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FORM I AMENDMENT TO BYLAWS (Section 128) for Strata Plan **NW 1505**



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Strata Manager

Davin Management Ltd.  
#208-6846 King George Blvd  
Surrey, BC V3W 5A1  
Tel: 604-594-5643

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

The Owners, Strata Plan NW 1505 certify that the following or attached amendments to the bylaws of the strata corporation were approved by a resolution passed in accordance with section 128 of the *Strata Property Act* at an Annual General Meeting held on \*March 8<sup>th</sup>, 2012.

  
\_\_\_\_\_  
Signature of Council Member

  
\_\_\_\_\_  
Signature of Council Member

## NW 1505 "Lincoln's Gate"

### RESOLUTION "A" - AMENDMENT OF BYLAWS

**WHEREAS** in order to ensure proper protection and insurance for owners at NW 1505, the Council is recommending the following amendment to the bylaws to require that all owners obtain sufficient homeowners insurance.

**THEREFORE, BE IT RESOLVED** by a  $\frac{3}{4}$  vote of the Owners of Strata Plan NW 1505 that:

The Owners, Strata Plan NW 1505, do hereby approve the amendment to Section 11(9) as follows: *"An owner must insure against any accidental or any other damage caused to a Strata lot, common property, limited common property, or common asset, by the act of an owner or the owner's family, guests, tenants, agents, or employees, but only to the extent that such an expense is not covered by the Strata's insurance policy".*

# **LINCOLNS GATE – NW1505 BYLAWS**

## **Preamble**

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

Unless otherwise stated, all terms have the meanings prescribed in the Strata Property Act, S.B.C. 1998, c. 43 (the "Act"). For the purposes of these bylaws, "residents" means collectively, owners, tenants and occupants and "a resident" means collectively, an owner, a tenant and an occupant. The Schedule of Standard Bylaws to the Act does not apply to the strata corporation.

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

### **1. Compliance with bylaws and rules**

1. All residents and visitors must comply strictly with the bylaws and rules of the strata corporation adopted from time to time.
2. If a resident of Strata Corporation NW 1505 wishes to inform the Strata Council and Management group of any violations or complaints, they should submit a written account of the incident with their unit number and signature to the administration office.

### **2. Payment of strata fees and special levies**

1. An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
2. Where an owner fails to pay strata fees in accordance with bylaw 2.1, outstanding strata fees will be subject to an interest charge of 10% per annum, compounded annually. In addition to interest, failure to pay strata fees on the due date will result in a fine of \$25.00 for each contravention of bylaw 2.1.
3. An owner must provide the strata corporation or its agent with twelve (12) consecutive, monthly post-dated cheques for strata fees for the fiscal year of the strata corporation, dated as of the first day of each month or, if applicable, written authorization for monthly automatic debit from the owner's bank account.
4. Failure by an owner to submit twelve (12) monthly, post-dated strata fee cheques or written authorization for automatic debit in accordance with bylaw 2.3 is a contravention of bylaw 2.3 and the strata corporation will levy a fine of \$25.00 for each contravention. Each dishonoured cheque or dishonoured automatic debit will be subject to a fine of \$15.00 and an administration charge of \$10.00.

## LINCOLNS GATE – NW1505 BYLAWS

5. A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy.
6. Failure to pay a special levy on the due date will result in a fine of \$25.00 for each contravention of bylaw 2.5.
7. Where an owner fails to pay a special levy in accordance with bylaw 2.5, outstanding special levies will be subject to an interest charge of 10% per annum, compounded annually.

### **3. Repair and maintenance of property by owner**

1. An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
2. An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
3. Promptly carry out all work that may be ordered by any competent public or local authority in respect of his strata lot other than work for the benefit of the building generally, and pay all rates, taxes, charges, out-goings, and assessments that may be payable in respect of his strata lot.
4. Repair and maintain his strata lot, including windows and doors, and areas allocated to his exclusive use, and keep them in a state of good repair, reasonable wear and tear and damage by fire, storm, tempest, or act of God excepted.

### **4. Use of property**

1. A resident or visitor must not use a strata lot, the common property or common assets in a way that
  - (a) causes a nuisance or hazard to another person,
  - (b) causes unreasonable noise,
  - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
  - (d) is illegal, or
  - (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.
2. A resident or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.

