

STRATA PLAN VR 2781

WESTPOINTE

BYLAWS

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Draft Bylaws for VR2781 – Final Version

Index

	Page
PART I – Types of Strata Lots	
1.1 General	1
PART II - Duties of Owners of all Strata Lots, Tenants, Occupants, Visitors and Employees	
2.1 Payment of strata fees	1
2.2 Repair and maintenance of property by owner	1
2.3 Use of property	1
2.4 Use of property – Residential Strata Lots	2
2.5 Use of property – Commercial Strata Lots, (incl. Awnings & Bylaw Restrictions)	3
2.6 Pets	5
2.7 Inform Strata Corporation	6
2.8 Obtain approval before altering a strata lot	6
2.9 Obtain approval before altering common property	7
2.10 Permit entry to strata lot	7
2.11 Compliance with bylaws	7
2.12 Insurance	7
PART III - Powers and Duties of Strata Corporation	
3.1 Repair and maintenance of property by Strata Corporation	8
PART IV - Council	
4.1 Council size	8
4.2 Eligibility	9
4.3 Council members' terms	9
4.4 Removing council member	9
4.5 Replacing council member	9
4.6 Officers	9
4.7 Calling council meetings	10
4.8 Requisition of council hearing	10
4.9 Quorum of council	10
4.10 Council meetings	10
4.11 Voting at council meetings	11
4.12 Council to inform owners of minutes	11
4.13 Delegation of council's powers and duties	11
4.14 Spending restrictions	11
4.15 Limitation on liability of council member	12
4.16 Consents	12
PART V - Enforcement of Bylaws and Rules	
5.1 Maximum fine	12
5.2 Continuing contravention	13

Draft Bylaws for VR2781 – Final Version

PART VI - Annual and Special General Meetings

6.1	Quorum	13
6.2	Person to chair meeting.....	13
6.3	Participation by other than eligible voters	13
6.4	Voting	13
6.5	Order of business	14
6.6	Electronic Attendance at Meetings	14

PART VII – Voluntary Dispute Resolution

7.1	Voluntary dispute resolution.....	15
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PART VIII - Common Expenses

8.1	Apportionment of Common Expenses.....	15
8.2	Allocation between types of strata lots	15
8.3	Apportionment within a type of strata lot	15

PART IX – Miscellaneous Bylaws

9.1	Small Claims Actions	16
9.2	Garbage disposal	17
9.3	Bicycles, Storage and Parking.....	17
9.4	Move In / Move Out	18
9.5	Selling of Strata Lots	18
9.6	Rentals - Residential strata units.....	18
9.7	Security	19
9.8	Acquisition or Disposition of Personal Property	20
9.9	Corporate Owners	20
9.10	General.....	20

Bylaws for VR2781

PART I Types of Strata Lots

General

- 1.1** The Strata Corporation shall recognize two types of strata lots only for the purposes of allocating certain financial responsibilities.
- 1.2** The two types of strata lots shall be herein referred to as:
- (a) residential strata lot
 - (b) commercial strata lot
- 1.3** Except where otherwise stated, all bylaws and rules shall apply to all strata lots equally.

PART II Duties of Owners of all Strata Lots, Tenants, Occupants, Visitors and Employees

Payment of strata fees

- 2.1** (1) An owner must pay strata fees to the strata corporation on or before the first day of the month to which the strata fees relate as set out in the approved budget.
- (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.
- (3) An owner may be fined for late payment of strata fees as prescribed in section 5.1.

Repair and maintenance of property by owner

- 2.2** (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.
- (3) An owner must repair and maintain all doors, windows and skylights, except casings, frames and sills of the doors, windows and skylights on the exterior of a building or that front onto common property.

Use of property

- 2.3** (1) An owner, tenant, occupant, employee or visitor must not use a strata lot, the common property or common assets in a way that
- (a) causes a nuisance, disturbance or hazard to another person,
 - (b) causes unreasonable or repetitive noise,

Bylaws for VR2781

- (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, employee 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.

