

LMS 1443 – BYLAWS

Preamble

These bylaws bind the strata corporation and the owners, tenants and occupants to the same extent as if the bylaws had been signed by the strata corporation and each owner, tenant and occupant and contained covenants on the part of the strata corporation with each owner, tenant and occupant and on the part of each owner, tenant and occupant with every other owner, tenant and occupant and with the strata corporation to observe and perform their provisions.

Unless otherwise stated, all terms have the meanings prescribed in the *Strata Property Act*, S.B.C. 1998, c. 43 (the “Act”). For the purposes of these bylaws, “residents” means collectively, owners, tenants and occupants and “a resident” means collectively, an owner, a tenant and an occupant. The Schedule of Standard Bylaws to the Act does not apply to the strata corporation.

Duties of Owners, Tenants, Occupants and Visitors

1. Compliance with bylaws and rules

1.1 All residents and visitors must comply strictly with the bylaws and rules of the strata corporation adopted from time to time.

2. Payment of strata fees and special levies

2.1 An owner must pay strata fees on or before the first day of the month to which the strata fees relate.

2.2 Where an owner fails to pay strata fees in accordance with bylaw 2.1, outstanding strata fees will be subject to an interest charge of 10% per annum, compounded annually. In addition to interest, failure to pay strata fees on the due date will result in a fine of \$100.00 for the first contravention of bylaw 2.1. and \$200.00 for all subsequent contraventions of bylaw 2.1.

2.3 An owner must provide the strata corporation or its agent with twelve (12) consecutive, monthly post-dated cheques for strata fees for the fiscal year of the strata corporation, dated as of the first day of each month or, if applicable, written authorization for monthly automatic debit from the owner’s bank account.

2.4 Failure by an owner to submit twelve (12) monthly, post-dated strata fee cheques or written authorization for automatic debit in accordance with bylaw 2.3 is a contravention of bylaw 2.3 and the strata corporation will levy a fine of \$25.00 for each contravention. Each dishonoured cheque or dishonoured automatic debit will be subject to a fine of \$20.00 and an administration charge of \$20.00.

2.5 A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy.

2.6 Failure to pay a special levy on the due date will result in a fine of \$200.00 for each contravention of bylaw 2.5.

2.7 Where an owner fails to pay a special levy in accordance with bylaw 2.5, outstanding special levies will be subject to an interest charge of 10% per annum, compounded annually.

3. Repair and maintenance of property by owner

3.1 An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

3.2 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.

4. Use of property

4.1 A resident 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.

4.2 A resident 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.

4.3 An owner is responsible for any damage caused by occupants, tenants or visitors to the owner's strata lot.

4.4 An owner shall indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered necessary to the common property, limited common property, common assets or to any strata lot by the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, and for the purposes of bylaws 4.1, 4.2 and 4.3, any insurance deductible paid or payable by the strata corporation shall be considered an expense not covered by the proceeds received by the strata corporation as insurance coverage and will be charged to the owner.

4.5 An owner must not use, or permit to be used, the strata lot except as a private dwelling home and, unless granted prior written approval by the council, a resident must not allow more than two persons to occupy a strata lot originally designated by the owner developer as a one bedroom unit and not allow more than four persons to occupy a strata lot originally designated by the owner developer as a two bedroom unit. For the purposes of this bylaw 4.5, a "person" is defined to include children, but exclude visitors staying for less than 30 days with an owner, occupant or tenant of a strata lot.

4.6 An owner or occupant who alleges hardship as a result of the passage of bylaw 4.5 may appeal to the council for permission to be exempt from bylaw 4.5 on the basis of hardship and the council must not unreasonably refuse the appeal.

5. Pets and animals

5.1 A resident or visitor must not keep any pets on a strata lot or common property or on land that is a common asset except in accordance with these bylaws.

5.2 An owner, tenants, occupants and visitors must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset.

5.3 Residents must not keep a pet on a strata lot other than one or more of the following:

- (a) a reasonable number of fish
- (b) up to 2 caged birds;
- (c) two dogs or two cats.

5.4 A resident must not harbour exotic pets, including not exhaustively, exotic birds, snakes, reptiles, spiders, members of the rodent family, or large members of the cat family.

