

Craig Bay Estates

ONYX BYLAWS

Approved April 18, 2009

The Owners, Strata Plan VIS6296

Craig Bay Estates is comprised of five (5) strata corporations; Onyx (VIS 6296), Arbutus Grove (VIS 4116), Meadow Beach (VIS 4796), Seaside (VIS 5081) and Shorehaven (VIS 3656).

All strata corporations in the province of British Columbia come under the jurisdiction of the Strata Property Act, (SPA) passed by the British Columbia government in July of 2000. The SPA outlines the responsibilities of the strata council, the homeowners, tenants and guests. Local councils may recommend to homeowners a set of bylaws that outline specific responsibilities for homeowners, tenants and guests which apply to a set of standards that the community wishes to enforce to promote the enjoyment of the strata and associated community by all. Such bylaws also outline logical consequences for bylaw infractions which the Council may employ to achieve satisfactory resolution.

These bylaws bind the strata corporation and the owners, tenants and occupants to the same extent as if bylaws had been signed by the strata corporation and 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.

It is important to note that the governance of Craig Bay Estates, (*with the exception of Shorehaven strata which was registered prior to the Building Scheme*), is also subject to the restrictions as outlined by the Building Scheme (Building Scheme EK118269) created by the Developer in 1996 and registered in the Land Title Office. Homeowners have the right to amend the document in the same manner as they as they have the right to amend their bylaws.

April 18, 2009

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DIVISION 1 – DUTIES OF OWNERS, TENANTS, OCCUPANTS AND VISITORS

Payment of strata fees

1

- 1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- 2) Owners shall pay their strata fees each month by providing the strata corporation with a series of 12 post-dated cheques for the fiscal year or by enrolling in the pre-authorized debiting service.
- 3) Failure to pay strata fees on the first day of each month shall be deemed to constitute an infraction for purposes of these bylaws.
- 4) In addition to any other rights available to the strata corporation, the strata council may in its sole and absolute discretion levy a fine pursuant to these bylaws for late payment of strata fees and the fine shall be levied on the 16th day following the day that the strata fees were due and payable.
- 5) Each consecutive month that the strata fees are paid late or are unpaid shall constitute a separate infraction and each infraction shall be subject to a fine as provided in these bylaws. Fines shall be added to the strata fees of the offending owner and shall be due and owing on the day that the fine is levied.
- 6) The strata corporation may charge an owner, who is late paying his or her strata fees, interest commencing on the day after the strata fees were due until the date of partial or full payment at the rate of 10% per annum, simple interest, calculated annually, not in advance or such other maximum amount of interest as provided for in the *Strata Property Act Regulations*, as amended from time to time.
- 7) In the event that legal action must be taken against an owner for the collection of strata fees, the strata council holds the owner liable for reasonable expenses incurred.

Repair and maintenance of property by owner

2

General

- 1) An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- 2) An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

Appliances

- 3) Further to section 2 of the Standard Bylaws, an owner shall be responsible for the repair, maintenance, replacement, and insurance as required for the following appliances, including without limiting the foregoing:
 - a) Fridges, stoves, dishwashers, garburators, washers, dryers, fireplaces, furnaces, ceiling fans, heat pumps, hot water tanks, smoke detectors, garage door openers, door bells, and all other unnamed appliances and inside plumbing fixtures.

Use of property**3****General**

- 1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that
 - a) causes a nuisance or hazard to another person,
 - b) causes unreasonable noise,
 - c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - d) is illegal, or
 - e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the registered strata plan.
- 2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.
- 3) An owner or a tenant shall not use his or her strata lot for any purpose other than as a single family residential dwelling, except for any home occupation permitted by the zoning applicable to the strata lot.
- 4) An owner, tenant, or guest shall not throw substances, including bottles, cigarettes, and matches out of any window, door or other part of the strata lot or deposit same on the common property, common facilities or other assets of the strata corporation. Mops, dusters and rugs of any kind shall not be shaken from any window, door or passage or other parts of the common property.
- 5) The strata corporation shall not be responsible to an owner for any loss, damage or expense to the owner caused by an overflow or leakage of water arising from any adjoining strata lots where such leakage or overflow results from the wrongful act, neglect or negligence of any other owner or the owner's employees, agents or invitees or tenants, except to the extent attributable to the strata corporation under the Strata Property Act.

