



1. Contact

G. Lianne Macdonald, Lawyer/Partner
Beacon Law Centre
140 - 4392 West Saanich Road
Victoria BC V8Z 3E9
250-656-3280

File No.: 03546-012

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

VIS6613

THE OWNERS, STRATA PLAN VIS6613

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.

**Glenda Lianne
Macdonald K9AYJL**

Digitally signed by
Glenda Lianne Macdonald
K9AYJL

Date: 2022-01-31
11:06:27 -08:00

Supplied to StrataDocs 2022/02/03
Ordered by Maria Furtado 2022/04/21

Ordered By: Maria Furtado of One Percent Realty on 2022/04/21

Uploaded: Feb 03, 2022 Verified: Feb 03, 2022

This document was obtained from the StrataDocs System. Its use is subject to agreed upon terms and disclaimers.

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

The Owners, Strata Plan VIS 6613 "The Aspen" certify that the following amendments to the bylaws of the strata corporation is approved by a resolution passed in accordance with section 128 of the Strata Property Act at the Annual General Meeting held on January 24, 2022.

BE IT RESOLVED, by a THREE QUARTER (3/4) VOTE of Strata Pan VIS 6613 that the Strata Corporation repeal Bylaw #23 and adopt the following Bylaw, to be included with all other registered bylaws of the Strata Corporation:

Fines

23. (1) **Complaint, right to answer and notice of decision (section 135 of the Act)**
- (a) The council must not impose a fine for a contravention of a bylaw or rule, require a person to pay the costs of remedying a contravention or deny a person the use of a recreation facility unless the Strata Corporation has received a complaint about the contravention and given the owner or tenant the particulars of the complaint, in writing, and a reasonable opportunity to answer the complaint, including a hearing if requested by the owner or tenant.
 - (b) If the person is a tenant, the Strata Corporation must give notice of the complaint to the person's landlord, to the owner, or to the owner's representative.
 - (c) The Strata Corporation must promptly give notice in writing of a decision to the tenant or owner.
 - (d) Once the requirements referred to in this section have been complied with, the council may impose a fine for a continuing contravention of that bylaw or rule without further compliance with this section.
- (2) Subject to compliance with subsection (1), the council, in addition to any other rights or remedies that it has available under law, may fine an owner or tenant to the maximum allowed in accordance with section 7.1 of the Regulations to the Act.
- (3) The Strata Corporation may fine an owner if a bylaw or rule is contravened by the owner, the owner's tenant, occupant or visitor.
- (4) The Strata Corporation may fine a tenant if a bylaw or rule is contravened by the tenant or the tenant's occupant or visitor.
- (5) If the Strata Corporation fines a tenant or requires a tenant to pay the costs of remedying a contravention of the bylaws or rules, the Strata Corporation may collect the fine or costs from the tenant, the tenant's landlord or the owner, but may not collect an amount, that in total is greater than the fines or costs.
- (6) The maximum amount of a fine and the maximum frequency of imposition of a fine must not exceed the maximums set out in Regulation 7.1 to the Act.

END



Strata Council Member



Strata Council Member



1. Contact

G. Lianne Macdonald, Lawyer/Partner
Beacon Law Centre
140 - 4392 West Saanich Road
Victoria BC V8Z 3E9
250-656-3280

File No.: 03546-012

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

VIS6613

THE OWNERS, STRATA PLAN VIS6613

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.

**Glenda Lianne
Macdonald K9AYJL**

**Digitally signed by
Glenda Lianne Macdonald
K9AYJL
Date: 2022-01-31
11:05:39 -08:00**

Supplied to StrataDocs 2022/02/03
Ordered by Maria Furtado 2022/04/21

Ordered By: Maria Furtado of One Percent Realty on 2022/04/21

Uploaded: Feb 03, 2022 Verified: Feb 03, 2022

This document was obtained from the StrataDocs System. Its use is subject to agreed upon terms and disclaimers.

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

The Owners, Strata Plan VIS 6613 "The Aspen" certify that the following amendments to the bylaws of the strata corporation is approved by a resolution passed in accordance with section 128 of the Strata Property Act at the Annual General Meeting held on January 24, 2022.

