before erecting a personal protection screen, a resident must make written application to the Strata Corporation for approval. Installation of golf ball screens should comply with the following specifications:

- (a) **Location:** If possible, the screen should be restricted to the rear patio area. Due to the variety of house designs and patio shapes and sizes, this may not always be possible. Should it be necessary to extend beyond the patio, a maximum of 4 metres from the rear wall may be considered.
- (b) **View:** Erection of a golf ball screen must not restrict the view of adjacent neighbours.
- (c) **Material:** Vertical and horizontal supports 1½ inches square aluminium tubing with baked enamel finish to match house trim or in a dark earth tone. Mechanical type fastenings should be used. Where possible, vertical support shall be securely anchored to the patio slab. If it is necessary to place supports beyond the patio slab, they should be imbedded in concrete. Screening shall be black polyethylene ½ inch mesh.

## **2.6. REFUSE CONTAINER SCREENS**

While screening with plant materials is preferred, the following are guidelines used in approval of the various types of refuse container screens.

- (a) **Location:** At either side or rear of the home in an inconspicuous location as is practical. Refuse container screens shall not extend beyond the front building line of the house as originally designed and constructed.
- (b) **Design:** Refuse container screen design shall be complementary to the home design and must not exceed 1.22 m (4 feet) overall height.

- (c) **Materials:** Plant material is strongly recommended. Other materials must be complementary to the house, i.e. wood, solid or lattice, opaque tempered glass (suitably framed), powder coated aluminum or vinyl.
- (d) **Colour/Finish:** Complementary to the house. If wood is used, whether solid or lattice, it shall be painted to match the house colour, or if cedar is used and natural colour is preferred, it must be sealed to avoid discolouration. Powder coated aluminum or vinyl is to be either white or the colour of the home.

### **SECTION 3 - EXTERIOR CHANGES**

#### **3.0. APPROVAL REQUIREMENTS**

In accordance with clause 7 of Exhibit D of the Disclosure Statement, the developer, CRC Canadian Retirement Corporation, has assigned Strata Plan VIS1601 the right to approve changes to the exterior of existing residences in Arbutus Ridge. Accordingly, any plan to alter the exterior of a home or yard must be submitted to Strata Plan VIS1601 for prior review and approval, pursuant to registered Bylaw 29, (Section C, Owners' Handbook). Such changes include, but are not limited to, home additions, roofing material, the addition of doors, windows, skylights, construction of sunrooms, sundecks, exterior stairs, installation of satellite dishes, awnings and canopies, and home mechanical devices such as heat pumps, and hot tubs.

Detailed plans must be submitted to the Administration Office, to the attention of the Office/Bylaw Administrator. Plans should include particulars such as location, dimension, shape, colour and materials, plus manufacturer's specification sheets and a product sample, as applicable, as well as to-scale drawings of the change, as appropriate to the application.

Applications are assessed on a case-by-case basis, with consideration given to the individual attributes of the home, property, setting, and product/project proposed, as well as existing standards and relevant precedents. It is expected that all exterior changes will be constructed with high quality materials, in a professional manner, and will blend or otherwise complement the existing home structure and overall community aesthetic.

For owners' convenience, various application forms are available through the Administration Office.

#### **3.1. COLOUR CHANGES**

Exterior painting that involves a change of colours or tone must be approved before work commences. When requesting approval of a colour change, a colour chip must be included with the request.

#### **3.2. ROOFING MATERIAL**

*(Amended June 21, 2013; November 8, 2013)*

Alterations to roofing must be approved before work commences. Applications must include material, colour, brand name, warranty length, and, for those products outside of the pre-approved materials, a manufacturer's spec sheet and a product sample. Replacement or repair of an existing roof with the same material does not require prior approval.

