

Schedule of Bylaws for Villa Montecito – Strata Corporation NW136

Division 1 – Duties of Owners, Tenants, Occupants and Visitors

Payment of strata fees

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

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) 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.

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.

- (2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.

- (3) An owner, 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.

(4) An owner, tenant or occupant must not keep any new animal, other than common household pets, in any unit. Common household pets shall not be kept, bred or maintained for commercial purposes in any unit. Common household pets are limited to dogs (excluding rottweilers, pitbulls and mastiffs), cats, birds, hamsters, fish and the like. Wolves, leopards, tigers, lions, snakes, reptiles, birds of prey, insects, cattle, horses, monkeys, poultry, rabbits and the like are specifically excluded from common household pets. Any creature which in its natural state produces a venom or sera, toxic or non-toxic, or a noxious odour, is excluded from common household pets whether or not such creatures have been rendered incapable of producing same. No female household pets capable of reproduction shall be maintained in any unit. In the event of a dispute about an owner's right to maintain a household pet, the Strata Council shall be the absolute and final judge of this right; an allegation that a creature is domesticated shall not govern the Council's determination on whether the creature is one of those commonly and ordinarily considered a household pet. All pets will be kept clean, quiet and controlled. Any owner who keeps and maintains a pet in the strata corporation thereby expressly assumes any and all liability for any and all action by the pet so maintained, whether or not the owner had knowledge, notice or forewarning of the likelihood of such action. No household pet shall be housed or maintained anywhere in the strata corporation, except in an individual unit.

(5) Any owner who introduces a pet in the strata corporation in contravention of this by-law will be fined \$100.00 per month or portion thereof during which the pet occupies a strata lot, or any part of the common property;

(6) An owner, tenant or occupant must not:

(a) use a strata lot for any purpose which involves undue traffic or noise in or about the strata lot or common property between the hours of 10:30 p.m. and 7:00 a.m. or that encourages loitering by persons in or about the strata lot or common property;

(b) make, cause or produce undue noise, smell, vibration or glare in or about any strata lot or common property or do anything which will interfere unreasonably with any other owner, tenant or occupant;

(c) use any musical instrument, amplifier, sound reproduction equipment or other device within or about any strata lot, the common property or any limited common property such that it causes a disturbance or interferes with the comfort of any other owner, tenant or occupant;

(d) obstruct or use the sidewalks, walkways, passages and driveways of the common property for any purpose other than ingress or egress from the strata lots or parking areas within the common property of the strata plan;

(e) leave on the common property or any limited common property, any shopping cart or any other item designated from time to time by the strata council;

(f) use a barbecue, hibachi or other like cooking device on a balcony, deck or patio unless such barbecue, hibachi or cooking device is powered by propane, natural gas or electricity and such propane, natural gas or electricity powered barbecues, hibachis and other light cooking devices shall not be used except in accordance with rules made by the strata corporation from time to time;

(g) shake any mops or dusters of any kind, nor throw nor place any refuse, out of the windows or doors or from the balcony of a strata lot or onto the breezeways;

(h) do anything that will increase the risk of fire or the rate of insurance on the building or any part thereof;

(i) permit a condition to exist within a strata lot which will result in the waste or excessive consumption of the building's domestic water supply or heated water;

(j) allow a strata lot to become unsanitary or a source of odour;

(k) feed pigeons, gulls or other birds, squirrels, rodents or other animals 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;

(l) install any window coverings, visible from the exterior of his strata lot, which are different in size or colour from those of the original building specifications;

(m) hang or display any laundry, washing, clothing, bedding or other articles from windows, balconies or other parts of the building so that they are visible from the outside of the building;

(n) use or install in or about a strata lot any shades, awnings, window or balcony guards or screens, ventilators, supplementary heating or air conditioning devices, except those installations approved in writing by the council;

(o) 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;

(p) place any signs, billboards, notices or other advertising matter of any kind on, or visible from, the exterior of a strata lot;

