

1. Contact

Document Fees: \$31.27

**Stevenson Luchies & Legh
Barristers & Solicitors
300 - 736 Broughton Street
Victoria BC V8W 1E1
250-381-4040**

File No. MAT11915 / JJH

2. Identification of Attached Strata Property Act Form or Other Supporting Document

Application Type

LTO Document Reference

Form-I Amendment to Bylaws

3. Description of Land

PID/Plan Number

Legal Description

EPS4365

THE OWNERS, STRATA PLAN EPS4365

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this application under section 168.4 of the *Land Title Act*, RSBC 1996, c.250, that you certify this application under section 168.43(3) and that the supporting document is in your possession.

**Craig Hardman
Penner 5E9LSM**

**Digitally signed by
Craig Hardman Penner
5E9LSM
Date: 2024-03-20
12:23:44 -07:00**

Supplied to StrataDocs 2024/03/25
Ordered by Allison Ducluzeau 2024/10/31

Ordered By: Allison Ducluzeau of Coldwell Banker OceanSide-Real Estate on 2024/10/31
Document Uploaded and Verified: 2024/03/25

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Strata Property Act

FORM I

[am. B.C. Reg. 312/2009, s. 7.]

AMENDMENT TO BYLAWS

(Section 128)

The Owners, Strata Plan EPS 4365 certify that the following or attached amendments to the bylaws of the strata corporation were approved by a resolution passed in accordance with section 128 of the *Strata Property Act* at an annual or special general meeting held on December 11, 2023:

Resolution #4 – ¾ Vote – Maximum Fines


BE IT RESOLVED AS A ¾ VOTE RESOLUTION OF THE OWNERS OF STRATA PLAN EPS4365, THAT the Strata Corporation’s bylaws be amended by repealing and replacing Section 23 of the bylaws with the following:

- 23. The Strata corporation may fine an owner or tenant:
 - i) up to TWO HUNDRED DOLLARS (\$200) or such higher amount as permitted under the Strata Property Regulation, at the discretion of the Council, for each contravention of a bylaw (save and except for each contravention of the short-term rental bylaw);
 - ii) up to FIFTY DOLLARS (\$50) or such higher amount as permitted under the Strata Property Regulation, at the discretion of the Council, for each contravention of a rule.

Moved: SL 3

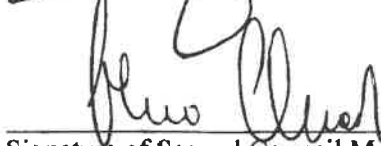
Seconded: SL 77

Motion CARRIED with none opposed.



 Signature of Council Member

Justin Longo



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

CLIVE ALCOCK

* Section 128(2) of the Act provides that an Amendment to Bylaws must be filed in the land title office.

1. Contact

Document Fees: \$31.27

Proline Management Ltd.
20 Burnside Road West - Suite 201
Victoria BC V9A 1B3
250-475-6440

2. Identification of Attached Strata Property Act Form or Other Supporting Document

Application Type

LTO Document Reference

Form-I Amendment to Bylaws

3. Description of Land

PID/Plan Number

Legal Description

EPS4365

THE OWNERS, STRATA PLAN EPS4365

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this application under section 168.4 of the *Land Title Act*, RSBC 1996, c.250, that you certify this application under section 168.43(3) and that the supporting document is in your possession.

Marnie Gunther
QKY7MA

Digitally signed by
Marnie Gunther QKY7MA
Date: 2023-06-13
10:47:42 -07:00

Supplied to StrataDocs 2024/03/25
Ordered by Allison DucluzEAU 2024/10/31

Ordered By: Allison DucluzEAU of Coldwell Banker ~~Oceanside~~ Real Estate on 2024/10/31
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Strata Property Act

FORM I

AMENDMENTS TO BYLAWS

(Section 128)

The Owners, Strata Plan EPS4365 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, 2023.

