

**Strata Plan VIS4008: 1060 Southgate Street, Victoria
Rules and Bylaws – Tenants & Owners**

November 1, 1024

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Please note: A VIS4008 bylaw replaces the equivalent in the Standard Bylaws from the Strata Property Act.

1. General Rules and Information Updated September 30,2021

Southgate Manor is a self-managed Strata.

Fire Alarm. When the fire alarm goes off, all residents must leave immediately, and 911 should be called. The alarm must stay on until the fire department arrives, and silenced when the fire department gives the OK. The alarm should NOT be reset. The alarm control is located in the storage area to the left of the building. The fire department has a lockbox with a key to the storage area. The alarm control is in the “closet” behind the second set of doors, right side of the storage area, and in the box on the right inside the closet. Inside the box, in the top right-hand corner is a button; press this ONCE to silence; DO NOT PRESS AGAIN.

After the 911 call, contact one of: Patrick Humer (Unit 201, 250 418 1699) or Barbara Fabian (Unit 102, 250 217 6485) If there is no response from the above, the alarm equipment operator must be contacted to reset the alarms and to check equipment: Capital City & Sidney Fire Equipment Ltd: 250-727-8159; 24h-service.

The fire bell for the building is tested on a monthly basis (1st Thursday; usually morning). Each unit has a smoke and a heat detector; IT IS ILLEGAL TO REMOVE THE SMOKE DETECTORS. If a smoke detector is not working, please contact Patrick Humer. Once a year, all detectors are checked, usually in November; this requires access to your unit, and owners and tenants will be contacted in advance.

Tenants. Any problems that tenants encounter with the unit they are renting, or the building, should be brought to the attention of either the rental agency with whom they are dealing or the owner of the unit if no rental agency is involved. If these are not available, and in the case of a real emergency see: Strata Management.

Strata Management and Building Maintenance. Strata Management contact is Barbara Fabian, owner of Unit 102 (250 217 6485) or (bfabian@hotmail.ca) .

Water Leaks. Water can do serious damage to a building very quickly. Underneath many sinks and lavatories, there should be a shut off valve for each water line. However, the combined stove, sink, and fridge units do not have a convenient shut off valve. The building shut off valve is located behind a small wooden door at the front of the building between the entrance stairs and the windows of Unit 1. In case of problems, please shut off the appropriate valve, and contact the appropriate person: rental agency, owner, or Strata Manager, Barbara Fabian (250 217 6485) (bfabian@hotmail.ca).

Recycling. Victoria has an active and required recycling program. Please use the appropriate blue boxes. Please clean food and drink containers before disposal. Food waste goes into the green container, not in the garbage bins.

2. Specific Rules

2.1. Use of Common Spaces

The use of common spaces is regulated by the Strata Council who set the policies which are implemented by the Manager.

Common spaces include: the front porch; interior hallways and stairs; rear external landing; laundry room; the storage room; garden and parking lot; storage areas under the rear stairs and entrance stairs to 103; storage area under the stairs to 301. The storage areas under stairs are used by the manager. All these common spaces cannot be used for the storage of personal property of the residents or owners of the building except for the following:

1. Laundry materials in the laundry room.
2. Bicycles in the bicycle rack area.
3. Plant pots in areas of the garden that do not obstruct parking or interfere with the established garden. The manager shall have discretion to limit this usage.
4. A barbecue in the gazebo area with the manager's permission.
5. Additional furniture in external common areas with permission of the manager.
6. Door mats in good condition outside entrance doors to units.
7. Seasonal decorations on doors for appropriate time periods.
8. Shoes may be left outside unit entrance doors for immediate use, but no permanent storage.
9. Other exceptions that may be allowed by the manager after consultation with the Strata Council.

3. Standard Bylaws from Strata Properties Act Applicable to Tenants

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) one dog or one cat.

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 and 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, windows and skylights 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.

(3) to (5) [Repealed 1999-21-51.]

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.

Repealed

15 [Repealed 2009-17-35.]

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.

4. VIS4008 Bylaws that apply to owners and tenants

4.1 No Smoking

The building and grounds of the Strata are non-smoking which includes tobacco products, electronic cigarettes, marijuana, and any other similar substance.

Non-compliance with these requirements will result in the Strata issuing a letter of warning, or assessing a fine in accordance with the Strata Property Act. Owners shall be responsible for any actions applied to their tenants.

4.2 Pet Limitations

The Strata Council permits, per unit, only the following living creatures:

- a. two domestic cats, 1 dog, or 1 cat and 1 dog.
- b. aquaria with fish to a maximum of 40 litre (10 gallon) capacity.
- c. two caged birds.

Each owner:

- d. is responsible for any damage to the common areas or other units caused by pet(s) or water leakage from aquaria.
- e. must ensure dogs are no larger than medium size i.e. less than 61 cm (24 in) in height at the withers.
- f. shall remove from the Strata, within 3 months, the offspring of any litter.
- g. must ensure dogs do not bark such that they cause an extended disturbance for other residents.
- h. shall properly dispose of dog and cat feces and immediately remove pet feces from building common areas (i.e. garden, parking lot, and driveway).
- i. must provide a litter box for cats in the unit.
- j. must ensure that tenants follow these regulations, or if the owner has stricter requirements in a lease, these requirements should be provided to the Strata Council.
- k. is responsible for actions of tenants.

Non-compliance with this bylaw will result in the Strata Council issuing a letter of warning to the respective owner, assessing a fine in accordance with the Strata Property Act, or requiring removal of the pet(s).

