

SEASTAR – LMS2946

REGISTERED BYLAWS

Registration Number	Comments	Date of Registration
BL334717	Form 8 Change of Bylaws	1997-09-29
BN94502	Notification of Change of Address	1999-04-16
BT50318	Change of Bylaws	2002-02-12
BW13554	Mailing Address	2004-01-12
BX463387	Strata Plan Bylaws	2005-07-08
BB0942810	Amendment to bylaws	2009-06-11
BB1966021	Amendment to bylaws	2011-05-04

These are copies of the building bylaws for Strata Corporation LMS2946. For a true copy of all registered building bylaws and amendments, please obtain the necessary records from the Land Titles Office.

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

Payment of strata fees

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

(2) After two months of arrears in maintenance fee payments, the Strata Council may, at its discretion, place a lien on the Strata Lot after serving a 14-day notice.

After a lien is placed on the Strata Lot and the arrears continue to accumulate, the Strata Council may, at its discretion, hire a collection agency to recover the arrears, including all expenses associated with the recovery, without approval from Owners through a Special Resolution at a General Meeting.

Repairs 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 or occupant that keeps a pet in a 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, tenant or occupant 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).

(4) An owner of a pet shall not permit the pet to urinate or defecate on the common property, and if any pet does urinate or defecate on the common property, the owner shall immediately and completely remove all of the pet's waste from the common property and dispose of it in a waste container or by some other sanitary means.

(5) An owner, tenant or occupant whose guest or invitee brings an animal or pet onto the common property shall ensure that the guest or invitee complies with all requirements of these bylaws as they relate to animals and shall perform all of the duties and obligations with respect to that animal or pet as set out in these bylaws.

(6) No owner, tenant or occupant shall allow pets to be in the amenity room, exercise room, meeting rooms or lounge. The council has the right to prohibit pets from other common areas of the building.

(7) No owner, tenant or occupant shall permit its pet to interfere with any other person, pet or object, or permit its pet to disturb any other owner, tenant or occupant with uncontrolled barking or howling or allow the pet to run in the hallways or common areas.

(8) The strata council may, from time to time on behalf of the strata corporation, enact such rules with respect to the keeping of pets as the strata council, acting reasonably, deems necessary or desirable, provided that, in the event of any conflict between these bylaws and any such rule, the provisions of these bylaws will prevail.

(9) If any owner, tenant or occupant violates any provision of these bylaws or if the strata council on reasonable grounds considers a pet to be a nuisance the strata council may, by written notice to such owner, tenant or occupant, cause such owner, tenant or occupant to have the pet removed from the strata lot within thirty days of receiving such notice.

(10) 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 any refuse, out of the windows or doors or from the balcony of a strata lot;
- 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, except those coverings approved in writing by the council;

- 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 nor install any hanging plants or baskets or other hanging items within three feet of a balcony railing line; and
- r) give any keys, combinations, security fobs 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) roller blade, roller skate or skateboard on the common property, including the hallways, lobbies, entrance areas, sidewalks, garage or the courtyard.
- t) allow Realtors to place a lockbox on the premises of The Seastar.
- u) Use a solarium for storage purposes unless windows are fully covered by approved window coverings.

Inform Strata Corporation

4 (1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and all appropriate contact information including the owner's 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 and all appropriate contact information.

Obtain approval before altering a strata lot

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

- a) the structure of a building;
- b) the exterior of a building;
- c) chimneys, stairs, balconies or other things attached to the exterior of a building;
- d) doors, windows or skylights (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) 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

6 (1) An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.

(2) The strata corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration and to provide, at the request of the strata corporation, evidence of appropriate insurance coverage relating to the alteration.

Permit entry to strata lot

7 (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot

- a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
- b) at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act.

