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- 11.1 (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 (including the casings, the frames and the sills of such doors, windows and skylights) on the exterior of a building or that front on the common property; (however, the failure of the seal in a window unit shall not be sufficient reason for the strata to change the window)
 - (E) fences, railings and similar structures that enclose patios, balconies and yards;
- (d) a strata lot in a 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 (including the casings, the frames and the sills of such doors, windows and skylights) on the exterior of a building or that front on the common property, (however, the failure of the seal in a window unit shall not be sufficient reason for the strata to change the window)
 - (v) fences, railings and similar structures that enclose patios, balconies and yards.

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12 Council size & eligibility

12.1 The council must have at least 3 and not more than 7 members. One position on council must be filled by or be available to a representative of the Non Residential Section.

12.2 As permitted by section 28(2) of the Act, the following may serve on council

- (a) an owner (unalterable)
- (b) an individual representing a corporate owner (unalterable)
- (c) a tenant assigned the right to serve on council by the owner of the strata lot (unalterable)
- (d) a spouse, including a common law spouse where "spouse of the owner" includes an individual who has lived and co-habitated, with the owner, for a period of at least two years at the relevant time, in a marriage-like relationship, including a marriage-like relationship between persons of the same gender;

13 Council members' terms & compensation

13.1 The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.

13.2 A person whose term as council member is ending is eligible for re-election.

13.3 Pursuant to section 34(b) of the Act, a member of council is entitled to compensation for the member's exercise of council powers and performance of council duties as set out in the annual budget.

14 Removing council member

14.1 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.

14.2 After removing a council member, the strata corporation may hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.

14.3 No person may stand for council or continue to be on council with respect to a strata lot if the strata corporation is entitled to register a lien against that strata lot under the Act.

14.4 No persons may stand for council or continue to be on council with respect to a strata lot if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules.

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15 Replacing council member

15.1 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.

15.2 A replacement council member may be appointed from any person eligible to sit on the council.

15.3 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.

15.4 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.

16 Officers

16.1 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, and a treasurer.

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

16.3 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) if the president is removed, or
- (c) for the remainder of the president's term if the president ceases to hold office.

16.4 The strata council may vote to remove an officer

16.5 If an officer other than the president is removed, resigns, is unwilling or unable to act, the council members may appoint a replacement officer from among themselves for the remainder of the term.

17 Calling council meetings

17.1 Any council member may call a council meeting by giving all the other council members at least one week's notice of the meeting, specifying the reason for calling the meeting.

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17.2 The notice does not have to be in writing.

17.3 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.

18 Requisition of council hearing

18.1 By application in writing, stating the reason for the request, an owner or tenant may request a hearing at a council meeting:

18.2 Except for a hearing pursuant to section 144 of the Act, If a hearing is requested under subsection 19.1, the council must hold a meeting to hear the applicant within one month of the request.

18.3 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.

18.4 For the purposes of bylaw 18, "hearing" means an opportunity to be heard in person at a council meeting.

19 Quorum of council

19.1 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.

19.2 Council members must be present in person at the council meeting to be counted in establishing quorum.

20 Council meetings

20.1 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.

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

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20.3 If a council meeting is held by electronic means, council members are deemed to be present in person.

20.4 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.

21 Voting at council meetings

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

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

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

22 Council to inform owners of minutes

22.1 The council must circulate to or post for the owners, the minutes of all council meetings within 2 weeks of the meeting, whether or not the minutes have been approved.

23 Delegation of council's powers and duties

23.1 Subject to subsections 23.2 to 23.4, 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.

23.2 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 23.3.

23.3 A delegation of a general authority to make expenditures must

- (a) set a maximum amount that may be spent, and

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23.3 (b) indicate the purposes for which, or the conditions under which, the money may be spent.

23.4 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.
whether an owner should be granted an exemption from a rental restriction bylaw under section 144 of the Act.

23.5 Pursuant to sections 4 and 26 of the Act, the power of the strata corporation to grant, renew or cancel short term exclusive use privileges pursuant to section 76 may only be exercised by a majority vote of the owners at an annual or special general meeting.