4.3. Barbecues

No charcoal or open fire barbecues are allowed in the Strata and specifically on the balconies, patios and grounds of the Strata. Gas (e.g. propane) barbecues are allowed on the balconies of Units 201, 202 and 203 and the patio of Unit 1, unless prohibited by a rental lease. Small portable gas barbecues must be on a non-flammable table or stand when used on a balcony. When gas barbecues are in use, they must be six inches (15 cm) from flammable materials e.g. wood.

Two gas barbecues may be stored and used in the gazebo area of the rear garden. Their location must be approved by the Strata Council, and the assignment to this space shall be based upon the order of application.

All barbecues must be kept clean and well-maintained.

Owners of units, which are rented, may include in their leases, clauses that are more restrictive than the Strata's policy. The Strata Council should be informed of any such clauses.

Non-compliance with these requirements will result in the Strata Council issuing a letter of warning, assessing a fine in accordance with the Strata Property Act, or requiring removal of the barbecue(s). Owners shall be responsible for any actions of their tenants.

4.4. Short-term Rentals.

Owners may offer short-term rentals (i.e. less than 30 days) to relatives, friends and acquaintances, or through a local rental agency, which provides 24/7 back-up. No owner or tenant shall offer short-term rentals through widely advertised media or internet sites such as Airbnb and VRBO.

Owners, who offer short-term rentals must:

- a. inform Strata Council in writing or email and explain the arrangement. A single letter can be used for an ongoing situation.
- b. install a keyless lock on the Unit, and only allow entry to the building through keyless locks on entrance doors. The code provided to the short-term rentals for entrance to the building shall be determined by the building manager, and will be changed at least annually or when a situation warrants a change.
- c. include a restriction in a lease with tenants that forbids short-term rentals
- d. approve any sublet by a tenant, and ensure that the sublet is for a minimum of one month

Non-compliance with these requirements will result in the Strata issuing a letter of warning, or assessing a fine in accordance with the Strata Property Act. Owners shall be responsible for any actions by their tenants.

5. VIS4008 Bylaws that apply only to owners

5.1. Water heater replacement

All owners are required to replace hot water tanks that belong to their unit 8 years after installation. If this is not done, owners shall be held responsible for any insurance deductible, and loss of damage to other strata lots, or to the building resulting from leaks or rupture of hot water tanks belonging to their unit. Strata Council reserves the right to replace hot water tanks on behalf of a unit owner at the unit owner's expense should a unit owner fail to replace the hot water tank belonging to their unit within the time specified.

5.2. Responsibility for Door, Window and Skylight Repair and Replacement.

Each owner is responsible for the immediate replacement of broken glass in doors, windows or skylights in the owner's unit at the owner's expense. The Strata Council, after communicating with the respective owner, can authorize the immediate repair of broken glass, at the owner's expense, if there is actual or potential damage to other units or the appearance of the building is compromised. Each owner of a unit is responsible for the expense of replacing glass if the seals fail in double and triple pane glass. If the owner chooses to replace doors, windows or skylights before they fail, it will be at the owner's expense, but the style and type must be approved by the Strata Council.

Other than broken glass, the Strata Council is responsible for the expense of replacing doors, windows and skylights that fail. The Council is responsible for repairs to the opening mechanism of doors, windows, and skylights.

5.3. Allowing Electronic Distribution of AGM and SGM Materials etc.

The Notices, Agenda, Minutes, reports and any other materials required for the conduct of Annual General Meetings or Special General Meetings, and information required to carry out any other business of the Strata VIS4008, may be sent to owners by email or any other appropriate electronic form of communication. These electronic communications would be in place of communication by mail.

5.4. Permitting Attendance at an AGM and a SGM by Electronic Means.

Eligible members of the Strata as defined by the Strata Properties Act can attend Annual General Meetings and Special General Meetings through electronic means that allow all those present at the meeting to communicate with each other.

5.5. Eligibility for Attendance at General Meetings and Membership of Strata Council

A person acting as proxy for a legal owner is eligible to attend General Meetings. The proxy can be a member of the Strata Council where the proxy is a spouse, partner or immediate family member of the owner, and such authorization must be given in writing by the legal owner and may be rescinded in writing by the legal owner.

5.6. Insurance deductible

Where a claim is made upon the policy of insurance maintained by Strata Corporation #VIS4008 pursuant to Part 9 of the Strata Property Act, for loss or damage to one or more strata lots or to their carpeting, appliances, fixtures or other improvements and where such loss or damage is due to negligence on the part of the owner/occupant or a failure within the strata lot, then it shall be the responsibility of the owner of such a strata lot to make payment to Strata Corporation #VIS4008 or the insurer, as the case may be, of any amount of any deductible payment pursuant to such policy of insurance.

5.7. Liability

The owner of a Strata Lot or lessee thereof shall report immediately to the Property Manager or Strata Council any incident to, or damage to, or failure of the water pipes, drains, electric wires or cables on common property in or about the building. The owner of a Strata Lot is not permitted to perform or cause any maintenance procedures on the water pipes, drains, electric wires or cables, fire sprinkler system on common or limited common property in or about the building.

5.8. Indemnity

An Owner shall indemnify and save harmless the Strata Corporation from the expenses of any maintenance, repair or replacement rendered necessary to the Common Property or to any Strata Lot by the Owner's family or the Owner's guests, employees, agents or tenants, but only to the extent that such expense is not met by the proceeds from any insurance policy. In such circumstances, and for the purposes of this Bylaw, any insurance deductible paid or payable by the Strata Corporation shall be charged to the Owner and shall be added to and become part of the assessment of that Owner for the month next following the date on which the expense was incurred.