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88-6TH STREET
NEW WESTMINSTER, B.C.
V3L 5B3

NOV 16 2001

PLEASE RECEIVE THE FOLLOWING DOCUMENT(S) :

AMENDMENT TO BYLAWS
NW 3259


SIGNATURE

APPLICANT:

LEONIS MANAGEMENT
#102-2055 152ND ST
SURREY BC V4A 4N7

ATTENTION: JAMES

PHONE: (604) 531-9166

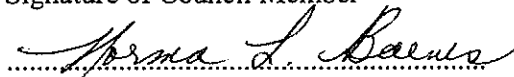
SUBMITTED BY:
DYE & DURHAM INC.
AGENTS FOR APPLICANT

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

The Owners, Strata Plan NW 3259 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 15, 2001.

The Owners of Fountains of Guildford I, the Owners of Strata Plan NW 3259 approve the repeal of all existing registered bylaws and approve the Standard Form Bylaws of the *Strata Property Act* as amended and attached to the Notice of Meeting and numbered one (1) through forty-six (46).


.....
Signature of Council Member


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

(SIGNATURE REQUIRED IN BLACK INK)

- * Section 128 (3) of the Act provides that an Amendment to Bylaws must be filed in the land title office within 60 days of the amendment being approved.

FOUNTAINS OF GUILDFORD I
THE OWNERS, STRATA PLAN NW 3259

SCHEDULE OF BYLAWS
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16. Quorum of council;
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29. Voluntary dispute resolution;

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30. Repealed;

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- 31. Small Claims actions;
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- 33. Use of patios and balconies;
- 34. Garbage disposal;
- 35. Storage and parking;
- 36. Selling of strata lots;
- 37. Acquisition or disposition of personal property;
- 38. Adult occupancy;
- 39. Rental restrictions;
- 40. Rental prohibition – (REPEALED 18-10-02)
- 41. Quorum for adjourned meeting;
- 42. Limiting expenditures of council;
- 43. Hardwood floors;
- 44. Patios and courtyards;
- 45. Limited use of parking stalls;
- 46. Proxies;
- 47. Satellite dish installation.

**FOUNTAINS OF GUILDFORD I,
THE OWNERS, STRATA PLAN NW 3259**

SCHEDULE OF BYLAWS

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

Payment of strata fees

- 1 (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate;
- (2) 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.

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;

- ¹(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 shall be entitled to keep one, but not more than one, domestic pet in a strata lot unless another pet is otherwise approved in writing by the strata council. An owner, tenant or occupant that keeps a pet must comply with these bylaws and any rules enacted by the strata council on behalf of the strata corporation pursuant to bylaw 3 with respect to the keeping of pets. Unless specifically approved by the strata council, any pet will not exceed 14" to the shoulder;
- (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 permit its pet to interfere with any other person, pet or object, or permit its pet to disturb any other owner or occupant with uncontrolled barking or howling;
- (7) 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 reasonable, 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;
- (8) 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;

¹ [SPA]

149(1) The strata corporation must obtain and maintain property insurance on

- (a) common property;
- (b) common assets;
- (c) buildings shown on the strata plan, and
- (d) fixtures built or installed on a strata lot, if the fixtures are built or installed by the owner developer as part of the original construction on the strata lot.

(2) For the purposes of subsection (1)(d), "fixtures has the meaning **set out in the regulations**.

(3) Subsection (1)(d) does not apply to a bare land strata plan.

(4) The property insurance must

- (a) be on the basis of full replacement value, and
- (b) insure against major perils, as **set out in the regulations**, and any other perils specified in the bylaws.

(9) 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 midnight. and 8:00 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) allow a strata lot to become unsanitary or a source of odour;
- (j) 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;
- (k) 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;

(l) 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;

(m) 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;

Bylaw Amendment – Registered December 1, 2010 – BB1295541

(n) erect on or fasten to the strata lot, the common property or any limited common property any television or radio receiver, antenna or similar structure or appurtenance thereto **except as provided for in Bylaw #47 – Satellite Dish Installation Bylaw”;**

End Amendment

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

(p) 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.

