

## Schedule of Amended Bylaws Rivers Edge Village EPS3475 - June 2022

### Division 1 — Duties of Owners, Tenants, Occupants and Visitors

#### Definitions

1 In these Bylaws:

**"3/4 vote"** means a vote in favour of a resolution by at least 3/4 of the votes cast by eligible voters who are present in person or by proxy at the time the vote is taken and who have not abstained from voting;

**"80% vote"** means a vote in favour of a resolution by at least 80% of the votes of all the eligible voters;

**"bylaw"** means a bylaw of the strata corporation;

**"common asset"** means

- (a) personal property held by or on behalf of the strata corporation, and
- (b) land held in the name of or on behalf of the strata corporation, that is
  - (i) not shown on the strata plan, or
  - (ii) shown as a strata lot on the strata plan;

**"common expenses"** means expenses

- (a) relating to the common property and common assets of the strata corporation, or
- (b) required to meet any other purpose or obligation of the strata corporation;

**"common property"** means

- (a) that part of the land and buildings shown on the strata plan that is not part of a strata lot, and
- (b) pipes, wires, cables, chutes, ducts and other facilities for the passage or provision of water, sewage, drainage, gas, oil, electricity, telephone, radio, television, garbage, heating and cooling systems, or other similar services, if they are located wholly or partially within a strata lot and if they are capable of being and intended to be used in connection with the enjoyment of another strata lot or the common property;

**"contingency reserve fund"** means a fund for common expenses, as set out in section 92 (b) of the SPA;

**"hazard"** means any object, situation, or behavior that has the potential to cause injury, ill health, or damage to property or the environment.

**“nuisance”** means something (as an act, object, or practice) that invades or interferes with another's rights or interests (as the use or enjoyment of property) by being offensive, annoying, dangerous, obstructive, or unhealthful;

Without limiting the generality of these definitions, this includes:

- (a) refuse, garbage, or other noxious, offensive, or unwholesome material accumulated on a strata lot;
- (b) unsanitary conditions located on a strata lot; and
- (c) noxious weeds designated under the *Weed Control Regulation* of the *Weed Control Act*, as amended from time to time, to grow or accumulate on a strata lot;

**"landlord"** means an owner who rents a strata lot to a tenant and a tenant who rents a strata lot to a subtenant, but does not include a leasehold landlord in the leasehold strata plan as defined in section 199 of the SPA;

**"limited common property"** means common property designated for the exclusive use of the owners of one or more strata lots;

**"majority vote"** means a vote in favour of a resolution by more than 1/2 of the votes cast by eligible voters who are present in person or by proxy at the time the vote is taken and who have not abstained from voting;

**"occupant"** means a person, other than an owner or tenant, who occupies a strata lot;

**"operating fund"** means a fund for common expenses, as set out in section 92 (a) of the SPA;

**"owner"** means a person who is a leasehold tenant as defined in section 199 of the SPA unless there is

- (a) a registered agreement for sale, in which case it means the registered holder of the last registered agreement for sale, or
- (b) a registered life estate, in which case it means the tenant for life;

**“persistent”** means enduring or constantly repeated;

**"purchaser"** means a person who enters into an agreement to acquire a strata lot lease , but to whom the strata lot lease has not yet been conveyed or assigned;

**"residential strata lot"** means a strata lot designed or intended to be used primarily as a residence;

**"rule"** means a rule of the strata corporation made under section 125 or 197 of the SPA;

"**section**" means a section of the strata corporation created under section 192 or 193 the SPA;

"**Standard Bylaws**" means the bylaws set out in the Schedule of Standard Bylaws of the SPA;

"**strata lot**" means a lot shown on the strata plan;

"**SPA**" means the Strata Property Act;

"**tenant**" means a person who rents all or part of a strata lot, and includes a subtenant but does not include a leasehold tenant in the leasehold strata plan as defined in section 199 of the SPA or a tenant for life under a registered life estate;

"**unanimous vote**" means a vote in favour of a resolution by all the votes of all the eligible voters;

"**unreasonable noise**" means any sound of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with an owner's enjoyment of life or their property;