- (q) place any indoor-outdoor carpeting on any deck, patio or balcony, or place any items on any deck, patio or the balcony except free-standing, self-contained planter boxes, barbecues, summer furniture and accessories;
 - (r) give any keys, combinations, security cards or other means of access to the building, the parking garage or common areas to any person other than an employee, contractor, occupant or guest of the strata lot permitted by these bylaws;
 - (s) allow the area around his premises to become untidy. Rubbish, dust, garbage, boxes, packing cases, shoes, carpets or the like shall be not thrown, pile or stored in stairways or any other parts of the common property. The Council shall be at liberty to remove rubbish and clean up the common area and charge the expense to the owner involved;
- (7) An owner, tenant, occupant, employee 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.
- (8) No owner or occupant of a strata lot shall permit his pet to urinate or defecate on the common property or on any limited common property, and if any pet does urinate or defecate on the common property or on any limited common property, the owner or occupant shall immediately and completely remove all of his pet's waste from the common property or limited common property, as the case may be, and dispose of it in a waste container or by some other sanitary means and if, in the reasonable opinion of the strata corporation, any special cleaning is required as a result of the pet urinating or defecating, the owner or occupant shall pay all costs of such special cleaning.
- (9) An owner of a strata lot whose guest, employee or invitee brings an animal or pet onto the common property or any limited common property shall be responsible to ensure that the guest or invitee complies with all requirements of these bylaws as they relate to pets and shall perform all of the duties and obligations with respect to that animal as set out in these bylaws as if the animal were one kept by the owner or occupant in his strata lot.
- (10) The strata corporation may require removal by an owner or occupier of any residential strata lot of any pet or other animal kept by the owner or occupier in a strata lot if such pet or animal, in the opinion of the strata council, constitutes a nuisance to any owner or occupier of a strata lot, or causes danger or damage to any owner or occupier of a strata lot or to any property of the strata corporation or an owner or occupier of a strata lot.
- (11) An owner or occupant of a residential strata lot that keeps a dog, cat or other non-caged animal in his strata lot, either permanently or temporarily, shall register that pet with the strata council by providing to the strata council a written notice, signed by the owner setting out the name, breed and colour of the pet, the

strata lot number of the strata lot in which the pet is kept, the name and telephone number of the owner of the pet and the licence number of the pet (when the pet is required to be licensed), and shall only keep a pet in his strata lot in compliance with these bylaws.

Rental Restrictions

4. Subject to the provisions of this bylaw strata lots shall be owner-occupied only, with the following considerations and exceptions:

(a) at any given time up to ten (10) strata lots may be leased for terms of not less than one year, and the procedure to be followed by the strata corporation in administering this limit will be as follows:

(i) any owner wishing to rent a strata lot must make an application in writing to the council;

(ii) approvals will be granted by the council on a first come basis in the order of the date such applications are received by the council;

(iii) the council will not screen tenants, establish screening criteria, require the approval of tenants, require the insertion of terms in tenancy agreements or otherwise restrict the rental of a strata lot except as set out in this bylaw;

(iv) the council will consider each application upon receipt and will respond to each application in writing within one week of receipt;

(v) the council will keep a list of owners who wish to rent their strata lot and the priority of their application, and will advise each owner as soon as their application can be accepted;

(vi) upon acceptance of an application to rent, an owner must enter into a lease of a strata lot within six months (6) from acceptance by the council of such owner's application or the acceptance will be automatically revoked and the council will be entitled to advise the owner next following on the list that its application to rent a strata lot has been approved; and

(vii) an owner may continue to lease his or her strata lot until the earlier of the date such owner moves into the strata lot to take occupancy and the date the strata lot is sold by the owner to a third party.