Resolution:

BE IT RESOLVED, AS A $\frac{3}{4}$ VOTE RESOLUTION OF THE OWNERS OF STRATA PLAN EPS4365, THAT the Strata Corporation's bylaws be amended by adopting the following bylaw:

35. Quorum for annual or special general meeting

- (1) Pursuant to Section 48 of the Strata Property Act, the quorum for all Special and Annual General Meetings shall be ONE THIRD (1/3) of the eligible owners.**
- (2) Notwithstanding Section 48(3) of the Act, if within 15 minutes from the time appointed for an annual or special general meeting a quorum is not present, then the meeting shall stand adjourned for a further 15 minutes from the time appointed and, if at that time a quorum is still not present for the meeting, the eligible voters present in person or by proxy shall constitute a quorum.**


BE IT RESOLVED, AS A $\frac{3}{4}$ VOTE RESOLUTION OF THE OWNERS OF STRATA PLAN EPS4365, THAT the Strata Corporation's bylaws be amended by repealing Section 32 of the bylaws in its entirety and replacing it with the following bylaw:

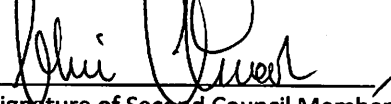
32. Smoking Restrictions

- (1) In this bylaw "smoke" or "smoking" includes burning a cigarette, joint, or cigar, or burning any substance using a pipe, hookah pipe, lighted smoking device, or vaping any substance.**
- (2) For the purposes of these bylaws, "cannabis" means the cannabis sativa, cannabis indica, and cannabis ruderalis plants or any similar member of the cannabaceae family and any products derived therefrom or containing cannabis.**
- (3) Owners, tenants, occupants, and visitors must not smoke in, or on any of the following areas:**
 - (a) In a strata lot;**
 - (b) In the interior common property, including but not limited to, in hallways, elevators, parking garages, electrical and mechanical rooms, stairs, storage lockers areas, and garbage rooms;**
 - (c) On limited common property patios, decks, and balconies; and**
 - (d) On exterior common property.**

- (4) Despite subsection 3(a) of this bylaw, an owner, tenant, or occupant may apply to the Strata Corporation for a human rights-based exemption to this bylaw to permit them to smoke for medical reasons inside their strata lot but not in the areas specified in subsections (3)(b), (3)(c), or (3)(d) ("Medically Exempt Smoker").
- (5) The Strata Council may only grant a human rights-based exemption permitting an owner, occupant, or tenant to smoke for medical purposes if the applicant provides the Strata Corporation with a written medical opinion from a qualified medical professional that is licensed to practice medicine in the province of British Columbia, that:
 - (a) Describes the applicant's medical condition;
 - (b) Smoking is necessary for the treatment of that medical condition; and
 - (c) In the case of cannabis, the applicant cannot or should not ingest cannabis in a form other than smoking cannabis due to the nature of the Applicant's pre-existing medical condition.
- (6) Medically Exempt Smokers must:
 - (a) Make reasonable efforts to prevent secondhand smoke from infiltrating the interior common property, or other strata lots; and
 - (b) Not cause a hazard or nuisance.
- (7) If the Council receives complaints of secondhand smoke infiltrating other strata lots or the interior common property, then it must investigate the complaint.
- (8) If after investigating the complaint, the Council determines that smoke from a Medically Exempt Smoker is infiltrating the interior common property or another strata lot then it may fine the Medically Exempt Smoker up to \$200.00 per incident.
- (9) If after investigating the complaint, the Council determines that smoke from a Medically Exempt Smoker is causing a nuisance or a hazard to another person, then, in addition to fining the Medically Exempt Smoker under subsection (9) the Council may, after fulfilling the procedural requirements of Section 135 of the Strata Property Act, revoke the Medically Exempt Smoker's right to smoke within their strata lots on 30 days' written notice.

A revised set of bylaws, incorporating these amendments, is attached.


 Signature of Council Member *Justin Longo, Strata Council President*


 Signature of Second Council Member *Clive Alcock, Secretary*

Date: June 7, 2023

Schedule of Bylaws
EPS4365 – Horizon at the Railyards

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

Payment of strata fees

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

Repair and maintenance of property by owner

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

Use of property

- 3 (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that
 - (a) causes a nuisance or hazard to another person,
 - (b) causes unreasonable noise,
 - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - (d) is illegal, or
 - (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.
- (2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.
- (3) An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset.
- (4) An owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following:
 - (a) a reasonable number of fish or other small aquarium animals;
 - (b) a reasonable number of small caged mammals;
 - (c) up to 2 caged birds;

(d) two dogs, or two cats, or one dog and one cat,

provided that no pets shall be kept in a kennel, tethered or otherwise left unattended in the front or back yard of any strata lot or otherwise on any part of the common property.