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

Division 2 -- Powers and Duties of Strata Corporation

Repair and maintenance of property by strata corporation

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

- a) common assets of the strata corporation;
- b) common property that has not been designated as limited common property;
- c) limited common property, but the duty to repair and maintain it is restricted to
 - i. repair and maintenance that in the ordinary course of events occurs less often than once a year, and
 - ii. the following, no matter how often the repair or maintenance ordinarily occurs:
 - (A) the structure of a building;
 - (B) the exterior of a building;
 - (C) chimneys, stairs, balconies and other things attached to the exterior of a building;
 - (D) doors, windows and skylights (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;
- 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;

Division 3 -- Council

Council size

9 (1) Subject to subsection (2), the council must have at least 3 and not more than 7 members.

Council members' terms

10 (1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.

(2) A person whose term as council member is ending is eligible for re-election.

Removing council member

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

(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

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

(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

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

(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

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

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

- (3) A council meeting may be held on less than one week's notice if
- a) all council members consent in advance of the meeting, or
 - b) the meeting is required to deal with an emergency situation, and all council members either
 - i. consent in advance of the meeting, or
 - ii. are unavailable to provide consent after reasonable attempts to contact them.

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

Requisition of council hearing

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

(2) If a hearing is requested under subsection (1), the council must hold a meeting to hear the applicant within 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 one week of the hearing.

Quorum of council

16 (1) A quorum of the council is

- a) 1, if the council consists of one member,
- b) 2, if the council consists of 2, 3 or 4 members,
- c) 3, if the council consists of 5 or 6 members, and
- d) 4, if the council consists of 7 members.

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

Council meetings

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

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

Voting at council meetings

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

(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

19 The council must inform owners of the minutes of all council meetings within 3 weeks of the meeting, whether or not the minutes have been approved.

Delegation of council's powers and duties

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

(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

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

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

Limitation on liability of council member

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

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

Division 4 -- Enforcement of Bylaws and Rules

Maximum fine

23 (1) 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.

(2) The strata corporation may impose a fine on an owner or tenant for a continuing contravention of a bylaw or rule every 7 days.

(3) Each owner and tenant is responsible for payment, without invoice, of any money (other than strata fees, but including special levies) owing to the strata corporation as provided for in the Act or these bylaws, and if the owner or tenant fails to pay any money so owing within 15 days after the date such money becomes due, the owner or tenant will, after having been given written notice of the default and been provided with a reasonable opportunity to answer the complaint (including a hearing if requested), be assessed and pay a fine of \$50.00, and if such default

continues for a further 15 days, an additional fine of \$75.00 will be levied against and paid by the owner or tenant, as the case may be, and for each additional month such default continues, an additional fine of \$75.00 will be levied against and paid by the owner or tenant.

(4) Additional assessments, fines authorized by these bylaws, banking charges, filing costs, legal expenses, interest charges and any other expenses incurred by either the strata corporation to enforce these bylaws, as they may be amended from time to time, or any rule which may be established from time to time by the council pursuant to the Act or these bylaws, shall become part of the assessment of the owner responsible and shall become due and payable on the first day of the month next following, except that any amount owing in respect of a fine or the cost of remedying the contravention of a bylaw will be calculated as a separate component of such assessment and the strata corporation may not register a lien against such separate component.

(5) The council may revoke privileges (i.e. – use of common facilities), from time to time, to deal with contravention of Bylaws and Rules & Regulations.

Continuing contravention

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

Division 5 -- Annual and Special General Meetings

Person to chair meeting

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

(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 than eligible voters

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

(2) Persons, who are not eligible to vote, including tenants and occupants, may participate in the discussion at the meeting, but only if permitted to do so by the chair of the meeting.

(3) Persons who are not eligible to vote, including tenants and occupants, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

Voting

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) 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.

(7) An owner who is otherwise an eligible voter may not exercise his or her vote for a strata lot, except on matters requiring an unanimous vote, if the strata corporation is entitled to register a lien against that strata lot.

Order of business

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

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

Division 6 -- Voluntary Dispute Resolution

Voluntary dispute resolution

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

- a) all the parties to the dispute consent, and
- b) the dispute involves the Act, the regulations, the bylaws or the rules.