## LINCOLNS GATE – NW1505 BYLAWS

3. An owner is responsible for any damage caused by occupants, tenants or visitors to the owner's strata lot.
  4. A resident must not use, or permit to be used, the strata lot except as a private dwelling home and, unless granted prior written approval by the council, a resident must not allow more than five persons to occupy a strata lot originally designated by the owner developer as a two bedroom unit. For the purposes of this bylaw 4.5, a "person" is defined to include children, but exclude visitors staying for less than 30 days with an owner, occupant or tenant of a strata lot
  5. An owner or occupant who alleges hardship as a result of the passage of bylaw 4.5 may appeal to the council for permission to be exempt from bylaw 4.5 on the basis of hardship and the council must not unreasonably refuse the appeal.
- 5. Pets and animals**
1. A resident or visitor must not keep any pets on a strata lot or common property or on land that is a common asset except in accordance with these bylaws. Definition of Pets:
    - (a) Pets are defined as domestic animals. The domestic pet is kept for pleasure rather than utility;
    - (b) Seeing eye dogs ARE permitted;
    - (c) Reptiles of all kinds, exotic and/or any types of animal deemed dangerous are NOT PERMITTED.
  2. A resident or visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset.
  3. A resident must not keep a pet on a strata lot other than one or more of the following:
    - (a) a reasonable number of fish or other small aquarium animals;
    - (b) no more than two small caged mammals;
    - (c) up to 2 caged birds;
    - (d) one dog and one cat or two cats or two dogs of no more than 18" in height (maximum two pets)
  4. Residents currently owning two pets may not replace a pet after one has passed away. The by-law 5.3(d) comes immediately into effect.
  5. A resident must apply to the council for written permission to keep a pet (a "Permitted Pet") by registering the pet with the council within 30 days of the pet residing on a strata lot (or the passage of this bylaw) and by providing, in writing, the name of the Permitted Pet, breed, colour and markings, together with the name, strata lot number and telephone number of the pet owner. A photo of the pet is also required. This will identify the pet(s), the owner and the Strata Lot. A copy of medical treatment i.e. shots, spaying, and

## LINCOLNS GATE – NW1505 BYLAWS

neutering is to accompany the registration. A written confirmation of these procedures will be acceptable, if treatments were done by a previous owner before adoption/buying of said pet.

6. A resident or visitor must not permit a loose or unleashed Permitted Pet (leashes cannot exceed six feet in length) at any time on the common property or on land that is a common asset. A Permitted Pet found loose on common property or land that is a common asset shall be delivered to the municipal pound at the cost of the strata lot owner. Be it understood that cat(s) are deemed as indoor pets, and that they also be contained within the Strata owner's premises, unless walked on a harness/leash.
7. A resident must not keep a Permitted Pet which is a nuisance on a strata lot, on common property or on land that is a common asset. If a resident has a pet which is not a Permitted Pet or if, in the opinion of council, the Permitted Pet is a nuisance or has caused or is causing an unreasonable interference with the use and enjoyment by residents or visitors of a strata lot, common property or common assets, the council may order such pet to be removed permanently from the strata lot, the common property or common asset or all of them.
8. If a resident contravenes bylaw 5.7, the owner of the strata lot will be subject to a fine of \$25.00. There should be no repeat complaints within the following 30 days. Should there be an additional complaint, there will be a \$100.00 fine and ordering the removal of the nuisance pet(s) within 7 days. A \$25.00 per month fine thereafter during the period the pet continues to occupy the premises.
9. Notwithstanding bylaw 5.8, a resident whose pet contravenes bylaw 5.7 will be subject to an immediate injunction application and the owner of the strata lot will be responsible for all expenses incurred by the strata corporation to obtain the injunction, including legal costs.
10. A pet owner must ensure that a Permitted Pet is kept quiet, controlled and clean. Any excrement on common property, or on land that is a common asset, must be immediately disposed of by the pet owner. Any damage caused by fouling of the common property, will be repaired at the owner's expense. The storage or placement of pet litter boxes/containers shall not be permitted anywhere outside or on balconies.
11. A pet owner must keep a Permitted Pet only in a strata lot, except for ingress and egress.
12. A strata lot owner must assume all liability for all actions by a Permitted Pet, regardless of whether the owner had knowledge, notice or forewarning of the likelihood of such action.
13. A resident or visitor must not feed birds, rodents or other wild animals from any strata lot, limited common property, common property or land that is a common asset. No bird feeders of any kind are permitted to be kept on balconies, strata lots, common property or land that is a common asset.
14. A resident who contravenes any of bylaws 5.1 to 5.7 (inclusive) or 5.10 to 5.13

## LINCOLNS GATE – NW1505 BYLAWS

(inclusive) will be subject to a \$25.00 fine.

### **6. Inform strata corporation**

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

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

1. An owner must obtain the written approval of the strata corporation before making or authorizing an alteration to a strata lot that involves any of the following:
  - (a) the structure of a building;
  - (b) the exterior of a building;
  - (c) patios, chimneys, stairs, balconies or other things attached to the exterior of a building;
  - (d) doors, windows or skylights on the exterior of a building, or that front on the common property;
  - (e) fences, railings or similar structures that enclose a patio, balcony or yard;
  - (f) common property located within the boundaries of a strata lot;
  - (g) those parts of the strata lot which the strata corporation must insure under section 149 of the Act; and
  - (h) wiring, plumbing, piping, heating, air conditioning and other services.
2. The strata corporation must not unreasonably withhold its approval under bylaw 7.1, but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration and to indemnify and hold harmless the strata corporation for any future costs in connection with the alteration.
3. Bylaw 5(3) of the Schedule of Bylaws to the Act does not apply to the strata corporation.
4. An owner intending to apply to the strata corporation for permission to alter a strata lot must submit, in writing, detailed plans and written description of the intended alteration.