5.5 A resident must register the pet with the Property Management company within 30 days of the pet residing on a strata lot (or the passage of this bylaw) and by providing, in writing, the name of the Permitted Pet, breed, colour and markings, together with the name, strata lot number and telephone number of the pet owner.

5.6 A resident or visitor must not permit a loose or unleashed Permitted Pet at any time on the common property or on land that is a common asset. A Permitted Pet found loose on common property or land that is a common asset shall be delivered to the municipal pound at the cost of the strata lot owner.

5.7 A resident must not keep a Permitted Pet which is a nuisance on a strata lot, on common property or on land that is a common asset. If a resident has a pet which is not a Permitted Pet or if, in the opinion of council, the Permitted Pet is a nuisance or has caused or is causing an unreasonable interference with the use and enjoyment by residents or visitors of a strata lot, common property or common assets, the council may order such pet to be removed permanently from the strata lot, the common property or common asset or all of them.

5.8 If a resident contravenes bylaw 5.7, the owner of the strata lot will be subject to a fine of \$25.00. After four (4) written complaints, Council may revoke the permission to keep the pet, and request that the pet be removed from the property within 30 days.

5.9 Notwithstanding bylaw 5.8, a resident whose pet contravenes bylaw 5.7 will be subject to an immediate injunction application and the owner of the strata lot will be responsible for all

expenses incurred by the strata corporation to obtain the injunction, including legal costs.

5.10 A pet owner must ensure that a Permitted Pet is kept quiet, controlled and clean. Any excrement on common property or on land that is a common asset must be immediately disposed of by the pet owner.

5.11 A pet owner must keep a Permitted Pet only in a strata lot, except for ingress and egress. The resident or visitor must carry or keep the Permitted Pet on a short leash when the Permitted Pet is in the interior of the building, including the elevator, hallways and parking areas.

5.12 A strata lot owner must assume all liability for all actions by a Permitted Pet, regardless of whether the owner had knowledge, notice or forewarning of the likelihood of such action.

5.13 A resident or visitor must not feed birds, rodents or other wild animals from any strata lot, limited common property, common property or land that is a common asset. No bird feeders of any kind are permitted to be kept on balconies, strata lots, common property or land that is a common asset.

5.14 Pets are not to be tied outside or left on a balcony unattended or allowed to create enough noise to be considered a nuisance.

5.15 A resident contravening any of bylaws 5.1 to 5.7 (inclusive) or 5.10 to 5.14 (inclusive) will be subject to a maximum \$200.00 fine.

6. Inform strata corporation

6.1 An owner must notify the strata corporation of, within two weeks of becoming an owner; the owner's name and any occupants' names, strata lot number and mailing address outside the strata plan, if any.

7. Obtain approval before altering a strata lot

7.1 An owner must obtain the written approval of the strata corporation before making or authorizing 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) patios, 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; and
- (h) wiring, plumbing, piping, heating, air conditioning and other services.
- (i) a Strata Lot Owner shall not change the type of flooring without prior written consent from the Strata Council.

7.2 The strata corporation must not unreasonably withhold its approval under bylaw 7 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 and to indemnify and hold harmless the strata corporation for any future costs in connection with the alteration.

7.3 An Owner intending to apply to the Strata Corporation for permission to alter a Strata Lot submit, in writing, detailed plans and written description of the intended alteration, and MUST sign the indemnity agreement, as per the attached schedules.

8. Obtain approval before altering common property

8.1 An owner must obtain the written approval of the strata corporation before making or authorizing an alteration to common property, including limited common property or common assets.

8.2 An owner, as part of its application to the strata corporation for permission to alter common property, limited common property or common assets, must:

- (a) submit, in writing, detailed plans and description of the intended alteration;
- (b) obtain all applicable permits, licences and approvals from the appropriate governmental authorities and provide copies to the strata council; and
- (c) obtain the consent of the owners by written approval of the strata council under bylaw 8.1.

