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VICTORIA, B.C.

JUNE 10, 2009

Registrar,
Land Title Office
Victoria, B.C.

Please receive herewith the following document for filing:

Change of By-laws
Strata Plan VIS4796 \$21.75

COPY

Michelle Olfrey

**DYE & DURHAM
COMPANY INC.**

NAME OF APPLICANT: Concise Strata Management Ltd.,

ADDRESS: 202-572 Stewart Avenue, Nanaimo, BC V8S 5T5

TELEPHONE: 250-754-4001


**Strata Property Act
Form I
Amendments to Bylaws
(Section 128)**

The Owners, **Strata Plan VIS 4796** certify that the following or attached amendments to the bylaws of the strata corporation were approved by a resolution passed in accordance with section 128 of the *Strata Property Act* at an annual general meeting held on April 25, 2009.

All previously registered bylaw documents shall be repealed and replaced with this single new bylaw document.



Signature of Council Member



Signature of Council Member

Craig Bay Estates**Approved Bylaws****The Owners, Strata Plan VIS 4796****Date – April 25, 2009**

All strata corporations in the Province of British Columbia come under the jurisdiction of the *Strata Property Act*, passed by the British Columbia government in July of 2000. The *Strata Property Act* outlines the responsibilities of the strata council, the owners, tenants and guests. Local councils may recommend to owners a set of bylaws that outline specific responsibilities for owners, tenants and guests which apply to a set of standards that the community wishes to enforce to promote the enjoyment of our Estates 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 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.

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

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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 (1st) 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 twelve (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 (1st) 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 sixteenth (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 ten percent (10%) per annum, compounded 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 responsible for the recovery of all costs 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 bylaw section 2 (1) and (2), an owner shall be responsible for the repair, maintenance and replacement of all appliances, including but not limited to refrigerators, stoves, dishwashers, garburators, washers, dryers, fireplaces, furnaces, ceiling fans, heat pumps, hot water tanks, smoke detectors, garage door openers, door bells, and all other 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 *Strata Property 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.
- 5) A resident who installs Christmas lights must install them after November 15th of the year approaching Christmas and must remove them before January 31st of the year following Christmas.

Exterior Appearance

- 6) An owner, tenant, occupant or visitor shall not 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 in accordance with the Community Lands Committee (CLC) approved guidelines. Small security signs and stickers shall be exempt from this bylaw.
- 7) No laundry, washing, clothing, bedding or other articles shall be hung or displayed from windows, patios or any area outside the buildings so that they are visible from the exterior of the strata lot. Clotheslines are prohibited.

Rentals (As defined under the Residential Tenancy Act)**Guidelines**

- 8) The maximum number of strata lots within the strata plan that may be leased by the owners at any given time shall be four (4) units. Once this limit has been reached, there shall be no further leasing of strata lots permitted, except as otherwise provided in the *Strata Property Act*.
- 9) All initial rental leases must be for a minimum of six (6) months.

- 10) Any approval granted an owner by the strata council to lease his strata lot shall be deemed to be an approval for the duration of that tenancy only (but including any renewal of the term of the lease of the existing tenant). Each new or subsequent tenancy shall require the owner to reapply for permission to rent the unit as outlined in these bylaws.

Procedure by Owner

- 11) Any owner wishing to lease a strata lot shall first obtain written approval from the strata council. Once the strata lot has been rented the owner shall deliver to the strata council via the Property Manager:
- a) the strata lot number and civic address of the unit to be leased;
 - b) the address and telephone number of the owner which will apply after commencement of the lease;
 - c) the commencement date and term of the lease;
 - d) a Form K-Notice of Tenants Responsibilities signed by the proposed tenant; and
 - e) such further information and documentation relating to the tenancy as the strata council may reasonably require.

Procedure by Strata Council

- 12) The strata corporation receiving an application from an owner to rent shall:
- a) respond in writing to the owner within thirty (30) days from the date of receipt of the application stating its decision to approve or reject the application to rent;
 - b) deal with each application on a "first come – first served basis" in the order received;
 - c) owners denied permission to rent may place their names on a waiting list for future consideration.

