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## RIVERLANE ESTATES

LMS 2053

### BYLAWS

**(Replaces all bylaws formally registered)**

*Strata Property Act*

FORM I

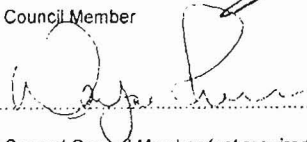
#### AMENDMENT TO BYLAWS

(Section 128)

The Owners, Strata Plan LMS 2053 (the registration number of the strata plan) 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* or *Special General Meeting* held on January 30, 2006



Signature of Council Member



Signature of Second Council Member (not required if council consists of only one member)

# Bylaws of LMS 2053 - Riverlane Estates

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## Definitions

*Act* – the Strata Property Act of the Province of British Columbia

*common assets* - common property, limited common property, and any and all other assets owned by the strata corporation.

*Stated insurable liabilities* – those liabilities explicitly stated in the *Strata Property Act* and the Bylaws which the Strata Corporation must cover with insurance.

*Extraneous insurance* – insurance coverage in a policy that covers items or events that are not stated insurable liabilities.

## Division 1 - Duties of Owners, Tenants, Occupants and Visitors

### Section 1. Payment to the strata corporation

- (1) Monthly maintenance fees are due and payable on the first day of the month for which those maintenance fees apply.
- (2) All monies owing to the strata corporation are due and payable to the strata corporation on the first day of month following notification to the owner of the indebtedness, unless otherwise provided for
  - (a) in the Act,
  - (b) in these bylaws, or
  - (c) in a motion passed by a 3/4 majority vote at a duly convened general meeting of the strata corporation.
- (3) Notwithstanding any provision of the Act, the strata corporation may proceed under the Small Claims Act (British Columbia) against an owner or other person to collect money owing to the strata corporation, including money owing as a fine, without requiring authorization by a resolution passed by a 3/4 vote.

### Section 2. Repair and maintenance of property by owner

- (1) An owner must repair and maintain their strata lot and limited common property so designated for their use, except for repair and maintenance that is the responsibility of the strata corporation under the Act and/or these bylaws.

### Section 3. Use of property

- (1) An owner, tenant, occupant, employee or visitor must not use their strata lot or common assets, and the owner shall not permit such property to be so used in a way that
  - (a) causes a nuisance to another person,
  - (b) causes a hazard to another person, common assets, or another strata lot,
  - (c) causes unreasonable noise,
  - (d) unreasonably interferes with the rights of other persons to use and enjoy common assets, or another strata lot, or
  - (e) is illegal.

- (2) When the purpose for which a strata lot is intended to be used is shown expressly or by necessary implication on or by the registered strata plan, an owner shall not use their strata lot for any other purpose, or permit it to be so used.
- (3) No owner shall cause damage, or permit damage to be caused by their employees, agents, invitees or tenants, other than reasonable wear and tear, to common assets or to those parts of the strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act, either by way of act or omission.
- (4) Barbequing is permitted, provided that
  - (a) the barbeque is powered by propane, natural gas or electricity.
  - (b) the barbeque is situated such that no damage is caused to common assets.
- (5) No strata lot, common property or limited common property is to be used for commercial or professional services involving the admittance of clients to the strata lot, common property or limited common property, or for purposes which may be illegal or injurious to the reputation of the strata plan.
- (6) No structural alterations to the interior of any strata lot shall be made and no plumbing or electrical work within any bearing or party wall shall be made without prior written consent of the council.