## LINCOLNS GATE – NW1505 BYLAWS

### **8. Obtain approval before altering common property**

1. An owner must obtain the written approval of the strata corporation before making or authorizing an alteration to common property, including limited common property or common assets.
2. An owner, as part of its application to the strata corporation for permission to alter common property, limited common property or common assets, must:
  - (a) submit, in writing, detailed plans and description of the intended alteration;
  - (b) obtain all applicable permits, licenses and approvals from the appropriate governmental authorities and provide copies to the strata council; and
  - (c) obtain the consent of the owners by written approval of the strata council under bylaw 8.1.
3. The strata corporation may require, as a condition of its approval, that the owner agree, in writing, to certain terms and conditions, including, not exhaustively, the following:
  - (a) that alterations be done in accordance with the design or plans approved by the strata council or its duly authorized representatives;
  - (b) that the standard of work and materials be not less than that of the existing structures;
  - (c) that all work and materials necessary for the alteration be at the sole expense of the owner;
  - (d) that the owner from time to time of the strata lot receiving the benefit of an alteration to common property, limited common property or common assets must, for so long as he or she remains an owner, be responsible for all present and future maintenance, repairs and replacements, increases in insurance, and any damage suffered or cost incurred by the strata corporation as a result, directly or indirectly, of the alterations to common property, limited common property or common assets;
  - (e) that the owner and any subsequent owner on title who receives the benefit of such alteration, must, with respect only to claims or demands arising during the time that they shall have been owner, indemnify and hold harmless the strata corporation, its council members, employees and agents from any and all claims and demands whatsoever arising out of or in any manner attributable to the alteration. Any costs or expenses incurred by the strata corporation as the result of such claim or demand will be the responsibility of the owner from time to time of the strata lot who has benefited from the alteration and the said costs or expenses incurred must be charged to that owner and shall be added to and become part of the strata fees of that owner for the month next following the date upon which the cost or expenses are incurred, but not necessarily paid by the strata corporation, and shall become due and payable on the due date of payment of monthly strata fees.

## LINCOLNS GATE – NW1505 BYLAWS

4. An owner who has altered common property, limited common property or common assets prior to the passage of these bylaws shall be subject to their content and intent to the extent that any damages suffered or costs incurred by the strata corporation as a result, directly or indirectly, of the alteration, must be borne by the owner who has benefited from the alteration.
5. An owner who, subsequent to the passage of bylaws 8.1 to 8.3 inclusive, alters common property or limited common property without adhering strictly to these bylaws, must restore, at the owner's sole expense, the common property, limited common property or common assets, as the case may be, to its condition prior to the alteration. If the owner refuses or neglects to restore the alteration to its original condition, the strata corporation may conduct the restoration, at the expense of the owner who altered the common property or limited common property. The cost of such alteration shall be added to and become part of the strata fees of that owner for the month next following the date on which the cost was incurred and will become due and payable on the due date of payment of monthly strata fees.

### 9. Renovations/alterations

1. An owner must give the council two working Tradespersons must be licensed and bonded. Inadequate notice or work by unlicensed or unbonded tradespersons will result in the levy of fines.
2. A resident must not permit any construction debris, materials or packaging to be days' prior notice of the scheduled arrival of tradespersons or delivery of materials deposited in the strata corporation's disposal containers.
  - (a) An owner must ensure that the delivery of any construction materials is through the parking lot.
3. An owner must ensure that the hours of work are restricted to 8:00 a.m. to 5:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m., Saturdays, Sundays and statutory holidays. To perform renovations/alterations on statutory holidays, an owner must apply for permission in writing to the council at least five business days before the holiday date.
4. An owner must be in attendance for all **SIGNIFICANT** renovations/alterations, the determination of **SIGNIFICANT** shall be in the discretion of the council.
5. An owner performing or contracting with others to perform renovations or alterations will be responsible, financially and otherwise, for ensuring that any and all required permits and licences are obtained.
6. An owner in contravention of bylaws 9.1 to 9.5 (inclusive) shall be subject to a fine of \$25.00 (maximum \$200.00) for each contravention, as well as be responsible for any clean up or repair costs.

### 10. Permit entry to strata lot

1. A resident or visitor must allow a person authorized by the strata corporation to enter the strata lot or limited common property

## LINCOLNS GATE – NW1505 BYLAWS

- (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage;
  - (b) at a reasonable time, on 48 hours' written notice,
    - (i) to inspect, repair, renew, replace or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair, replace, renew and maintain under these bylaws or the Act or to insure under section 149 of the Act; or
    - (ii) to ensure a resident's compliance with the Act, bylaws and rules.
2. If forced entry to a strata lot is required due to required emergency access and the inability to contact the owner of the strata lot, the owner shall be responsible for all costs of forced entry incurred by the strata corporation.
3. The notice referred to in bylaw 10.1(b) must include the date and approximate time of entry, and the reason for entry.