The following provisions are found in the *Strata Property Act* and detail the statutory exemptions to the rental restriction bylaws

Bylaw Exemption to Family or Family Members

This bylaw does not apply to prevent the rental of a strata lot to a member of the owner's Family

- a) *"Family" or "Family Member" means a Spouse of the Owner, a parent or child of the owner, or a parent or child of the Spouse of the Owner.*
- b) *"Spouse of the Owner" includes an individual who has lived and cohabited with the owner, for a period of at least two (2) years at the relevant time, in a marriage-like relationship, including a marriage-like relationship between persons of the same gender.*

Hardship Provisions

Where the limit of rented units reached, subject to any other statutory exemptions, no further rentals shall be permitted except on grounds that the bylaw creates a hardship on the owner pursuant to section 144 of the Strata Property Act.

- c) *An owner may provide a written application to the strata corporation for permission to rent on grounds of hardship stating the following:*
 - (i) *the reason the owner thinks an exemption should be made; and*

- (ii) *whether the owner wishes a hearing.*
- d) *The application of the owner should include documentation in support of the reasons for exemptions on grounds of hardship.*
- e) *If the owner wishes a hearing, the strata corporation must hear the owner or the owner's agent within three (3) weeks after the date the application is given to the strata corporation.*
- f) *An exemption is allowed if the strata corporation does not give its decision in writing to the owner:*
 - (i) *within one week after the hearing; or*
 - (ii) *if no hearing is requested, within two (2) weeks after the application is given to the strata corporation.*
- g) *An exemption granted by the strata corporation may be for a limited time.*
- h) *The strata corporation must not unreasonably refuse to grant an exemption.*

Fines for Contravention of Rental Bylaw

- 13) An owner, who rents a strata lot in contravention of these rental bylaws, 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 (in accordance with section 7.1 of the *Strata Property Regulations*) that the strata lot is rented in contravention.

Other

- 14) A bylaw that limits rentals does not apply to a strata lot until the later of:
- a) one (1) 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 (1) year after the bylaw is passed.
- 15) The strata corporation shall have the right to terminate the tenancy of any strata lot in accordance with section 138 of the *Strata Property Act*.

Pets and Animals

- 16) An owner, tenant, occupant or visitor of a strata lot shall be fully responsible for the behavior of any pets kept on the strata lot. If a pet is determined to be a nuisance by the strata council, the owner or tenant shall remove it within thirty (30) days of written notice to the owner or tenant by the strata council of such determination provided that section 135 requirements of the *Strata Property Act* have first been met.
- 17) An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secured when on the common property 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.
- 18) An owner, tenant, occupant or visitor must immediately clean his or her pet's feces from the common property or the limited common property.
- 19) Any pet found loose on common property may be delivered to the municipal animal pound at the pet owner's expense and the owner, tenant or occupant of the strata lot may be subject to a fine.
- 20) 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.
- 21) Residents must not harbor exotic pets, including not exhaustively, snakes, reptiles, spiders or large members of the cat family.

Vehicle Parking

- 22) 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 of vehicles as permitted in accordance with these bylaws is limited to designated common property parking areas. Guests of owners/tenants may park on common roads.
 - b) 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.
 - c) 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 thirty (30) kilometers per hour.
 - d) 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.
 - e) Vehicles dripping excess oil, gasoline, or any other fluids will be prohibited from parking in the parking areas or on any common or limited common property of the strata corporation until repaired. Owners of vehicles causing staining from such fluids shall, when notified by the strata council, clean up all areas affected. Failure to do so within seven (7) days of receipt of the notice shall result in the strata council cleaning the areas and charging the owner with the costs incurred.
 - f) No commercial vehicles (defined as any vehicle that displays business advertising on the exterior of the vehicle) shall be parked anywhere on the common property or limited common property. All Moving trucks and delivery/service vehicles will be exempted from this bylaw while conducting their business.
 - g) Except as provided in bylaw section 3 (22)(h); no vehicles exceeding 4,000kg (GVW) shall be parked on common property or limited common property. All Moving trucks and delivery/service vehicles will be exempted from this bylaw while conducting their business.
 - h) No recreational vehicles, trailers, boats, tent trailers or campers (off a truck) are permitted to be stored or parked on the common property or limited common property for more than seventy two (72) hours without the prior written permission of the strata council. Each strata lot will be permitted to bring their above noted vehicle onto the common property or limited common property a maximum of twelve (12) days per calendar year.