#### **Section 4. Strata appearance**

- (1) An owner, tenant or occupant must not:
  - (a) leave on the common property or any limited common property, any shopping cart, basketball hoops or any other item designated from time to time by the strata council.
  - (b) install any window coverings, visible from the exterior of the strata lot, which are different in size or colour from those of the original building specifications.
  - (c) hang or display any laundry, washing, clothing, bedding or other articles from windows or other parts of the building so that they are visible from the outside of the building.
  - (d) use or install in or about a strata lot any shades, awnings, window, screens, ventilators supplementary heating or air conditioning devices, except those installations approved in writing by the council.
  - (e) erect on or fasten to the strata lot, the common property, or any limited common property any television or radio antenna or similar structure or appurtenance thereto, except those installations approved in writing by the council.
  - (f) store on patios any items other than barbeques, patio furniture and plants in planters.
- (2) An owner, tenant or occupant shall be required to remove any item they have placed on common property or limited common property which, in the opinion of the strata council, detracts from the appearance of the strata property, within 7 days of receipt of notice from the strata council or its agents.
- (3) An owner, tenant or occupant is responsible for keeping their patio clean and tidy.
- (4) An owner, occupant or tenant of a strata lot shall not place any items or equipment within any part of the limited common property designated on the strata plan exclusively for the use of such owner, occupant or tenant unless, in the opinion of council, such items or equipment are in keeping with the balance of the strata plan in terms of design, quality, proportion, colour and current landscaping guidelines. Any

such item or equipment will be maintained in good and tidy condition on an on-going basis and the responsibility for such maintenance lies solely with the owner, occupant or tenant entitled to the use of the limited common property on which they are placed.

- (5) All garbage must be placed in metal or plastic garbage cans with lids securely in place, or in recycling containers when outside of owner's strata lot. Garbage and recycling containers may be placed on driveways no earlier than the night before garbage pick up and removed no later than the night of garbage pick up. No garbage or recycling containers shall be visible outside of these times.
- (6) An owner, tenant or occupant must promptly, and at his or her own expense, clean up any oil or other substance that spills or leaks onto the common property.
- (7) An owner, tenant or occupant shall not erect signs, notices, advertising material of any kind, fences, gates, billboards, placards or advertising notices of any kind on common property, or on or in the strata lot such that it is visible from the exterior of the strata lot, without prior written approval by council.
- (8) Notwithstanding section 4(7), standard security notices may be placed on or in the strata lot such that the notice is visible from the exterior of the strata lot.
- (9) Christmas lights and decorations
  - (a) may be put up on the exterior of the strata lot no earlier than the last weekend of November, and must be removed by January 15.
  - (b) may not be placed on the exterior upper floors of any building.

#### **Section 5. Pets and Animals**

- (1) An owner, tenant or occupant shall be entitled to keep domestic pets, providing that
  - (a) their pet does not cause a nuisance to any other strata lot owner or tenant,
  - (b) pets are leashed or otherwise secured, and are supervised while on common property.
  - (c) the owner cleans up their animal's feces,
- (2) The pet owner assumes all responsibility for damage caused by their pet to common assets.
- (3) An owner, tenant or occupant may not feed wild-life from a strata lot or anywhere on or in close proximity to the common property or any limited common property, but this shall not apply to a pet permitted to be kept in a strata lot pursuant to these bylaws and the rules made hereunder, which pet shall be fed only in a strata lot.
- (4) Despite section 5(3), an owner, tenant or occupant may, having requested and received permission from council, set up a hummingbird feeder.

#### **Section 6. Security**

- (1) An owner, tenant or occupant must not:
  - (a) give any keys, combinations, security cards or their means of access to common areas to any person other than an employee, contractor, occupant or guest of the strata lot permitted by these bylaws.
  - (b) do anything that will increase the risk of fire or the rate of insurance on common assets or on those parts of the strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.