Use of property – Residential Strata Lots

- 2.4** (1) An owner, tenant, occupant or visitor of a residential strata lot shall not:
- (a) use the 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 renovations within the strata lot that cause noise other than between the hours of 8:00 a.m. and 8:00 p.m.;
 - (c) make, cause or produce undue noise, smell, vibration or glare in or about any strata lot or common property or to do anything which will interfere unreasonably with any other owner or occupant;
 - (d) use any musical instrument, amplifier, sound reproduction equipment or other device within or about any strata lot or the common property or any limited common property such that it causes a disturbance or interferes with the comfort of any other owner or occupant;
 - (e) 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, unless approved in writing by the council;
 - (f) leave on the common property or any limited common property, any shopping cart or any other item designated from time to time by the council;
 - (g) 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 or electricity and such propane 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;
 - (h) 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;
 - (i) do anything that will increase the risk of fire or the rate of insurance on the building or any part thereof;
 - (j) permit a condition to exist within his strata lot which will result in the waste or excessive consumption of the building's natural gas supply, domestic water supply or heated water;
 - (k) allow the strata lot to become unsanitary or a source of odour;
 - (l) feed pigeons, gulls or other birds, squirrels, rodents or other animals from the strata lot or anywhere on or in close proximity to the common property

Bylaws for VR2781

- or any limited common property, but this shall not apply to a pet permitted to be kept in his strata lot pursuant to these bylaws and the rules made hereunder, which pet shall be fed only in his strata lot;
- (m) install any window coverings, visible from the exterior of his strata lot which are not white or off-white in colour;
 - (n) 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;
 - (o) use or install in or about the 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;
 - (p) erect on or fasten to the strata lot, the common property or any limited common property any television or radio antenna or similar structure or appurtenance thereto except those installations approved in writing by the Council;
 - (q) place, any signs, billboards, notices or other advertising matter of any kind on, or visible from, the exterior of a strata lot;
 - (r) 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, summer furniture and accessories;
 - (s) attach any hanging plants or baskets or other hanging items on any deck, patio or balcony without the approval of council, and then only in the approved manner attached to a building structural component (not to the building stucco finish);
 - (t) give, any keys, remote controls, combinations, security cards or other means of access to the building, the parking garage or common areas to any person other than an employee, contractor, occupant or guest of the strata lot permitted by these bylaws.
- (2) An owner of a residential strata lot who has or installs hard floor surfaces such as hardwood floors or tile in his or her 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. The installation of any flooring that is not the of the same type and quality as the original must be approved in writing by the Council prior to installation. Any changes to flooring that have been completed prior to the adoption of this bylaw will be considered as approved, but any subsequent changes must be approved in writing by the council prior to installation.

Use of property – Commercial Strata Lots

- 2.5** (1) An owner of a commercial strata lot shall:
- (a) not use the strata lot, or suffer or permit the strata lot to be used, for any purposes other than those of retail or commercial stores, restaurants, professional offices or other business activities as may be permitted from time to time under the applicable bylaws of the City of Vancouver;

Bylaws for VR2781

- (b) have the right to rent or lease the whole or any part of the strata lot to one or more tenants or sub-tenants for any of the purposes permitted under subsection (a), including, without limitation, the renting or leasing of the whole or any part of the parking areas contained within the strata lot to the strata lot's tenants or sub-tenants;
- (c) notwithstanding the provisions of sections 2.8 and 2.9, have the right to construct, install, move, alter or remove interior partitioning walls, doorways, fixtures and equipment within the strata lot; provided no structural elements of the building are impaired and that the applicable building code and bylaws of the City of Vancouver are complied with;
- (d) notwithstanding the provisions of sections 2.8 and 2.9, have the right to make changes to the street-level storefronts of the strata lot for the purpose of adding, moving or removing exterior doors in such storefronts; provided that no structural elements of the building are impaired, that the applicable building code and bylaws of the City of Vancouver are complied with, that the design specifications and materials are of a standard comparable to that of the original construction of the building, and that the design integrity of the building is maintained;
- (e) notwithstanding the provisions of sections 2.8 and 2.9, have the right to install, operate and display signs on the exterior of the strata lot as may be permitted from time to time under the applicable bylaws of the City of Vancouver;
- (f) not, nor shall his representatives, employees, clients or customers, or his tenants and their representatives, employees, clients or customers, park any vehicle anywhere in the development other than the parking spaces included within his strata lot or rented from the strata corporation or another owner;
- (g) not obstruct, nor use for any purpose other than pedestrian and vehicular access and parking vehicles in compliance with these bylaws, the driveways and parking areas of the common property, unless approved in writing by the council;
- (h) be responsible for ensuring that his representatives, employees, clients and customers, and his tenants and their representatives, employees, clients and customers, observe and comply with these bylaws, and all other bylaws of the strata corporation, and with any rules adopted from time to time by the council.