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

#### **11. Repair and maintenance of property by strata corporation**

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

## LINCOLNS GATE – NW1505 BYLAWS

- (iii) patios, chimneys, stairs, balconies and other things attached to the exterior of a building,
  - (iv) fences, railings and similar structures that enclose patios, balconies and yards.
2. The strata corporation must control, manage, and administer the common property, common facilities, or other assets of the strata corporation for the benefit of all owners.
  3. The strata corporation must comply with notices or orders by any competent public or local authority requiring repairs or work to be done in respect to the land included in the Strata Plan or buildings, common facilities or assets of the Strata Corporation.
  4. The strata corporation must give authority to a readily accessible resident representative and the authorized management company to grant entry to the common property, to the Municipal Dept., of Building, Health, Assessment and Fire for emergency or inspection purposes.
  5. The strata corporation must maintain and repair (including renewal where reasonably necessary) pipes, wires, cables, chutes, and ducts for the time being existing in the parcel and capable of being used in connection with the enjoyment of more than one strata lot or common property.
  6. The Strata Corporation shall not be responsible to an owner for any loss, damage or expense caused by an overflow or leakage of water from any adjoining buildings or by the breaking or bursting of any pipes or plumbing fixtures, or in any other manner whatsoever, unless such damage shall result from the negligent act or omission on the part of the Strata Corporation, its servants or agents.
  7. Where the Strata Corporation is required to enter a strata lot for the purpose of maintaining, repairing or renewing pipes, wires, cables and ducts for the time being existing in the strata lot and capable of being used in connection with the enjoyment of any other strata lot or the common property, the Strata Corporation and its agents shall in carrying out any work or repairs do so in a proper and workmanlike manner and shall make good any damage to the strata lot occasioned by such works and restore the strata lot to its former condition.
  8. An owner shall indemnify and save harmless the Strata Corporation from the expense of any maintenance, repair or replacement rendered necessary to the common property or to any Strata Lot by his act, neglect or carelessness or by that of any member of his family or his or their guests, servants, agents or tenants, but only to the extent that such expense is not met by the proceeds of insurance carried by the Strata Corporation.

### Council

#### 12. Council size

1. The council must have at least 3 and not more than 7 members.

## LINCOLNS GATE – NW1505 BYLAWS

### **13. Council eligibility**

1. The spouse of an owner may stand for council.
2. 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 under section 116(1) of the Act.
3. No person may stand for council or continue to be on council with respect to a strata lot if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules for which the owner is responsible under section 131 of the Act.

### **14. Council members' terms**

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

### **15. Removing council member**

1. Unless all the owners are on the council, the strata corporation may, by a resolution passed by a two-thirds (2/3) vote at an annual or special general meeting, remove one or more council members. The strata corporation must pass a separate resolution for each council member to be removed. In this bylaw 15.1, a 2/3 (two-thirds) vote means a vote in favour of a resolution by at least 2/3 of the votes cast by eligible voters who are present in person or by proxy at the time the vote is taken and who have not abstained from voting.
2. After removing a council member, the strata corporation may hold an election at the same annual or special general meeting to replace the council member for the remainder of the term or the remaining members of the council may appoint a replacement council member for the remainder of the term.
3. If the strata corporation removes all of the council members, the strata corporation must hold an election at the same annual or special general meeting to replace the council members for the remainder of the term up to, at least, the minimum number of council members required by bylaw of the strata corporation for the remainder of the term.
4. The council may appoint the remaining council members necessary to achieve a quorum for the strata corporation, even if the absence of the members being replaced leaves the council without a quorum.
5. A replacement council member appointed pursuant to bylaws 15.2 and 15.4 may be appointed from any person eligible to sit on the council.

### **16. Replacing council member**

## LINCOLNS GATE – NW1505 BYLAWS

1. If a council member resigns or is unwilling or unable to act, the remaining members of the council may appoint a replacement council member for the remainder of the term.
2. A replacement council member may be appointed from any person eligible to sit on the council.
3. The council may appoint a council member under bylaw 16.2 even if the absence of the member being replaced leaves the council without a quorum.
4. If all the members of the council resign or are unwilling or unable to act, persons holding at least 25% of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings.
5. The office of a member of Council shall be vacated if the member:
  - (a) By notice in writing to the Strata Corporation resigns his office; - or
  - (b) Becomes bankrupt; or
  - (c) Becomes of unsound mind; - or
  - (d) In the case of a company which is a member of the Council if the company shall become bankrupt or makes an assignment for the benefit of creditors or if proceedings be begun to wind up the company, otherwise than for the purpose of amalgamation or reconstruction; or
  - (e) Misses three consecutive meetings without notifying the chairperson or vice chairperson beforehand of the reason(s) for the absence(s).

