

VICTORIA LAND TITLE OFFICE

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STRATA PROPERTY ACT FILING
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- Your electronic signature is a representation by you that:
 - you are a subscriber; and
 - you have incorporated your electronic signature into
 - this electronic application, and
 - the imaged copy of each supporting document attached to this electronic application, and have done so in accordance with Sections 168.3 and 168.41(4) of the *Land Title Act*, RSBC 1996, C.250.
 - Your electronic signature is a declaration by you under Section 168.41 of the *Land Title Act* in respect of each supporting document required in conjunction with this electronic application that:
 - the supporting document is identified in the imaged copy of it attached to this electronic application;
 - the original of the supporting document is in your possession; and
 - the material facts of the supporting document are set out in the imaged copy of it attached to this electronic application.
- Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the *Land Title Act*.

Ronald Joseph Ephrem Dumonceaux LHWX5J	Digitally signed by Ronald Joseph Ephrem Dumonceaux LHWX5J Date: 2019.05.09 11:59:18 -07'00'
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1. CONTACT: (Name, address, phone number)

Dinning Hunter Jackson Law

Barristers & Solicitors,

813 Goldstream Avenue

Victoria

BC V9B 2X8

Ph: 250-478-1731

File No.: 84516/BED*ljb

Document Fees: \$29.66

Deduct LTSA Fees? Yes ☒

2. IDENTIFICATION OF ATTACHED STRATA PROPERTY ACT FORM OR OTHER SUPPORTING DOCUMENT:

Form-Y Owners Developers' Notice of Different Bylaws

LTO Document Reference:

3. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

029-932-467

LOT 2, SECTION 114, ESQUIMALT DISTRICT, PLAN EPP65048

**STRATA PROPERTY ACT
FORM Y
OWNER DEVELOPERS' NOTICE OF DIFFERENT BYLAWS
(Section 245(d); Regulations section 14.6(2))**

RE: Strata Plan EPS5294, being a strata plan of:

PID: 029-932-467

Lot 2, Section 114, Esquimalt District, Plan EPP65048

The following or attached bylaws differ from the Standard Bylaws to the Strata Property Act, as permitted by Section 120 of the Act:

SEE ATTACHED

Dated: April 15, 2019.

0730554 B.C. LTD.

Per:



JAMES LIU
Owner Developer

Supplied to StrataDocs 2022/02/17
Ordered by Maria Furtado 2025/05/03

BYLAWS THE OWNERS, STRATA PLAN EPS5294

Preamble

These bylaws constitute an agreement between 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 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 apply to the strata corporation, unless there is a conflict with the bylaw terms set out below and where there is such a conflict, the bylaws set out below will take precedence to the Schedule of Standard Bylaws where applicable.

Duties of Owners, Tenants, Occupants and Visitors

1. Compliance with bylaws and rules

1.1 All residents and visitors must comply strictly with the bylaws and rules of the strata corporation adopted from time to time.

2. Use of Property

2.1 A resident, Owner, occupant or visitor must not use a Strata Lot, the limited common property, 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 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.

2.2 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.

2.3 An Owner is responsible for any damage caused to common property, limited common property, or common assets, by occupants, tenants or visitors to the Owner's Strata Lot.

2.4 An Owner shall indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered necessary to the common property, limited common property, common assets or to any Strata Lot 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, 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.

3. Pets

3.1 A resident of a Strata Lot must not keep any pets on a Strata Lot other than:

- (a) a reasonable number of fish or other small aquarium animals provided that no snakes, reptiles, or spiders are permitted;
- (b) not more than two birds; and
- (c) not more than two cats or dogs, or one of each.

3.2 A resident or visitor must not keep any pets on common property or on land that is a common asset.

3.3 A pet Owner must ensure that a pet is kept quiet, controlled and clean. The pet Owner must immediately dispose of any excrement on the Owner's Strata Lot, or on common property or on a common asset, or on a lot or land that is limited common property of another Strata Lot Owner.

3.4 A resident or visitor must not permit a loose or unleashed pet (leashes cannot exceed six feet in length) at any time on the common property or on limited common property of other strata Owners.

3.5 A resident must not keep a pet on a Strata Lot that is a nuisance to other Strata Lot Owners. If a resident has a pet which is not a pet or if, in the opinion of council, the pet is a nuisance or has caused or is causing an unreasonable interference with the use and enjoyment by residents or visitors of other Strata Lots, 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.