8.3 The strata corporation may require, as a condition of its approval, that the owner agree, in writing, to certain terms and conditions, including, not exhaustively, the following:

- (a) that alterations be done in accordance with the design or plans approved by the strata council or its duly authorized representatives;
- (b) that the standard of work and materials be not less than that of the existing structures;
- (c) that all work and materials necessary for the alteration be at the sole expense of the owner;

- (d) that the owner from time to time of the strata lot receiving the benefit of an alteration to common property, limited common property or common assets must, for so long as he or she remains an owner, be responsible for all present and future maintenance, repairs and replacements, increases in insurance, and any damage suffered or cost incurred by the strata corporation as a result, directly or indirectly, of the alterations to common property, limited common property or common assets;
- (e) that the owner and any subsequent owner on title who receives the benefit of such alteration, must, with respect only to claims or demands arising during the time that they shall have been owner, indemnify and hold harmless the strata corporation, its council members, employees and agents from any and all claims and demands whatsoever arising out of or in any manner attributable to the alteration. Any costs or expenses incurred by the strata corporation as the result of such claim or demand will be the responsibility of the owner from time to time of the strata lot who has benefited from the alteration and the said costs or expenses incurred must be charged to that owner and shall be added to and become part of the strata fees of that owner for the month next following the date upon which the cost or expenses are incurred, but not necessarily paid by the strata corporation, and shall become due and payable on the due date of payment of monthly strata fees.

8.4 An owner who, subsequent to the passage of bylaws 8.1 to 8.3 inclusive, alters common property or limited common property without adhering strictly to these bylaws, must restore, at the owner's sole expense, the common property, limited common property or common assets, as the case may be, to its condition prior to the alteration. If the owner refuses or neglects to restore the alteration to its original condition, the strata corporation may conduct the restoration, at the expense of the owner who altered the common property or limited common property. The cost of such alteration shall be added to and become part of the strata fees of that owner for the month next following the date on which the cost was incurred and will become due and payable on the due date of payment of monthly strata fees.

9. Renovations/alterations

9.1 An owner must give the council two working days' prior notice of the scheduled arrival of tradespersons or delivery of materials. Tradespersons must be licensed and bonded. Inadequate notice or work by unlicensed or unbonded tradespersons will result in the levy of fines.

9.2 An owner must not permit any construction debris, materials or packaging to be deposited in the strata corporation's disposal containers.

9.3 An owner must ensure that the delivery of any construction materials is through the parking lot and, if in an elevator, the owner must ensure the elevator is protected with proper wall pads and floor coverings. An owner must not permit any renovations/alterations materials to be delivered through the main lobby.

9.4 An owner must be responsible to ensure:

- (a) drop cloths are installed and removed daily between the elevators and the strata lot as well as between other doors to protect common areas from any spillage or dripping; and
- (b) stairs, lobbies and paths through the parking areas are regularly cleaned (and vacuumed at the request of the council) and the residential corridor thoroughly vacuumed daily;

9.5 An owner must ensure that the hours of work are restricted to 8:00 a.m. to 5:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m., Saturdays, Sundays and

statutory holidays. To perform renovations/alterations on statutory holidays, an owner must apply for permission in writing to the council at least five business days before the holiday date.

9.6 An owner must be in attendance for all **SIGNIFICANT** renovations/alterations, the determination of **SIGNIFICANT** shall be in the discretion of the council.

9.7 An owner performing or contracting with others to perform renovations or alterations will be responsible, financially and otherwise, for ensuring that any and all required permits and licences are obtained.

9.8 An owner in contravention of any of bylaws 9.1 to 9.7 (inclusive) shall be subject to a fine of \$200.00 for each contravention, as well as be responsible for any clean up or repair costs.

10. Permit entry to strata lot

10.1 A resident must allow a person authorized by the strata corporation to enter the strata lot or limited common property

(a) in an emergency, without notice, to ensure safety or prevent significant loss or damage;

(b) at a reasonable time, on 48 hours' written notice,

(i) to inspect, repair, renew, replace or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair, replace, renew and maintain under these bylaws or the Act or to insure under section 149 of the Act; or

(ii) to ensure a resident's compliance with the Act, bylaws and rules.

10.2 If forced entry to a strata lot is required due to required emergency access and the inability to contact the owner of the strata lot, the owner shall be responsible for all costs of forced entry incurred by the strata corporation, unless the emergency relates to common property such as the sprinkler system in which case the strata corporation shall be responsible for all costs of forced entry.

10.3 The notice referred to in bylaw 10.1(b) must include the date and approximate time of entry, and the reason for entry.