- (5) An owner, tenant or occupant may not remove or alter, and the strata corporation must not remove, alter or be required to approve the removal or alteration of any building components incorporated in any original building construction for the purposes of noise abatement or noise reduction.
- (6) (a) An Owner or tenant shall pay a move in fee of \$100.00. The purpose of the fee in part, is to defray costs associated with moves which may include but is not limited to wear and tear on common property, garbage removal, cleaning, and installing and removing elevator pads. The fee shall be paid prior to the move. If a tenant fails to pay the fee, it shall be charged to and payable by the owner of the strata lot.
- (b) The strata corporation may regulate the times and manner in which any person moves into or out of strata lots, and may require that such moves be co-ordinated with the property manager at least 7 days in advance of such moves, or such lesser period as the council may, in its sole discretion, permit.
- (c) For the purpose of these bylaws a “move” consists of a move of household goods and effects into a residential unit upon assuming occupation of the unit.

Inform strata corporation

- 4 (1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and mailing address outside the strata plan, if any.
- (2) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

Obtain approval before altering a strata lot

- 5 (1) An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves any of the following:
- (a) the structure of a building;
- (b) the exterior of a building;
- (c) chimneys, stairs, balconies or other things attached to the exterior of a building;
- (d) doors, windows or skylights, on the exterior of a building, or that front on the common property;
- (e) fences, railings or similar structures that enclose a patio, balcony or yard;

- (f) common property located within the boundaries of a strata lot;
 - (g) those parts of the strata lot which the strata corporation must insure under section 149 of the Act.
- (2) The strata corporation must not unreasonably withhold its approval under subsection (1), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.
 - (3) This section does not apply to a strata lot in a bare land strata plan.

Obtain approval before altering common property

- 6 (1) An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.
- (2) The strata corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

Permit entry to strata lot

- 7 (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot
 - (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
 - (b) at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act.
- (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.

Division 2 -- Powers and Duties of Strata Corporation

Repair and maintenance of property by strata corporation

- 8 The strata corporation must repair and maintain all of the following:
 - (a) common assets of the strata corporation;
 - (b) common property that has not been designated as limited common property;
 - (c) limited common property, but the duty to repair and maintain it is restricted to
 - (i) repair and maintenance that in the ordinary course of events occurs less often than once a year, and
 - (ii) the following, no matter how often the repair or maintenance ordinarily occurs:

- (A) the structure of a building;
 - (B) the exterior of a building;
 - (C) chimneys, stairs, balconies and other things attached to the exterior of a building;
 - (D) doors, windows or skylights, on the exterior of a building or that front on the common property;
 - (E) fences, railings and similar structures that enclose patios, balconies and yards;
- (d) a strata lot in a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to
- (i) the structure of a building,
 - (ii) the exterior of a building,
 - (iii) chimneys, stairs, balconies and other things attached to the exterior of a building,
 - (iv) doors and windows on the exterior of a building or that front on the common property, and
 - (v) fences, railings and similar structures that enclose patios, balconies and yards.

Division 3 -- Council

Council size

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

Council members' terms

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

Removing council member

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

Replacing council member

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

Officers

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

Calling council meetings

- 14 (1) Any council member may call a council meeting by giving the other council members at least one week's notice of the meeting, specifying the reason for calling the meeting.
- (2) The notice does not have to be in writing.
- (3) A council meeting may be held on less than one week's notice if
 - (a) all council members consent in advance of the meeting, or
 - (b) the meeting is required to deal with an emergency situation, and all council members either
 - (i) consent in advance of the meeting, or

- (ii) are unavailable to provide consent after reasonable attempts to contact them.
- (4) The council must inform owners about a council meeting as soon as feasible after the meeting has been called.

Requisition of council hearing

- 15 (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), the council must hold a meeting to hear the applicant within one month of the request.
- (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 hearing.

Quorum of council

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

Council meetings

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

Voting at council meetings

- 18 (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.

- (2) Unless there are only 2 strata lots in the strata plan, if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- (3) The results of all votes at a council meeting must be recorded in the council meeting minutes.