Without limiting the generality of this definition, unreasonable noise includes:

- (a) the playing of or operation of any radio, stereophonic equipment, television receiving set or other instrument or apparatus for the production or amplification of music or speech which is audible before 9:00 am or after 11:00 pm outside the strata lot from where the music or speech originates and which disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of other owners and/or occupants;
- (b) the use of yard or other equipment, including, but not limited to, a table saw, skill saw, lawnmower, chain saw, leaf blower, weed wacker or rototiller used outside before 8:00 am or after 9:00 pm on any strata lot;
- (c) the engaging in activities that cause persistent noise including, but not limited to, the bouncing of balls on a driveway, patio or parking lot or against a fence, or the revving or continuously idling of a motor vehicle engine before 8:00 am or after 9:00 pm
- (c) the permitting of any animal or bird to persistently chirp, cry, bark, or howl at any time.

### **Payment of strata fees**

- 2 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

- 3 (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

- 4 (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 SPA.
- (3) An owner, tenant, occupant, or visitor must ensure that all animals that they own or that they have care and control of 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 the following:
  - (a) up to two dogs or two cats or one dog and one cat;
  - (b) a reasonable number of fish or other small aquarium animals;
  - (c) a reasonable number of small caged mammals;
  - (d) up to two caged birds; and
  - (e) animals being fostered for a specific period of time.
- (5) The following shall not be permitted on the strata lots:
  - (a) the erection of aerial wires, television antennae or satellite or cable dishes;
  - (b) major repairs or maintenance to motor vehicles or trailers or other mechanical equipment;
  - (c) construction of any fences beyond the front of the dwelling;

- (d) the use of incinerators, outside burning, fireworks or open fires except for propane or gas fire rings and barbeques;
  - (e) the parking of campers, recreational vehicles, equipment, unlicensed vehicles, boats, trailers or containers except on areas specifically approved and designated by the strata corporation.
- (6) No motor vehicles shall be driven at a speed in excess of 20 km per hour on the roadways within the boundaries of the strata plan.
  - (7) No street parking is permitted except:
    - (a) for the purpose of loading or unloading of a vehicle with a time limit of not more than one hour; and
    - (b) for vehicles essential for a trades person, including movers, to conduct their trade.
  - (8) Common areas, including roadways and the clubhouse, shall be kept clean and tidy.
  - (9) The placement of any notice or sign within the clubhouse or common property without the written approval of the strata corporation is not permitted.

#### **Inform strata corporation**

- 5 (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, tenants must inform the strata corporation of their names.

#### **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 SPA.
- (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 common property and assets of the strata corporation.

## **Division 3 — Council**

### **Council size**

- 9** The council must have at least 3 and not more than 7 members.

### **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 re-election.

### **Removing council member**

- 11** (1) 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 SPA, 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.

### **Quorum of council**

- 15** (1) A quorum of the council is
- (a) 2, if the council consists of 3 or 4 members,
  - (b) 3, if the council consists of 5 or 6 members, and
  - (c) 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**

- 16** (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 SPA;
  - (b) rental restriction bylaw exemption hearings under section 144 of the SPA;
  - (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**

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

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

- 18** 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**

- 19**
- (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**

- 20**
- (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**

- 21**
- (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

- 22** The strata corporation may fine an owner or tenant a maximum of
- (a) \$200 for each contravention of a bylaw, and
  - (b) \$50 for each contravention of a rule.

### Continuing contravention

- 23** 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

- 24** (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

- 25** (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

- 26** (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, written 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) Despite anything in this section, an election of council or any other vote must be held by a written ballot, if the written ballot is requested by an eligible voter

### Order of business

- 27 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 SPA;
  - (j) report on insurance coverage in accordance with section 154 of the SPA, if the meeting is an annual general meeting;
  - (k) approve the budget for the coming year in accordance with section 103 of the SPA, 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 SPA;
  - (m) elect a council, if the meeting is an annual general meeting;
  - (n) terminate the meeting.

## Division 6 — Voluntary Dispute Resolution

### 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 committee by a party to the dispute if
- (a) all the parties to the dispute consent, and
  - (b) the dispute involves the SPA, 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.

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