

THE OWNERS STRATA PLAN NO. VIS 3656
SCHEDULE OF BYLAWS

Strata VIS 3656 Bylaws are described in a series of documents filed with the Land Titles Office. They are EM098414 (98 Oct 15), EJ025552 (95 Mar 8), and the amendment ES108088 of November 30, 2001. This amendment of November 30, 2001 repeals all of the previous documents. It also makes amendments to the Schedule of Standard Bylaws of the Strata Property Act. Document EW015142 filed on February 10, 2004 is Registration of Form D – Strata Corporation Change of Address (to register the address of the Strata Corporation c/o Bayview Management Group).

The following Consolidated Bylaws represent the effects of the filed amendments.

In case of any discrepancies between the Consolidated Bylaws and the filed amendments, the filed amendments take precedence.

SCHEDULE OF STANDARD BYLAWS
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.

1 (2) (Instrument ES108088; 30 Nov 2001)

- (a) For purposes of this bylaw, section 1 of the Standard Bylaws as amended from time to time shall be deemed to be the schedule for the payment of strata fees.
- (b) The Strata Corporation may charge an owner who is late paying his or her strata fees, interest commencing on the date 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 Regulations to the *Strata Property Act*.
- (c) The interest payable on a late payment of strata fees is not a fine and shall form part of the strata fees for the purposes of Section 116 of the *Strata Property Act*.
- (d) The Strata Corporation may charge interest and levy a fine for late payment of strata fees.

Repair and maintenance of property by owner

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

2 (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.

2 (2) (Instrument ES108088; 30 Nov 2001)

The bylaws of the City of Parksville (the “Parksville Bylaws”) shall be complied with by the Owners, Occupants and their Visitors, as applicable.

Use of property

3 (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that

- (a) causes a nuisance or hazard to another person,
- (b) causes unreasonable noise,
- (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
- (d) is illegal, or
- (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.

3 (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 (0) Pet Bylaw (Instrument ES108088; 30 Nov 2001)

3 (1) An owner, tenant, occupant or visitor must ensure that all animals, such as dogs, cats, pigs, reptiles or other similar type pets are leashed at all times when on the common property. All pets must be controlled so as to prevent fouling of the common property. Any damage caused by fouling on the common property will be repaired at the owner's expense. All pet owners are responsible for clean up and removal of any feces deposited by their pet(s) on common property. Disregard of this bylaw will result in fines.

3 (2) An owner, tenant, occupant or visitor shall not keep nor permit to be kept on any strata lot or common property any pet listed on the City of Parksville Dog Bylaw as "Vicious Dog", not allow rodents, reptiles or other creatures that may cause noise, noxious odours, nuisances or other concerns to the owner, tenant or occupant in the sole opinion of the Strata Council. An owner, tenant or occupant must not keep any such pets on the strata lot or the common property. (*Instrument ES108088; 30 Nov 2001*)

Inform strata corporation

4 (1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and mailing address outside the strata plan, if any.

4 (2) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

4 (0) Parking & Vehicles (Instrument ES108088; 30 Nov 2001)

4 (1)

- (a) Recreational vehicles, boats and trailers may be parked on the limited common property driveways or on common property roadways for a period of time not to exceed 72 hours. Written permission from the Strata Council must be obtained for any period exceeding 72 hours.
- (b) Unlicensed vehicles shall not be parked at any time on the Limited Common Property or the Common Property.
- (c) Owners, occupants and visitors are prohibited from undertaking major automotive repairs to a vehicle on the Limited Common Property or the Common Property.

4 (2) The Strata Council shall provide written notice of any violation of this Bylaw to any owner, occupant or visitor and if the infraction is not corrected within twenty-four (24) hours from the date of such notice, the strata council, in addition to any other rights which it has, it shall have the right to tow any vehicles which violate this Bylaw.

4 (3) The towing costs, legal expenses as between solicitor or his own client or any other reasonable costs shall be added to and become part of the assessment of that owner, occupant or tenant for the month next following the date on which the costs or expenses are incurred, but not necessarily paid by the strata corporation, and become due and payable on the date of payment of the monthly assessment.

