

CA 7535068

Strata Property Act

FORM I

AMENDMENT TO BYLAWS

(Section 128)

The Owners, Strata Plan **NW 3199 Ocean Vista** 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 an Annual General Meeting held on **May 28th, 2019**.

Be it resolved that Strata Corporation **NW 3199 Ocean Vista** do hereby revise the following bylaws to the Strata Corporation:

Bylaws Attached:

Leslie E. Woollatt
Signature of Council Member

Leslie E. Woollatt
Printed Name

Wally Melnychuk
Signature of Second Council Member

WALLY MELENYCHUK
Printed Name

SCHEDULE OF BYLAWS STRATA PLAN NW 3199, OCEAN VISTA

It is intended that these bylaws replace and supersede the standard bylaws found under the Strata Property Act S.B.C 1998 c.43 and amendments thereto (herein the "Act") and all other registered bylaws of the strata corporation.

Unless otherwise stated all terms have the meaning prescribed to them in the Act.

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

1. 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.
- (2) An owner must pay a special levy on the date(s) on which it is due.
- (3) Interest shall be charged on overdue strata fees (including special levies) and shall be calculated at ten percent (10%) per annum, compounded annually.
- (4) Strata fees not received by the tenth day of the month in which they are due are subject to a \$50.00 fine, which is in addition to any interest charged under bylaw 1(3).
- (5) An owner shall pay to the strata corporation its actual legal fees and disbursements incurred by the strata corporation in collecting overdue strata fees and special levies, including the costs of issuing a demand letter.
- (6) An owner whose payment is returned NSF shall pay to the strata corporation the amount of any service charge or other fee charged to it as a result thereof.

2. Repair and maintenance of property by owner

- (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, maintain and regularly clean it; except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (3) An owner must repair and maintain:
 - (a) smoke alarms, carbon monoxide detectors and similar which are not part of the building-wide system;
- (4) Where
 - (a) a strata lot or the common or limited common property has been altered with the approval of the council; and
 - (b) it was a term or condition of that approval that the owner and subsequent owners be responsible for the costs of the repair and maintenance of that alteration, then an owner of the strata lot, who owns the strata lot, has the use and enjoyment of the altered common or limited common property or who benefits from the alteration shall be responsible for the costs of the repair and maintenance of the alteration which would otherwise not have been incurred by the strata corporation.

3. Use of property

- (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, (quiet hours shall be between 11 p.m. and 8 a.m. during which a reduced level of noise is expected),
 - (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,
 - (e) unreasonably increases the risk of fire,
 - (f) creates a risk that the strata corporation's insurance will be void; or
 - (g) 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, namely as residential premises or as provided for in subparagraph (2).
- (2) An owner, tenant or occupant may use a strata lot for business or commercial purposes with the written permission of the council. The council may, in its sole discretion and upon 14 days written notice, revoke such permission. The owner or occupant who is using the strata lot for business or commercial purposes must escort all customers, clients or other guests while on the common property.
- (3) An owner, tenant, occupant or visitor must not:
 - (a) Throw items from any window or balcony;
 - (b) Display Christmas lights and decorations on the common or limited common property except between December 1 and January 15;
 - (c) Keep live or fresh cut Christmas trees in a strata lot;
 - (d) Attach decorations or any other item to the exterior of a building using screws, nails or any similar fastener;
 - (e) Store in or about a strata lot, the limited common property or the common property any item or substance which would be considered an unreasonable fire hazard;
 - (f) Place any item on or do any act which would be likely to damage or interfere with the growth of the lawn, plants, bushes and other vegetation on the common property;
 - (g) Obstruct the common property or interfere with another person's use of the same;
 - (h) Store any item on the common or limited common property except in a designated storage locker or as otherwise permitted by these bylaws;
 - (i) Allow a strata lot to become unsanitary;
 - (j) Feed birds, squirrels, rodents or wild animals on the common or limited common property;