Exterior Appearance

- 6) An owner, tenant, occupant or visitor shall NOT:
- (a) erect or display a sign, billboard, placard, advertising or notice of any kind on the strata lot or on the limited common property or on common property without the prior written approval of the strata council; All real estate “for sale” signs must be posted on the approved real estate gallows tree only in accordance with the Community Lands Committee (CLC) approved guidelines and any rules/regulations approved by the council. Small security signs and stickers shall be exempt from this bylaw.
 - (b) install realtor lock boxes anywhere on the common property.
 - (c) use a balcony or patio for general storage purposes or place deep freezers, fridges or similar appliances or for any housing structures to accommodate pets or animals (such as dog houses) on a balcony or patio. These types of items may not be kept or stored on these areas at any time.
- 7) No laundry, washing, clothing, bedding or other articles shall be hung or displayed from windows, decks or patios or any area outside the buildings so that they are visible from the exterior of the strata lot. Clotheslines are prohibited.
- 8) In order to preserve the visual integrity of the development, all window coverings including shades and screens within a strata lot which are visible from the exterior of such strata lot shall be of a similar colour to other such window coverings in the complex.
- 9) All plants on a patio and/or /balcony must have proper drainage pans. All hanging plants must have a hard surface bottom (i.e. no peat moss planters).
- 10) Satellite dishes shall be permitted only if they conform to the following:
- (a) Size – maximum 24” in diameter
 - (b) Location and method of installation to be approved by the council.

Owners shall be responsible for their individual satellite dishes. The strata corporation shall not be responsible in any way for damages to, or repairs required by, any satellite dish. Any damage to common property or limited common property arising from a satellite dish shall be the responsibility of the strata lot owner. **Prior approval of any installation of a satellite dish must be obtained from the strata council.**

Pets and Animals

- 11) An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secured when on the common property, including lobby entrances and elevators, or on land that is a common asset. Special activities, sanctioned by the

CLC such as the goose dog patrol, may permit designated animals to be off leash for that program.

- 12) An owner, tenant, occupant or visitor must immediately clean his or her pet's feces from the common property or the limited common property.
- 13) An owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following:
 - a) a reasonable number of fish or other small aquarium animals;
 - b) a reasonable number of small caged mammals;
 - c) up to 2 caged birds;
 - d) up to two dogs or two cats or one dog and one cat.
- 14) Residents must not harbour exotic pets, including not exhaustively, snakes, reptiles, spiders or large members of the cat family.

Vehicle Parking

- 15) No vehicles of any kind whatsoever shall be parked on any part of the common property including any part of the common property roadways except in accordance with these bylaws.
 - (a) Parking areas designated as "**DISABLED PARKING**" are restricted to visitors, owners, tenants and occupants who are disabled and the vehicle must display a valid disabled sticker. Written notice of a contravention of this bylaw is not required prior to towing. The owner or tenant who caused or permitted the infraction of this bylaw shall indemnify the strata corporation and save it harmless from and against all costs incurred by the strata corporation, including towing costs, legal costs, as between a solicitor and his own client, and any other reasonable costs.
 - (b) No owner, tenant, occupant or visitor shall operate any vehicle on any part of the common property, save and except on those parts of the common property designated for vehicle traffic (Maintenance vehicles exempted with permission) and provided always that the maximum speed for any vehicle shall not exceed 30 kilometers per hour.
 - (c) No major repairs of any kind shall be carried out in the parking areas or on any common or limited common property of the strata corporation. Vehicle maintenance is restricted to residents' vehicles and to washing, minor mechanical procedures and quiet tune-ups only. Fluid changes are not permitted.
 - (d) The Visitor Parking area (4 spots) immediately in front of the Onyx building shall be for visitor parking only. Residents shall be permitted to occasionally use the visitor parking stalls for a maximum of 12 hours. Whenever possible, residents must park their vehicles only in their assigned parking spot(s) in the underground parking facility.
 - (e) Propane vehicles are NOT PERMITTED to be parked in the underground parking facility.