- i) Only vehicles with current registration and insurance in force shall be allowed on any common property or limited common property, unless special written permission has been granted by the strata council.
- j) A vehicle that contravenes any of the above noted bylaw provisions may be removed at the expense of the owner or tenant.

Waste Removal

- 23) The owner, tenant or occupant shall:
 - a) place all household refuse in bird/animal proof containers,
 - b) deposit and remove all household refuse and containers for garbage pick-up only on days of the week as specified by the municipality from time to time, and
 - c) 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.

Community Lands Committee

- 24) 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.
- 25) All decisions of the Community Lands Committee will be made by a sixty seven percent (67%) majority of the votes, other than decisions which require, in addition to a sixty seven percent (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

- 26) 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 Community Lands Committee (as per the *Building Scheme*).
- 27) An owner, when selling his strata lot, will only hold or permit to be held, a public open house in the manner prescribed by the strata corporation.

Common Property

Landscaping

- 28) 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 Community Lands Committee guidelines.
- 29) 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.

Motorized bikes

- 30) No motorized trail bikes or other all-terrain vehicles of any description shall be operated on the common property except with prior approval of the Community Lands Committee.

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

4

- 1) Within two (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 or windows 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 *Strata Property Act*; and
 - h) wiring, plumbing, piping, heating, air conditioning, and other services.
- 2) The strata corporation must not unreasonably withhold its approval under section 5(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:
 - a) obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.

- b) as part of its application to the strata corporation for permission to alter common property, limited common property or common assets, submit in writing, detailed plans and description of the intended alteration on the approved common property modification request form.
- 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 Community Lands Committee guidelines and any applicable strata corporation imposed guidelines. Upon receipt of strata corporation approval, owners are permitted to:
- a) modify garden beds, ground cover, and edging,
 - b) remove and/or replace small trees and shrubs,
 - c) extend the back patio,
 - d) install or extend a privacy panel(s) for privacy purposes,
 - e) install retractable awnings over the back patios and decks,
 - f) install new handrails on decks and patios,
 - g) install a screen door(s) or phantom screen door(s),
 - h) install solar film on windows and skylights,
 - i) install a single satellite signal-receiving dish,
 - j) install an exhaust fan in the garage,
 - k) install wooden pergolas,
 - l) install hanging basket brackets,
 - m) install outside security lighting,
 - n) install outside security cameras,
 - o) install heat pumps in specifically designated areas,
 - p) install hot tubs at the back patio or deck,
 - q) install outside flag brackets,
 - r) install barbeque gas lines,
 - s) apply patio and driveway sealants and coatings,
 - t) install traction strips on outside wooden stair treads,
 - u) add trellises and climbing plants,
 - v) install patio fences,
 - w) trim trees, and
 - x) install weatherproofing strips around the garage door.
- 4) An owner who, subsequent to the passage of bylaws section 6 (1) to 6 (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.

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 forty eight (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 *Strata Property Act*.
 - c) the notice referred to in bylaw section 7 (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.
- 4) An owner, tenant or occupant shall allow the strata corporation and its authorized servants, agents, contractors and landscapers reasonable access to the limited common property for the purpose of performing repair, maintenance and other duties without the requirement for prior notice and permission. Access for this purpose shall be deemed not to constitute a trespass.

DIVISION 2 – POWERS AND DUTIES OF STRATA CORPORATION

Repair and maintenance of property by Strata Corporation

8

- 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; and
 - (E) fences, railings and similar structures that enclose patios, balconies and yards.
- d) a strata lot in a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to
 - i) the structure of a building;
 - ii) the exterior of a building;
 - iii) chimneys, stairs, balconies and other things attached to the exterior of a building;
 - iv) doors, windows 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.
- 3) The strata corporation must insure against major perils, as set out in *Strata Property Regulation* 9.1(2), including, without limitation, earthquakes.

Damage to property

9

- 1) 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 failing to fulfill its duties under the *Strata Property Act*.
- 2) Where the strata corporation is required to enter a strata lot for the purpose of maintaining, repairing or renewing pipes, cables and ducts for the time being 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.