Awnings

- (2) The owner, tenant or occupant of a commercial strata lot will be permitted to install awnings within and attach the same to the common property around the outside perimeter of a commercial strata lot which faces the city street, on the condition that the plans for such awnings:
 - (a) have received the written approval of the strata corporation,
 - (b) have received any approvals required from applicable governmental authorities, and,
 - (c) depict awnings which are in keeping with the balance of the development in terms of quality, design, proportion and colour.

Bylaws for VR2781

- (3) Any awning installed as aforesaid will be maintained in good condition on an ongoing basis and the responsibility for such maintenance (including obtaining and maintaining appropriate insurance coverage) will be solely for the account of the owner, tenant or occupant of the commercial strata lot, as the case may be, and any awning installed as aforesaid will be removed and the building space it occupied will be restored or updated to a condition that matches the then current structure and appearance of the development when the owner, tenant or occupant vacates the commercial strata lot, unless otherwise specified in an agreement made with the strata corporation.

Bylaw restrictions

- (4) The strata corporation will neither act nor pass any bylaw or rule which would have the effect of prohibiting, preventing or impairing the owner of a commercial strata lot from fully utilizing a commercial strata lot for commercial purposes in accordance with the applicable governmental zoning bylaws and rules in effect from time to time, provided that the activity carried on in a commercial strata lot is not a breach of these bylaws.
- (5) The strata corporation will not pass any bylaws or rules which restrict the hours of operation of any business carried on within a commercial strata lot.
- (6) The strata corporation will not pass any bylaws or rules which prohibit, prevent or impair the ability of an owner or occupant of a commercial strata lot from leasing, subleasing, granting a licence, entering into any lease, sublease, or license arrangement with respect to the use of a commercial strata lot.

Pets

- 2.6**
- (1) 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 council. An owner, tenant or occupant that keeps a pet must comply with these bylaws and any rules enacted by the council on behalf of the strata corporation pursuant to this bylaw with respect to the keeping of pets. Unless specifically approved by the council, the weight of any pet will not exceed 20 kilograms (44 lbs.).
 - (2) An owner, tenant or occupant that keeps a pet in a strata lot, either permanently or temporarily, shall register that pet with the council by providing to the 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).
 - (3) An owner of a dog or cat shall attach a collar to the pet with a tag identifying the owner while such pet is on common property.
 - (4) An owner, tenant, occupant, or guest must keep a dog on a leash or otherwise controlled while on common property. The leash shall not be longer than 2 meters.
 - (5) 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.

Bylaws for VR2781

- (6) 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.
- (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.
- (8) The council may, from time to time on behalf of the strata corporation, enact such rules with respect to the keeping of pets as the 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 on a continuing or repetitive basis without correction, or if the council on reasonable grounds considers a pet to be a nuisance the 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.

Inform strata corporation

- 2.7** (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 and their relationship to the owner.

Obtain approval before altering a strata lot

- 2.8** (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 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) parts of the strata lot which the strata corporation must insure under the Strata Property Act including, without limitation, fixtures installed by the owner developer as part of the original construction of a strata lot (e.g. the original wall to wall carpeting).
- (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 must not do, or permit any occupant of his strata lot or any guest, employee, agent or invitee of the owner or occupant to do, any act, nor alter, or permit any occupant of his strata lot or any guest, employee, agent or invitee of the owner or

Bylaws for VR2781

occupant to alter, his 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

- 2.9** (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

- 2.10** (1) An owner, tenant, occupant, employee, representative agent or visitor must allow a person authorized by the strata corporation to enter the strata lot
- (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
- (b) at a reasonable time, on 48 hours' written notice,
- (i) to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under the Act, and
- (ii) to ensure compliance with the Act and the bylaws.
- (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.
- (3) **Commercial strata lot:** In exercising its rights under this bylaw, the strata corporation will not unreasonably interfere with the operation of any occupant of a commercial strata lot.

Compliance with bylaws

- 2.11** An owner, tenant, occupant, employee or visitor must comply strictly with these bylaws and with any rules adopted by the strata corporation applicable to such owner from time to time.

Insurance

- 2.12** An owner, tenant or occupant must not do, or omit to do, whether deliberately or accidentally, any act which would result in a claim being made on the insurance policy of the strata corporation.