(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.

Small Claims Actions

30 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 $\frac{3}{4}$ vote.

Electronic Attendance at Meetings

31 Attendance by persons at an annual or special general meeting may be by telephone or other electronic method if such method permits all persons participating in the meeting to communicate with each other during the meeting.

Use of Patios and Balconies

32 An owner, tenant or occupant of a strata lot which does not have enclosed balconies shall not place planters or other such items or equipment within any part of the limited common property designated on the strata plan exclusively for the use of such owner unless, in the opinion of the council, such planters, items or equipment are in keeping with the balance of the development in terms of design, quality, proportion and colour. Any such planters, items or equipment will be maintained in good and tidy condition on an ongoing basis and the responsibility for such maintenance will be solely for the account of the owner, tenant or occupant entitled to the use of the limited common property on which they are placed.

Garbage Disposal

33 An owner, tenant or occupant shall remove ordinary household refuse and garbage from his strata lot and deposit it in the containers provided by the strata corporation for that purpose; all garbage shall be bagged and tied before so depositing and the owner, tenant or occupant shall remove any materials other than ordinary household refuse and garbage from the strata plan property at his expense. For greater certainty, an owner, tenant or occupant shall not dispose of electronics, appliances, or furniture, or in any other way fail follow City of Vancouver's Solid Waste By-Law No. 8417.

Bicycles, Storage and Parking

34 (1) Bicycles are not permitted in elevators, hallways or any other common areas unless carried in a carrying bag or device specifically designed for the purpose of transporting bicycles in order to prevent soiling of and/or damage to floors and walls and only when the owner has received the approval of the strata council for the type of device intended to be used to carry the bicycle. No bicycles are to be kept on balconies or patios; instead, they shall be stored within the owner's designated storage locker or such other area as may be prescribed by the council.

(2) Any damage done to the common areas of the strata corporation when transporting the bicycle will be the responsibility of the owner to pay for the repair.

(3) An owner, tenant or occupant that leaves any item anywhere on or in the common property or on any limited common property does so at his own risk, subject to any claim that may properly be made under any insurance policy maintained by the strata corporation by anyone that is an insured under that policy.

(4) An owner, tenant or occupant must use parking stalls only for the parking of licensed and insured motor vehicles, trailers, motorcycles or bicycles, and not for the parking of any other type of vehicle or the storage of any other item, unless otherwise approved in writing by the council.

- (5) An owner, tenant or occupant shall not:
- a) use any parking space in the building or on the common property or on any limited common property, except the parking space which has been specifically assigned to his strata lot, a parking space leased by the owner or, when specifically agreed with another owner, the parking space assigned to the strata lot of that other owner;
 - b) carry out any oil changes, major repairs or adjustments to motor vehicles or other mechanical equipment on common property or on any limited common property, except in the case of emergency;
 - c) rent or lease the parking space assigned by the strata corporation to his strata lot or otherwise permit that parking space to be regularly used by anyone that is not a resident of the building;
 - d) park any vehicle in a manner which will reduce the width of the garage roadway or ramp or any roadway on the common property or on any limited common property; and
 - e) use any part of the common property (other than established storage rooms or lockers) for storage, without the written consent of the council.
- (6) An owner, tenant or occupant must promptly and at its own expense clean up any oil or other substance which spills or leaks onto the common property.

Move In/Move Out

35 (1) The strata corporation may regulate the times and manner in which any person moves into or out of strata lots and may require that such moves be coordinated with the manager of the building at least 7 days in advance of such moves, or such lesser periods as the council may, in its sole discretion, permit, provided that if an owner or tenant carries out any move into or out of a strata lot otherwise than in accordance with such prior arrangements made with the manager of the building, the owner or tenant will be subject to a fine of \$100.00, such fine to be paid on or before the due date of the next monthly strata fees.