## **Section 7. Vehicles and Parking**

- (1) A strata lot's designated parking space is defined by the garage attached to that strata lot, and that part of the driveway that is immediately and directly in front of that garage up to the edge of the roadway.
- (2) An owner, occupant or tenant must not park any vehicle outside of the strata lot's designated parking space, including in designated visitor parking areas, without prior written approval from council.
- (3) A strata lot's designated parking space shall not be rented or leased to non-residents.
- (4) No motor homes, trailers, boats, commercial vehicles, equipment or items of any kind shall be parked on common property or limited common property without prior written approval from council.
- (5) An owner, tenant or occupant must not park a vehicle, or permit a vehicle to be parked on the strata lot's designated parking space, in such a manner that the width of neighbours parking space or walkway is reduced.
- (6) An owner, tenant or occupant must not park a vehicle, or permit a vehicle to be parked on the strata lot's designated parking space in such a manner that it protrudes sufficiently onto a roadway such that the effective width of the roadway is reduced to less than 6 meters. If the effective width of the roadway is reduced to less than 6 meters by any two or more vehicles that are partially or wholly protruding onto a roadway, the owners of all of those vehicles will be in contravention of this bylaw.
- (7) No vehicle shall be parked outside of a garage that is not properly licensed.
- (8) No vehicle shall be parked anywhere on strata property that is not insured for liability, and proof of that liability insurance must be presented to the strata council on demand.
- (9) No owner, occupant or tenant or their guests shall drive at any speed or in any manner that is excessive or dangerous, and under no conditions at speeds in excess of 15 Km/hr.
- (10) No major repairs or adjustments shall be made to a motor vehicle or other mechanical equipment on common property.
- (11) Any vehicle, trailer, boat or other unauthorized vehicle or equipment parked in contravention of these bylaws may be removed at its owner's risk and expense.
- (12) Owners are responsible for damage to roadways and driveways caused by their vehicles or equipment or their visitor's vehicles or equipment.

## **Section 8. Rental of strata lot**

- (1) Rentals are restricted to a maximum of 10% of all occupied units.
- (2) Owners must obtain approval from the council before renting their strata lot.

## **Section 9. Inform strata corporation**

- (1) Within two (2) weeks of becoming an owner, that owner must inform the strata corporation of the owner's name, strata lot number, and mailing address outside of the strata plan, if any.
- (2) Owners must provide the council with the names of their tenant or tenants.
- (3) On request by the strata corporation, a tenant or occupant must inform the strata corporation of his or her name.

#### **Section 10. Obtain approval before altering a strata lot**

- (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, including the casings, the frames and the sills of such doors, windows and skylights, on the exterior of a building, or that front on common property (including, for example, adding security devices to the entrance door to a strata lot).
  - (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.
- (2) The strata corporation must not unreasonably withhold its approval under subsection 10(1).
- (3) As a condition of approval under this section, and unless otherwise agreed to in writing by the strata corporation, the owner agrees to take responsibility for any expenses relating to the alteration, and any damage arising from the alteration, either direct or consequential.
- (4) An owner, occupant or tenant must not do any act, or alter a strata lot, in any manner which in the opinion of the council will detract from the exterior appearance of the building.

#### **Section 11. Obtain approval before altering common property**

- (1) An owner must obtain the written approval of the strata corporation before making an alteration to common property, limited common property, or any other common asset of the strata corporation.
- (2) As a condition of approval under this section, and unless otherwise agreed to in writing by the strata corporation, the owner agrees to take responsibility for any expenses relating to the alteration, and any damage arising from the alteration, either direct or consequential.
- (3) As a condition of approval under this section, an owner may be required to provide the strata council with evidence of appropriate insurance coverage relating to the alteration.

#### **Section 12. Permit entry to a strata lot**

- (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, or
  - (b) at a reasonable time, on 48 hours notice
    - (i) to inspect, repair or maintain common property, common assets and any portions of the strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under the Act, or



- (ii) to ensure compliance with the Act and these bylaws.

## **Division 2 - Powers and Duties of the Strata Corporation**

### **Section 13. Management of property by the strata corporation**

- (1) The strata corporation must repair and maintain all of the following:
  - (a) common property that has not been designated as limited common property,
  - (b) 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, including the casings, the frames and the sills of such 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.
  - (c) any other common asset not covered in sections 13(1)(a) and 13(1)(b).
  - (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, including the casings, the frames and the sills of such 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) Notwithstanding 13(1), the strata corporation reserves the right to determine when and if repair and maintenance of an aesthetic nature is to be carried out.
- (3) The strata corporation shall purchase and keep current an insurance policy to cover its stated insurable liabilities, and that policy shall
  - (a) cover the stated insurable liabilities and only the stated insurable liabilities, or
  - (b) if a policy is not reasonably attainable that covers the stated insurable liabilities and only the stated insurable liabilities, then the strata corporation shall

purchase and keep current an insurance policy that covers at least the stated insurable liabilities.