Bylaws for VR2781

Insurance Deductible

- 2.13** An owner shall indemnify and save harmless the Strata Corporation from the expense of any maintenance, repair or replacement rendered necessary to the common property or to any strata lot by the owner's act, omission, negligence or carelessness or by that of any member of the owner's family or the owner's guest, employees, agents or tenants, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, and for the purposes of this bylaw, any insurance deductible paid or payable by the Strata Corporation shall be considered an expense not covered by the proceeds received by the Strata Corporation as insurance coverage and shall be charged to the owner and shall be added to and become a part of the assessment of that owner for the month next following the date on which such expense was incurred, and shall become due and payable on the date of payment of the strata fees.

Bylaws for VR2781

PART III Powers and Duties of Strata Corporation

Repair and maintenance of property by strata corporation

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

PART IV Council

Council size

- 4.1** The council must have at least 3 and not more than 7 members, and when possible, at least one of its members will be a representative of a commercial strata lot and at least one of its members will be a representative of a residential strata lot.

Bylaws for VR2781

Eligibility and Remuneration of Persons Permitted on Council

- 4.2** 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.

Council members' terms

- 4.3** (1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- (2) A person whose term as council member is ending is eligible for reelection.

Removing council member

- 4.4** (1) The strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members.
- (2) After removing a council member, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.
- (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

- 4.5** (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

- 4.6** (1) At the first meeting of the council held after each annual general meeting of the strata corporation, the council must elect, from among its members, a president and a vice president, and may elect 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

Bylaws for VR2781

- (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

- 4.7** (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

- 4.8** (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

- 4.9** (1) A quorum of the council is
- (a) 2, if the council consists of 2, 3 or 4 members,
 - (b) 3, if the council consists of 5 or 6 members, and
 - (c) 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

- 4.10** (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.

Bylaws for VR2781

- (3) Owners may not attend council meetings as observers unless council, in its sole discretion, agrees to permit members to attend.
- (4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:
 - (a) bylaw contravention hearings under section 135 of the Act;
 - (b) rental restriction bylaw exemption hearings under section 144 of the Act;
 - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

Voting at council meetings

- 4.11** (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

- 4.12** 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

- 4.13** (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

- 4.14** (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.

Bylaws for VR2781

- (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.
- (3) Subject to subsection (4) 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 expenditures out of the operating fund if the expenditure, together with all other expenditures, whether of the same type or not, that were made pursuant to this subsection (3) in the same fiscal year is less than:
 - (a) \$5000.00; or
 - (b) 3% of the total contribution to the operating fund for the current year; whichever is less.
- (4) Notwithstanding subsection (3) 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

Limitation on liability of council member

- 4.15** (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.

Consents

- 4.16** (1) Any consent, approval or permission given under these bylaws by the council shall be revocable at any time upon reasonable notice.

PART V

Enforcement of Bylaws and Rules

Maximum fine

- 5.1** (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) Each owner 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 fails to pay any money so owing within 15 days after the date such money becomes due, the owner 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 and for each additional month

Bylaws for VR2781

such default continues, an additional fine of \$25.00 will be levied against and paid by the owner.

- (3) Additional assessments, fines authorized by these bylaws, banking charges, filing costs, legal expenses, interest charges and any other expenses incurred by the strata corporation to enforce these bylaws, as they may be amended from time to time, or any rule or regulation 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.

Continuing contravention

- 5.2** 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.

PART VI

Annual and Special General Meetings

Quorum

- 6.1** (1) Notwithstanding section 48 of the Act, if within 1/2 hour from the time appointed for a general meeting a quorum is not present then, the persons present and entitled to vote shall constitute a quorum except for business that is deemed special.

Person to chair meeting

- 6.2** (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

- 6.3** (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.

Bylaws for VR2781

Voting

- 6.4** (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

- 6.5** 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;
 - (j) report on insurance coverage, if the meeting is an annual general meeting;
 - (k) approve the budget for the coming year, if the meeting is an annual general meeting;
 - (l) deal with new business, including any matters about which notice has been given;
 - (m) elect a council, if the meeting is an annual general meeting;
 - (n) terminate the meeting.

Electronic Attendance at Meetings

- 6.6** 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.

Bylaws for VR2781

PART VII

Voluntary dispute resolution

Voluntary dispute resolution

- 7.1** (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.