(2) An owner or tenant must notify the strata corporation in advance of the date and time that the owner or tenant will be moving into or out of the strata lot.

(3) A non-refundable assessment of \$250.00 will be levied to the owner of any unit on any move into the building to defray the costs to the strata corporation, which includes, but is not limited to, inspection of the common areas before and after moving, administration, security personnel, security access coding, the installation of elevator pads, issuance of the elevator control key, etc. Residents, where applicable, must sign a Form K before moving in.

(4) An appointment for a moving time must be made with the Resident Manager having regard to the convenience of all concerned and to noise abatement. Moves are restricted to between the hours of 9:30 a.m. and 3:30 p.m. and 6:00 p.m. and 9:00 p.m. Full instructions for the operation of the move will be given by the Resident Manager.

(5) The moving party will be responsible for any damage to common areas. A \$500.00 refundable deposit is to be placed at the time the Resident Manager locks out the elevator for any move in or out. If the elevator or hallways are damaged during the move in or out, the cost of repairs will be subtracted from the deposit. Damage costs not recovered from the moving party shall be assessed to the owner.

(6) Violation of this bylaw will result in a fine of \$200.00 to the owner of the strata lot, in addition to payment of the non-refundable assessment.

(7) Move In or Out includes any moving of large furniture or major appliances from or to the strata lot. Bylaw 35.3 applies only to occupiers moving into the building or from one suite to another.

(8) Propping of the garbage room door during move-in or out is strictly prohibited.

Selling of Strata Lots

36 (1) An owner of a strata lot, when selling his strata lot, will not permit "For Sale" signs to be placed on or about the common property except on the designated space located adjacent to the entrance to the building which is designated for such purpose.

(2) An owner of a strata lot, when selling a strata lot, will not hold or permit to be held, any public open house. Unless the council otherwise prescribes, all showings must be by appointment only.

Acquisition or Disposition of Personal Property

37 The strata corporation may 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 $\frac{3}{4}$ vote at an annual or special general meeting if the personal property has a market value of more than \$1,000.

Rental Restrictions

38 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 6 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 two weeks 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 three months (3) from acceptance by the council of such owner's application and provide council with a Form K (tenant undertaking) 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. subject to (vi) above, 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 1 (one) year only, 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 a rental of 1 (one) year only with the possibility of extension for an additional 1 (one) year;

- 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) the strata corporation is entitled to impose a fine of up to \$1,000 for a contravention of this bylaw, and may impose such fine for a continuing contravention every thirty (30) days.
- e) the rental restriction bylaw shall be exempt to those owners who have purchased their suites from the Developer.

Quorum for Adjourned Meeting

39 Notwithstanding section 48(3) of the Act, if within ½ hour from the time appointed for an annual or special general meeting a quorum is not present, the meeting shall be terminated if the meeting was convened upon the requisition of members; but in any other case, the meeting shall stand adjourned for a further ½ hour from the time appointed and, if within one hour from the time appointed a quorum is not present for the meeting, the eligible voters present in person or by proxy shall constitute a quorum.

Spectators at Council Meetings

40 No person other than a member of the council shall be entitled to attend a meeting of the council unless approved by the council. In the course of a meeting of the council, any person or persons (other than members of the council) may be excluded from such meeting by a resolution of the council.

Persons Permitted on Council

41 As permitted by section 28(2) of the Act, a person other than an owner, an individual representing a corporate owner and a tenant may be a member of the council provided such person falls within one of the following classes of persons:

- a) a spouse, including a common law spouse, of an owner; and
- b) a professional advisor of an owner.

Limiting Authority of Council

42 Pursuant to sections 4 and 26 of the Act, the power of the strata corporation to grant, renew or cancel short term exclusive use privileges pursuant to section 76 of the Act may be exercised by a majority vote by the Strata Council Members.