Bicycles

16) Bicycles may only be stored in the designated bicycle storage compound in the underground parking facility. An owner, tenant, occupant or visitor shall not permit a bicycle to be brought into the hallways, lobby, or elevators of any building nor may they be stored on any balcony or patio area of a strata lot.

Miscellaneous

17) Hot tubs shall NOT be permitted in the strata lot, on balconies, or on patios.

18) Live Christmas trees in the strata lot, common property or common facilities are PROHIBITED at all times.

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

Waste Removal

20) The owner, tenant or occupant shall:

- a) place all household refuse in bird/animal proof containers
- b) ensure that debris shall be placed in the appropriate container and be completely drip free before it leaves the unit and that it is carried to the disposal area in a careful manner, and
- c) deposit all household refuse for garbage pick-up in the appropriate bins provided in the trash room in the underground parking area, and
- d) ensure that cartons, boxes (should be flattened), crates, sticks of wood, bottles or other solid matter shall be placed in the appropriate disposal area in a neat manner for collection. Oversize items should be taken by the resident to the municipal dump.
- e) remove litter and waste material, and ensure that such material is not to be deposited anywhere on the common property or on the limited common property.

Garage Sales

21) Homeowners and/or tenants are not permitted to hold "garage" sales from their unit or on the common property or limited common property of the Onyx.

Community Lands Committee

22) Pursuant to Building Scheme EK118269, the Community Lands Committee will be exclusively responsible for all matters relating to the management, operation, control, maintenance and administration of the Community Lands.

23) All decisions of the Community Lands Committee will be made by a 67% majority of the votes, other than decisions relating to any matters identified in the Building Scheme, which require, in addition to a 67% vote of the Community Lands Committee, approval by a special resolution of each strata corporation within the project to which the building scheme applies.

Selling of Strata Lots

- 24) An owner, when selling his strata lot, will only permit "For Sale" signs to be placed on or about the common property in the manner and in the location prescribed by the strata corporation and the Community Lands Committee.
- 25) Any strata lot being sold must include the provision of a minimum of one assigned parking space in the underground parking facility. Residents are not permitted to park for an extended period in any of the visitor parking areas.

Move In/Move Out Notice Provision

- 26) An owner or tenant shall provide a minimum of seven (7) days advance notice to the property manager of any move into or out of a strata lot.
- 27) An owner or tenant shall provide a signed form "K" to the property manager within seven (7) days of moving into a strata lot.

Common Property

Landscaping

- 28) Except for areas designated as limited common property, no owner, tenant or occupant shall add to or alter the location of any plants, shrubs, trees or other planted material in any part of the common property which forms part of the original landscaping plan without the prior written approval of the Community Lands Committee or Strata Corporation using CLC guidelines. If any landscaping areas are designated as limited common property, the owners of the strata lots entitled to use such areas shall have the right to determine the nature and extent of landscaping in that area, and the maintenance thereof.
- 29) Expenses attributable to the limited common property which would not have been expended if the area had not been designated as limited common property must be borne by the owners of the strata lots entitled to use the limited common property in proportion to the unit entitlement of their strata lots.
- 30) An owner, tenant, occupant or visitor shall not cause damage to trees, plants, bushes, flowers or lawns and shall not place chairs, tables or other objects on the lawns and grounds so as to damage them or to prevent growth or to interfere with the cutting of the lawns or the maintenance of the grounds generally.