### **17. Officers**

1. At the first meeting of the council held after each annual general meeting of the strata corporation, the council must elect, from among its members, a president, a vice president, a secretary and a treasurer.
2. A person may hold more than one office at a time, other than the offices of president and vice president.
3. The vice president has the powers and duties of the president
  - (a) while the president is absent or is unwilling or unable to act,
  - (b) if the president is removed, or
  - (c) for the remainder of the president's term if the president ceases to hold office.
  - (d) In the absence of both the chairperson and the vice-chairperson, the members present shall from among themselves appoint a chairperson for that meeting, who shall have all the duties and powers of the chairperson while so acting.

## LINCOLNS GATE – NW1505 BYLAWS

4. The strata council may vote to remove an officer.
5. If an officer other than the president is removed, resigns, is unwilling or unable to act, the council members may elect 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 one week's notice of the meeting, specifying the reason for calling the meeting.
  - (a) as in bylaw 18.1, unless the other members agree to waive the notice;
2. The notice in bylaw 18.1 does not have to be in writing.
3. A council meeting may be held on less than one week's notice if
  - (a) all council members consent in advance of the meeting, or
  - (b) the meeting is required to deal with an emergency situation, and all council members either
    - (i) consent in advance of the meeting, or
    - (ii) are unavailable to provide consent after reasonable attempts to contact them.

### **19. Requisition of council hearing**

1. By application in writing, a resident may request a hearing at a council meeting stating the reasons for the request.
2. Except for a hearing pursuant to section 144 of the Act, if a hearing is requested under bylaw 19.1, the council must hold a meeting to hear the applicant within one (1) month of the date of receipt by the council of the application.
3. If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within one week of the date of the hearing.

### **20. Quorum of council**

1. A quorum of the council is
  - (a) 1, if the council consists of one member,
  - (b) 2, if the council consists of 2, 3 or 4 members,
  - (c) 3, if the council consists of 5 or 6 members, and
  - (d) 4, if the council consists of 7 members.

## LINCOLNS GATE – NW1505 BYLAWS

2. Council members must be present in person at the council meeting to be counted in establishing quorum.

### **21. Council meetings**

1. The council may meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit.
2. At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.
3. If a council meeting is held by electronic means, council members are deemed to be present in person.
4. Owners and spouses of owners may attend council meetings as observers.
5. Despite bylaw 21.4, no observers may attend those portions of council meetings that deal with any of the following:
  - (a) bylaw contravention hearings under section 135 of the Act;
  - (b) rental restriction bylaw exemption hearings under section 144 of the Act;
  - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

### **22. Voting at council meetings**

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

### **23. Council to inform owners of minutes**

1. The council must circulate to or post for owners the minutes of all council meetings within 2 weeks of the meeting, whether or not the minutes have been approved.

### **24. Delegation of council's powers and duties**

1. Subject to bylaws 24.2, 24.3 and 24.4, the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.
2. The council may delegate its spending powers or duties, but only by a resolution that

## LINCOLNS GATE – NW1505 BYLAWS

- (a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
  - (b) delegates the general authority to make expenditures in accordance with bylaw 24.3.
3. A delegation of a general authority to make expenditures must
- (a) set a maximum amount that may be spent, and
  - (b) indicate the purposes for which, or the conditions under which, the money may be spent.
4. The council may not delegate its powers to determine, based on the facts of a particular case,
- (a) whether a person has contravened a bylaw or rule,
  - (b) whether a person should be fined, and the amount of the fine,
  - (c) whether a person should be denied access to a recreational facility, or
  - (d) whether an owner should be granted an exemption from a rental restriction bylaw under section 144 of the Act.
5. The strata corporation may purchase, hire, or otherwise acquire personal property for use by owners in connection with their enjoyment of common property, common facilities, or other assets of the strata corporation.
6. The strata corporation may invest as it may determine in separate accounts any monies in the fund for administrative expenses, or in the contingency reserve fund.
7. The strata corporation may collect and receive all contributions towards the common expenses paid by the owners and deposit the same with a Canadian Chartered Bank, Credit Union or Trust Company in the Province of British Columbia as designated by the strata council.
8. The strata corporation may pay all sums of money properly required to be paid on account of all services, supplies, and assessments pertaining to, or for the benefit of, the strata corporation.
9. The strata corporation may join in any organization serving the interest of strata corporations and assess the membership fee in the organization as part of the common expenses.
10. The strata corporation may employ for and on behalf of the strata corporation agents and employees as it thinks proper for the control, management and administration of the common property, common facilities or other assets of the corporation and the exercise and performance of the powers and duties of the corporation.
11. The strata corporation may subject to any restriction imposed or direction given at a general meeting, delegate to one or more of its members, or to a member or committee of members of the strata corporation, or to its manager those of its powers and duties it

## **LINCOLNS GATE – NW1505 BYLAWS**

thinks proper, and at any time revoke a delegation.