Powers and Duties of Strata Corporation

11. Repair and maintenance of property by strata corporation

11.1 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. patios, chimneys, stairs, balconies and other things attached to the exterior of a building;

D. doors, windows and skylights on the exterior of a building or that front on common property;

E. fences, railings and similar structures that enclose patios, balconies and yards;

- (d) a strata lot but the duty to repair and maintain it is restricted to
 - (i) the structure of a building,
 - (ii) the exterior of a building,
 - (iii) patios, chimneys, stairs, balconies and other things attached to the exterior of a building,
 - (iv) doors, windows and skylights on the exterior of a building or that front on common property, and
 - (v) fences, railings and similar structures that enclose patios, balconies and yards.

Council

12. Council size

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

13. Council eligibility

- 13.1 An owner or the spouse of an owner may stand for council, but not both.
- 13.2 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 section 116(1) of the Act.
- 13.3 No person 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.
- 13.4 No person 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 for which the owner is responsible under section 131 of the Act.

14. Council members' terms

- 14.1 The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- 14.2 A person whose term as council member is ending is eligible for reelection.

15. Removing council member

- 15.1 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. The strata corporation must pass a separate resolution for each council member to be removed.
- 15.2 After removing a council member, the remaining members of the council may appoint a replacement council member for the remainder of the term.
- 15.3 If the strata corporation removes all of the council members, the strata corporation must hold an election at the same annual or special general meeting to replace the council members for the remainder of the term up to, at least, the minimum number of council members required by bylaw of the strata corporation for the remainder of the term.
- 15.4 The council may appoint the remaining council members necessary to achieve a quorum for the strata corporation, even if the absence of the members being replaced leaves the council without a quorum.

15.5 A replacement council member appointed pursuant to bylaws 15.2 and 15.4 may be appointed from any person eligible to sit on the council.

16. Replacing council member

16.1 If a council member resigns or is unwilling, unable to act or misses two meetings in a row without reasonable notice to the Council, the remaining members of the council may appoint a replacement council member for the remainder of the term.

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

16.3 The council may appoint a council member under bylaw 16.2 even if the absence of the member being replaced leaves the council without a quorum.

16.4 If all the members of the council resign or are unwilling or unable to act, 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.

17. Officers

17.1 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.

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

17.3 The vice president has the powers and duties of the president

- (a) while the president is absent or is unwilling or unable to act,
- (b) if the president is removed, or
- (c) for the remainder of the president's term if the president ceases to hold office.

17.4 The strata council may vote to remove an officer.

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

18. Calling council meetings

18.1 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.

18.2 The notice in bylaw 18.1 does not have to be in writing.

18.3 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.

19. Requisition of council hearing

19.1 By application in writing, an owner may request a hearing at a council meeting stating the reasons for the request.

19.2 Except for a hearing pursuant to section 144 of the Act, if a hearing is requested under bylaw 19.1, the council must hold a meeting to hear the applicant within one (1) month of the date of receipt by the council of the application.

19.3 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 date of the hearing.

20. Quorum of council

20.1 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.

20.2 Council members must be present in person or on-line at the council meeting to be counted in establishing quorum.

21. Council meetings

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

21.2 Owners and spouses of owners may attend council meetings as observers.

21.3 Despite bylaw 21.2, 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.

22. Voting at council meetings

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

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

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

23. Council to inform owners of minutes

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

24. Delegation of council's powers and duties

24.1 Subject to bylaws 24.2, 24.3 and 24.4, 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.

24.2 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 bylaw 24.3.

24.3 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.

24.4 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,

- (c) whether a person should be denied access to a recreational facility, or section 144 of the Act.

25. Spending restrictions

25.1 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.

25.2 Despite bylaw 25.1, 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.

26. Limitation on liability of council member

26.1 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.

26.2 Bylaw 26.1 does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

26.3 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.

Enforcement of Bylaws and Rules

27. Fines

27.1 Except where specifically stated to be otherwise in these bylaws, the strata corporation may fine an owner or tenant:

- (a) up to \$200.00 for each contravention of a bylaw, and
- (b) up to \$50.00 for each contravention of a rule.

27.2 The council must, if it determines in its discretion that a resident 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.

28. Continuing contravention

28.1 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.