- (k) Hang laundry, sheets, blankets or clothing on the common or limited common property or in the window of a strata lot;
 - (l) Enter any area of the common property to which access has been restricted (the council may restrict access to an area for reasons of safety or security);
 - (m) Allow anyone other than a licensed gas fitter to repair, service or otherwise adjust a fireplace;
 - (n) Place a waterbed in a strata lot;
 - (o) Waste or consume a disproportionate amount of water or natural gas;
 - (p) Allow a person who is not a resident to rent or use the storage locker assigned for the use of their strata lot;
 - (q) Solicit or canvass anywhere in or about the property for any cause or purpose, except as required by electoral legislation;
 - (r) Allow water, when watering plants or cleaning, to run over off the edge of a balcony;
 - (s) Bring a bicycle into the building other than in the parking garage;
 - (t) Ride bicycles or motorized vehicles on the common property except handicap scooters or wheelchairs which shall be allowed in the hallways, lobbies or elevator. Wheelchairs or scooters shall not be stored in lobbies or hallways due to fire regulations.
 - (u) Use roller blades, roller-skates or skateboards inside the building.
 - (v) Install any window treatments or coverings visible from the exterior of his or her strata lot, which are different colour than white or off white.
- (4) 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.
 - (5) The patios, decks and balconies of each strata lot must not be used for the purpose of storage. Only patio furniture, barbeques powered by propane or natural gas and potted plants shall be placed on the patios, decks or balconies. Planters must be free standing, well maintained and located within the railings.
 - (6) Subject to any other bylaw and electoral legislation, no object such as signs, advertising or notices shall be erected or displayed on the common or limited common property or a strata lot such that it may be visible from the exterior of the strata lot.
 - (7) Barbeques must be used in such a way as not to cause a nuisance to other owners or occupants. Barbeques must be removed at the direction of the council, should council, acting

reasonably, consider them or their use to constitute a nuisance. Gas cylinders must not be carried in the elevator at any time.

- (8) No awning, shade screen, satellite dish, radio or television antenna, air conditioner, heat pump, patio cover, greenhouse or other such items shall be hung from or attached to the exterior of any building or placed on the limited common and common property.
- (9) If the strata lot will be left unoccupied for longer than three (3) days, the main water valve in the strata lot must be shut off.

4. Pets

- (1) Except for guide dogs and service dogs licensed under the Guide Dog and Service Dog Act, an owner, tenant or occupant shall not keep (or allow a visitor to bring) any animals, fish, reptiles or birds on or about their strata lot, the common property or the limited common property.

5. Inform Strata Corporation

- (1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number, emergency contact name and phone number and mailing address outside the strata plan, if any.
- (2) Where a strata lot will be left empty for more than two (2) weeks, the owner must provide the strata corporation with the name and phone number of a person to contact in the case of an emergency.
- (3) Except as required by the Act or in the case of an emergency, all communication between owners and the council on behalf of the strata corporation must be in writing, signed by the author and either placed in the mailbox in the cabinet in the third floor meeting room or alternatively, may be mailed, delivered, faxed or emailed to the Strata Property Agent acting for the strata corporation.

6. Obtain approval before altering a strata lot

- (1) An owner must obtain the written approval of the strata corporation before making an alteration, addition, change or improvement 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) flooring
 - (h) ceiling and walls
 - (i) any portion of the plumbing, electrical, heating or fire suppression/detection systems;