PART VIII

Common Expenses

Apportionment of Common Expenses

- 8.1** (1) The strata lot owner's contribution to the common expenses of the strata corporation shall be levied in accordance with the Act.
- (2) Unless otherwise set out in the Act, where a strata plan consists of more than one type of strata lot, the common expenses shall be apportioned in the following manner:
- (a) common expenses attributable to one or more type of strata lot shall be allocated to that type of strata lot and shall be borne by the owners of that type of strata lot in the proportion that the unit entitlement of that strata lot bears to the aggregate unit entitlement of all types of strata lots concerned;
 - (b) common expenses not attributable to a particular type or types of strata lot shall be allocated to all strata lots and shall be borne by the owners in proportion to the unit entitlement of their strata lots.

Allocation between types of strata lots

- 8.2** (1) Without limiting the generality of bylaw 8.1 and unless otherwise determined by the Council, acting reasonably, the following common expenses shall be allocated between the separate types of strata lots as follows:
- (a) expenses relating to areas designated as limited common property for each of the residential strata lots and the commercial strata lots (such as lobbies,

Bylaws for VR2781

- elevators, corridors and storage rooms) will be for the account of the owners of strata lots in each type;
- (b) the cost of maintaining the exterior of the building (including, without limitation, the roof and all exterior casing, frames, and sills of doors, windows and skylights) will be for the account of the strata corporation;
 - (c) the cost of insurance placed by the strata corporation will be apportioned between the two types of strata lots on the basis of the replacement value of the buildings and ancillary facilities applicable to each type;
 - (d) the cost of maintaining the landscaped and other outdoor areas within the common property will be for the account of the strata corporation; and
 - (e) the cost of maintaining the underground parking facility will be apportioned between the two types of strata lots on the basis of the respective number of parking stalls allocated as limited common property for each separate type unless expenses are separately incurred by the separate types and if so incurred will be allocated as set out in section 8.2 (1) (a).

Apportionment within a type of strata lot

8.3 Common expenses attributable to the strata lots within a separate type shall be apportioned by the council the following manner:

- (a) Common expenses except electricity and natural gas shall be allocated to all strata lots in the separate type and shall be borne by the owners in that type in the proportion that the unit entitlement of each such strata lot bears to the aggregate unit entitlement of all strata lots in that type or as otherwise set out in the current budget for that separate type. If a strata lot shall require a utility or other service not supplied to all lots the cost shall not be a common expense and if this utility is not separately metered or billed so as to measure the use thereof by the strata lot the cost of such utility shall be apportioned and charged to the strata lot by the Council, on such reasonable basis as it shall determine.
- (b) The cost to each owner of a strata lot of the electrical power or natural gas supplied to it if not separately metered for that strata lot shall be borne by the owners in the proportion that the unit entitlement of their strata lot bears to the aggregate unit entitlement of all strata lots in that type.

Part IX

Miscellaneous Bylaws

Small Claims Actions

9.1 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.

Bylaws for VR2781

Garbage disposal

- 9.2 (1) Residential strata lot:** An owner, tenant or occupant of a residential strata lot shall remove ordinary household refuse and garbage from his or her strata lot and deposit it in the containers provided by the strata corporation for use by residential strata lots 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 or her expense.
- (2) Commercial strata lot:** The owner, tenant, occupant or employee of a commercial strata lot shall remove or cause to be removed all refuse and garbage from his or her strata lot and deposit it or cause it to be deposited in the containers provided by the strata corporation for use by commercial strata lots for that purpose.

Bicycles, Storage and Parking

- 9.3 (1)** No bicycles are to be kept on balconies, patios or common areas; 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 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.
- (3)** An owner, tenant or occupant must use parking stalls only for the parking of licensed and insured (or insured for storage) 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.
- (4)** An owner, tenant, occupant, guest or employee 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 or her strata lot, a parking space leased by the owner, a parking space designated for visitor parking when used according to the rules established by the council or, when specifically agreed with another owner, the parking space assigned to the strata lot of that other owner, or designated visitor parking spaces ;
 - (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 to or otherwise permit that parking space to be regularly used by anyone that is not a resident of the building unless approved in writing by the Council;
 - (d)** park any vehicle in a manner which will reduce the width of the garage roadway, ramp or any roadway on the common property or on any limited common property;
 - (e)** use any part of the common property (other than established storage rooms or lockers) for storage, without the written consent of the council.