Obtain approval before altering a strata lot

5 (1) An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves any of the following:

- (a) the structure of a building;
- (b) the exterior of a building;
- (c) chimneys, stairs, balconies or other things attached to the exterior of a building;
- (d) doors, windows or skylights [amendment SPAA s. 51(a)] 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.

5 (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.

5 (3) This section does not apply to a strata lot in a bare land strata plan.

5 (0) – Signage (Instrument ES108088; 30 Nov 2001)

5 (1) Real Estate signage on the strata lot or common property shall be in accordance with the policies established by the strata council.

5 (2) Except as provided in Section 5(4), owners, occupants or tenants shall not erect or permit to be erected or to remain any signs, billboards, placards, advertising or any other fixture or fitting of any kind whatsoever external to any part of a strata lot or of the common property without the prior written consent of the strata council.

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.

6 (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.

6 (0) – Windows & Window Blinds (Instrument ES108088; 30 Nov 2001)

6 (1) In order to preserve the visual integrity of the development;

- (a) All window coverings within a strata lot which are visible from the exterior of such strata lot shall be a neutral color of white or off-white; and

- (b) Any decorative reflective film or mirrored film shall not be placed on any window in the Development.

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.

7 (2) The notice referred to in subsection (1)(b) must include the date and approximate time of entry, and the reason for entry.

7 (0) Pond Bylaw (Instrument ES108088; 30 Nov 2001)

7 (1) Any decision regarding a change of control on the pond must be made by special resolution of the unit owners in accordance with the Easement registered in the Victoria Land Title Office under No. EJ126545 and the *Strata Property Act*.

Division 2 - Powers and Duties of Strata Corporation

Repair and maintenance of property by strata corporation

8 The strata corporation must repair and maintain all of the following:

- (a) common assets of the strata corporation;
- (b) common property that has not been designated as limited common property;
- (c) limited common property, but the duty to repair and maintain it is restricted to
 - (i) repair and maintenance that in the ordinary course of events occurs less often than once a year, and
 - (ii) the following, no matter how often the repair or maintenance ordinarily occurs:
 - (A) the structure of a building;
 - (B) the exterior of a building;
 - (C) chimneys, stairs, balconies and other things attached to the exterior of a building;
 - (D) *doors, windows and skylights* [amendment SPAA s.51(c)] 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 [amendment SPAA s.51(c)] 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.
- (vi) expansion tanks attached to the boiler and hot water tanks according to a schedule adopted by Strata Council. (*Instrument ES108088; 30 Nov 2001*)

8 (0) Rental Limitation Bylaw (*Instrument ES108088; 30 Nov 2001*)

8 (1) Pursuant to section 141 of the Strata Property Act and subject to any exemptions provided under the said Act, the number of units within the Strata Corporation that may be leased or rented by the owners, at any one time shall be two (2).

8 (2) Rental Period (*Instrument ES108088; 30 Nov 2001*)

- (a) The Strata Council in its sole discretion may restrict the period of time for which strata lots may be rented pursuant to section 141 (2)(b)(ii) of the Strata Property Act.
- (b) Prior to the expiry of the period of time referred to in paragraph 9.2(a) of this bylaw, further approval of the Strata Council to rent will be required using the same procedure and meeting the same criteria as the original application to rent, except the requirement to provide a Form K.

8 (3) Procedure (*Instrument ES108088; 30 Nov 2001*)

An owner who wishes to lease or rent his/her strata lot shall:

- 1) Apply in writing to the Strata Corporation for permission to lease or rent within the prescribed limit.
- 2) Prior to renting to a prospective tenant, comply with section 146 of the Strata Property Act by:
 - (a) giving the prospective tenant the current Bylaws and Rules
 - (b) signing a Notice of Tenants Responsibilities (Form K); and
- 3) Providing the Strata Council with the signed Form K within two weeks of renting all or part of the strata lot.

8 (4) Bylaw Exemption to Family or Family Members (*Instrument ES108088; 30 Nov 2001*)

- 1) This bylaw does not apply to prevent the rental of a strata lot to a member of the owners family.
- 2) “Family” or “Family Members” means a spouse of the owner, a parent or child of the owner or a parent or child of the spouse of the owner.
- 3) “Spouse of the Owner” includes an individual who has lived and cohabited with the owner, for a period of at least 2 years as the relevant time, in a marriage-like relationship including a marriage-like relationship between persons of the same gender.