- (j) employ only trades who have Worksafe coverage;
 - (k) 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 as a condition of its approval, it may require an owner to:
- (a) present design drawings and specifications pertaining to the proposed work (including a letter of assurance from a structural engineer regarding any structural changes which form part of the work);
 - (b) ensure that all work is done to a standard and is of a quality consistent with that of the rest of the building;
 - (c) install or utilize certain materials or products;
 - (d) employ only trades who have Worksafe coverage;
 - (e) when installing hard surface flooring, to use an underlay which, when combined with the flooring material provides an STC rating of 72 or better. No areas of any strata lots above ground floor strata lots shall be altered to accommodate a non-carpeted surface without the written permission of the strata council. A request must be made in writing outlining the procedures that will be followed. Council will apply currently accepted standards for sound-proofing in making its decision.
 - (f) obtain all necessary permits and governmental approvals (including final inspection certificates) and provide copies thereof to the strata corporation;
 - (g) provide proof of third party liability insurance in an amount specified by the strata corporation.
 - (h) provide such other documents or comply with any other terms and conditions as it may reasonably consider necessary in the circumstances, including having the owner enter into a written agreement that they shall be responsible for any future repair and maintenance costs relating directly or indirectly to the alteration.
- (3) The strata corporation, at an owner's expense, may return to its previous condition any alteration, addition, change or improvement which has been made and has not been approved.
- (4) If approval is granted under subsection (1) only licensed and qualified trades may carry out work on the electrical, plumbing, heating and fire suppression systems.
- (5) All work approved pursuant to subsection (1) shall only be carried out during the following hours:
- (a) 8 a.m. to 7 p.m. Monday to Friday (excluding statutory holidays); and
 - (b) 10 a.m. to 5 p.m. on weekends and statutory holidays.

7. Obtain approval before altering common property

- (1) An owner must obtain the written approval of the strata corporation before making an alteration, addition, change or improvement to common property, including limited common property, or common assets (including erecting any structure thereon).
- (2) The strata corporation may require as a condition of its approval that the owner must:
 - (a) present design drawings and specifications pertaining to the proposed work (including a letter of assurance from a structural engineer regarding any structural changes which form part of the work);
 - (b) ensure that all work is done to a standard and is of a quality consistent with that of the rest of the building;
 - (c) obtain all necessary permits and governmental approvals (including final inspection certificates) and provide copies thereof to the strata corporation;
 - (d) have the owner of the strata lot enter into a written agreement that they shall be responsible for any future repair and maintenance costs relating directly or indirectly to the alteration. The owner shall, prior to transferring title to the strata lot cause any future owner to agree in writing to be bound by the terms of such agreement; and
 - (e) Provide proof of third party liability insurance in an amount specified by the strata corporation;
 - (f) install or utilize certain materials or products;
 - (g) employ only trades who have Worksafe coverage;
 - (h) indemnify and save harmless the strata corporation and other owners for any liens arising from the alterations (including but not limited to the actual costs incurred in removing the same; and
 - (i) provide such other documents or comply with any other terms and conditions as it may reasonably consider necessary in the circumstances.
- (3) The strata corporation, at an owner's expense, may return to its previous condition any alteration, addition, change or improvement, which has been made and has not been approved.
- (4) If approval is granted under subsection (1) only licensed and qualified trades may carry out work on the electrical, plumbing, heating and fire suppression systems.
- (5) All work approved pursuant to subsection (a) shall only be carried out during the following hours:
 - a) 8 a.m. to 7 p.m. Monday to Friday (excluding statutory holidays); and
 - b) 10 a.m. to 5 p.m. on weekends and statutory holidays.

8. Permit entry to strata lot

- (1) An owner, 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:
 - (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.
 - (ii) investigate allegations of a breach of a bylaw or rule upon receipt of a complaint

that a bylaw or rule has been breached; or
(iii) remedy the contravention of a bylaw or rule under s. 133 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.
- (3) If access to a strata lot is not provided in accordance with this bylaw, the owner of the strata lot will be responsible for:
 - (a) all costs of forced entry incurred by the strata corporation if the strata corporation, having made reasonable efforts is unable to contact the owner of the strata lot, requires access to the strata lot due to an emergency.
 - (b) all costs incurred by the strata corporation in respect of contractors who must re-attend at the building to access the strata lot.