24 Limiting Expenditures of Council

24.1 Subject to subsection 24.3 below, if a proposed expenditure has not been approved in the budget or at an annual or special general meeting, the strata corporation may only make such expenditure out of the operating fund if the expenditure, together with all other unapproved expenditures, whether of the same type or not, that were made pursuant to this subsection 24.1 in the same fiscal year, is less than:

- (a) \$2,500; or
- (b) 5 % of the total contribution to the operating fund for the current year; whichever is less.

24.2 If the strata corporation makes an expenditure under subsection 24.1 above, the strata corporation must inform owners as soon as feasible about any expenditure of more than \$1,000 on any single item.

24.3 Notwithstanding subsection 24.1 above, the strata corporation can make an expenditure out of either the operating fund or the contingency reserve fund if there are reasonable grounds to believe that an immediate expenditure is necessary to ensure safety or to prevent significant loss or damage, whether physical, financial or otherwise.

25 Limitation on liability of council member

25.1 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.

25.2 Subsection 25.1 does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

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25.3 All acts done in good faith by the council are, even if it is afterwards discovered that there was some defect in the appointment or continuance in office of a member of council, as valid as if the council member had been duly appointed or had duly continued in office.

26 Maximum fine

26.1 Except where specifically stated to be otherwise in these bylaws, 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.

26.2 The strata corporation may impose a fine on an owner or tenant for a continuing contravention of a bylaw or rule every 7 days.

26.3 The strata council must, if it determines in its discretion that owners, tenants, occupants or their employees, agents, servants licensees or invitees is in repeated contravention of any bylaws or rules of the strata corporation, levy fines and the fines so levied shall be immediately added to the strata fees for the strata lot and shall be due and payable together with the strata fees for the strata lot in the next month following such contravention.

26.4 Each owner and tenant is responsible for payment, without invoice, of any money (other than strata fees, but including special levies) owing to the strata corporation as provided for in the Act or these bylaws, and if the owner or tenant fails to pay any money so owing within 15 days after the date such money becomes due, the owner or tenant will, after having been given written notice of the default and been provided with a reasonable opportunity to answer the complaint (including a hearing if requested), be assessed and pay a fine of \$50.00, and if such default continues for a further 15 days, an additional fine of \$50.00 will be levied against and paid by the owner or tenant, as the case may be, and for each additional month such default continues, an additional fine of \$50.00 will be levied against and paid by the owner or tenant. *(Amended July, 2004)*

26.5 Additional assessments, fines authorized by these bylaws, banking charges, filing costs, legal expenses, interest charges and any other expenses incurred by either the strata corporation to enforce these bylaws, as they may be amended from time to time, or any rule which may be established from time to time by the council pursuant to the Act or these bylaws, shall become part of the assessment of the owner responsible and shall become due and payable on the first day of the month next following, except that any amount owing in respect of a fine or the cost of remedying the contravention of a bylaw will be calculated as a separate component of such assessment and the strata corporation may not register a lien against such separate component.

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27 Continuing contravention

27.1 Except where specifically stated to be otherwise in these bylaws, If an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than 7 days, a fine may be imposed every 7 days.

28 Quorum for Annual and Special General Meetings

28.1 A quorum for an annual or special general meeting is eligible voters holding 1/3 of the strata corporation's votes, present in person or by proxy

28.2 Notwithstanding section 48(3) of the Act, if within ½ hour from the time appointed for an annual or special general meeting a quorum is not present, the meeting shall be terminated if the meeting was convened upon the requisition of members; but in any other case, the meeting shall proceed and the eligible voters present in person or by proxy shall constitute a quorum.

29 Person to chair meeting

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

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

29.3 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.

30 Participation by other than eligible voters

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

30.2 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.

30.3 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.

31 Voting

31.1 At an annual or special general meeting, voting cards must be issued to eligible voters.

31.2 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.

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31.3 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.

31.4 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.

31.5 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.

31.6 Despite anything in this section, an election of council or removal of a council member must be held by secret ballot, and any other vote if the secret ballot is requested by an eligible voter.

31.7 An owner who is otherwise an eligible voter may not exercise his/her vote for a strata lot, except on matters requiring a unanimous vote, if the owner is in arrears of strata fees or other charges.

32 Electronic attendance at meetings

32.1 A person who is eligible to vote may attend an annual or special general meeting by electronic means so long as the person and the other participants can communicate with each other.