8 (5) Application of the Bylaw (*Instrument ES108088; 30 Nov 2001*)

- 1) A bylaws that limits rentals does not apply to a strata lot until the latter of:
 - (a) one year after a tenant who is occupying the strata lot at the time the bylaw is passed ceases to occupy it as a tenant; and
 - (b) one year after the bylaw is passed.

8 (6) Hardship (*Instrument ES108088; 30 Nov 2001*)

- 2) Where the limit of leased or rented units in section 9.1 of this bylaw is reached, no further rentals shall be permitted except on grounds that the bylaw creates a hardship on the owner based on section 144 of the Strata Property Act.
- 3) An owner may provide a written application to the Strata Corporation for permission to rent on grounds of hardship stating the following:
 - (a) The reason the owner thinks an exemption should be made; and
 - (b) Whether the owner wishes a hearing.
- 4) If the owner wishes a hearing, the Strata Corporation must hear the owner or the owner's agent within 3 weeks after the date the application is given to the Strata Corporation
- 5) An exemption is allowed if the Strata Corporation does not give its decision in writing to the owner:
 - (a) Within one (1) week after the hearing; or
 - (b) If no hearing is requested, within two (2) weeks after the application is given to the Strata Corporation.
- 6) An exemption granted by the Strata Corporation may be for a limited time.
- 7) The Strata Corporation must not unreasonably refuse to grant an exemption.

8 (7) Tenants remedies for contravention of bylaw (*Instrument ES108088; 30 Nov 2001*)

- 1) If an agreement for the rental of a strata lot contravenes this Bylaw, the tenant is not in contravention of the Bylaw and may, within 90 days of learning of the landlord's contravention, end the tenancy agreement without penalty by giving notice to the landlord pursuant to section 145 of the Strata Property Act.
- 2) If a tenant ends a tenancy agreement under subsection 9.7(1) the landlord must pay the tenant's reasonable moving expenses to a maximum of one (1) months rent.

8 (8) Fines (*Instrument ES108088; 30 Nov 2001*)

A registered owner who rents or leases a strata lot in contravention of this Bylaw may be subject to a fine at the discretion of the strata council in an amount not to exceed \$500.00 for each seven (7) day period that the strata lot is rented in contravention of these Bylaws (section 7.1 of the Regulations).

Division 3 - Council

9 (0) Owners/Spouses Strata Council Representation Bylaw

(Instrument ES108088; 30 Nov 2001)

- 9 (1)** The council must be elected by and from among the owners and the spouses of registered owners and any person entitled to be nominated pursuant to section 147 of the *Strata Property Act* and must consist of not less than 3 or more than 7 members.
- 9 (2)** The remaining members of the council may fill a vacancy on the council by appointing another owner or the spouse of a registered owner and any person entitled to

be nominated pursuant to section 147 of the *Strata Property Act* to hold office until the next annual general meeting.

Council members' terms

10 (1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected [amendment SPAA s.51(c)].

10 (2) A person whose term as council member is ending is eligible for reelection [note deletion of s. 10(3), (4) and (5) SPAA s. 51(d)].

10 (0) Complaints (Instrument ES108088; 30 Nov 2001)

10 (1) All complaints must be in writing and submitted to the Strata Property Manager or designate. All complaints will be addressed at the next strata council meeting following receipt of the written complaint.

Removing council member

11 (1) Unless all the owners are on the council, the strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members.

11 (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.

11 (0) Severability (Instrument ES108088; 30 Nov 2001)

11 (1) The provisions hereof shall be deemed independent and severable and the invalidity in whole or in part of any bylaw does not affect the validity of the remaining bylaws, which shall continue in full force and effect as if such invalid portion had never been included herein.

Replacing council member

12 (1) If a council member resigns or is unwilling or unable to act for a period of 2 or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.

12 (2) A replacement council member may be appointed from any person eligible to sit on the council.

12 (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.

12 (4) If all the members of the council resign or are unwilling or unable to act for a period of 2 or more months, persons holding at least 25% of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings.