Annual and Special General Meetings

29. Quorum of meeting

29.1 If within 1/2 hour from the time appointed for an annual or special general meeting, a quorum is not present, the meeting stands adjourned for a further 1/2 hour on the same day and at the same place. If within a further 1/2 hour from the time of the adjournment, a quorum is not present, the eligible voters, present in person or on-line or by proxy, constitute a quorum. This bylaw 29.1 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.

30. Person to chair meeting

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

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

30.3 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, eligible to vote, who are present at the meeting.

31. Voting

31.1 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the Act.

31.2 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised 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.

31.3 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised 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, including legal costs, for which the owner is responsible under section 131 of the Act.

31.4 At an annual or special general meeting held in person, voting cards must be issued to eligible voters.

31.5 At an annual or special general meeting a vote is decided on a show of voting cards, or an on-line voting system if the meeting is held on-line.

31.6 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.

31.7 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.

31.8 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.

31.9 Despite anything in bylaws 31.1 to 31.8 (inclusive), an election of council or removal of a council member must be held by secret ballot, if the secret ballot is requested by an eligible voter.

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;
- (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.

Voluntary Dispute Resolution

34. Voluntary dispute resolution

34.1 A dispute among owners, 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 the Property Manager to mediate, a council member having been elected by the council to chair.

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

Small Claims Court Proceedings

35. Authorization to proceed

35.1 The strata corporation may proceed under the *Small Claims Act*, without further authorization by the owners, to recover from an owner or other person, by an action in debt in Small Claims Court, money owing to the strata corporation, including money owing as administration fees, bank charges, fines, penalties, interest or the costs, including legal costs, of remedying a contravention of the bylaws or rules and to recover money which the strata corporation is required to expend as a result of the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family.

Marketing Activities by Owners and Occupants

36. Sale of a strata lot

36.1 Real estate signs must not be displayed in a strata lot or on the common property except in the location designated by the strata corporation for real estate signs.

36.2 Realtor lockboxes shall NOT be attached to any part of the exterior of the building, any railing or anywhere located on common property or limited common property.

36.3 Signs advertising suite rentals must not be displayed in a strata lot or in the common property.

Insurance

37. Insuring against major perils

37.1 The strata corporation must insure against major perils, as set out in regulation 9.1(2), including, without limitation, earthquakes.

Storage

38. Storage lockers and bicycle storage

38.1 A resident must store bicycles and tricycles only in designated bicycle racks and storage lockers.

38.2 A resident must not store any hazardous or flammable substances in storage lockers.

Parking

39. Parking

39.1 All residents are required to use only their own assigned parking stalls.

39.2 Visitor parking is only for temporary visitors of residents to a maximum of 48 hours without prior council approval. The Strata Council and the Management Company, on behalf of council, has the authority to have vehicles removed, at the owner's own risk and expense, which are:

- a) illegally parked;
- b) parked in unauthorized areas;
- c) parked in visitor parking (other than as permitted);
- d) unlicensed and/or uninsured. [All vehicles must have, at minimum, third party liability coverage of \$1,000,000.00 and storage insurance.];
- e) blocking or restricting access to any sidewalks, passages, walkways, roadways, driveways, parking areas or other parts of the common property;
- f) vehicles not displaying current license decals shall visibly display on the dash board the required insurance document or forward a copy of the storage insurance with \$1,000,000.00 liability insurance to the Property Management company within 48 hours;
- g) stopped or parked in any fire lane; or
- h) not displaying the proper SaltSpring Visitors' parking pass.

39.3 Overhead door remote controls must not be left in the underground parking

39.4 A resident must not permit any oversized, commercial or recreational vehicles including, but not exhaustively, boats, trailers and campers to enter or be parked or stored on common property, limited common property or land that is a common asset, unless prior written authorization is obtained from council.

39.5 A resident must not store unlicensed or uninsured vehicles on the common property, limited common property or on land that is a common asset.