(4) If an owner petitions the strata corporation to make a claim against the extraneous insurance that the strata corporation holds in a policy obtained as specified in Section 13(3)(b), then

(a) the owner petitioner must provide evidence to the strata council's satisfaction that either

(i) no insurance policy that the owner petitioner holds in respect of their strata lot other than the strata corporation's insurance policy covers the claim, or

(ii) the owner petitioner does not hold property insurance in respect of their strata lot.

(b) having obtained the evidence indicated in Section 13(4)(a), the strata council will present the petition to the strata corporation for consideration at an annual or special general meeting, and

(c) approval to make a claim against any extraneous insurance must be ratified by a  $\frac{3}{4}$  vote.

### **Division 3 - Council**

#### **Section 14. Council Size**

(1) The council must consist of at least 3 and not more than 7 members.

#### **Section 15. Council Member's Terms**

- (1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- (2) A person whose term as council member is ending is eligible for re-election.
- (3) No person may stand for council or continue to be on council with respect to a strata lot if the strata corporation is entitled to register a lien against that strata lot under the Act.

#### **Section 16. Removing a Council Member**

- (1) Unless all the owners are on council, the strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members.
- (2) If after removing a council member there remains fewer than 3 council members, the strata corporation must hold an election at the same annual or general meeting to replace the council member for the remainder of the term.

#### **Section 17. Replacing a Council Member**

- (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 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) Notwithstanding section 17(1), in the event that there remains fewer than three council members due to resignation or unwillingness of the council member(s) to act for a period of 2 or more months, the remaining council shall
  - (a) for the purpose of maintaining the *status quo*, forfeit their powers under section 25 of these bylaws, and
  - (b) serve immediate notice of an extraordinary general meeting, complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings, for the purpose of electing a new council.
- (4) Notwithstanding section 17(1), in the event that the entire council is lost due to resignation or unwillingness of the council member(s) to act for a period of 2 or more months, any of the following persons may serve immediate notice of an extraordinary general meeting, complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings, for the purpose of electing a new council:
  - (a) collectively, persons holding 25% or more of the strata corporation's votes,
  - (b) the property manager, or any similar agent employed on behalf of the strata corporation for the purpose of managing the affairs of the strata corporation on behalf of the strata council.

#### **Section 18. Officers**

- (1) At the first meeting of the council held after each annual general meeting of the strata corporation, the council must elect, from among its members, a president, a vice president, a secretary 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
- (4) while the president is absent or is unwilling or unable to act, or
- (5) for the remainder of the president's term if the president ceases to hold office.
- (6) If an officer 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.

#### **Section 19. Calling Council Meetings**

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

them.

- (4) The council must inform owners about a council meeting as soon as feasible after the meeting has been called.

#### **Section 20. Requisition of a Hearing**

- (1) By application in writing, stating the reason for the request, an owner, tenant or occupant may request a hearing at a council meeting.
- (2) If a hearing is requested under subsection 20(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 one week of the hearing.

#### **Section 21. Quorum of Council**

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

#### **Section 22. Council Meetings**

- (1) At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.
- (2) If a council meeting is held by electronic means, council members are deemed to be present in person.
- (3) Owners may attend council meetings as observers.
- (4) Despite subsection 22(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.

#### **Section 23. Voting at Council Meetings**

- (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- (2) The result of all votes at a council meeting must be recorded in the council meeting minutes.

#### **Section 24. Council to Inform Owners of Minutes**

- (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.

#### **Section 25. Delegation of Council's Powers and Duties**

- (1) Subject to subsections 25(2) to 25(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 and 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 25(3).
- (3) A delegation of a general authority to make expenditures must
  - (a) set a maximum amount that may be spent, and
  - (b) indicates the purposes for which, or the conditions under which, the money may be spent.
- (4) The council may not delegate its powers to determine, based on the facts of a particular case,
  - (a) whether a person has contravened a bylaw or rule,
  - (b) whether a person should be fined, and the amount of the fine, or
  - (c) whether a person should be denied use of a common asset.