Ponds

- 31) No materials, products, plant life, or animal life whatsoever shall be introduced to or removed from the community pond system without the prior written consent of the Community Lands Committee. Any owner or resident who contravenes this bylaw shall be responsible for all costs associated with restoring the ponds to their original condition.

Inform Strata Corporation

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- 1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and mailing address outside the strata plan, if any.
- 2) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

Obtain approval before altering strata lot

5

- 1) An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves any of the following:
 - a) the structure of a building;
 - b) the exterior of a building;
 - c) chimneys, stairs, balconies or other things attached to the exterior of a building;
 - d) doors, windows or skylights on the exterior of a building, or that front on the common property;
 - e) fences, railings or similar structures that enclose a patio, balcony or yard;
 - f) common property located within the boundaries of a strata lot;
 - g) those parts of the strata lot which the strata corporation must insure under section 149 of the Act.
- 2) The strata corporation must not unreasonably withhold its approval under subsection (1), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.
- 3) Prior to commencement of any interior changes which would normally require a Provincial or Municipal permit, the owners shall provide the strata council with satisfactory evidence that the alteration complies with all building codes, receipt of all necessary building permits and, in the case of a structural alteration, the written opinion of a qualified architect or engineer or similar professional which indicates that the structural integrity of the buildings will be maintained.

Obtain approval before altering common property

6

- 1) An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.
- 2) The strata corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

- 3) An owner may be permitted to make certain changes or alterations to the common property or limited common property provided that **prior written permission** of the strata corporation is obtained and all work is done in accordance with the current CLC guidelines and any applicable strata corporation imposed guidelines. Examples of the types of changes that may be permitted, upon receipt of strata corporation approval, include, but are not limited to:
 - a) Install retractable awnings over the back patios and decks
 - b) Install solar film on windows and skylights
 - c) Install outside security lighting
- 4) Alterations which change the exterior appearance of the building and/or deck/patio enclosures will not be permitted without prior written approval of the council and the Community Lands Committee.

Permit entry to strata lot

7

- 1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot
 - a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
 - b) at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act.
 - c) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.
- 2) The strata corporation shall have the right to gain entry to a strata lot in the event of an emergency by force, if necessary. Any unit owner who fails to provide a means of access shall be responsible for any costs, expenses or damages incurred by the strata corporation gaining entry by force.
- 3) Where the strata corporation is required to enter a strata lot for the purpose of maintaining, repairing or renewing pipes, wires, cables and ducts existing in the strata lot and capable of being used in connection with the enjoyment of any other strata lot or the common property, the strata corporation and its agent shall, in carrying out any work or repairs, do so in a proper and workmanlike manner and shall make good any damage to the strata lot occasioned by such works and restore the strata lot to its former condition, leaving the strata lot clean and free from debris.

DIVISION 2 – POWERS AND DUTIES OF STRATA CORPORATION

Repair and maintenance of property by strata corporation

April 18, 2009

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- 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 and skylights on the exterior of a building or that front on the common property;
 - (E) fences, railings and similar structures that enclose patios, balconies and yards
 - d) a strata lot in a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to
 - i) the structure of a building,
 - ii) the exterior of a building,
 - iii) chimneys, stairs, balconies and other things attached to the exterior of a building,
 - iv) doors, windows 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.
- 2) The powers and duties of the strata corporation shall, subject to any restriction imposed or direction given at a general meeting, be exercised and performed by the council of the strata corporation, except that all of the duties and responsibilities of the strata corporation with respect to the Community Lands shall be exercised and performed by the Community Lands Committee as otherwise described in these bylaws and the Building Scheme.
- 3) The strata corporation must insure against major perils, as set out in regulation 9.1 2) including without limitations, earthquakes.