Inform strata corporation

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

- 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) ²those 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

- 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

² [SPA]

149(1) The strata corporation must obtain and maintain property insurance on

- (a) common property;
- (b) common assets;
- (c) buildings shown on the strata plan, and
- (d) fixtures built or installed on a strata lot, if the fixtures are built or installed by the owner developer as part of the original construction on the strata lot.
- (2) For the purposes of subsection (1)(d), "fixtures has the meaning **set out in the regulations**.
- (3) Subsection (1)(d) does not apply to a bare land strata plan.
- (4) The property insurance must
 - (a) be on the basis of full replacement value, and
 - (b) insure against major perils, as **set out in the regulations**, and any other perils specified in the bylaws.

- (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.

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 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;
- (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.

Division 3 - Council

Council size

- 9 (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

- 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.

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 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

- 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;
- (3) No person other than a member of the council shall be entitled to attend a meeting of the council unless authorized by a resolution of 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.;
- (4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:
- (a) ³bylaw contravention hearings under section 135 of the Act;
 - (b) ⁴rental 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.

³ [SPA]

- 135 (1) The strata corporation must not
- (a) impose a fine against a person,
 - (b) require a person to pay the costs of remedying a contravention, or
 - (c) deny a person the use of a recreational facility for a contravention of a bylaw or rule unless the strata corporation has,
 - (d) received a complaint about the contravention,
 - (e) given the owner or tenant the particulars of the complaint, in writing, and a reasonable opportunity to answer the complaint, including a **hearing** if requested by the owner or tenant, and
 - (f) if the person is a tenant, given notice of the complaint to the person's landlord and to the owner.
- (2) The strata corporation must, as soon as feasible, give notice in writing of a decision on a matter referred to in subsection (1)(a), (b) or (c) to the persons referred to in subsection (1)(e) and (f).
- (3) Once a strata corporation has complied with this section in respect of a contravention of a bylaw or rule, it may impose a fine or other penalty for a continuing contravention of that bylaw or rule without further compliance with this section.

⁴ [SPA]

- 144 (1) An owner may apply to the strata corporation for an exemption from a bylaw that prohibits or limits rentals on the grounds that the bylaw causes hardship to the owner.
- (2) The application must be in writing and must state
- (a) the reason the owner thinks an extension should be made, and
 - (b) whether the owner wishes a **hearing**.
- (3) If the owner wishes a hearing, the strata corporation must hear the owner or the owner's agent within 3 weeks after the date the application is given to the strata corporation.
- (4) An exemption is allowed if the strata corporation does not give its decision in writing to the owner
- (a) within one week after the hearing, or
 - (b) if no hearing is requested, within 2 weeks after the application is given to the strata corporation.
- (5) An exemption granted by the strata corporation may be for a limited time.
- (6) The strata corporation must not unreasonably refuse to grant an extension.

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) 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

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

Delegation of council's powers and duties

- 20 (1) Subject to subsections (2) to (4), the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation;
- (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 \$10.00, and if such default continues for a further 15 days, an additional fine of \$25.00 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 \$25.00 will be levied against and paid by the owner or tenant;
- (4) Additional assessments, fees, 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 fee/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 fee/assessment and the strata corporation may not register a lien against such separate component.

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) 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.
- (8) 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) ⁵ratify any new rules made by the strata corporation under section 125 of the Act;
- (j) ⁶report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;

⁵ [SPA]

125 (1) The strata corporation may make rules governing the use, safety and condition of the common property and common assets.

(2) A rule is not enforceable to the same extent that a bylaw is not enforceable under section 121(1).

(3) All rules, including those posted on signs, must be set out in a written document that is capable of being photocopied.

(4) The strata corporation must inform owners and tenants of any new rules as soon as feasible.

(5) If a rule conflicts with a bylaw of the strata corporation, the bylaw prevails.