#### **Section 26. Property Acquisition, Use and Disposition**

- (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 26(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) The strata council may, on behalf of the strata corporation, purchase, lease or otherwise acquire personal property for the use or benefit of the owners and may sell or otherwise dispose of such personal property for any amount approved in the annual budget for the strata corporation, but otherwise only if approved by a resolution passed by a 3/4 vote at a general meeting if the personal property has a market value of more than \$1000.
- (4) When property is acquired on behalf of the strata corporation, the strata council may impose a user fee on that asset by adopting a fee schedule imposed as a Rule under these bylaws. The fee schedule is in effect only until the next general meeting where the fee schedule, or any amendment thereof, must either be adopted as a bylaw, or the user fee must be discontinued. User fees adopted as bylaws are found in Appendix A. of these bylaws.

#### **Section 27. Limitation on Liability of Council Members**

- (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 27(1) does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

to register a lien against that strata lot.

### **Section 32. Order of Business**

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

## **Division 6 - Voluntary Dispute Resolution**

### **Section 33. Voluntary Dispute Resolution**

- (1) A dispute among owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if
  - (a) all of the parties to the dispute consent, and
  - (b) the dispute involves the Act, the regulations, the bylaws or the rules.
- (2) A dispute resolution committee consists of
  - (a) one owner or tenant of the strata corporation nominated by each of the disputing parties and one owner or tenant chosen to chair the committee by the persons nominated by the disputing parties, or
  - (b) any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties
- (3) If a council member is nominated to the dispute resolution committee, that council member shall make every attempt to avail themselves of their services unless it would create for them an undue hardship.
- (4) The nominating party or parties may name a specific council member directly, or may ask the president of the council to nominate a council member.

## **Division 5 - Annual and Special General Meetings**

### **Section 29. Person to Chair Meetings**

- (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.

### **Section 30. Participation by Other Than Eligible Voters**

- (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.

### **Section 31. Voting**

- (1) 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 10% or more eligible voters present at the meeting request a precise count.
- (3) If a precise count is requested, the chair must decide whether it will be by a 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,
  - (a) the president may break the tie by casting a second, deciding vote, or
  - (b) if the president is unwilling or unable to cast a second vote, the vice president may break the tie by casting a second, deciding vote, or
  - (c) if the president and vice president are unwilling or unable to cast a second vote, and
    - (i) if the members have voted on the motion once, then the question is re-opened and when the question is called again, the bylaws of this section shall again be in force, or
    - (ii) if the members have voted on the motion a second time, the motion is defeated.
- (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 10% or more of the eligible voters at the meeting.
- (7) An owner who is otherwise an eligible voter may not exercise their vote for a strata lot, except on matters requiring an unanimous vote, if the strata corporation is entitled

## Division 4 - Enforcement of the Act, Bylaws and Rules

### Section 28. Fines

- (1) Unless otherwise specified elsewhere in this section, the strata corporation may fine an owner or tenant a maximum of
  - (a) \$50.00 for each contravention of a bylaw or the Act, and
  - (b) \$20.00 for each contravention of a rule.
- (2) If an activity or lack of activity that constitutes a contravention of the Act, a bylaw or a rule continues, without interruption, for more than 7 days, a fine may be imposed every 7 days.
- (3) For violation of section 1(1) of these bylaws, the following fines will apply:
  - (a) if the owner's balance due to the strata corporation is \$0.00 immediately prior to the first day of the month, but the owner's balance due to the strata corporation after the fifth day of the month is not \$0.00, that owner will be levied a fine of \$25.00, due and payable on the first day of the month following.
  - (b) if on the first day of the month an owner has an outstanding balance owing to the strata corporation due the previous month, a fine of \$50.00 will be levied, due and payable immediately.
  - (c) when the maintenance fees are in arrears for more than 3 months, a lien will be placed on the strata lot involved, at the owner's expense, for the total monies due, including all legal and other expenses.
- (4) For violation of section 3(1)
  - (a) if council receives three written complaints within a 24 month period, a fine of \$50.00 will be levied against the owner of the strata lot for each breach of the same bylaw.
  - (b) if council receives six written complaints within a 24 month period, a fine of \$100.00 will be levied against the owner of the strata lot for each breach of the same bylaw.
  - (c) if council receives more than six written complaints within a 24 month period, a fine of \$200.00 will be levied against the owner of the strata lot for each breach of the same bylaw.
  - (d) if no fine is imposed under subsection (a), (b) or (c) above, council may impose a fine as described in section 25(1).
- (5) For violation of section 5 of these bylaws
  - (a) the strata corporation shall, on the first offence, notify the pet owner concerned, in writing, and
  - (b) the strata corporation may, on any subsequent offence, serve notice to the owner or tenant requiring that owner or tenant to find suitable alternative housing for the pet, off the strata property, within 30 days.
  - (c) notwithstanding (a) and (b) of this subsection, the strata corporation may levy fines against the owner of the pet in accordance with section 5(1) of these bylaws.
- (6) For violation of section 8 of these bylaw the strata corporation may levy a fine of \$25.00 per day for every day that the unit is occupied by a tenant.