9. Moving

- (1) A non-refundable fee of \$200.00 must be paid by an owner, tenant or occupant moving into a strata lot. The owner is responsible for any costs exceeding the \$200.00 fee if damage is caused as a result of the move.
- (2) Seventy-two (72) hours notice of a move-in or move-out must be given.
- (3) Removal of all boxes and waste, which is a result of the move, is the responsibility of the owner(s) or occupant(s) moving in. Costs incurred by the strata corporation in removing such items will be charged to the strata lot.
- (4) When the elevator is required during the transportation of large furniture, appliances and moving, the elevator protective pads shall be used.
- (5) An elevator key may be provided on request.
- (6) Prior to a move-in or move out an inspection will be done together with the Owner and a Strata Council Member.
- (7) Once the move is complete, the person moving into or out of the building shall inspect all common property accessed during the move together with a Strata Council Member. All dirt and debris as a result of the move must be removed.

10. Garbage

- (1) Any articles or material other than normal household garbage and recyclables must be removed by, and at the expense of, the owners, and occupants of the strata lot from which the articles or materials originated.
- (2) All normal household garbage must be properly sorted (and where applicable double bagged) and cardboard must be flattened before being placed in the designated containers.

11. Parking

- (1) An owner, tenant or occupant (herein a "Resident") must only use the parking space which is specifically assigned to the strata lot in which he or she resides, and no other person shall use such parking space without the owner's permission.
- (2) A Resident must not park their vehicle on the common property other than in a designated parking space.
- (3) A parking space assigned to a specific strata lot must not be rented or leased to non-residents.
- (4) Residents must ensure that the garage door has returned to a fully closed

position before leaving the entrance area.

- (5) No repairs to vehicles may be made in the parking garage except in an emergency.
- (6) No items other than motor vehicles, bicycles, boats with a trailer, utility trailers, small campers, golf carts or motorized scooters may be stored in parking spaces.
- (7) The allotted parking space must be kept clean and tidy by the Resident to whom it is assigned.
- (8) Motor vehicles dripping oil, gasoline or any other fluid may, at the discretion of the council, are prohibited from entering upon the common property including the parking garage until repaired. Owners of motor vehicles causing floor stains or leaving fluids shall, upon notice of the council, clean up all drippings including stains or, failing to do so within seven days, the strata corporation may do so and the costs of such cleaning shall be assessed as a charge against the owner of the strata lot to whom the parking space is assigned. Drip pans placed under vehicles must be metal and must be cleaned on a regular basis.
- (9) Unlicensed vehicles and those items permitted under subparagraph (6) (other than bicycles and motorized scooters) must be covered by insurance for third party liability in an amount not less than \$1 million and a copy of the said insurance must be delivered to the council.
- (10) Any vehicle found to be in violation of any provision of this or any other bylaw or rule pertaining to parking of vehicles may, at the discretion of the council, be towed at the expense of the owner of the vehicle.
- (11) The washing of vehicles is permitted only outside the parking garage at the south entrance and must not interfere with other vehicles entering or leaving the building. The area must be left clean and tidy after the vehicle has been washed. Hoses shall be returned to the storage rack and not be left running when not in use.
- (12) The speed limit in the parking garage shall be 8 km/hr (5 mph).
- (13) Extra parking spaces shall be rented on a month to month basis by the strata corporation to residents only on a first come - first served basis. The council shall administer the rental of the extra parking spaces and shall be entitled to charge a fee as set out in the Rules.
- (14) An owner, tenant, occupant or visitor must not use an electrical outlet located on the common or limited common property for the purposes of charging an electric scooter or electric car except with the prior written permission of the strata corporation. Where permission is granted the strata corporation may charge the owner, occupant or visitor a fee as set out in the Rules from time to time.