32.2 If an annual or special general meeting is held by electronic means with a person, the person is deemed to be present in person for the purposes of the meeting.

33 Order of business

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

- (a) certify proxies and corporate representatives and issue voting cards;
- (b) determine that there is a quorum;
- (c) elect a person to chair the meeting, if necessary;
- (d) present to the meeting proof of notice of meeting or waiver of notice;
- (e) approve the agenda;
- (f) approve minutes from the last annual or special general meeting;
- (g) deal with unfinished business;
- (h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;

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- 33.1 (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.

34 Voluntary dispute resolution

34.1 ~~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.

34.2 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.

34.3 The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

35 Small Claims Actions

35.1 Notwithstanding any provision of the Act, the strata corporation may proceed under the Small Claims Act (British Columbia) against an owner or other person to collect money owing to the strata corporation, including money owing as a fine, without requiring authorization by a resolution passed by a 3/4 vote.

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36 Garbage Disposal

36.1 An owner, tenant, occupant or their employees, agents, servant's licensees or invitees shall remove ordinary household refuse and garbage from the strata lot and deposit it in the containers provided by the strata corporation for that purpose; all garbage shall be bagged in leak-proof bags and tied before so depositing. The owners, tenants, occupants or their employees, agents, servant's licensees or invitees shall remove any materials other than ordinary household refuse and garbage from the strata plan property at his expense.

37 Bicycles, Storage and Parking

37.1 Bicycles shall be stored within the owner's designated storage locker or such other area as may be prescribed by the council. All bicycles must enter or exit the building by way of the vehicle entry to the parking garage only.

37.2 An owner, tenant, occupant or their employees, agents, servants licensees or invitees that leaves any item anywhere on or in the common property or on any limited common property does so at his own risk, subject to any claim that may properly be made under any insurance policy maintained by the strata corporation by anyone that is an insured under that policy.

37.3 An owner, tenant, occupant or their employees, agents, servants' licensees or invitees must use parking stalls only for the parking of licensed and insured motor vehicles, trailers, motorcycles or bicycles, and not for the parking of any other type of vehicle or the storage of any other item, unless otherwise approved in writing by the council.

37.4 An owner, tenant, occupant or their employees, agents, servants licensees or invitees shall not:

- (a) use any parking space in the building or on the common property or on any limited common property, except the parking space which has been specifically assigned to his strata lot, a parking space leased by the owner or, when specifically agreed with another owner, the parking space assigned to the strata lot of that other owner;
- (b) carry out any oil changes, major repairs or adjustments to motor vehicles or other mechanical equipment on common property or on any limited common property, except in the case of emergency;
- (c) rent or lease the parking space assigned by the strata corporation to his strata lot or otherwise permit that parking space to be regularly used by anyone that is not owner, tenant, occupant or their employee;
- (d) park any vehicle in a manner which will reduce the width of the garage roadway or ramp or any roadway on the common property or on any limited common property; and

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37.4 (e) use any part of the common property (other than established storage rooms or lockers) for storage, without the written consent of the council.

37.5 An owner, tenant, occupant or their employees, agents, servants licensees or invitees must promptly and at its own expense clean up any oil or other substance which spills or leaks onto the common property.

37.6 Guest vehicles in visitor's stalls for more than 24 hours or overnight shall display a guest-parking card obtainable from the owner.

37.7 Violators of bylaw 37.3, 37.4 or 37.5 shall be subject to a fine of \$50 for the first offence and subject to further fines and towing of the vehicle at the owner's expense thereafter.

38 Move In / Move Out (Residential Section Only)

38.1 The strata corporation may regulate the times and manner in which any person moves into or out of strata lots and may require that such moves be co-ordinated with the manager of the building at least 7 days in advance of such moves, or such lesser period as the council may, in its sole discretion, permit, provided that if an owner or tenant carries out any move into or out of a strata lot otherwise than in accordance with such prior arrangements made with the manager of the building, the owner or tenant will be subject to a fine of \$200.00, such fine to be paid on or before the due date of the next monthly strata fees. *(Amended July, 2004)*

38.2 An owner or tenant must notify the strata corporation in advance of the date and time that the owner or tenant will be moving into or out of the strata lot.