(b) notwithstanding paragraph (a), where cases of undue physical or financial hardship of a personal nature arise, the owner may make a written request to the council for permission to rent a strata lot for a limited period of time, and where the council has been provided with evidence that undue hardship will result if limited rental approval is not given, the council shall not unreasonably withhold permission for limited rental;

(c) this bylaw does not apply to prevent the rental of a strata lot to a member of the "family" of an owner, meaning:

- (i) the spouse of the owner;
- (ii) a parent or child of the owner; or
- (iii) a parent or child of the spouse of the owner,

where "spouse of the owner" includes an individual who has lived and cohabitated with the owner, for a period of at least two years at the relevant time, in a marriage-like relationship, including a marriage-like relationship between persons of the same gender;

(d) where an owner has leased a strata lot to a tenant pursuant to a tenancy agreement entered into before this bylaw was passed, this bylaw does not apply to such strata lot until the later of:

- (i) one year after the tenant who is occupying the strata lot at the time the bylaw is passed ceases to occupy the strata lot as a tenant; and
- (ii) one year after the bylaw has been passed; and

(e) the strata corporation is entitled to impose a fine of up to \$500 for a contravention of this bylaw, and may impose such fine for a continuing contravention every seven days.

Inform strata corporation

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

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

Obtain approval before altering a strata lot

6. (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 the common property (ie. 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 Act.
- (2) The strata corporation must not unreasonably withhold its approval under subsection (1), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.
- (3) This section does not apply to a strata lot in a bare land strata plan.
- (4) An owner, tenant or occupant must not do any act, nor alter a strata lot, in any manner, which in the opinion of the council will alter the exterior appearance of the building.

Obtain approval before altering common property

7. (1) An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.
- (2) The strata corporation will require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration via a Special Privilege Document, and to provide, at the request of the strata corporation, evidence of appropriate insurance coverage relating to the alteration.

Permit entry to strata lot

8. (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,
 - (i) 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 the Act; and
 - (ii) to ensure compliance with the Act and these bylaws.
- (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.

Part II - Powers and Duties of Strata Corporation

Repair and maintenance of property by strata corporation

9. 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) stairs, balconies, patios and other things attached to the exterior of a building;
 - (D) railings and similar structures that enclose balconies;
- (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) stairs, balconies, patios and other things attached to the exterior of a building,
 - (iv) railings and similar structures that enclose balconies;

Division 3 – Council

Council size

10. (1) Subject to subsection (2), the council must have at least 3 and not more than 7 members.
- (2) If the strata plan has fewer than 4 strata lots or the strata corporation has fewer than 4 owners, all the owners are on the council.

Council members' terms

11. (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 reelection.

Removing council member

12. (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.
- (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.
- (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.

Replacing council member

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

Officers

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

Calling council meetings

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

Requisition of council hearing

16. (1) By application in writing, stating the reasons for the request, an owner or tenant may request a hearing at a council meeting.
- (2) If a hearing is requested under subsection (1), the council must hold a meeting to hear the applicant within one month of the request.

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

Quorum of council

17. (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 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 during Guests' Business;

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) 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.

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

Delegation of council's powers and duties

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

- (2) The council may delegate its spending powers or duties, but only by a resolution that
 - (a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
 - (b) delegates the general authority to make expenditures in accordance with subsection (3).
- (3) A delegation of a general authority to make expenditures must
 - (a) set a maximum amount that may be spent, and
 - (b) indicate the purposes for which, or the conditions under which, the money may be spent.
- (4) The council may not delegate its 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

22. (1) A person may not spend the strata corporation's money unless the person has been delegated the power to do so in accordance with these bylaws.
- (2) Despite subsection (1), a council member may spend the strata corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.

Limitation on liability of council member

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

Division 4 – Enforcement of Bylaws and Rules

Maximum fine

24. The strata corporation may fine an owner or tenant a maximum of
 - (a) \$200 for each contravention of a bylaw, and

- (b) \$50 for each contravention of a rule.

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.
- (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.

No participation by other than eligible voters

26. There shall be no participation by other than eligible voters at annual and special general meetings.

Voting

- 27.(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 2 strata lots in the strata plan, subsection (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.