39.6 An owner must not sell, lease or licence parking stalls to any person other than an owner or occupant.

- 39.7 A resident or visitor must not permit a vehicle to be parked or left unattended in a manner that interferes with parking stalls, access lanes or no parking zones.
- 39.8 Any resident's vehicle parked in violation of bylaw 39.7 will be subject to removal by a towing company authorized by council, and all costs associated with such removal will be charged to the owner of the strata lot.
- 39.9 A resident or visitor must not use any parking area as a work area for carpentry, renovations, repairs (including, but not exhaustively, sawing, drilling and the use of any adhesive or hardening compounds) or work on vehicles involving any automotive fluids or paints, motor tune ups or mechanical repairs.
- 39.10 A resident or visitor operating a vehicle in the parking areas must activate the vehicle's headlights and not exceed 10 km/hour.
- 39.11 Upon entering or exiting the secured parking area, the driver must wait for the overhead door to close completely.
- 39.12 A resident must wash a vehicle in the location designated for vehicle washing only. Once washing is completed, the resident must hose down and remove all dirt, refuse and excess water from the washing area. While washing, a resident must keep audio volume low.
- 39.13 A resident must not park or store any vehicle that drips oil or gasoline. A resident must remove any dripped oil, gasoline or other automotive residue. The Property Management Company will send a letter requesting the stalls be cleaned. If there is no result within 30 days, the stall will be cleaned and all costs will be assessed to the owner.
- 39.14 To avoid personal injury and damage to vehicles, residents and visitors shall not engage in sporting activities involving pucks or balls in the parking areas and on the roadway.
- 39.15 Only one motor vehicle per parking stall can be parked in the garage area. Nothing may be placed, stored in, or suspended from the garage area, without the prior written approval of the council.

Moving

40. Moving in/out procedures

- 40.1 An owner must conform and ensure that any tenants conform to the Move In and Move Out rules established by council from time to time.
- 40.2 A resident must provide notice to the strata corporation of all moving arrangements at least 48 hours before the moving date. All moves must take place between 9:00 a.m. and 6:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays, Sundays and statutory holidays.
- 40.3 A resident using the elevator during a move must ensure that the **ELEVATOR SERVICE KEY** is used to control the elevator and the doors not jammed open in any manner.
- 40.4 A resident must ensure that the lobby doors are not left open, ajar or unattended and that furniture is not left piled in the lobby area.
- 40.5 A resident must ensure that all common areas are left damage free, clean and all hallways and lobby areas vacuumed immediately upon completion of the move.
- 40.6 A move-in assessment of \$100.00 and a move-out assessment of \$100.00 will be payable prior to a move-in or move-out.
- 40.7 A resident contravening any of bylaws 40.1 to 40.6 (inclusive) shall be subject to a fine of up to \$200.00.

Appearance of strata lots

41. Cleanliness

41.1 A resident must not allow a strata lot to become unsanitary or untidy. Rubbish, dust, garbage, boxes, packing cases and other similar refuse must not be thrown, piled or stored in the strata lot or on common property. Any expenses incurred by the strata corporation to remove such refuse will be charged to the strata lot owner.

41.2 A resident must ensure that ordinary household refuse and garbage is securely wrapped and placed in the containers provided for that purpose, recyclable material is kept in designated areas and material other than recyclable or ordinary household refuse and garbage is removed appropriately.

Rentals

42. Residential rentals

42.1 No strata lots may be rented, unless otherwise specified by the BC Strata Property Act.

42.2 If an owner is exempt from a rental restriction bylaw pursuant to the Act, prior to possession of a strata lot by a tenant, an owner must deliver to the tenant the current bylaws and rules of the strata corporation and a Notice of Tenant's Responsibilities in Form K

42.3 Within two weeks of renting a strata lot, the landlord must give the strata corporation a copy of the Form K - Notice of Tenant's Responsibilities signed by the tenant, in accordance with section 146 of the Act

42.4 Where an owner leases a strata lot in contravention of bylaw 42.1, the owner shall be subject to a fine of \$500.00 and the strata corporation shall take all necessary steps to terminate the lease or tenancy, including, but not limited to, seeking a declaration or Court injunction to enforce the bylaw. Any legal costs incurred by the strata corporation in enforcing the rental restriction bylaws shall be the responsibility of the contravening owner and shall be recoverable from the owner on a solicitor and own client basis by the strata corporation.

42.5 Exemptions for family members are to include brothers and sisters.

42.6 No Residential Strata Lot shall be occupied under a residential tenancy lease, contract, or license arrangement for transient, hotel, or commercial purposes. An Owner must not use, or permit to be used, a Residential Strata Lot except as a private Residential dwelling home and specifically a Residential Strata Lot is not to be used or occupied for transient, commercial or hotel purposes under a contract, license agreement or any other form of agreement for transient, short-term rentals or short-term occupancy or accommodation of any kind, commercial hotel or hotel-like accommodation, boarding house, house letting, a bed breakfast or for any other short-term accommodations, including without limitation, short-term accommodation advertised under the names "VRBO", "Airbnb", "Home Away" or monikers advertising, by newspaper, Craigslist, internet or otherwise, short-term occupancy or accommodation of any kind.