**Asphalt-Fiberglass shingles (brand specific):**

Malarkey – antique brown, natural wood, oxford grey, silverwood, storm grey, weathered wood, sienna blend, black tones

Pabco – driftwood, harvest brown, mocha, pewter grey, prairie wood, weathered wood, black tones

IKO – aged redwood, charcoal grey, driftwood, dual brown, dual grey, Harvard slate, heatherwood, weatherwood, black tones

GAF ELK – barkwood, birchwood, copper canyon, hickory, mission brown, slate blend, weathered wood, black tones

GAF Timberline American Harvest – adobe sunset, brandywine dusk, golden harvest, saddlewood ranch, Appalachian sky, cedar falls, nantucket morning, black tones

**Composite Roof Shake (brand specific):**

Enviroshake – dark grey

**Metal Roofing (brand specific):**

Future Roof Systems (shake look only) – weathered cedar, tudor

Decra Metal Roofing (tile look only) – continental, chestnut

**3.3. FLAG POLES AND DECORATIONS**

A strata lot owner wishing to erect a permanent flagpole on a residential lot shall apply to the Strata Corporation for approval before doing so. The Arbutus Ridge bylaws shall apply, in particular Bylaw 29, (Section C, Owner’s Handbook).

Permission to erect a flagpole shall be subject to the following conditions:

- (a) The design, finish and method of installation must be approved. A white finish is preferred.
- (b) The overall height of the pole and base mounting shall not exceed 5 meters above grade level.
- (c) The mounting shall be of a type that permits easy removal and/or lowering of the pole.
- (d) Flags flown on a permanent basis shall be that of Canada or the Province of BC and shall be displayed in accordance with established standards of the flag protocol.
- (e) Flags, banners, bunting or related decorations recognizing special anniversaries or occasions may be flown on a pole or from a residence if desired for a period of one week prior to and one week following the date of the event involved. Such flags or banners shall NOT take precedence of position over the Canadian or Provincial flag. Temporary displays as described do not require Strata approval.
- (f) Christmas lights and decorations may be displayed from December 1st to January 31st, inclusive. The erection and/or display of lights and decorations on private homes as related to the

Christmas season does not require prior approval and is not subject to the provisions of paragraphs (a), (b), (c), (d) and (e) above. It is expected, however, that all residents displaying Christmas decorations, etc., will do so in good taste.

### **3.4. SUN PROTECTION AND SCREENING**

*(Amended June 22, 2012)*

Protection from the sun may be desirable for both indoor and outdoor living at Arbutus Ridge.

**Indoor Screening:** Sun shade for windows is best achieved through thoughtful selection of indoor draperies or blinds. There are no restrictions on interior decorating of the homes at Arbutus Ridge (i.e. interior window coverings). Sun control through the windows is also possible with those same opportunities that benefit outdoor living. However, exterior changes or additions to a home must be approved by application before work commences.

**Outdoor Screening:** Creation of areas of shade for outdoor living can be achieved through:

- (a) Landscaping with shade trees which will provide both function and beauty.
- (b) Privacy screens and hedges.
- (c) Architecturally designed trellises.
- (d) Patio/deck furniture such as umbrellas or lounges with a canopy.
- (e) Awnings and canopies:
  - (i) Fibreglass, corrugated plastic and louvered metal type awnings or canopies are NOT acceptable.
  - (ii) Retractable canvas awnings or metal frame canopies (aluminum with glass or high-quality plexiglass) will be considered, provided that design, installation and colour are of high quality and complementary to the house design.
  - (ii) Owners with approved awnings or canopies must also agree to remove, repair or replace same (particularly canvas) which, in Council's opinion, have become faded or unsightly as a result of prolonged exposure to the elements.
- (f) In accordance with Bylaw 31(1), (Section C, Owners' Handbook), prior written approval is required prior to installation of a temporary canvas gazebo. Approval will be granted based upon the following criteria:
  - consultation with immediate neighbours is required.
  - only fabric sides and tops are acceptable.
  - colour must be complimentary to the home (light colours are recommended).
  - fabric that becomes faded or unsightly as a result of prolonged exposure to the elements must be replaced.
  - the fabric must be removed from October 1st to April 30th, metal frames may be left in place during this period.
  - maximum allowable size is 12' x 12'.