Bylaws for VR2781

- (5) 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

- 9.4 (1) Owners of all units will be required to notify the council of any changes in ownership or tenancy 15 days prior to the move.
- (2) All units shall be subject to a \$25.00 moving fee per move in and out. This fee shall be paid by the owner of the strata lot to the strata corporation.
- (3) Moving of furniture shall be confined to these hours: Daily - 9:00 a.m. to 9:00 p.m.
- (3) Notice shall be provided to the management company within 48 hours prior to any residential strata lot move so that protective pads can be placed in the elevators.

Selling of Strata Lots

- 9.5 (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.
- (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 matter 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.

Rentals - Residential strata units

- 9.6 (1) Subject to provisions of this bylaw, residential strata lots shall be owner-occupied only, with the following considerations and exceptions:
 - (a) at any given time, the number of residential strata lots within the strata plan that may be rented by the owners is limited to 6 (six).
 - (b) the procedure to be followed by the strata corporation is administering the rental restriction limit will be as follows:
 - (i) any owner wishing to rent a strata unit 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, require the insertion of terms in the 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 applicant in writing within 4 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 rent the strata unit as described in the application within six (6) months from acceptance by the council of such owner's application or the

Bylaws for VR2781

- 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 residential strata unit has been approved;
- (vii) prior to renting a residential strata unit, an owner must give the prospective tenant:
 - (A) the current Bylaws and Rules, and
 - (B) a Notice of Tenant's Responsibilities (Form "K")and within two (2) weeks of renting the residential strata unit, submit a copy of the completed Form "K" to the strata corporation
 - (viii) an owner may continue to rent his or her residential strata unit until the earlier of the date such owner moves into the residential strata unit or there is a change of ownership of the residential strata unit.
- (c) notwithstanding paragraph (a), where cases of physical or financial hardship of a personal nature arise, the owner may make a written request to the council for permission to rent a residential strata unit 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;
 - (d) this bylaw does not apply to prevent the rental of a residential strata unit to a member of the "family" of the 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 cohabited with the owner, for a period of at least two (2) years at the relevant time, in a marriage-like relationship, including a marriage-like relationship between persons of the same gender;

or

 - (iii) a parent or child of the spouse of the owner as defined by the Act;
 - (e) the strata corporation will impose a fine of up to \$500.00 for a contravention of this Bylaw, and may impose such fine for a continuing contravention every seven (7) days.

Security

- 9.7** (1) Only registered owners, tenants and their employees are permitted to hold keys for exterior doors.
- (2) Owners will be held responsible for the cost of re-keying all common area door locks, should **all** keys not be returned by their tenant(s), visitor(s) and employee(s).
 - (3) No owner, tenant, visitor or employee shall leave open, or unlocked, any outside entrance or fire escape for the purpose of moving into or out of a strata lot or otherwise, unless they are in constant supervision of the entrance.
 - (4) No owner, tenant, guest or employee shall let another person, including tradesmen or deliverymen, into the buildings when entering or leaving, unless that person is known to them.

Bylaws for VR2781

- (5) No owner, tenant, occupant, visitor or employee is permitted in any part of the restricted common areas of the strata corporation, such as roof, electrical rooms, mechanical rooms and locked rooms other than their own, except with express permission of the council.
- (6) Solicitation is not permitted anywhere in or about the residential strata lots for any cause, except as required by the Election Act (Canada) and similar provincial registration.
- (7) Portable garage door openers are not to be left in owners' vehicles. Owners who do so will be responsible for the cost associated with changing the security code in the event of a theft of a door opener.
- (8) An owner, tenant, occupant or employee must not give entrance codes or other means of access to common areas to any person other than an employee, contractor, occupant or guest of the strata lot permitted by these Bylaws.
- (9) Lock boxes, with the exception of those belonging to the city fire department, are not permitted.

Acquisition or Disposition of Personal Property

- 9.8** 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.

Corporate Owners:

- 9.9** An incorporated company which is an owner of a strata lot and a member of the council or the executive of a separate section shall appoint one of its corporate officers to act as its representative on the council or executive, as the case may be, and to attend meetings thereof and vote at such meetings on behalf of the company and such representative shall be entitled to so act provided notice in writing of this appointment shall have been given to the council or executive, as the case may be.

General

- 9.10 (1)** Christmas lights shall be permitted between November 15 and January 31 only, and shall not be attached to the exterior of the building in any manner so as to cause damage.

End of bylaws