Visitors and Children

43. Children and supervision

43.1 Residents are responsible for the conduct of visitors including ensuring that noise is kept at a level, in the sole determination of a majority of the council, that will not disturb the rights of quiet enjoyment of others.

43.2 Residents are responsible for the conduct of children residing in their strata lot, including ensuring that noise is kept at a level, in the sole determination of a majority of the council, that will not disturb the quiet enjoyment of others.

43.3 Residents are responsible to assume liability for and properly supervise activities of children including, but not exhaustively, bicycling, skateboarding and hockey.

Miscellaneous

44. Miscellaneous

44.1 A resident or visitor must not smoke on common property or on any limited common property, including balconies and patios, or anywhere on or within Strata Plan LMS1443: Saltspring, including a strata lot.

44.2 A resident or visitor must not hinder or restrict sidewalks, entrances, exits, halls, passageways, stairways and other parts of the common property. Hindrance and restriction includes the keeping of personal items and garbage.

44.3 A resident or visitor must not wear or use inline skates and skateboards **ANYWHERE** in the building, including a strata lot.

44.4 A resident must not permit any person to play or loiter in the garden areas, on common property or on land that is a common asset, unless such common property or common asset is a playground.

44.5 A Resident or Visitor must not use Common Property electrical outlets with the Exception of parking area outlets used while vacuuming a vehicle.

No Common Property electrical outlets may be used for charging electrical vehicles.

44.6 Subject to bylaw 36.1, a resident or owner must not erect or display or permit to be erected or displayed any signs, fences, billboards, placards, advertising, notices or other fixtures of any kind on the common property or in a strata lot, unless authorized by the council. This shall include exterior painting and the addition of wood, ironwork, concrete or other materials.

44.7 A resident may post notices on the designated bulletin board, subject to being removed by the council if deemed inappropriate or posted for in excess of one week.

44.8 A resident must ensure that all entrance doors to strata lots are kept closed and kitchen extract fans are used when cooking.

44.9 A resident or visitor must not shake rugs, carpets, mops or dusters of any kind from any balcony, window, stairway or other part of a strata lot or common property.

44.10 A resident must ensure that drapes or blinds visible from the outside of the building are cream or white in colour.

44.11 A resident must ensure that no air conditioning units, laundry, flags, clothing, bedding or other articles are hung from windows, balconies or other parts of the building.

(a) A resident may hang laundry to dry for up to 8 hours using a free-standing drying rack on their assigned patio or balcony.

(b) A resident may install a portable Air Conditioning unit.

44.12 A resident must not erect fixtures, poles, clotheslines, racks, storage sheds and similar structures permanently on limited common property, common property or land that is a common asset. Despite the foregoing, the placing of items on the limited common property balconies or patio areas shall be limited to free standing, self-contained planter boxes or containers, summer furniture, BBQs, and accessories. Balcony railings are limited common property and shall be kept clear of plant pots or any decoration whether affixed to the railing or not.

44.13 A resident who installs Christmas lights must install them after November 15th of the year approaching Christmas and must remove them before January 15th of the year following Christmas.

- 44.14 Live Christmas trees are prohibited.
- 44.15 All permitted drapes, curtains, blinds are to be of a cream or white colour.
- 44.16 Aluminum foil is not to be used to cover any windows or patio doors.
- 44.17 No Owner/Resident is permitted to store any items on the balcony railings, this includes plants, plant pots, and any other items the Strata Council deems to be unsafe.
- 44.18 No Smoking of Marijuana
 - (a) For the purpose of this By-law 44.18, the following definitions apply:
 - i. “Smoke” or “Smoking” includes inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking equipment that burns weed substances.
 - ii. “Vape” or “Vaping” includes inhaling, exhaling, vaporizing or carrying or using an activated e-cigarette.
 - (b) A resident or visitor must not smoke or vape marijuana anywhere on or within Strata Plan LMS 1443: Saltspring, including in a strata lot.