Limiting Expenditures of Council

43 (1) Subject to subsection (3) below, if a proposed expenditure has not been approved in the budget or at an annual or special general meeting, the strata corporation may only make such expenditure out of the operating fund if the expenditure, together with all other unapproved expenditures, whether of the same type or not, that were made pursuant to this subsection (1) in the same fiscal year, is less than:

- a) \$2,500.00; or
- b) 1.0% of the total contribution to the operating fund for the current year;

whichever is less.

(2) If the strata corporation makes an expenditure under subsection (1) above, the strata corporation must inform owners as soon as feasible about any expenditure of more than \$2,500.00 on any single item.

(3) Notwithstanding subsection (1) above, the strata corporation can make an expenditure out of either the operating fund or the contingency reserve fund if there are reasonable grounds to believe that an immediate expenditure is necessary to ensure safety or to prevent significant loss or damage, whether physical, financial or otherwise.

Hardwood Floors

44 An owner of a strata lot who has or installs hard floor surfaces such as hardwood floors or tile in a strata lot must take all reasonable steps to satisfy noise complaints from neighbours, including without limitation, ensuring that no less than 60% of such hard floor surfaces, excepting only kitchens, bathrooms and entry areas, are covered with area rugs or carpet and avoiding walking on such flooring with hard shoes. For greater certainty, and owner of a strata lot who installs hard floor surfaces shall comply with the requirements outlined in the document entitled " Noise Reduction Laminate Underlay".

User Fees

45 The strata corporation may impose a user fee on an owner, tenant, occupant or their visitor for the short-term exclusive use of common property (i.e. - visitor parking) in an amount set by the Strata Council from time to time.

Insurance Deductible

46 Any damage caused to the common property or to any Strata Lot due to owner/occupant negligence, a lack of owner/occupant care and attention to maintaining the water supply and drainage lines to washing machines, dishwashers, refrigeration units, water supply taps and valves, located within the Strata Lot, that can be inspected and maintained by the owner/occupant, which are deemed to be the responsibility of the owner/occupant, shall be repaired to the satisfaction of the Strata Corporation and the costs shall be charged back to the responsible owner/occupant. If a claim is made through the Strata Corporation insurance, the deductible amount shall be charged back to the owner and the owner shall pay immediately upon receipt of the invoice. *Amended May 3, 2005*

¾ VOTE RESOLUTION B – ADDITION TO BYLAWS:

IN-SUITE FIRE ALARM TESTING

WHEREAS the owners of the Strata Corporation – LMS 2946, would like to add new bylaws under 47, (1), (2) and (3), In-Suite Fire Alarm Testing;

BE IT RESOLVED by way of a ¾ vote of The Owners, Strata Corporation LMS 2946 that new bylaws are approved as follows:

47. *IN-SUITE FIRE ALARM TESTING*

- (1) The Strata Corporation will on an annual basis arrange to have all in-suite fire alarm devices inspected by a qualified technician, the cost of which will be included in the maintenance fees, provided that owners make their suites available for such inspection during the time(s) arranged by council.*
- (2) For those owners that fail to provide access to have their in-suite fire alarm devices inspected, the Strata Corporation will arrange time for another inspection. The cost for this second inspection will be charged back to individual owners.*
- (3) Owners that again fail to provide access to have their in-suite fire alarm devices inspected must arrange for such inspection themselves, at their own expense. The inspection must be done by a qualified fire alarm service technician. The proof of such inspection must be provided to the Strata Corporation.*

¾ VOTE RESOLUTION A – ADDITION TO BYLAWS – PAYMENT OF STRATA FEES

WHEREAS the owners of the Strata Corporation – LMS 2946, would like to add a new bylaw under 1(3), Payment of Strata Fees;

BE IT RESOLVED by way of a ¾ vote of The Owners, Strata Corporation LMS 2946 that a new bylaw is approved as follows:

1(3) If an owner is late in paying his or her strata fees, the owner must pay to the strata corporation interest on the late payment in the amount of 10% per annum, compounded annually, and calculated on a monthly basis commencing from the date the payment was due and continuing until the last day of the month in which it is paid.