Damage to property

9

- 1) In the event of an emergency occurring in a strata lot whose occupant cannot be contacted, the strata corporation shall have the right to gain access by force at the owner's expense.
- 2) 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, common facilities or other assets of the strata corporation, or to any strata lot by his or her act, neglect or negligence, or by that of any member of his or her family or tenant or his, her or their guests, servants, agents, and invitees, but only to the extent that such expense is not met by the proceeds of insurance carried by the strata corporation.
- 3) An owner shall reimburse the strata corporation for all costs including any insurance deductibles that become payable as a result of their actions, inactions, or the actions of their guests, family members, or tenants.

DIVISION 3- COUNCIL

Council size

10

- 1) No person may stand for council or continue to be on council with respect to a strata lot if the corporation has registered a lien against that strata lot under section 116(1) of the *Strata Property Act*.
- 2) The council shall be elected by the owners and must consist of not less than three (3) or more than seven (7) members. A council member shall be an owner or the spouse of an owner.
- 3) If a council member is unable to continue to be on council pursuant to subsection (1) above, then that council member is deemed to have resigned for the purposes of bylaw Section 13.

Council member's terms

11

- 1) The term of office of a council member ends at the end of the annual general meeting at which a replacement is elected.
- 2) A person whose term as council member is ending is eligible for re-election.

Removing council member

12

- 1) The strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members.
- 2) After removing a council member, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.

Replacing Council Member

13

- 1) If a council member resigns or is unwilling or unable to act for a period of 2 or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.
- 2) A replacement council member may be appointed from any person eligible to sit on the council.
- 3) The council may appoint a council member under this section even if the absence of the member being replaced leaves the council without a quorum.
- 4) If all the members of the council resign or are unwilling or unable to act for a period of 2 or more months, persons holding at least 25% of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the Strata Property Act, the regulations and the bylaws respecting the calling and holding of meetings.

Officers

14

- 1) At the first meeting of the council held after each annual general meeting of the strata corporation, the council must elect, from among its members, a president, a vice president, a secretary and a treasurer.
- 2) A person may hold more than one office at a time, other than the offices of president and vice president.
- 3) The vice president has the powers and duties of the president
 - a) while the president is absent or is unwilling or unable to act, or
 - b) for the remainder of the president's term if the president ceases to hold office.
- 4) If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

Calling council meetings

15

- 1) Any council member may call a council meeting by giving the other council members at least one week's notice of the meeting, specifying the reason for calling the meeting.
- 2) The notice does not have to be in writing.
- 3) A council meeting may be held on less than one week's notice if
 - a) all council members consent in advance of the meeting, or
 - b) the meeting is required to deal with an emergency situation and all council members either
 - i) consent in advance of the meeting, or
 - ii) are unavailable to provide consent after reasonable attempts to contact them
- 4) The council must inform owners about a council meeting as soon as feasible after the meeting has been called.

Requisition of council hearing

16

- 1) By application in writing, stating the reason for the request, an owner or tenant may request a hearing at a council meeting.
- 2) If a hearing is requested under subsection (1), the council must hold a meeting to hear the applicant within one month of the request.
- 3) If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within two weeks of the hearing.

Quorum of council

17

- 1) A quorum of the council is
 - a) 2, if the council consists of 2, 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 a quorum.

Council meetings

18

- 1) At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.
- 2) If a council meeting is held by electronic means, council members are deemed to be present in person.
- 3) Owners may attend council meetings as observers.
- 4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:
 - a) bylaw contravention hearings under section 135 of the Act
 - b) rental restriction bylaw exemption hearings under 144 of the Act;
 - c) any other matters if the presence of the observers would be in the council's opinion, unreasonably interfere with an individuals' privacy.

Voting at council meetings

19

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

Council to inform owners of minutes

20

- 1) The council must inform owners of the minutes of all council meetings within 2 weeks of the meeting, whether or not the minutes have been approved.