RULES & REGULATIONS OF SALTSPRING STRATA PLAN LMS 1443

Updated: June 2017

1. GENERAL

- (a) An owner/resident shall not, without prior written Strata Council approval, do any act, or permit any act to be done, to alter, or permit to be altered, his or her strata lot or any common property in any manner which would alter the exterior appearance of the strata lot or common property. This includes, but is not limited to, placement of, or alterations or additions to awnings, blinds, drapes, door coverings, fences, enclosures, shelving, racks, hooks, etc.
- (b) No owner/resident shall use, or permit or suffer anyone to use, his or her strata lot or the common area for any purpose of an illegal or improper nature, or in any manner that may be injurious to the reputation of the strata complex. No owner/resident shall do anything or permit anything to be done on a strata lot or on the common property which would tend to increase the risk of fire or the cost of fire insurance or any other insurance premiums, or which would invalidate any existing insurance policy.
- (c) If a council member misses three consecutive meetings, that member will be disqualified as a council member.

2. PATIOS & BALCONIES

- (a) Plans for patio extensions to be forwarded to Council for approval. The plan is to include dimensions and pattern.
- (b) No owner/resident is permitted to store any items on the balcony railings, this includes plants, plant pots, and any other items the strata council deems to be unsafe.

3. DAMAGE TO BUILDING

If any owner/resident, or his or her employees, agents, invitees or tenants, damages the exterior of any building, any common area, or any shrubs, trees, garden areas or lawns etc. within the strata complex, such damage will be repaired at the expense of such owner/resident.

4. GARBAGE

All garbage must be drained, well wrapped and securely tied in plastic bags before being placed in the garbage receptacles. Any garbage material other than ordinary household garbage must be removed by the owner/resident at his or her own expense. All boxes are to be broken down before placement in the receptacles.

5. PARKING

(all owners should be aware that the secured parking area is common property as noted on the Strata Plan registered with the Land Titles Office)

- (a) Renting of parking stalls assigned to owners may not exceed \$25.00 per month and must be approved by the Strata Council
- (b) Units assigned 2 stalls:
 - 1) owners that only have one car must allow for their 2nd spot to be rented at an amount not exceeding \$25.00 per month
 - 2) if the owners acquire a second vehicle or if the unit is being sold the 2nd stall assigned to their unit will revert back to that owner

6. RENTAL OF COMMON PROPERTY

- (a) An owner/resident shall not rent common property assigned to them without prior written Strata Council approval.
 - 1) If a rental is approved by Strata Council, no owner may charge a rental fee which is deemed to be unreasonable or non-customary.

7. FINES

All infringements of these Rules and Regulations are to be reported to the Management Company or to a member of the Strata Council LMS1443. The enforcement procedure is as follows:

- a) The Strata Council, or the Management Company on behalf of the Strata Council, will give a written warning upon the first occurrence of a form of infringement.
- b) If the infringement continues after written warning, or if it is not the first occurrence of that form of infringement, the Strata Council will assess a \$25.00 fine to be added to and form part of the month's assessment and collected from the owner.
- c) At any time, the Strata Council may apply remedies available to it as set forth in the Strata Property Act.

8. SERVICE LEVEL GUIDELINES

- a) *An Owner/Resident is required to forward a written request for access into any common room or area. These rooms/areas include, but are not limited to the cable/enter-phone/electrical room, mechanical rooms and roof. Owners/Residents must provide at least 4 days' notification for any written request.*
 - b) *An Owner/Resident is required to forward a written request for any move-in's or move-out's. Owners/Residents must provide at least 1 weeks' notification for any written request, and will also be responsible for providing a reminder 3 days' prior.*
- 9. Any and all violations of the Rules and Regulations on the part of an owner, his or her employees, agents, invitees, or tenants are subject to the fines referenced in the Strata Property Act.
 - 10. These Rules and Regulations may be amended, extended, or added to by the Strata Council whenever they deem it necessary. Any such amendments, extensions, or additions will take effect and be binding upon each owner/resident upon a copy of such amendments, extensions, or additions being delivered to the strata lot of such owner/resident.
 - 11. All inquiries with respect to these Rules and Regulations should be made in writing and forwarded to the Management Company, who will forward such inquiries to the Strata Council.