BE IT RESOLVED, by a THREE QUARTER (3/4) VOTE of Strata Pan VIS 6613 that the Strata Corporation repeal Bylaw #7 and adopt the following Bylaw, to be included with all other registered bylaws of the Strata Corporation:

Permit entry to strata lot

7. (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:
 - (i) 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*; or,
 - (ii) to ensure compliance with the *Act*, regulations, bylaws and rules provided that there are reasonable grounds to believe that a violation exists.
- (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.
- (3) An owner or tenant who fails to provide access after the expiry of reasonable notice to that effect or in an emergency situation where notice is not required, shall be responsible for any damages related to such failure and the costs of the Strata Corporation to compel access, including actual reasonable legal costs.

END



Strata Council Member



Strata Council Member



1. Contact

G. Lianne Macdonald, Lawyer/Partner
Beacon Law Centre
140 - 4392 West Saanich Road
Victoria BC V8Z 3E9
250-656-3280

File No.: 03546-012

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

VIS6613

THE OWNERS, STRATA PLAN VIS6613

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.

**Glenda Lianne
Macdonald K9AYJL**

Digitally signed by
Glenda Lianne Macdonald
K9AYJL
Date: 2022-01-31
11:04:36 -08:00

Supplied to StrataDocs 2022/02/03
Ordered by Maria Furtado 2022/04/21

Ordered By: Maria Furtado of One Percent Realty on 2022/04/21

Uploaded: Feb 03, 2022 Verified: Feb 03, 2022

This document was obtained from the StrataDocs System. Its use is subject to agreed upon terms and disclaimers.

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

The Owners, Strata Plan VIS 6613 "The Aspen" certify that the following amendments to the bylaws of the strata corporation is approved by a resolution passed in accordance with section 128 of the Strata Property Act at the Annual General Meeting held on January 24, 2022.

The following bylaw amendments are included with all other registered bylaws of the Strata Corporation:

Electronic general meetings

- 1 (1) The council may hold annual or special general meetings by electronic means, including special general meetings demanded by 20% of the strata corporation's votes pursuant to section 43 of the *Act* or bylaw 12(4), including by telephone or videoconferencing or any other electronic means, so long as all authorized participants and eligible voters can communicate with each other during the meeting.
- (2) If an annual or special general meeting is held by electronic means, eligible voters are deemed to be present in person or by proxy.
- (3) An authorized participant means an agent of the Strata Corporation including a strata manager, legal counsel, insurance agent, CHOA representatives or any other person authorized by council to attend prior to the meeting.
- (4) The notice package for an electronic meeting must include the following:
 - (a) a notice of meeting including a description of matters that will be voted on at the meeting and the proposed wording of any resolution requiring a $\frac{3}{4}$ vote, 80% vote or unanimous vote;
 - (b) budget and financial statement referred to in section 103 of the Act if the meeting is an annual general meeting;
 - (c) agenda;
 - (d) proxy form;
 - (e) voting ballot form; and,
 - (f) practices and procedures governing the meeting.

Person to chair electronic meeting

- 2 (1) Annual and special general meetings held by electronic means must be chaired by the president of the council.
- (2) If the president of the council is unwilling or unable to act, the electronic 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 electronic 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.
- (4) The secretary of the council shall prepare the minutes of the electronic meeting.
- (5) If the secretary of the council is unwilling or unable to act, the minutes of the electronic meeting must be prepared by an authorized person or eligible voter appointed by the chair.

- (6) The chair may appoint authorized participants or eligible voters to assist with practice and procedure during the electronic meeting.

Participation by other than eligible voters at electronic meeting

- 3 Persons who are not eligible to vote or are not authorized participants cannot participate in the discussion at a general meeting held by electronic means.