3.6 A Strata Lot Owner must assume all liability for all actions by its pet, regardless of whether the Owner had knowledge, notice or forewarning of the likelihood of such action.

3.7 If a resident contravenes any provision of Part 3 of this bylaw, the Owner of the Strata Lot will be subject to a fine to a maximum of \$300.00 per contravention.

3.8 Notwithstanding the foregoing, a resident whose pet contravenes this bylaw 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.

4. Appearance of Strata Lots

4.1 No resident may allow a Strata Lot to become unsanitary or untidy. Rubbish, dust garbage, boxes, packing cases and other similar refuse must not be thrown, piled or stored in a Strata Lot, on common property, or on limited common property. The strata corporation may enter a Strata Lot for the purpose of removing any such material, and any expenses incurred by the strata corporation to enter a Strata Lot, as well as to remove such refuse, will be charged to the Owner.

4.2 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.

4.3 Owners shall maintain their limited common property and all items located on such limited common property in good order. For balconies and patios, furniture, plants and planter boxes, garden tools (hidden from external view), garden ornaments, and free-standing trellis or latticework for climbing plants are acceptable to be placed on balconies or patios. Trellis and latticework shall be no higher than the height of the balcony railings and shall not be in contact with a building wall. Planter boxes that have water drainage must have a drip saucer under them. Residents/Owners must contact strata council before placing items other than those mentioned on a balcony or patio.

4.4 Signs may not be installed in any Strata Lot, or on any common property, unless evidence of municipal approval has been provided to the strata corporation and it has approved the size, design and location of such signs. The strata corporation must act reasonably in giving or withholding such approval. The strata corporation must notify an applicant for such approval or its decision within 30 days of the delivery of an application to the strata corporation.

5. Obtain approval before altering a Strata Lot

5.1 An Owner, as part of its application to the strata corporation for permission to alter a Strata Lot must;

- (a) submit, in writing, detailed plans and a description of the intended alteration; and
- (b) obtain all applicable permits, licences and approvals from the appropriate governmental authorities and provide copies to the strata council.

5.2 The strata corporation must not unreasonably withhold its approval under subsection 5.1, but may require, as a condition of its approval, that the Owner agree, in writing, to certain terms and conditions, including, not exhaustively, that:

- (a) alterations be done in accordance with the design or plans approved by the strata council or its duly authorized representatives;
- (b) the standard of work and materials be not less than that of the existing structures;
- (c) all work and materials necessary for the alteration be at the sole expense of the Owner;
- (d) Window coverings will only be neutral colours without permission of the strata corporation, and no words, designs or obscenities may be visible from the outside;
- (e) the Owner from time to time of the Strata Lot making the alterations 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;
- (f) the Owner from time to time of the Strata Lot making the alterations shall indemnify and shall hold harmless the strata corporation for any liability and costs in any way related to the alteration;

6. Permit entry to Strata Lot

6.1 A resident 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.

6.2 The notice referred to in subsection (b) must include the date and approximate time of entry, and the reason for entry.

7. Driveways and Parking

7.1 Residents shall not permit the parking of vehicles that do not bear current motor vehicle licences on common property (including limited common property).

7.2 Residents must not store unlicensed or uninsured vehicles on the Owner's Strata Lot or any common property.

7.3 Residents shall not permit the parking of vehicles regularly driven by residents of a Strata Lot, in parking stalls designated for use by visitors.

7.4 Residents must not permit any oversized, commercial or recreational vehicle to enter or be parked or stored on a Strata Lot, the common property, limited common property or land that is a common asset. Council may determine from time to time criteria for what constitutes oversized, commercial or recreational vehicles, and such criteria shall be binding.

7.5 Residents must not park or store any vehicle that drips oil or gasoline. A resident must remove any dripped oil, gasoline or other automotive residue.

7.6 An Owner may not sell, lease or licence parking stalls to any person other than an Owner or occupant unless otherwise agreed to by the strata council.

7.7 Any resident's vehicle parked in violation of this bylaw 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.

8. Council eligibility

8.1 An Owner or the spouse of an Owner may stand for council, but not both.

8.2 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.

8.3 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 or of remedying a contravention of the bylaws or rules for which the Owner is responsible for a tenant under section 131 of the Act.

9. Removing council member

9.1 A council member is deemed to be removed from council in circumstances referred to in bylaws 8.2 and 8.3 above.

10. Officers

10.1 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.