Council to inform owners of minutes

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

Delegation of council's powers and duties

- 20** (1) Subject to subsections (2) to (4), the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.
- (2) The council may delegate its spending powers or duties, but only by a resolution that
 - (a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
 - (b) delegates the general authority to make expenditures in accordance with subsection (3).
- (3) A delegation of a general authority to make expenditures must
 - (a) set a maximum amount that may be spent, and
 - (b) indicate the purposes for which, or the conditions under which, the money may be spent.
- (4) The council may not delegate its powers to determine, based on the facts of a particular case,
 - (a) whether a person has contravened a bylaw or rule,
 - (b) whether a person should be fined, and the amount of the fine, or
 - (c) whether a person should be denied access to a recreational facility.

Spending restrictions

- 21** (1) A person may not spend the strata corporation's money unless the person has been delegated the power to do so in accordance with these bylaws.
- (2) Despite subsection (1), a council member may spend the strata corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.

Limitation on liability of council member

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

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

Division 4 -- Enforcement of Bylaws and Rules

Maximum fine

- 23** The strata corporation may fine an owner or tenant a maximum of
- (a) \$50 for each contravention of a bylaw, and
 - (b) \$10 for each contravention of a rule.

Continuing contravention

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

Division 5 -- Annual and Special General Meetings

Person to chair meeting

- 25** (1) Annual and special general meetings must be chaired by the president of the council.
- (2) If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
- (3) If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons who are present at the meeting.

Participation by other than eligible voters

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

Voting

- 27** (1) At an annual or special general meeting, voting cards must be issued to eligible voters.
- (2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.

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

Order of business

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

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

Division 6 -- Voluntary Dispute

Resolution Voluntary dispute resolution

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

Division 7 -- Marketing Activities by Owner Developer

Display lot

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

Division 8 – Short Term Rental

- 31** (1) For the purposes of this bylaw “short term rental” means:
- (a) the use of all or a part of a strata lot for the accommodation of persons including but not limited to travellers and the vacationing public for periods of under 30 days, and without limitation includes vacation rentals, executive rentals, boarding, hostel use, hotel and motel use, and bed and breakfast accommodation;
 - (b) and includes situations involving any of the uses set out in subsection (1)(a) where a license is granted or a rental agreement is entered into for a period of longer than 30 days, where the occupant under the license agreement or tenant under the rental agreement occupies the strata lot for less than 30 days; but

- (c) does not include the accommodation of visitors without receipt of remuneration.
- (2) Owners, occupants and tenants may not:
 - (a) rent, lease, or provide a license of occupancy to all or any part of their strata lot for use as a short term rental; or
 - (b) market, list, offer or advertise all or any part of their strata lot as being available for use as a short term rental.
- (3) Notwithstanding bylaw 23 or any other bylaw pertaining to fines, where an owner, occupant or tenant violates subsection (2)(a) of this bylaw, the Council may fine the owner of the strata lot up to \$1,000.00 or such higher amount as then permitted under the Strata Property Regulation, for each night the strata lot is used as a short term rental.
- (4) Notwithstanding bylaw 23 or any other bylaw pertaining to fines, where an owner, occupant or tenant violates subsection (2)(b) of this bylaw, the Council may fine the owner of the strata lot up to \$200.00 or such higher amount as then permitted under the Strata Property Regulation, for each time the strata lot is advertised or marketed as being available for use as a short term rental

Division 9 – Smoking

- 32** (1) For the purpose of these bylaws:
- (a) “cannabis” means the Cannabis sativa, Cannabis indica, and Cannabis ruderalis plants or any similar member of the Cannabaceae family, and any products derived there from;
 - (b) “smoke” or “smoking” means releasing into the air, gases, particles, or vapours as a result of combustion or electrical ignition or vaporization of a substance including but not limited to tobacco, cannabis, e-juice, vape juice, heroin, crack, or other narcotics when the apparent or usual purpose of the combustion or electrical ignition of the substance is human inhalation of the by-products,
 - (c) “tobacco” means any product prepared from the cured leaves of any of 70 species of the tobacco plant; and
 - (d) “vape” or “vaping” means vaporization of a substance including but not limited to tobacco, cannabis, e-juice, vape juice, heroin, crack, or other narcotics when the apparent or usual purpose of the vaporization of the substance is human inhalation of the by-products.
- (2) Owners, occupants, tenants and visitors must not smoke or vape anywhere in or on.
- (a) the interior common property including but not limited to the:
 - (i) hallways and lobbies;
 - (ii) parkade;