### **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.

### **26. Limitation on liability of council member**

1. A council member who acts honestly and in good faith is not personally liable because of anything done or omitted in the exercise or intended exercise of any power or the performance or intended performance of any duty of the council.
2. Bylaw 26.1 does not affect a council member's liability, as an owner, for a judgment against the strata corporation.
3. All acts done in good faith by the council are, even if it is afterwards discovered that there was some defect in the appointment or continuance in office of a member of council, as valid as if the council member had been duly appointed or had duly continued in office.

## **Enforcement of Bylaws and Rules**

### **27. Fines**

1. Except where specifically stated to be otherwise in these bylaws, the strata corporation may fine an owner or tenant:
  - (a) \$25.00 (up to \$200.00) for each contravention of a bylaw, and
  - (b) \$10.00 (up to \$50.00) for each contravention of a rule.
2. The council must, if it determines in its discretion that a resident is in repeated contravention of any bylaws or rules of the strata corporation, levy fines and the fines so levied shall be immediately added to the strata fees for the strata lot and shall be due and payable together with the strata fees for the strata lot in the next month following such contravention.

### **28. Continuing contravention**

1. Except where specifically stated to be otherwise in these bylaws, if an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than 7 days, a fine may be imposed every 7 days.

## **Annual and Special General Meetings**

### **29. Quorum of meeting**

## LINCOLNS GATE – NW1505 BYLAWS

1. If within 1/4 hour from the time appointed for an annual or special general meeting, a quorum is not present, the eligible voters, present in person or by proxy, constitute a quorum.

This bylaw 29.1 is an alternative to section 48(3) of the Act. This bylaw does not apply to a meeting demanded pursuant to section 43 of the Act and failure to obtain a quorum for a meeting demanded pursuant to section 43 terminates, and does not adjourn, that meeting.

### **30. Person to chair meeting**

1. Annual and special general meetings must be chaired by the president of the council.
2. If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
3. If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons, eligible to vote, 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, may not participate in the discussion at a meeting.
3. Tenants who are not eligible to vote, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

### **32. Voting**

1. Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the Act.
2. Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules.
3. Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules, including legal costs, for which the owner is responsible under section 131 of the Act.
4. At an annual or special general meeting, voting cards must be issued to eligible voters.
5. At an annual or special general meeting a vote is decided on a show of voting

# **LINCOLNS GATE – NW1505 BYLAWS**

cards, unless an eligible voter requests a precise count.

6. If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.
7. The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.
8. If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote.
9. Despite anything in bylaws 32.1 to 32.8 (inclusive), an election of council or removal of a council member must be held by secret ballot, if the secret ballot is requested by an eligible voter.

## **33. Electronic attendance at meetings**

1. A person who is eligible to vote may attend an annual or special general meeting by electronic means so long as the person and the other participants can communicate with each other.
2. If an annual or special general meeting is held by electronic means with a person, the person is deemed to be present in person for the purposes of the meeting.

## **34. Order of business**

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

## LINCOLNS GATE – NW1505 BYLAWS

- (k) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
- (l) deal with new business, including any matters about which notice has been given under section 45 of the Act;
- (m) elect a council, if the meeting is an annual general meeting;
- (n) terminate the meeting.

### Voluntary Dispute Resolution

#### 35. Voluntary dispute resolution

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

### Small Claims Court Proceedings

#### 36. Authorization to proceed

1. The strata corporation may proceed under the *Small Claims Act*, without further authorization by the owners, to recover from an owner or other person, by an action in debt in Small Claims Court, money owing to the strata corporation, including money owing as administration fees, bank charges, fines, penalties, interest or the costs, including legal costs, of remedying a contravention of the bylaws or rules and to recover money which the strata corporation is required to expend as a result of the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family.

### Marketing Activities by Owners and Occupants

#### 37. Sale of a strata lot

1. Real estate signs must not be displayed in a strata lot or on the common property except in the location designated by the strata corporation for real estate signs.

# **LINCOLNS GATE – NW1505 BYLAWS**

## **Insurance**

### **38. Insuring against major perils**

The strata corporation must insure against major perils, as set out in regulation 9.1(2), including, without limitation, earthquakes.

1. An owner shall indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered necessary to the common property, limited common property, common assets or to any strata lot by the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, and for the purposes of bylaws 38.1 any insurance deductible paid or payable by the strata corporation shall be considered an expense not covered by the proceeds received by the strata corporation as insurance coverage and will be charged to the owner. The only exception to the foregoing:

(a) is where loss originates from the rupture or malfunction of a permanent public facility supply line or sewer system that extends from common property into an individual unit, in which case the deductible shall be the responsibility of the Strata Corporation. It is further agreed and understood that where any loss or damage originates from "common property" as defined in the Strata Property Act and is not the responsibility of a Strata Lot owner as previously defined, the deductible shall then be the responsibility of the Strata Corporation.