to register a lien against that strata lot.

### **Section 32. Order of Business**

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

## **Division 6 - Voluntary Dispute Resolution**

### **Section 33. Voluntary Dispute Resolution**

- (1) A dispute among owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if
  - (a) all of the parties to the dispute consent, and
  - (b) the dispute involves the Act, the regulations, the bylaws or the rules.
- (2) A dispute resolution committee consists of
  - (a) one owner or tenant of the strata corporation nominated by each of the disputing parties and one owner or tenant chosen to chair the committee by the persons nominated by the disputing parties, or
  - (b) any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties
- (3) If a council member is nominated to the dispute resolution committee, that council member shall make every attempt to avail themselves of their services unless it would create for them an undue hardship.
- (4) The nominating party or parties may name a specific council member directly, or may ask the president of the council to nominate a council member.

## **Division 5 - Annual and Special General Meetings**

### **Section 29. Person to Chair Meetings**

- (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.

### **Section 30. Participation by Other Than Eligible Voters**

- (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.

### **Section 31. Voting**

- (1) 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 10% or more eligible voters present at the meeting request a precise count.
- (3) If a precise count is requested, the chair must decide whether it will be by a 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,
  - (a) the president may break the tie by casting a second, deciding vote, or
  - (b) if the president is unwilling or unable to cast a second vote, the vice president may break the tie by casting a second, deciding vote, or
  - (c) if the president and vice president are unwilling or unable to cast a second vote, and
    - (i) if the members have voted on the motion once, then the question is re-opened and when the question is called again, the bylaws of this section shall again be in force, or
    - (ii) if the members have voted on the motion a second time, the motion is defeated.
- (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 10% or more of the eligible voters at the meeting.
- (7) An owner who is otherwise an eligible voter may not exercise their vote for a strata lot, except on matters requiring an unanimous vote, if the strata corporation is entitled

- (5) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

## **Division 7 - General Bylaws**

### **Section 34. Consent, approval and permissions**

- (1) Any consent, approval or permission given under these bylaws must be given by the strata council in writing and signed by a council member or the property manager.

### **Section 32. Requests and Complaints**

- (1) Requests or complaints made to the strata corporation must be submitted in writing, signed by the person making the request or complaint, and must include the strata unit number of the person making the request or complainant.

## **APPENDICES**

### **A. Schedule of User Fees and Conditions**

#### **(1) Amenities Building**

- (a) The amenities may only be rented by and to the owners of the strata corporation.
- (b) The rental rate is ~~\$50.00~~<sup>30.00</sup> for each 24 hour period
- (c) A damage deposit of \$100.00 must be paid prior to the rental unless the renter is the strata corporation in which case the damage deposit requirement is waived. This deposit will be refunded after the rental period, less any amount deducted for damages.
- (d) There is no fee levied or collected for use of the Amenities Building for the conducting of the business of the strata corporation.

#### **(2) Power Washer**

- (a) The rental rate is \$10.00 per day.
- (b) A damage deposit of \$25.00 must be paid prior to the rental unless the renter is the strata corporation in which case the damage deposit requirement is waived. This deposit will be refunded after the rental period, less any amount deducted for damages.
- (c) Power washing of common assets is limited to patios, sidewalks and driveways.
- (d) The power washer is not to be removed from strata property without prior written consent from council.
- (e) The power washer is not be used on property that does not belong to either the strata corporation or the owner.