12. Resale of Strata Lots

- (1) Owner(s) proposing to sell a strata lot, shall inform the council within 24 hours of the strata lot being listed for sale.
- (2) For Sale signs and other advertising regarding strata lots for sale shall only be posted on the sign post at the front of the property provided for that purpose. A sign must not be posted without the written permission of the Council. Signs must not be larger than 10" x 24" in size and only two such signs can be displayed or attached to the "sign post" at any time. Sign rotation if more than numbers prescribed will be up to those involved on a 14 day rotation schedule. For Sale signs must be removed within 7 days of a binding contract for purchase and sale being entered into.

- (3) Owner(s) and/or their agents may hold an 'open house' only under approval and conditions set by council. These conditions include the following:
- (a) The 'open house' shall be held between the hours of 10:00 AM and 4:00 PM, exclusively.
 - (b) Signs shall be removed immediately after the 'open house' ends.
 - (c) The owner or their agents must be present at all times and escort the participants of the 'open house' while on common property and limited common property.
 - (d) The conduct of the 'open house' shall not unreasonably interfere in any way with the use of common property and limited common property by other owners or occupants.
 - (e) No person shall install a lock box anywhere on the common or limited common property.

Division 2 — Powers and Duties of Strata

13. Repair and maintenance of property by Strata Corporation

- (1) 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 (including frames) and skylights on the exterior of a building or that front on the common property; and
 - (E) fences, railings and similar structures that enclose patios, balconies and yards.
 - (d) A strata lot in a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to:
 - (i) the structure of a building,
 - (ii) the exterior of a building,
 - (iii) chimneys, stairs, balconies and other things attached to the exterior of a building,
 - (iv) doors, windows (including frames) and skylights on the exterior of a building or that front on the common property; and

- (v) fences, railings and similar structures that enclose patios, balconies and yards

14. Acquisition and disposal of personal property

- (1) For the purposes of section 82(3) of the Act, the strata corporation may acquire or dispose of personal property up to and including \$5,000.00 in value without approval by way of a resolution passed by a 3/4 vote. If the acquisition is approved as part of the Operating Budget, then the amount for the purposes of section 82(3) shall be the amount set out in the Operating Budget.

Division 3 — Council

15. Council size

- (1) The council must have three (3) members and may have up to seven (7) members.

16. Council membership

- (1) Subject to the other provisions of these bylaws, the spouse (as defined in Regulation 8.1(2) of the Act) of an owner, may be elected to council provided that the spouse who is an owner has waived, in writing, their right to be elected to council.
- (2) Where the strata corporation is entitled to register a lien against a strata lot under s. 116 of the Act, the owner(s) of that strata lot and their spouse is ineligible for election to the council and where they are already a member of the council, they shall be deemed to have resigned from council upon registration of a lien.

17. Council members' terms

- (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.

18. Removing council member

- (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.

19. Replacing council member

- (1) If a council member resigns or is unwilling or unable to act for a period of 3 or more months, the remaining members of the council must appoint a replacement council member for the remainder of the term, unless there is no person who is willing to fill the position.
- (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 20% 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.

20. Officers

- (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, a treasurer and a privacy officer.
- (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.

21. Limit of Liability

- (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) Subparagraph (1) does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

22. Calling council meetings

- (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) Notice of the meeting shall be given to all owners by posting a notice in the lobby at least 24 hours before the meeting, except if the meeting is called on less than 24 hours notice and is for the purpose of dealing with an emergency or the meeting is conducted electronically (including by email).

23. Request for council hearing

- (1) By application in writing, stating the reason for the request, an owner 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 4 weeks 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.

24. Quorum of council

- (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.

25. Council meetings

- (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 and occupants may attend council meetings as observers (except where meetings are conducted by email).
- (4) Despite subsection (3) no observers may attend a council meeting, which deals with any of the following matters:
 - (a) a bylaw contravention hearing under section 135 of the Act.
 - (b) a rental restriction bylaw exemption hearing under section 144 of the Act;
 - (c) a hearing requested by an owner.
 - (d) a review of correspondence regarding breach or an alleged breach of the bylaws;
 - (e) any other matters if the presence of observers would, in council's opinion, unreasonably interfere with an individual's privacy.