Proxy Votes

28. Proxy holders are limited to a maximum of five (5) proxy votes.

Quorum Requirement

29. If within fifteen (15) minutes from the time appointed for a general meeting, a quorum is not present, the meeting stands adjourned for a further fifteen (15) minutes. If at the adjourned meeting time, a quorum is not present, the persons entitled to vote present shall constitute a quorum.

Order of business

30. 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 minutes from the last annual or special general meeting;
- (f) 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;
- (g) ratify any new rules made by the strata corporation under section 125 of the Act;
- (h) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
- (i) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
- (j) deal with new business, including any matters about which notice has been given under section 45 of the Act;
- (k) elect a council, if the meeting is an annual general meeting;
- (l) terminate the meeting.

Division 6 – Recreational Facilities

31. The recreational facilities such as the swimming pool, the sauna and the recreation room shall be used in accordance with the Rules and Regulations which the council may make for their use and which are posted on the notice board at the poolside or by the Cabana entranceway.

32. Upon publication of a Rule or Regulation so made by the council, the same shall be binding on each occupier, his visitors and guests (whether an owner or not) of a strata lot and any violation may result in loss of privileges to use the facilities.

33. The recreational facilities shall be used by residents only or by non-residents if accompanied by a resident.

Division 7 – Cars, Parking Areas

34. A resident shall use the parking space(s) which has (have) been specifically assigned to his strata lot and except for private arrangements with other owners for the use of parking spaces assigned to such other owners.

35. The parking spaces assigned to a strata lot shall not be rented or leased to non-residents.

36. Guest parking is permitted only in designated stalls and is for the exclusive use of visitors and shall be limited to a maximum duration of one day, unless arranged differently with council. Any guest who visits for a longer period than 24 hours must leave a visible note stating with whom and where they are visiting – a 7 day maximum limit stay in guest parking areas is strictly enforced.

37. Traffic speed rules, especially posted 10km/h maximum speed limits must be strictly observed by all users of driving areas within the common property.

38. No major automotive or roadway repairs or adjustments shall be made to motor vehicles on the premises, including the guest parking or the underground parking areas.

39. No commercially licensed vehicles shall be brought to or parked on the premises without permission of the council, except in the course of delivery to or removal from the premises.

40. No parking is allowed anywhere along the fire route which is indicated by a yellow line painted along the curb.

41. No vehicle shall park in a manner which will reduce the width of the roadway (fire route).

42. All vehicles found in unallocated spaces will be removed at the owner's expense.

43. Cars shall be washed only in such a manner as will not cause nuisance or annoyance to other owners and in such a place and at such times as the council may from time to time direct.

44. Children are not permitted to play in the underground parking areas.

16 DEC 2003 13 58

BV525860

Strata Property Act
FORM I
AMENDMENT TO BYLAWS
(Section 128)

The Owners, Strata Plan NW 136 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 November 26, 2003.

BE IT RESOLVED THAT the Owners, Strata Plan NW 136 hereby approve to amend the Bylaws as follows:

Division 4 – Enforcement of Bylaws
Maximum Fine

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

- (a) \$200 for each contravention of a bylaw, and
- (b) \$50 for each contravention of a rule.

Division 6 – Recreation Facilities

31. The recreation facilities such as the swimming pool and the recreation room shall be used in accordance with the Rules and Regulations which the council may make for their use and which are posted on the notice board at the poolside or by the Cabana entranceway.

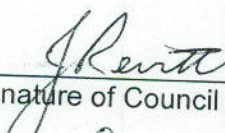
Pool Rules & Regulations

3. Notwithstanding any other provisions of these regulations, children under the age of 12 must be accompanied and under the direct supervision of an adult.

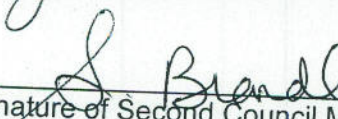
5. Hours of Pool Operations

5:30 P.M. – 7:00 P.M. Adults Only (Monday to Friday)

16. Guests may use the pool facility only with the authorization and in the company of an adult resident. A maximum of four guests per unit are permitted at any one time.



Signature of Council Member



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