## **Storage**

### **39. Storage lockers**

1. A resident must not store any hazardous or flammable substances in storage lockers.

## **Parking**

### **40. Parking**

1. A resident must not permit any oversized, commercial or recreational vehicles including, but not exhaustively, boats, trailers and campers to enter or be parked or stored on common property, limited common property or land that is a common asset.
2. A resident must not store uninsured vehicles on the common, limited and limited common property or on land that is a common asset.
3. An owner must not sell, lease or license parking stalls to any person other than an owner or occupant.
4. A resident must park only in the parking stall assigned to the resident.
5. A resident or visitor must not permit a vehicle to be parked or left unattended in a manner that interferes with parking stalls, access lanes or no parking zones.

## LINCOLNS GATE – NW1505 BYLAWS

6. Any resident's vehicle parked in violation of bylaw 40.5 will be subject to removal by a towing company authorized by council, and all costs associated with such removal will be charged to the owner of the strata lot.
7. A resident or visitor must not use any parking area as a work area for carpentry, renovations, repairs (including, but not exhaustively, sawing, drilling and the use of any adhesive or hardening compounds) or work on vehicles involving any automotive fluids or paints, motor tune ups or mechanical repairs.
8. A resident or visitor operating a vehicle must not exceed 10 km/hour.
9. A resident must wash a vehicle in the location designated for vehicle washing only. Once washing is completed, the resident must hose down and remove all dirt, refuse and excess water from the washing area. While washing, a resident must keep audio volume low.
10. A resident must not park or store any vehicle that drips oil or gasoline. A resident must remove any dripped oil, gasoline or other automotive residue.
11. Only three parking stalls are permitted per strata lot and if additional stalls are needed, application will have to be made to council in writing.
12. A visitor pass is required 24 hours per day, seven days a week. This pass must be displayed in the windshield of the visitor's vehicle. A vehicle found in violation will be towed without notice.
13. No visitor shall park in visitors parking for more than 7 consecutive days without the written approval of council.
14. No owner shall park in a parking stall designated for visitor parking, except with the express written consent of the strata council or administration office. A temporary parking pass (provided by the administration office) must be displayed at all times.

### Moving

#### 41. Moving in/out procedures

1. An owner must conform and ensure that any tenants conform to the Move In and Move Out rules established by council from time to time.
2. All moves must take place between 8:00 AM to 11:00 PM.
3. A resident must ensure that all common areas are left damage free and clean.

### Appearance of strata lots

#### 42. Cleanliness

1. A resident must not allow a strata lot to become unsanitary or untidy. Rubbish, dust, garbage, boxes, packing cases and other similar refuse must not be thrown, piled or

## LINCOLNS GATE – NW1505 BYLAWS

stored in the strata lot or on common property. Any expenses incurred by the strata corporation to remove such refuse will be charged to the strata lot owner.

2. A resident must ensure that ordinary household refuse and garbage is securely wrapped and placed in the containers provided for that purpose, recyclable material is kept in designated areas and material other than recyclable or ordinary household refuse and garbage is removed appropriately.

### Rentals

#### 43. Residential rentals

1. ~~The number of strata lots within the strata corporation that may be leased at any one time is limited to 18 for existing owners as of February 24, 2009. The number of strata lots within the strata corporation that may be leased at any one time is limited to 15 for all subsequent purchasers after February 24, 2009.~~
2. ~~An owner wishing to lease a strata lot must apply in writing to the council for permission to rent before entering into a tenancy agreement.~~
3. If the number of strata lots leased at the time an owner applies for permission to lease has reached the limit stated in bylaw 41.1, excluding exempt strata lots pursuant to sections 143 and 144 of the Act and section 17.15 of the Regulations, the council must refuse permission and notify the owner of the same in writing, as soon as possible stating that the limit has been reached or exceeded, as the case may be, and place the owner of the strata lot on a waiting list to be administered by the council based upon the date of the request for permission to rent.
4. If the limit stated in bylaw 41.1 has not been reached at the time the owner applies for permission to lease a strata lot, excluding exempt strata lots pursuant to sections 143 and 144 of the Act and section 17.15 of the Regulations, the council shall grant permission and notify the owner of the same in writing as soon as possible.
5. An owner receiving permission to lease a strata lot must exercise the permission to lease within 90 days from the date that the council granted same, otherwise the permission expires. During the 90 days immediately following the grant of permission, the strata lot shall be deemed leased for the purposes of the limit stated in bylaw 41.1.
6. Prior to possession of a strata lot by a tenant, an owner must deliver to the tenant the current bylaws and rules of the strata corporation and a Notice of Tenant's Responsibilities in Form K.
7. Within two weeks of renting a strata lot, the landlord must give the strata corporation a copy of the Form K - Notice of Tenant's Responsibilities signed by the tenant, in accordance with section 146 of the Act. As well as providing the form k within two weeks of renting a strata lot shall provide to the Strata Corporation a completed Form "K" Notice of Tenant's Responsibility signed by the tenant on a annual basis, due the first day of March of each calendar year. Failure to provide the up-to-date Form K by the first day of March each calendar year shall be cause for a \$200.00 fine against the strata lot each month until submitted.
8. Where an owner leases a strata lot in contravention of bylaws 41.1, 41.2 or 41.3,

## LINCOLNS GATE – NW1505 BYLAWS

the owner shall be subject to a fine of \$500.00 and the strata corporation shall take all necessary steps to terminate the lease or tenancy, including, but not limited to, seeking a declaration or Court injunction to enforce the bylaw. Any legal costs incurred by the strata corporation in enforcing the rental restriction bylaws shall be the responsibility of the contravening owner and shall be recoverable from the owner on a solicitor and own client basis by the strata corporation.