10.2 A person may hold more than one office at a time, other than the offices of president and vice president.

10.3 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.

10.4 The strata council may vote to remove an officer.

10.5 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.

11. Calling council meetings

11.1 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.

11.2 The notice in bylaw 11.1 does not have to be in writing.

11.3 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;
- (c) consent in advance of the meeting, or
- (d) are unavailable to provide consent after reasonable attempts to contact them.

12. Requisition of council hearing

12.1 By application in writing, a resident may request a hearing at a council meeting stating the reasons for the request.

12.2 Except for a hearing pursuant to section 144 of the Act, if a hearing is requested, 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.

12.3 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.

13. Quorum of council

13.1 A quorum of the council is a majority of the council members.

13.2 Council members must be present in person or by phone or other suitable electronic means at the council meeting to be counted in establishing quorum.

14. Council meetings

14.1 The council may meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit.

14.2 Owners and spouses of Owners may attend council meetings as observers.

14.3 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.

15. Voting at council meetings

15.1 At council meetings, decisions must be made by a majority of council members present in person at the meeting.

15.2 If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.

15.3 The results of all votes at a council meeting must be recorded in the council meeting minutes.

16. Council to inform Owners of minutes

16.1 The council must circulate to Owners the minutes of all council meetings.

17. Delegation of council's powers and duties

17.1 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.

17.2 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.

17.3 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.

17.4 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.

18. Spending restrictions

18.1 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.

19. Limitation on liability of council member

19.1 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.

19.2 Bylaw 19.1 does not affect a council member's liability, as an Owner, for a judgment against the strata corporation.

19.3 Notwithstanding any defect in the appointment or continuance in office of a member of council, all acts done in good faith by the council are as valid as if the council member had been duly appointed or had duly continued in office.

20. Fines

20.1 Except where specifically stated to be otherwise in these bylaws, the strata corporation may fine an Owner or tenant:

- (a) up to \$300.00 for each contravention of a bylaw, and
- (b) \$30.00 for each contravention of a rule.

20.2 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 determined to be a special levy of that Strata Lot and shall be due and payable in the next month following such contravention.

21. Continuing contravention

21.1 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.

22. Annual and Special General Meetings

22.1 Quorum of meeting

- (a) If within 1/2 hour from the time appointed for an annual or special general meeting, a quorum is not present, the meeting stands adjourned for a further 1/2 hour on the same day and at the same place. If within a further 1/2 hour from the time of the adjournment, a quorum is not present, the eligible voters, present in person or by proxy, constitute a quorum.
- (b) This bylaw 22.1 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.

23. Person to chair meeting

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

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

23.3 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.

24. Participation by other than eligible voters

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

24.2 Persons who are not eligible to vote may not participate in the discussion at a meeting.

24.3 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.

25. Voting

25.1 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.

25.2 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, including legal costs, for which the Owner is responsible for a tenant under section 131 of the Act.

25.3 At an annual or special general meeting a vote is decided on a show of hands.

25.4 If there is a tie vote at an annual or special general meeting, the president, may break the tie by casting a second, deciding vote.

26. Order of business

26.1 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;
- (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.

27. Irregularities

27.1 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.

28. Voluntary dispute resolution

28.1 A dispute among Owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution procedure if:

- (a) all the parties to the dispute consent, and
- (b) the dispute involves the Act, the regulations, the bylaws or the rules.

28.2 A dispute resolution will be referred to an independent mediator consented to the parties to the dispute.

28.3 The dispute resolution mediator must attempt to help the disputing parties to voluntarily end the dispute.

29. Miscellaneous

29.1 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 dwelling so that they are visible from the outside of the dwelling.

29.2 A resident must not display or erect fixtures, poles, clotheslines, racks, storage sheds and similar structures permanently or temporarily on their lot or on the common property. This does not include self-contained planter boxes or containers, barbecues, summer furniture and accessories.

30. Payment of own utility consumption, strata fees and special levies

30.1 Each Strata Lot Owner is responsible for the cost of his or her own use of gas, power, water, sewer, and waste disposal, as applicable.

30.2 Where any service is commonly metered to the Strata Lots, each Owner will pay their proportionate share of that cost as and when due. Where the proportionate share of usage cannot be determined, the cost will be shared in accordance with each Strata Lot's unit entitlement.

END OF BY-LAWS