Voting at electronic meeting

- 4
- (1) At an annual or special general meeting held by electronic means, registration, verification of proxies, participation and quorum of eligible voters in person or by proxy must be confirmed by the chair at the beginning of the meeting by calling the roll.
 - (2) All matters will be decided by majority vote at an electronic annual or special general meeting unless a different voting threshold is required or permitted by the *Act* or the regulations.
 - (3) The outcome of a vote on a resolution must be announced by the chair and recorded in the minutes of the meeting.
 - (4) If a precise vote is requested, the chair must decide whether the vote will be by roll call or some other method.
 - (5) The outcome of each vote requiring a precise count, including the number of votes for and against the resolution and any abstentions must be announced by the chair and recorded in the minutes of the meeting.
 - (6) If there is a tie vote on any matter at an electronic 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.
 - (7) Notwithstanding any other bylaw, a vote may not be conducted by secret ballot at an electronic annual or special general meeting.
 - (8) The votes on a resolution at an electronic meeting may be cast by eligible voters using any one of the following voting methods:
 - (a) email during the voting window;
 - (b) show of voting ballots if visual electronic communication is available;
 - (c) call of the roll;
 - (d) restricted proxy; or,
 - (e) any other electronic method that identifies votes of eligible voters in the discretion of the chair.
 - (9) Amendments to resolutions and the budget may be voted upon by calling the roll or by any other electronic method so long as the chair can determine the outcome of the vote by all eligible voters during the meeting.
 - (10) After the voting window is closed at the meeting:
 - (a) the total number of votes cast by the eligible voters on each resolution including ballots cast during the voting window and restricted proxy votes will be calculated;
 - (b) restricted proxy votes must be addressed pursuant to the owner's instructions;
 - (c) the chair will announce the outcome of the vote for each resolution including the total number of votes cast, the number of votes in favour, against, abstentions and whether the resolution was approved or defeated; and,
 - (d) the outcome of the vote must be recorded in the minutes of the meeting.

- (11) The Strata Corporation must keep all ballots and proxies for an electronic annual or special general meeting for a period of two (2) years after which they shall be destroyed.

Order of business for electronic meeting

- 5 (1) The order of business at annual and special general meetings held by electronic means is as follows:
- (a) verify proxies;
 - (b) verify eligible voters present in person or by proxy and participating in the meeting by calling the roll;
 - (c) establish and announce quorum;
 - (d) call the meeting to order;
 - (e) elect a person to chair the meeting, if necessary;
 - (f) report the method of notice of the meeting;
 - (g) approve the agenda;
 - (h) confirm procedures and voting methods for the meeting;
 - (i) deal with unfinished business;
 - (j) approve minutes from the last annual or special general meeting;
 - (k) receive reports that relate to the order of business;
 - (l) ratify any new rules made by the strata corporation under section 125 of the Act included in the notice of meeting;
 - (m) report on insurance coverage as part of an electronic annual general meeting in accordance with section 154 of the Act;
 - (n) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an electronic annual general meeting;
 - (o) deal with new business and resolutions, including any matters about which notice has been given under section 45 of the Act;
 - (p) confirm the method for electing council, if the meeting is an annual general meeting;
 - (q) conduct balloting and vote on agenda items, resolutions and/or elect a council, as applicable, using the voting methods adopted for the meeting;
 - (r) terminate the meeting.
- (2) The order of business at an annual or special general meeting set out in subsection (1) may be changed by a majority vote at the meeting.

END



Strata Council



Strata Council

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

The Owners, Strata Plan VIS 6613 (The Aspen) 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 the Annual General Meeting held on January 16, 2018 .

This bylaw is to be included with all other registered bylaws of the strata corporation;

ADDITION OF BYLAW 3(6)

By-law 3(6):

3(6) Use of Property

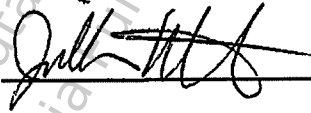
Owners, tenants and occupants must not have

- (i) a live Christmas tree in a strata lot or on common property, including limited common property, or
- (ii) real candles on a Christmas tree.

The above Resolution was passed with the required 3/4 vote of the owners represented at the Annual General Meeting of the strata corporation held on January 16, 2018.