- (g) Garage door screens have been deemed unsuitable for the Arbutus Ridge community and will not be approved for use.

### **3.7. ROOF SOLAR PANELS**

The installation of Residential Photovoltaic Solar Systems for the production of electricity (solar panels) must be approved before work commences. Solar panel applications must include to-scale drawings of the proposed installation location, photograph(s) of the proposed installation and signed proof of consultation with affected neighbours.

- (1) Solar panels are to be installed upon the house roof only.
- (2) Solar panels are not to extend more than 45 cm (1.48') above the surface of the roof, and are not to extend beyond the roof edges.
- (3) The mounting structure for the panels must be an engineered product designed to be fastened directly to the roof rafters/trusses to prevent wind uplift.
- (4) The mounting structure and solar panels must be designed to stand a 100 km/h (62m/h) wind load and a snow load of 100 kg/square meter.
- (5) The installations structures provided by the supplier of the mounting structure must be based on current engineering best practices.
- (6) The installation of a solar photovoltaic system is governed by the Canadian Electrical Code (CEC) and will require the appropriate permits and inspections.
- (7) A copy of the completed electrical inspection permit must be provided to Strata Plan 1601 prior to the owner activating the system on a permanent basis.
- (8) The installation must be neat and tidy.

## **SECTION 4 - POLICIES AND INTERPRETATIONS**

### **4.1. SATELLITE DISHES AND ANTENNA**

*(Amended June 22, 2012)*

*See Bylaw 25(f), (Section C, Owners' Handbook)*

- (a) Written permission is required before installation of a satellite dish can commence. Antennae are generally not acceptable, except as approved by the Strata Council under extenuating circumstances.
- (b) Permission to install a satellite dish is restricted to the specified location as identified on the Satellite Dish Application Form. If the satellite dish cannot be installed in the specified location the installation must not proceed. A revised Satellite Dish Application Form must be submitted, including a written statement from the technician justifying the requirement for the alternative location.

- (c) Satellite dishes are to be located to ensure they are as unobtrusive as practical considering the individual circumstances of each application.
- (i) General location criteria in descending order of importance:
- not visible from primary road frontage
  - not visible from secondary road frontage
  - minimizes visual impact from neighbouring private properties
  - minimizes visual impact from common property green spaces
- (ii) Site specific mounting criteria in descending order of importance:
- not visible from front of home
  - not visible from rear of home
  - mounted below eaves
  - mounted above eaves behind chimney
  - mounted above eaves in gable end
  - mounted above eaves in valley
  - otherwise mounted above eaves but below peak
  - not visible from side of home
- (d) Satellite dishes are to be compatible with the colour of the surroundings and its size and contour is to be harmonious with adjacent structures.
- (e) Signal cabling is to be hidden from view.
- (f) Installation is to comply with all applicable electrical and building codes.
- (g) Unless previously approved, a resident shall not install, or shall remove if already installed, a receiving dish or local programming antenna not in compliance with these guidelines.

#### **4.2. FOR SALE SIGNS (SPOTLIGHT)**

*(Amended June 22, 2012)*

*See Bylaw 37, (Section C, Owner's Handbook)*

Property owners at Arbutus Ridge are permitted to have two approved Arbutus Ridge For Sale Signs (Spotlight) on their property, providing they conform to the following guidelines:

- (1) It is suggested that **Spotlight** signs be placed parallel to the road.
- (2) Individual "shingles", 10" x 3.5", showing the Brokerage Name, Sales Representative's name and phone number must be provided by the vendor or his/her agent and may be obtained through any supplier. Colour and style must match the sign.
- (3) A **Sold** banner, 6" x 3.5", is permitted to be posted directly on the **Spotlight** sign(s) for a period not to exceed one week.