26. Voting at council meetings

- (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.
- (4) For the purposes of this bylaw, "majority vote" means a vote in favour of a resolution by more than $\frac{1}{2}$ of the votes cast by council members who are present and who have not abstained from voting.

27. Council to inform owners of minutes

- (1) The council must inform owners of the minutes of all council meetings within two weeks of the meeting, whether or not the minutes have been approved.

28. Delegation of council's powers and duties

- (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.

29. Spending restrictions

- (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.

30. Unapproved expenditures

- (1) For the purposes of section 98(2) of the Act the maximum unapproved expenditure, together with all other unapproved expenditures, shall not exceed \$5,000.00.

Division 4 — Enforcement of Bylaws and Rules

31. Fines

- (1) The strata corporation may fine an owner or an occupant a maximum of:
 - (a) \$200.00 for each contravention of a bylaw, other than as set out below;
 - (b) \$500.00 for each contravention of a rental bylaw;
 - (c) \$1,000 per day for a breach of Bylaw 42; and
 - (d) \$50.00 for each contravention of a rule.
- (2) Fines levied by the strata corporation shall be due and owing along with the next installment of strata maintenance fees.

32. Continuing contravention

- (1) 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

33. Person to chair meeting

- (1) Subject to subsections (2) and (3) 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.

34. Participation by other than eligible voters

- (1) 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 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 occupants, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

35. Voting

- (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, regular 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) A vote for strata lot may not be exercised, except on matters requiring a unanimous vote or an 80% vote, if the strata corporation is entitled to register a lien against that strata lot under section 116.
- (7) Despite anything in this section, an election of council or any other vote must be held by regular ballot, if the regular ballot is requested by an eligible voter.
- (8) Each person elected to the strata council must be elected by a majority vote, unless the owners present in person and proxy at the annual general meeting, by majority vote, approve another method of election.

36. Order of business

- (1) The order of business at annual and special general meetings is as follows:
 - (a) certify proxies and corporate representatives and issue voting cards;
 - (b) determine that there is a quorum;
 - (c) elect a person to chair the meeting, if necessary;
 - (d) present to the meeting proof of notice of meeting or waiver of notice;
 - (e) approve the agenda;
 - (f) approve minutes from the last annual or special general meeting;
 - (g) deal with unfinished business;
 - (h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;
 - (i) ratify any new rules made by the strata corporation under section 125 of the Act;
 - (j) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
 - (k) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
 - (l) deal with new business, including any matters about which notice has been given under section 45 of the Act;
 - (m) elect a council, if the meeting is an annual general meeting;
 - (n) terminate the meeting.

- (2) No person may make an audio or video recording of any part of a general meeting except where doing so is approved by majority vote of the owners present in person or by proxy at the meeting.

Division 6 —Additional Bylaws

37. Voluntary dispute resolution

- (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.