(6) A rule ceases to have effect at the first annual general meeting held after it is made, unless the rule is ratified by a resolution passed by a majority vote

(a) at that annual general meeting, or

(b) at a special general meeting held before that annual general meeting.

(7) Once a rule has been ratified under subsection (6), it is effective until it is repealed, replaced or altered, without the need for further ratification.

⁶ [SPA]

154 The strata corporation must

- (a) review annually the adequacy of the strata corporation's insurance, and
- (b) report on the insurance coverage at each annual general meeting.

- (k) ⁷ approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
- (l) ⁸ 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:

⁷ [SPA]

103 (1) The strata corporation must prepare a budget for the coming fiscal year for approval by a resolution to be passed by a majority vote at each annual general meeting.

- (2) The proposed budget must be distributed with the notice of the annual general meeting under section 45 and must be accompanied by a financial statement.
- (3) The budget and financial statement
 - (a) must contain the information **required by the regulations**, and
 - (b) may be in the form **set out in the regulations**.
- (4) The proposed budget may be amended by a majority vote at the annual general meeting before the budget itself is put to a vote.

⁸ [SPA]

45 (1) The strata corporation must give at least 2 weeks' written notice of an annual or special general meeting to all of the following:

- (a) every owner, whether or not a notice must also be sent to the owner's mortgagee or tenant;
 - (b) every mortgagee who has given the strata corporation a Mortgagee's Request for Notification under section 60;
 - (c) every tenant who has been assigned a landlord's right to vote under section 147 or 148, if the strata corporation has received notice of the assignment.
- (2) A person who has a right to be notified under this section may, in writing, waive the right and may, in writing, revoke a waiver.
 - (3) The notice of the annual or special general meeting must include a description of the matters that will be voted on at the meeting, including the proposed wording of any resolution requiring a $\frac{3}{4}$ vote or unanimous vote.
 - (4) If the meeting is an annual general meeting, the notice must include the budget and financial statement referred to in section 103.
 - (5) A vote at an annual or special general meeting may proceed despite the lack of notice as required by this section, if all persons entitled to receive notice waive, in writing, their right to notice.
 - (6) If 2 or more persons share one vote with respect to a strata lot, all of them must consent to the waiver of notice under subsection (5).

- (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.

Division 7 - Marketing Activities by Owner Developer

Display lot

30 Repealed.

Division 8 – Miscellaneous Matters

Small Claims Actions

- 31 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.

Electronic Attendance at Meetings

- 32 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

- 33 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

- 34 An owner, tenant or occupant shall remove ordinary household refuse and garbage from his strata lot and deposit it in a garbage can; 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.

Storage and Parking

- 35 (1) Any 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;
- (2) An owner, tenant or occupant must use parking stalls only for the parking of licensed and insured motor vehicles, motorcycles, 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;
- (3) An owner, tenant, guest or occupant shall not:
- (a) park on complex roadway (washing vehicles allowed);
 - (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) park any vehicle in a manner which reduces width or limits access to other owners garages;
 - (d) park in visitor parking more than 48 hours. If time beyond 48 hours is required the owner resident must obtain permission from a council member. All overnight visitors must put a card showing which unit they are visiting on the dash board;
- (4) 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;
- (5) Use of visitors parking spaces is allowed subject to the following restrictions:
- (a) visitors parking may not be used for extra owner vehicle parking;
 - (b) owners may during daylight hours place their vehicle in a visitor parking space while working in their garage;
 - (c) owners may use visitors parking to load, unload or wash vehicles.

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 signage board 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 except in the manner prescribed by the council. One open house for agents will be allowed per listing. 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.

Adult occupancy

- 38 No owner, tenant or occupant of a strata lot shall permit any person under the age of 21 years to ordinarily reside in such strata lot.

Rental Restrictions

- 39 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 one (1) 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 one year after the bylaw has been passed; and
 - (ii) 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.

Rental Prohibition

40 REPEALED (18-10-02).

Quorum for adjourned meeting

41 ⁹Notwithstanding 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.