- (iii) stairs;
 - (iv) elevators; and
 - (v) storage and bike storage rooms
- (b) anywhere on the exterior common property, including the roof top deck and any other place that is within 6 meters of a door, window, air intake of another strata lot or common area but excluding limited common property patios, balconies and yards.
- (3) In addition to the requirements of subsection (2), owners, occupants, tenants and visitors must not smoke or vape tobacco:
- (a) within a strata lot;
 - (b) on a limited common property patio, balcony or yard.
- (4) Owners, occupants, tenants and visitors may smoke or vape cannabis or another product other than tobacco:
- (a) within a strata lot;
 - (b) on a limited common property patio, balcony or yard.
- (such persons shall be referred to herein as “Smokers”).
- (5) Smokers must:
- (a) make reasonable efforts to prevent second-hand smoke or vapours from the smoking or vaping of cannabis or other products from infiltrating the interior common property, or other strata lots; and
 - (b) not cause a hazard or nuisance.
- (6) If the Council receives complaints that second hand smoke or vapors are infiltrating other strata lots or the interior common property it must investigate the complaint.
- (7) If after investigating the complaint, the Council determines that a Smoker is causing a nuisance or a hazard to another person, then the Council may, after fulfilling the procedural requirements of section 135 of the Strata Property Act, revoke the Smoker’s right to smoke or vape cannabis or other products in their strata lots or on their patios balconies or yards, on 30 days written notice.

Division 10 – Parking

- 33** (1) The Strata Corporation’s parking stalls are limited common property assigned to individual units and common property stalls controlled by the Council:
- (2) The Council:
- (a) must designate at least eight (8) of the common parking stalls as visitors’ parking; and
 - (b) may temporarily designate common property parking stalls for the exclusive

use of the Strata Corporation's service providers or management.

- (3) Subject to subsection (2), the Council may reallocate common property parking stalls on 30 days written notice.

Prohibitions

- (4) Owners may not sell, assign or otherwise encumber their limited common property parking stalls. Owners may rent their assigned parking stalls only to other owners, occupants or tenants of the Strata Corporation.
- (5) Subject to subsection 11(b), an owner, tenant, or occupant of a strata lot may only park, store or leave motor vehicles in their limited common property parking stall or the common property parking stall allocated to their strata lot.
- (6) An owner, tenant or occupant may only permit their visitor or visitors to park in Visitors' Parking or their limited common property parking stall.
- (7) An owner, tenant, occupant and their visitors shall not park, store or leave any of the following anywhere on common property, or limited common property:
 - (a) a derelict motor vehicle, which for the purposes of this bylaw shall include motor vehicles that are in a state of disrepair, covered in rust, requiring more than a battery boost to start, or not roadworthy;
 - (b) an unlicensed motor vehicle, without the prior written approval of the Council, which said approval may be granted subject to conditions, and which conditions may include the provision of written proof of storage insurance to the Council;
 - (c) a motorhome, recreational vehicle, commercial vehicle, trailer, camper, boat or a similar type of vehicle without the prior written approval of the Strata Corporation, which said approval may be granted subject to conditions;
 - (d) garbage, refuse, recycling, appliances, boxes, furniture, or any other personal property except for motor vehicles, secured bicycles, or scooters; or
 - (e) a vehicle greater than 6' 6" in height or 18' in length without the express written consent of Council. Vehicles must be parked within the bounds of their parking stall.
- (8) Owners, tenants, occupants and their visitors shall not:
 - (a) conduct significant: repairs, modifications, maintenance or servicing to a motor vehicle in their limited common property, parking stall or on the common property;
 - (b) park, store or leave a vehicle on the common property in a manner which may compromise the safety or security of the residents of the Strata Corporation or impede their ability to access or egress the Strata Corporation, their parking stalls, or vehicles;
 - (c) exceed the speed limit of 10 kilometres per hour on the common property; or
 - (d) park a motor vehicle which is leaking oil or other fluids on the common

property or in a designated parking space.

- (9) Owners, occupants, tenants or visitors must clean up any spilled or leaked automotive fluids and are responsible to make good any damage caused by such leaks or spills.
- (10) Owners, occupants, tenants or visitors must upon notice from the Strata Corporation, remove a vehicle from common property for building maintenance, including parkade cleaning.