38. Insurance Deductible and Damage to Property

- (1) The owner of a strata lot shall be obligated to pay to the strata corporation upon demand:
 - (a) the amount of any insurance deductible paid by the strata corporation in relation to any claim made under or against the strata corporation's insurance policy (the "Deductible"); or
 - (b) the costs to repair any physical damage (the "Repair Costs") to the common property, limited common property or those portions of a strata lot which the strata corporation is required to repair (or otherwise chooses to repair) and for which a claim is not made under or against the strata corporation's insurance policy;Where either of the following applies:
 - i. the owner, their tenant, an occupant of the owner's strata lot or a visitor or invitee to the strata lot is responsible for the cause of the claim or damage; or
 - ii. the source of the damage giving rise to the claim originated in that owner's strata lot (other than from common property within the strata lot).
- (2) If an owner makes an insurance claim under the strata corporation's insurance policy in relation to any portion of that owner's strata lot which is covered by the policy and:
 - (a) the owner, their tenant, an occupant of the owner's strata lot or a visitor or invitee to the strata lot is responsible for the cause of the claim; or
 - (b) the source of the damage giving rise to the claim originated in that owner's strata lot (other than from common property within the strata lot),and the damage is confined to the owner's strata lot, the owner shall pay directly any Deductible related to such claim and the strata corporation shall not be obligated to pay it on the owner's behalf.
- (3) The owner of a strata lot shall to pay to another owner the reasonable costs (including any insurance deductible) incurred by them to repair any damage to that other owner's strata lot for which:
 - (a) the owner, their tenant, an occupant of the owner's strata lot or a visitor or invitee to the strata lot is responsible; or
 - (b) the source of the damage originated in that strata lot (other than from common property within the strata lot).
- (4) Where the strata corporation takes steps or does work, on an emergency basis, to limit the damage to a strata lot or the common property, and in doing so incurs costs which are not paid as part of an insurance claim (the "Emergency Costs"), the owner of the strata lot to which those steps or work relate shall pay to the strata corporation the Emergency Costs.
- (5) The strata council, acting reasonably, and after having provided an owner or tenant facing liability under this bylaw with an opportunity to make submissions to the strata council, shall determine whether or not that owner or tenant is responsible for damage or whether the source of the damage originated within the strata lot.

- (6) An owner or tenant who is determined to be responsible for a Deductible, Repair Costs or Emergency Costs shall pay the same to the strata corporation within 14 days after being given notice in writing of the decision and that the amount is due and owing.

39. Reporting Damage

- (1) An owner or occupant of a strata lot must promptly report to the strata corporation any damage to their strata lot, the cause of which originated from the common property and where possible, take reasonable steps to mitigate the continuation and expansion of such damage. Where an owner or occupant fails to do so they shall not be entitled to any compensation, damages or reimbursement from the strata corporation as a result of the failure to report or mitigate.

40. Court Actions

- (1) In accordance with section 171(4) the authorization referred to under section 171(2) is not required for a proceeding under the Small Claims Act. Such proceedings may be commenced with the approval of the council only.
- (2) The strata corporation, in enforcing the Act, the bylaws or the rules against or in collecting money owed to the strata corporation (including money owing as a fine or otherwise assessed as owing) from one or more owners or occupants of a strata lot shall (unless the court or arbitrator orders otherwise) be entitled to recover from that owner or occupant (or one or more of them jointly and severally) its legal costs on a solicitor-and-own-client basis.

41. Rental Restrictions

- (1) The rental of strata lots in whole or in part is prohibited.
- (2) Should an owner rent a strata lot to a family member (as defined by the Act) or obtain permission under the Act to rent on the basis of a hardship that owner must submit a signed Notice of Tenant's Responsibility to the strata corporation within the time limit allowed under the Act.
- (3) An owner who fails to submit a signed Notice of Tenant's Responsibility within the time limit allowed under the Act shall be subject to a fine in the amount of \$100.00 for every month or part thereof that the strata lot is rented and the strata corporation is not in receipt of a signed Notice of Tenant's Responsibility.
- (4) An owner who rents a strata lot contrary to this bylaw shall be subject to a fine of \$500.00.
- (5) Where an exemption from this bylaw is granted pursuant to the terms of the Act, the term of the exemption must be approved by the strata council.

42. Short Term Accommodation

- (1) Subject to (2) an owner, tenant or occupant must not:
 - (a) use or allow their strata lot (or any part of it) to be used for the purposes of providing temporary accommodation for the general public including, but not limited to:
 - (i) as a vacation rental or as travel accommodation;
 - (ii) any sort of short term accommodation arrangement (being an occupancy of less than 30 days),
 - (iii) as a room rental, home exchange or other similar arrangement.

- (b) allow, permit, agree or otherwise grant a license, in exchange for money, to a person who ordinarily resides outside the strata corporation to occupy their strata lot while that owner, tenant or occupant is absent from the strata lot.
- (2) The following activity shall not be prohibited by this bylaw:
A person staying in the strata lot for less than 60 days while the owner or tenant is absent on vacation, for the purposes of caring for the strata lot and its contents.