Delegation of council's powers and duties

21

- 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 power when dealing with legal matters.
- 5) 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, the amount of the fine, or
 - c) whether a person should be denied access to a recreational facility or other amenities.

Spending restrictions

22

- 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.
- 3) All cheques drawn on any bank account of the strata corporation shall, except where a property manager has been appointed and authorized to make expenditures, be signed by at least two officers of the strata council.
- 4) The amount that may be expended under Section 98(2)(b) of the Strata Property Act is increased from \$2,000.00 to \$8,000.00.

Limitation on liability of council member

23

- 1) A council member who acts honestly and in good faith is not personally liable because of anything done or omitted in the exercise or intended exercise of any power or the performance or intended performance of any duty of the council.
- 2) Subsection (1) does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

DIVISION 4- ENFORCEMENT OF BYLAWS AND RULES

Complaint, right to answer and notice of decisions

24

- 1) All complaints to the strata corporation and the council shall be in writing and signed by the owner/resident lodging the complaint. Completion of the community incident report form would be preferable.
- 2) The strata corporation must give notice of the complaint to the owner and to the tenant if applicable.
 - (a) Impose a fine against a person
 - (b) Require a person to pay the costs of remedying a contravention, or
 - (c) Deny a person the use of a recreational facility
 - (d) Received a complaint about the contravention,
 - (e) Given the owner or tenant the particulars of the complaint, in writing, and a reasonable opportunity to answer the complaint, including a hearing, if requested by the owner or tenant, and
 - (f) If the person is a tenant, given notice of the complaint to the person's landlord and to the owner.
- 3) The strata corporation must, as soon as feasible, give notice in writing of a decision on a matter referred to in subsection (1) (a) (b) or (c) to the persons referred to in subsection (1) (e) and (f) give notice in writing of a decision to the owner and/or tenant if applicable as soon as feasible.
- 4) Once a strata corporation has complied with this section in respect of a contravention of a bylaw or rule, it may impose a fine or penalty for a continuing contravention of that bylaw or rule without further compliance with this section.

Fines for bylaw infractions

25

- 1) The strata corporation may fine an owner or tenant a maximum of
 - (a) \$50 for each contravention of a bylaw, and
 - (b) \$10 for each contravention of a rule.

Continuing contravention

26

- 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.

Liens

- 2) In the event that the Strata council places a lien against a strata lot for the collection of funds owing, pursuant to Section 116 of the Strata Property Act, the owner is responsible for all solicitor and client costs incurred by the strata corporation.

Authorization to proceed

27

- 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 the legal costs of remedying a contravention of the bylaws or rules incurred by the strata corporation 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.

DIVISION 5- ANNUAL AND SPECIAL MEETINGS

Person to chair meeting

28

- 1) Annual and special general meetings must be chaired by the president of the council.
- 2) If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
- 3) If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons who are present at the meeting.

Participation by other eligible voters

29

- 1) Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.
- 2) Persons who are not eligible to vote, including tenants and occupants, may participate in the discussion at the meeting, but only if permitted to do so by the chair of the meeting.
- 3) Persons who are not eligible to vote, including tenants and occupants, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

Voting

30

- 1) At an annual or special general meeting, voting cards must be issued to eligible voters.
- 2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
- 3) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.
- 4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.
- 5) If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president may break the tie by casting a second, deciding vote.

- 6) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter

Eligible voters and strata arrears

31

- 1) If the strata corporation is entitled to register a lien against a strata lot under section 116(1) of the *Strata Property Act*, then the vote for that strata lot shall not be exercised at any annual or special general meeting.
- 2) If a vote for a strata lot may not be exercised pursuant to this bylaw then that strata lot's vote must not be considered for the purposes of determining a quorum in accordance with section 48 of the *Strata Property Act*.

Order of Business

32

- 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

DIVISION 6- VOLUNTARY RESOLUTION

Voluntary dispute resolution

33

- 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 Strata Property 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