#### **4.3. WATER USE**

*See Bylaw 30(7), (Section C, Owners' Handbook)*

Arbutus Ridge obtains its water from one aquifer, by means of three wells each approximately 300' deep. All residents are requested to practice conservation in their use of water for irrigation, carwashing, etc. The cost of pumping water to your homes is directly proportional to the cost of electricity.

In the event of a power failure, irrigation should cease and all water use kept to a minimum. During a power failure, water cannot be pumped from the well but comes only from the water reservoir. Full water use would greatly reduce the reservoir supply, leaving insufficient water in the event of a fire.

Most lots at Arbutus Ridge are a clay-base soil. More than 15 - 20 minutes of watering in any one place creates a run-off into neighbouring lawns or down storm sewers and wastes this valuable commodity. Timed sprinkler systems are encouraged and should be adjusted to reflect prudent watering practices.

As a CVRD operated water system, Stage 1 watering restrictions will be in place from June 1 to October 31 of each year, unless otherwise noted. (See Section G, page G-6.)

#### **4.4. WEED CONTROL**

***See Bylaw 30(7), (Section C, Owner's Handbook)***

All unimproved lots must be cleared of weeds, grass, broom and all self-seeded trees greater than 5 feet in height as is reasonable to ensure compliance with Bylaw 24 and the costs of such clearing must be borne by the lot owner. Inspections of empty lots will be conducted monthly from April through September. Should the lot require clearing, the owner will be notified and will have ten days from the date of the notice in which to arrange for clearing. Lots not cleared within the ten-day deadline will be cleared by the Strata Corporation, the cost of which will be charged to the owner's assessment account. *(Amended November 2010)*

#### **4.5. HOME RENTAL**

***See Bylaws 25(g) and 36, (Section C, Owner's Handbook)***

Please note that, for the purpose of Strata Plan VIS1601 bylaws and rules, the rental of a home is constituted by the occupancy of that home by individuals other than the owner(s) for a period in excess of 30 days; the exchange of monies is not required for a home to be considered as "rented".

The *Strata Property Act* requires the filing of a **Form K, Tenant's Undertaking**, with the Corporation's Council or Management before a tenant moves into your property. The tenant should only sign the Form K after they have read and agreed to abide by the *Strata Property Act* (where applicable) and the rules and bylaws of the Strata Corporation, a copy of which should remain in the tenant's possession for future reference. Form K's are available through the Administration Office.

It is the responsibility of absentee owners/landlords and/or their agents to ensure that tenants are shown the location of common area facilities and are given the keys to the same. Any building common area keys issued to a tenant by the owners/landlords must be accounted for after the tenant vacates the home. It is recommended that all tenants maintain a tenant's insurance policy which includes adequate third-party liability. In the event of a claim where the tenant is held to be negligent by the adjusters, damages could fall to the owner.



**PLEASE NOTE:** Owners may be fined under registered Bylaw 39, (Section C, Owners' Handbook), if proper notification is not given to the Strata Corporation of the rental of a strata lot. Further, the *Strata Property Act*, Section 146, states as follows:

Landlord to give bylaws, rules and Notice of Tenant's Responsibilities to tenant:

- (a) Before a landlord rents all or part of a residential strata lot, the landlord must give the prospective tenant:
  - (i) The current bylaws and rules, and
  - (ii) A Notice of Tenant's Responsibilities in the prescribed form.
- (b) Within 2 weeks of renting all or part of a residential strata lot, the landlord must give the strata corporation a copy of the notice signed by the tenant.
- (c) If a landlord fails to comply with subsections (a) or (b), the tenant:
  - (i) Is still bound by the bylaws and rules, but
  - (ii) May, within 90 days of learning of the landlord's failure to comply, end the tenancy agreement without penalty by giving notice to the landlord.
- (d) If a tenant ends a tenancy agreement under subsection (c), the landlord must pay the tenant's reasonable moving expenses to a maximum of one month's rent.