### Visitors and Children

#### 44. Children and supervision

1. Residents are responsible for the conduct of visitors including ensuring that noise is kept at a level, in the sole determination of a majority of the council, that will not disturb the rights of quiet enjoyment of others.
2. Residents are responsible for the conduct of children residing in their strata lot, including ensuring that noise is kept at a level, in the sole determination of a majority of the council, that will not disturb the quiet enjoyment of others.
3. Residents are responsible to assume liability for and properly supervise activities of children. Playing with bicycles, skateboards, scooters, rollerskates, rollerblades or hockey is not permitted on Strata property.
4. Residents shall not permit any member of their household, guests or visitors to trespass on the part of the property to which another Owner is entitled to exclusive occupation.

#### 45. Miscellaneous

1. A resident or visitor must not hinder or restrict sidewalks, entrances, exits, stairways and other parts of the common property. Hindrance and restriction includes the keeping of personal items and garbage.
2. A resident must not permit any person to play or loiter in the garden areas, on common property or on land that is a common asset
3. A resident or visitor must not use common property electrical outlets with the exception of parking area outlets used while vacuuming a vehicle.
4. Subject to bylaw 37.1, a resident or owner must not erect or display or permit to be erected or displayed any signs, fences, billboards, placards, advertising, notices or other fixtures of any kind on the common property or in a strata lot, unless authorized by the council. This shall include exterior painting and the addition of wood, ironwork, concrete or other materials.
5. A resident may post notices on the designated bulletin board, subject to being removed by the council if deemed inappropriate or posted for in excess of one week.
6. A resident or visitor must not shake rugs, carpets, mops or dusters of any kind from any balcony, window, stairway or other part of a strata lot or common property.
7. A resident must ensure that drapes or blinds visible from the outside of the building

## LINCOLNS GATE – NW1505 BYLAWS

are cream or white in colour and not (a) erect or hang over or outside any window or door of a strata lot or on the common property, awnings, shades, or screens without the consent in writing of the Council.

8. A resident must ensure that no air conditioning units, laundry, flags, clothing, bedding or other articles are hung or displayed from windows, balconies or other parts of the building so that they are visible from the outside of the building. Portable air-conditioners are allowed provided that nothing is protruding from windows.
9. A resident must not display or erect fixtures, poles, cloth lines, and racks permanently or temporarily on limited common property, common property or land that is a common asset. Despite the foregoing, the placing of items on the limited common property balconies or patio areas shall be limited to free standing, self contained planter boxes or summer furniture and accessories. Furthermore:
  - (a) A storage container will be permitted on a patio or balcony with prior written approval from strata council.
  - (b) Patios, balconies and under stairs are not to be used for storage purposes, and must be kept neat and clean and tidy at all times.
  - (c) Gas or electric barbecues only.
  - (d) No household furniture/appliances, briquette barbecues, vehicle tires, paint and painting supplies, no indoor/outdoor carpeting allowed on balconies or patios.
10. Do anything or permit anything to be done on his strata lot or on the common property which will or would tend to increase the risk of fire or the rate of fire insurance premiums with respect thereto;
11. Do any act or thing or neglect or fail to do any act or thing which would render invalid any insurance in force and maintained by the Strata corporation or which would increase the premium therefore;
12. Use recreation facilities in accordance with rules and regulations respecting the use thereof that the Council, or other authorized authorities, may from time to time make, and upon publication of a rule or regulation so made by the Council the same shall be binding on each occupier, his visitors and guests (whether an Owner or not) of a strata lot and any violation of these regulation may result in loss of use of these facilities;

### **46. Satellite Dishes**

1. No television antenna or similar structure shall be erected on or fastened to any unit except in connection with a common television antenna or cable system as authorized by the Council;

### **47. Notices**

1. Unless otherwise specifically states in these by-laws, delivery of any notice required to

## LINCOLNS GATE – NW1505 BYLAWS

be given under this Act or under these by-laws shall be well and sufficiently given if mailed to the owner at the address of his strata lot and if left with him or some adult person at that address.

2. A notice given by post shall be deemed to have been given forty-eight hours after it is posted.
3. An owner may at any time in writing advise the corporation of a change of address at which notice shall be given, and thereafter the address specified shall be deemed to be the address of the owner for the giving of notices.
4. The word "notice" shall include any request, statement or other writing required or permitted to be given by the strata corporation to the owner of the strata lot.