Officers

13 (1) At the first meeting of the council held after each annual general meeting of the strata corporation, the council must elect, from among its members, a president, a vice president, a secretary and a treasurer.

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

13 (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.

13 (4) If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

Calling council meetings

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

14 (2) The notice does not have to be in writing.

14 (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.

14 (4) The council must inform owners about a council meeting *as soon as feasible* [amendment SPAA s. 51(e)] after the meeting has been called.

Requisition of council hearing

15 (1) By application in writing, stating the reason for the request, an owner or tenant may request a hearing at a council meeting.

15 (2) If a hearing is requested under subsection (1), the council must hold a meeting to hear the applicant within *one month* [amendment SPAA s. 51(f)] of the request.

15 (3) If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within one week of the hearing.

Quorum of council

16 (1) A quorum of the council is

(a) 1, if the council consists of one member,

(b) 2, if the council consists of 2, 3 or 4 members,

(c) 3, if the council consists of 5 or 6 members, and

(d) 4, if the council consists of 7 members.

16 (2) Council members must be present in person at the council meeting to be counted in establishing quorum.

Council meetings

17 (1) At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.

17 (2) If a council meeting is held by electronic means, council members are deemed to be present in person.

17 (3) Owners may attend council meetings as observers.

17 (4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:

- (a) bylaw contravention hearings under section 135 of the Act;
- (b) rental restriction bylaw exemption hearings under section 144 of the Act;
- (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

Voting at council meetings

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

18 (2) Unless there are only 2 strata lots in the strata plan, if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.

18 (3) The results of all votes at a council meeting must be recorded in the council meeting minutes [amendment SPAA s. 51(g)].

Council to inform owners of minutes

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

Delegation of council's powers and duties

20 (1) Subject to subsections (2) to (4), the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.

20 (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).

20 (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.

20 (4) The council may not delegate its powers to determine, based on the facts of a particular case,

- (a) whether a person has contravened a bylaw or rule,
- (b) whether a person should be fined, and the amount of the fine, or
- (c) whether a person should be denied access to a recreational facility.

Spending restrictions

21 (1) A person may not spend the strata corporation's money unless the person has been delegated the power to do so in accordance with these bylaws.

21 (2) Despite subsection (1), a council member may spend the strata corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.

Limitation on liability of council member

22 (1) A council member who acts honestly and in good faith is not personally liable because of anything done or omitted in the exercise or intended exercise of any power or the performance or intended performance of any duty of the council.

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

Division 4 - Enforcement of Bylaws and Rules

Maximum fine

23 The strata corporation may fine an owner or tenant a maximum of

- (a) \$50 for each contravention of a bylaw, and
- (b) \$10 for each contravention of a rule.

Continuing contravention

24 If an activity or lack of activity that constitutes a contravention of a bylaw or rule continues,

without interruption, for longer than 7 days, a fine may be imposed every 7 days.

Division 5 - Annual and Special General Meetings

Person to chair meeting

25 (1) Annual and special general meetings must be chaired by the president of the council.

25 (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.

25 (3) If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons who are present at the meeting.

Participation by other than eligible voters

26 (1) Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.

26 (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.

26 (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.

26 (4) 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, except on matters requiring a unanimous vote. (*Instrument ES108088; 30 Nov 2001*)

26 (5) If a vote for a strata lot may not be exercised pursuant to bylaw 26(4) then that strata lot's vote must not be considered for the purposes of determining a quorum in accordance with section 48 or for the purposes of section 43(1), 46(2) and 51(3) of the *Strata Property Act*. (*Instrument ES108088; 30 Nov 2001*)

Voting

27 (1) At an annual or special general meeting, voting cards must be issued to eligible voters.

27 (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.

27 (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.

27 (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.

27 (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.

27 (6) If there are only 2 strata lots in the strata plan, subsection (5) does not apply.

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

Order of business

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

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

Division 6 - Voluntary Dispute Resolution

Voluntary dispute resolution

29 (1) A dispute among owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if

- (a) all the parties to the dispute consent, and

- (b) the dispute involves the Act, the regulations, the bylaws or the rules.
- 29** (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.
- 29** (3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.