Visitors parking

- (11) The use of Visitors' Parking is restricted as follows:
 - (a) Vehicles parked in the Visitors' Parking must display a parking pass issued by the Strata Corporation, on their dashboard;
 - (b) Visitors may only park their vehicle in the Visitors' Parking for up to 15 days in any 30 days period without first obtaining the express written consent of the Council; and
 - (c) Owners, occupants, and tenants may only park a vehicle in the Visitors' Parking for up to 2 hours in a day.

Enforcement

- (12) The Council shall provide written notice of any violation of this bylaw to the vehicle owner by leaving the notice of violation on the relevant vehicle, and if the infraction is not corrected within TWENTY-FOUR (24) hours from the date of delivery of such notice, the Council, in addition to any other rights which it may have, shall have the right to tow any vehicle which violates this bylaw, fine the owner, or both.
- (13) Written notice of a further contravention of this bylaw is not required prior to towing in the event of a second or subsequent infraction of this bylaw.
- (14) In addition to the rights conferred by subsections (12) and (13) the Council has the right to immediately tow any vehicle which is parked in violation of subsections (5), (6), (8b), and (10).
- (15) The owner or tenant who caused or permitted the infraction of these bylaws shall indemnify the Strata Corporation and save it harmless from and against all costs incurred by the Strata Corporation, including towing costs, legal costs, as between a solicitor and client, and any other reasonable costs.

Holding General Meetings by Electronic Means

Permission to hold electronic meetings

- 34** (1) The Strata Corporation may hold an annual or special general meeting by electronic means or allow attendance at an annual or special general meeting by electronic means including: Skype, Zoom, Google Hangouts, GoToMeeting, Microsoft Team Meetings or some similar service, so long as council members, eligible voters and other participants can communicate with each other in real time.

Notice of electronic meetings

- (2) The Strata Corporation must specify which electronic means it intends to hold the annual or special general meeting by, in the notice of meeting.
- (3) The Strata Corporation must specify how voters may attend the annual or special general meeting in the notice of meeting.

Attendance in person and by proxy

- (4) Eligible voters may only attend an annual or special general meeting held by electronic means by proxy or in person in the manner or manners specified in the notice of meeting.
- (5) If an eligible voter attends an annual or special general meeting by electronic means in the manner specified in the notice of meeting, then such voter is deemed to be present in person.
- (6) Eligible voters who wish to attend an annual or special general meeting held by electronic means by proxy must deliver a copy of their proxy to the council at least 24 hours before the meeting's start.
- (7) Eligible voters attending an annual or special general meeting in person by electronic means acknowledge and accept that the risks associated with such attendance including but not limited to:
 - a) a loss of privacy;
 - b) connection and other technological problems;
 - c) an inability to participate in discussions; and
 - d) an inability to vote.
- (8) Eligible voters who attend an annual or special general meeting by electronic means are responsible for the manner or manners in which they attend and the Strata Corporation is not responsible for the quality or consistency of their connection or their inability to connect.

Registration and quorum at electronic meetings

- (9) Eligible voters must announce themselves, provide their name and strata lot number when joining the annual or special general meeting held by electronic means.
- (10) Eligible voters must provide proof of their identity satisfactory to the Council if requested to do so by the Council.
- (11) Quorum will be determined by the number of eligible voters attending in person by the specified manner or manners or by proxy.

Electronic Meeting Bylaws

- (12) The council will keep a register and tally of eligible voters attending in person and by proxy and update it as the meeting progresses.
- (13) If an eligible voter loses their connection to the meeting:
 - a) their vote will not be counted towards quorum for any period that they are absent from the meeting; and
 - b) the meeting will continue in their absence unless their absence results in a loss of quorum.

Voting at Electronic Meetings

- (14) Voting at an annual or special general meeting held by electronic means will be carried out by roll call or any other method specified in the notice of meeting.
- (15) The council will:
 - a) tally the votes cast for and against on each resolution and who cast them, and
 - b) announce the result of each vote.
- (16) Eligible voters who attend an annual or special general meeting by electronic means waive their right to:
 - a) demand a secret ballot be held; and
 - b) secrecy or anonymity of the voter's vote.

Conflict of bylaws

- (17) Subject to subsection (18), all other bylaws pertaining to the calling and holding of annual or special general meeting continue to apply.
- (18) Where a conflict exists between a section or subsection of this bylaw and any other bylaw, the provisions of this bylaw take precedence over the other bylaw.