Strata Council Member



Strata Council Member

Supplied to StrataDocs 2022/02/03
Ordered by Maria Furtado 2022/04/21

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

The Owners, Strata Plan VIS 6613 (Aspens) certify that the following additions and revisions to the bylaws of the Strata Corporation is approved by a resolution passed in accordance with section 128 of the Strata Property Act at the Annual General Meeting held on January 19 , 2015.

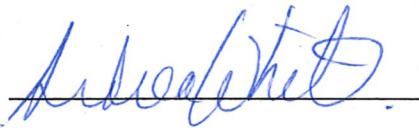
ADDITION OF BYLAW 3(5)

By-law 3(5):

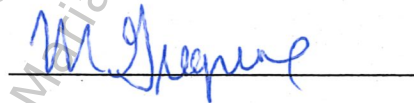
3(5) Use of Property

- (a) use a barbecue, hibachi or other like cooking device on a balcony, deck or patio unless such barbecue, hibachi or cooking device is powered by propane, natural gas or electricity and such propane, natural gas or electricity powered barbecues, hibachis and other light cooking devices shall not be used except in accordance with rules made by the strata corporation from time to time;

The above Resolution was passed with the required 3/4 majority of the owners represented at the Annual General Meeting of the strata corporation held on January 19, 2015.



Strata Council Member



Strata Council Member

Supplied to StrataDocs 2022/02/03
Ordered by Maria Furtado 2022/04/21

Ordered By: Maria Furtado of One Percent Realty on 2022/04/21

**THE OWNERS, STRATA PLAN VIS 6613
THE ASPENS****Strata Property Act
FORM I
AMENDMENT TO BYLAWS
(Section 128)**

By this resolution, passed in accordance with section 128 of the Strata Property Act at the Annual General Meeting held January 19, 2015, the owners have approved the following bylaw amendment to be added to the bylaws of the Strata Corporation:

BE IT RESOLVED, by a THREE-QUARTER (3/4) VOTE of The Owners, Strata Plan VIS 6613, that, the Strata Corporation approve the following amendment to the bylaws of the Strata Corporation with the Schedule of Standard Bylaws of the Strata Property Act:

Miscellaneous

- (1) An owner is responsible for all costs, including insurance deductible(s) in the event a claim is submitted (other than reasonable wear and tear) associated with any damage they, their guest(s), invitee(s), or tenant(s) cause to common property, limited common property, common assets, their strata lot, or another strata lot(s).

This Resolution is to have effect from the date filed in the land titles office.

This resolution was approved by the required $\frac{3}{4}$ majority of owners represented at the Annual General Meeting of the Strata Corporation held January 19, 2015.


Strata Council Member


Strata Council Member

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

The Owners, Strata Plan VIS 6613 (Aspens) certify that the following additions and revisions to the bylaws of the Strata Corporation is approved by a resolution passed in accordance with section 128 of the Strata Property Act at the Annual General Meeting held on January 14, 2014.

ADDITION OF BYLAW 31

By-law 31:

31. Quorum of Meeting

31(1) If within 1/2 hour from the time appointment for an annual or special general meeting, a quorum is not present, the meeting stands adjourned for a further 15 minutes on the same day and at the same place. If within a further 15 minutes from the time of the adjournment, a quorum is not present, the eligible voters, present in person or by proxy, constitute a quorum.

This bylaw 31 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.

The above Resolution was passed with the required 3/4 majority of the owners represented at the Annual General Meeting of the strata corporation held on January 14, 2014.

Andrea White
Strata Council Member

Andrea White
Strata Council Member

Phillip Boudreau

[Signature]

Supplied to strataDocs 2022/02/03
Ordered by Maria Furtado 2022/04/21

This document was obtained from the StrataDocs System. Its use is subject to agreed upon terms and disclaimers.

Ordered By: Maria Furtado of One Percent Realty on 2022/04/21

Uploaded: Feb 03, 2022 Verified: Feb 03, 2022

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

The Owners, Strata Plan VIS 6613 (ASPEN) certify that the following bylaw be added to the bylaws of the Strata Corporation were approved by a resolution passed by the owners in accordance with Section 128 of the Strata Property Act at the Annual General Meeting held on February 20th, 2013.