43. Age Restriction

- (1) No person under the age of 45 years shall reside in a strata lot. For the purposes of this Bylaw any person occupying a strata lot for more than 60 days (cumulatively or consecutively) in a calendar year shall be deemed to reside in the strata lot for the purposes of this bylaw.
- (2) Notwithstanding subparagraphs (a) and (b) a person who is under 45 years of age and;
 - (a) is the spouse (as defined in Regulation 8.1(2) of the Act) of an owner, tenant or occupant; or
 - (b) is registered with the BC Care Aide and Community Health Worker Registry and is providing in-home care to an owner, tenant or occupant.may reside in a strata lot and shall not be deemed to be in contravention of this bylaw.

44. Video Surveillance

- (1) The strata corporation may install and operate a video surveillance system on the common property and shall establish a policy in compliance with the Personal Information Protection Act for the operation of the system and the use and storage of information collected by it. Owners, tenants and occupants of the strata corporation are hereby deemed to have consented to the use, collection and disclosure of information recorded by the system so long as the same is done in accordance with the terms of the policy established pursuant to this bylaw. Such use, collection and disclosure shall include the investigation of serious breaches of the bylaws (as defined by the policy).

45. Annual Fireplace Inspections

- (1) Every owner must have their fireplace inspected and serviced every two years by a qualified gas fitter.
- (2) Each owner must send the strata council a written inspection report and service record, along with a report of any necessary repairs by September 30th, every second year (starting in 2020).
- (3) Each Owner is responsible for all costs associated with the inspection and necessary repairs.
- (4) During the inspection, should a fireplace be shut off by the Gas Fitter as a result of a safety concern, the owner must inform strata council. A fireplace must not be reactivated until all required repairs are complete and a copy of the repair invoice has been delivered to the council.

46. Smoking

- (1) No smoking is allowed:
 - (a) in a strata lot;
 - (b) on the interior common property, including but not limited to in hallways, elevators, parking garages, electrical and mechanical rooms, stairs, storage locker areas;
 - (c) on patios and balconies; and
 - (d) within 8 metres (26 feet) of a door, window or air intake.
- (2) "Smoking" for the purposes of this bylaw, means releasing into the air gases, particles, or vapors as a result of combustion, electrical ignition or vaporization, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of the by-products, except when the combusting or vaporizing material contains no tobacco or nicotine and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "Smoking" includes, but is not limited to, tobacco smoking, smoking using electronic cigarettes, marijuana smoking, and crack cocaine smoking.
- (3) All persons, including but not limited to owners, occupants and visitors must comply with this bylaw. Owners must ensure that this bylaw is not violated by their visitors or anyone else they let into the complex.

47. Marijuana

- (1) For the purposes of this bylaw, a reference to "marijuana" shall include "cannabis".
- (2) The cultivation, and alteration or processing of marijuana is prohibited within a strata lot and on the common and limited common property.

48. Security

- (1) Except as otherwise authorized by the council, only owners shall be issued with keys. Each strata lot shall only be issued 2 (two) registered entrance keys and the owner of the strata lot shall be solely responsible for the safekeeping of same. The entrance key must not be copied;
- (2) An owner who loses or has one or both of their keys stolen shall be charged for a replacement key;
- (3) No owner, occupant, or visitor shall leave open or unlocked any outside entrance except for the purpose of moving into or out of a strata lot provided they ensure constant supervision of the entrance.
- (4) No owner, occupant, or visitor shall permit any person, including tradespersons or delivery persons, to enter the building for any purpose unless that person is known to them or provides identification consistent with the stated purpose of their visit.
- (5) Garage door openers are not to be left in a vehicle.
- (6) Owners, occupants and visitors must stop to wait for the gate(s) to the underground parking to close prior to continuing when entering or leaving the underground parking area(s).