Limiting Expenditures of Council

42 (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) \$2,000.00; or

(b) 5% 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 \$2,000.00 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

43 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

⁹ [SPA]

48(3) Unless otherwise provided in the bylaws, if within ½ hour from the time appointed for an annual or special general meeting a quorum is not present, the meeting stands adjourned to the same day in the next week at the same place and time but, if on the day to which the meeting is adjourned a quorum described in subsection (2) is not present within ½ hour from the time appointed for the meeting, the eligible voters present in person or by proxy constitute a quorum.

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.

Patios and Courtyards

- 44 All paved patios, paved walkways to and pass strata lot front doors as well as courtyards to all lower units have been designated as limited common property for the exclusive use of that adjacent strata lot owner.

Limited use of parking stalls

- 45 The four parking spaces in front of unit No. 7 and No. 8 are designated Limited Common Property for the exclusive use of the owners of No. 7 and No. 8 for parking for their visitors vehicles only. Visitors parking Rules will apply to these four spaces.

Proxies

- 46 One owner of any one strata lot may hold a maximum of one (1) proxy for any one (1) meeting.

Bylaw Amendment – Registered December 1, 2010 – BB1295541 **Satellite Dish Installation**

- 47 (1) The Owner must make written application to the Strata Council requesting permission to install a satellite dish receiver on the exterior of a strata lot or the common property;
- (2) Owner must receive the prior written permission of the Strata Council before undertaking the installation of a satellite dish receiver on the exterior of a strata lot or the common property;
- (3) The written application received from an Owner must be clear as to the proposed installation detail and exact location of the satellite dish receiver installation and proposed wiring to the strata lot;
- (4) The application must be clear as to the diameter of the satellite dish receiver and the wire proposed to be used;
- (5) Consideration must be given to the location of the installation and its potential effect on neighbouring strata lots and on the appearance of the exterior of the building and grounds;
- (6) In considering the application for permission Council may consult with a qualified technician as to location and reception requirements taking into account the most advantageous location with regard to aesthetics of buildings and

grounds. If this consultation is deemed necessary, the cost will be borne by the applicants;

- (7) Application approval and the granting of written permission to an Owner by Council for the installation of a satellite dish receiver shall be subject to the following conditions;
- (a) The diameter of the satellite dish receiver must be no larger than twenty-four (24) inches;
 - (b) The satellite dish receiver must be securely mounted to the fascia board detail on the exterior of the strata lot and the wire must immediately enter the strata lot via the soffit of the strata lot at the dish receiver installation location and any cable routing must take place on the inside of the strata lot so as not to be visible on the exterior of the strata lot;
 - (c) The strata lot Owner must take full responsibility for all costs associated with the installation of the satellite dish receiver;
 - (d) The strata lot Owner must take full responsibility for the ongoing maintenance and repair of the satellite dish receiver and associated apparatus and wiring while the dish receiver is installed on the common property;
 - (e) The strata lot Owner shall correct immediately any damage to the common property of the Strata Corporation as a result of the installation for which they are responsible;
 - (f) The strata lot Owner shall take full responsibility for insuring the alteration for liability, including liability against damage to person and property;
 - (g) Should any interference with any other signal of another resident be experienced, the strata lot Owner shall be responsible for correction of the interference to the satisfaction of the resident concerned;
 - (h) Should the strata lot Owner decide to remove the installation at some time in the future, the common property exterior of the strata lot must be returned to its original condition under advisement to the Strata Council;
 - (i) Should the strata lot Owner transfer title of the strata lot and the installation is to be removed, it must be removed by the strata lot Owner prior to the transfer of title date;

- (j) Should the installation be intended to remain in place upon transfer of title, the strata lot Owner must ensure that all conditions of the installation set out here are a condition of the sale, purchase and transfer of title of the strata lot.
- (8) The strata lot Owner shall receive written permission of the Strata Council and acknowledge receipt and acceptance of the provisions of this bylaw as a condition of the installation, prior to undertaking the installation.

End Amendment