No-Smoking Bylaw

Owners, tenants and occupants shall not smoke on the property, or limited common property.

This Bylaw is to have effect from the date of filing at Land Titles Office, Victoria, B.C.



Strata Council Member 2012/13 VP



Strata Council Member

Supplied to StrataDocs 2022/02/03
Ordered by Maria Furtado 2022/04/21

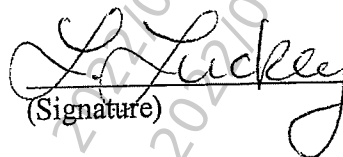
14 JUL 2002 10 56

FB191713

REGISTRAR
LAND TITLE OFFICE
VICTORIA, BRITISH COLUMBIA

Please receive herewith, the following document(s) for filing:

FORM Y – OWNER DEVELOPERS' NOTICE OF DIFFERENT BYLAWS


(Signature)

Liz Luckey
LANDO & COMPANY LLP
Barristers and Solicitors
P.O. Box 11140
Suite 2010 – 1055 West Georgia Street
Vancouver, BC V6E 3P3
Phone: 604-682-6821

Supplied to StrataDocs
Ordered by Maria Furtado on 2022/04/21

Ordered By: Maria Furtado of One Percent Realty on 2022/04/21

Uploaded: Feb 03, 2022 Verified: Feb 03, 2022

14 JUL 2008 10 56

FB191713

Strata Property Act

FORM Y

OWNER DEVELOPERS' NOTICE OF DIFFERENT BYLAWS

(Section 245(d); Regulations section 14.6(2))

Re: Strata Plan VIS 6613, being a strata plan of
[parcel identifier] [legal description of strata lot]
026-532-468 Lot B Section 6 Esquimalt District Plan VIP80154

The following Bylaws of the Strata Corporation are in addition or in substitution to the Schedule of Standard Bylaws contained in the *Strata Property Act*.

Definitions and Interpretation

1. (1) All words used in these bylaws shall have the meanings ascribed to them in the *Strata Property Act*, unless the context otherwise requires.
- (2) The "*Strata Property Act*" means the *Strata Property Act*, Statutes of British Columbia 1998 and subsequent amendments to that act.

Use of Strata Lots

2. Bylaw 3(4)(d) is deleted and replaced with:
3(4)(d) either two dogs or two cats or one dog and/or one cat unless otherwise permitted by the Owner/development or Strata Council and then subject to any conditions imposed by them.

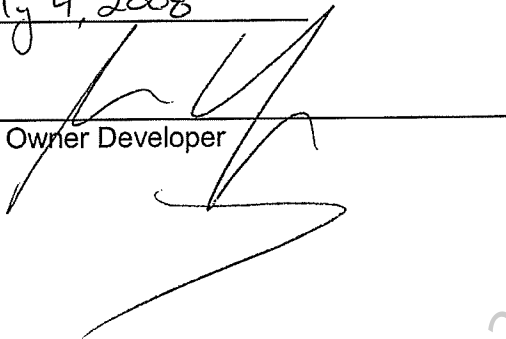
Fines

3. (1) The Strata Council may levy fines against owners for breach of these bylaws or the rules of the Strata Corporation and the fines shall be added to or become part of the assessment of that owner and be due and payable on the date for payment of the owner's next monthly assessment fee;
- (2) Except in the case of an emergency, an owner shall be sent a written warning for the owner's first breach of a bylaw or rule thereafter;
 - (a) The fine for a second offence shall be \$100.00; and
 - (b) The fine for third and subsequent offences shall be \$300.00.

- (3) Notwithstanding Bylaw 25(2), where the contravention of any Bylaw, Rule or Regulation in the opinion of the Strata Council threatens the life or safety of any other Owner or occupant the Strata Corporation may levy a fine not to exceed \$500.00 per offence.

Date: July 4, 2008

Signature of Owner Developer



Supplied to StrataDocs 2022/02/03
Ordered by Maria Furtado 2022/04/21

Schedule of Standard Bylaws

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 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.

Supplied to StrataDocs 2022/02/03
Ordered by Maria Furtado 2022/04/21