- 3) 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.
- 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, 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.
- 5) 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 must have at least 5 and not more than 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 bylaw section 10 (1) above, then that council member is deemed to have resigned for the purposes of bylaw section 13.

Council members' terms

11

- 1) The term of office of a council member shall be two (2) years and council members shall be elected at the annual general meeting.
- 2) A person whose term as council member is ending is eligible for re-election to a maximum of three (3) consecutive terms. A council member who has served three (3) consecutive terms must be off council for a minimum period of two (2) years before they are eligible for re-election.
- 3) In the election of council members held at each subsequent annual general meeting, the members elected to fill the vacant positions shall be elected for a term of two (2) years.

Removing council member

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- 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

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- 1) If a council member resigns or is unwilling or unable to act for a period of two (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 two (2) or more months, persons holding at least twenty five percent (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 *Strata Property 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 two (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 (1) week's notice if
 - a) all councils 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) In the absence of both the president and the vice president, the members present must, from among themselves, appoint a chair for that meeting, who has all the duties and powers of the president while so acting.

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 bylaw section 16 (1), the council must hold a meeting to hear the applicant within one (1) 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) 3, if the council consists of 5 or 6 members, and
 - b) 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 bylaw section 18 (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 *Strata Property Act*;
 - b) rental restriction bylaw exemption hearings under 144 of the *Strata Property Act*;
 - c) any other matters that, in the council's opinion, are of a confidential, sensitive or private nature.

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 two (2) weeks of the meeting, whether or not the minutes have been approved.

Delegation of council's powers and duties

21

- 1) Subject to bylaw section 21 (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 delegates the authority to make an expenditure of a specific amount for a specific purpose.
- 3) The council may not delegate its power when dealing with legal matters.
- 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, 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 bylaw section 22 (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 (2) officers of the strata council.
- 4) The amount that may be expended under section 98(2) (b) of the *Strata Property Act* is a maximum of two percent (2%) of the operating budget each year.

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 council.
- 2) Bylaw section 23 (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

The following provisions are found in the *Strata Property Act* (Section 135) regarding Complaints, right to answer and notice of council decisions

- *The strata council must not impose a fine for a contravention of a bylaw or rule unless the strata corporation has received a complaint about the contravention and has 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.*
- *The strata corporation must give notice of the complaint to the owner and to the tenant if applicable.*
- *The strata corporation must give notice in writing of a decision to the owner and/or tenant if applicable as soon as feasible.*
- *Once the requirements referred to in this section have been complied with, the strata council may impose a fine for a continuing contravention of that bylaw or rule without further compliance with this section.*
- *All complaints to the strata corporation and the council shall be in writing and signed by the resident. Completion of the community incident report form would be preferable.*

Fines for bylaw infractions

24

- 1) Subject to compliance with section 135 of the *Strata Property Act*, the strata council, in addition to any other rights or remedies that it has available in law, may levy a fine in its sole and absolute discretion in an amount not to exceed a maximum of two hundred dollars (\$200.00) for each contravention of a bylaw of the strata corporation.
- 2) In addition to any other rights or remedies that it has available in law, the strata council may levy a fine in its sole and absolute discretion in an amount not to exceed a maximum of fifty dollars (\$50.00) for each contravention of a rule of the strata corporation. See additional fines and penalties relating to contravention of the rental bylaws.

Continuing contravention

25

- 1) If an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than seven (7) days, a fine may be imposed every seven (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.

Authorization to proceed

26

- 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**

27

- 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

28

- 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. 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

29

- 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) If there are only two (2) strata lots in the strata plan, bylaw section 29 (5) does not apply.
- 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.

Eligible voters and strata arrears

30

- 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

31

- 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 *Strata Property Act*;
 - j) report on insurance coverage in accordance with section 154 of the *Strata Property Act*, if the meeting is an annual general meeting;
 - k) approve the budget for the coming year in accordance with section 103 of the *Strata Property 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 *Strata Property Act*;
 - m) elect a council, if the meeting is an annual general meeting;
 - n) terminate the meeting.

DIVISION 6- VOLUNTARY RESOLUTION**Voluntary dispute resolution****32**

- 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 *Strata Property 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.
- 4) Bylaw section 21 (4) does not apply to this dispute resolution bylaw

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