38.3 The owner of a strata lot shall be charged \$100.00 for each move in. *(Amended June 10, 2002 registration number BT 213949)*

- (i) Where a second move into a strata lot with the same ownership, takes place within a calendar year, a move fee of \$200.00 will be charged. Where a third move into a strata lot with the same ownership, and any other moves beyond three (3) into a strata lot with the same ownership in the same calendar year takes place, a fee of \$500.00 for each move will be charged. *(Amended July, 2005)*

38.4 A deposit of \$100.00 is required for the elevator key. The \$100.00 is refundable if the elevator key is returned. *(Amended June 10, 2002 registration number BR 213949)*

39 Selling of Strata Lots (Residential Section Only)

39.1 An owner of a strata lot, when selling his/her strata lot, will not permit "For Sale" signs to be placed on or about the common property except on the signage board located adjacent to the entrance to the building which is designated for such purpose.

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40 Rental Restrictions (Residential Section Only)

40.1 Subject to the provisions of this bylaw strata lots shall be owner-occupied only, with the following considerations and exceptions: The owners of strata lots as of July 29, 1999 shall be exempted from the limitation set out in 40.2. When an owner of a strata lot on July 29, 1999 sells their strata lot, the purchaser shall be bound by this bylaw in its entirety.

40.2 At any given time up to 16 strata lots may be leased for terms of not less than one year, and the procedure to be followed by the strata corporation in administering this limit will be as follows:

- (a) any owner wishing to rent a strata lot must make an application in writing to the council;
- (b) approvals will be granted by the council on a first come basis in the order of the date such applications are received by the council;
- (c) the council will not screen tenants, establish screening criteria, require the approval of tenants, require the insertion of terms in tenancy agreements or otherwise restrict the rental of a strata lot except as set out in this bylaw;
- (d) the council will consider each application upon receipt and will respond to each application in writing within one week of receipt;
- (e) the council will keep a list of owners who wish to rent their strata lot and the priority of their application, and will advise each owner as soon as their application can be accepted;
- (f) upon acceptance of an application to rent, an owner must enter into a lease of a strata lot within three months (3) from acceptance by the council of such owner's application or the acceptance will be automatically revoked and the council will be entitled to advise the owner next following on the list that its application to rent a strata lot has been approved; and
- (g) an owner may continue to lease his or her strata lot until the earlier of the date such owner moves into the strata lot to take occupancy and the date the strata lot is sold by the owner to a third party.

40.3 Notwithstanding paragraph 40.1 (a), where cases of undue physical or financial hardship of a personal nature arise, the owner may make a written request to the council for permission to rent a strata lot for a limited period of time, and where the council has been provided with evidence that undue hardship will result if limited rental approval is not given, the council shall not unreasonably withhold permission for limited rental;

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40.4 This bylaw does not apply to prevent the rental of a strata lot to a member of the "family" of an owner, meaning:

- (i) the spouse of the owner;
- (ii) a parent or child of the owner; or
- (iii) a parent or child of the spouse of the owner,

where "spouse of the owner" includes an individual who has lived and co-habitated, with the owner, for a period of at least two years at the relevant time, in a marriage-like relationship, including a marriage-like relationship between persons of the same gender;

40.5 The strata corporation is entitled to impose a fine of up to \$500 for a contravention of this bylaw, and may impose such fine for a continuing contravention every seven days.

41 Acquisition or Disposition of Personal Property

41.1 The strata corporation may purchase, lease or otherwise acquire personal property for the use or benefit of the owners and may sell or otherwise dispose of such personal property for any amount approved in the annual budget for the strata corporation, but otherwise only if approved by a resolution passed by a $\frac{3}{4}$ vote at an annual or special general meeting if the personal property has a market value of more than \$1,000.00

42 Flooring (Residential Section Only)

42.1 An owner of a strata lot who has or installs hard floor surfaces such as hardwood floors or tile in a strata lot must take all reasonable steps to satisfy noise complaints from neighbours.

43 Use of Amenity Room and other fees

43.1 The strata corporation may impose a user fee on an owner, tenant, occupants or their employees for the use of additional parking stalls, additional lockers and the exclusive use of the amenity room at rates sets by the strata council.