

“THE ROSEMONT”
OWNERS’ STRATA PLAN LMS 1447

**STRATA CORPORATION’S BYLAWS,
RULES & REGULATIONS**

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Attached hereto are the bylaws for Strata Plan LMS 1447. They are consolidated for convenience. For legal purposes please obtain a true copy as registered at the Land Title Office.

THE STRATA PLAN LMS1447

THE ROSEMONT

BYLAWS

CONTENTS

Preamble and definitions

Duties of Owners, Residents, Tenants, Occupants, Invitees and Visitors

1. **Compliance with bylaws and rules**
 - 1.1 Owners and visitors must comply strictly with bylaws and rules
 - 1.2 Reports to Council of infractions to be in writing
 - 1.3 Council may issue warnings or levy fines
 - 1.4 Unpaid fines subject to interest charge
2. **Payment of strata fees and special levies**
 - 2.1 Strata fees payable first day of month
 - 2.2 Unpaid strata fees subject to interest charge
 - 2.3 Owners to provide post-dated cheques or for automatic debit
 - 2.4 Fine for failure to provide for post-dated cheques or automatic debit
 - 2.5 Special levy due on date(s) noted
 - 2.6 Fine for failure to pay special levy
 - 2.7 Unpaid levy subject to interest charge
 - 2.8 A fine, penalty or interest maybe waived, reduced or suspended by Council
3. **Repair and maintenance of property by owner**
 - 3.1 Owner must repair and maintain strata lot
 - 3.2 Owner to repair and maintain limited common property
4. **Use of property**
 - 4.1 Prohibited use of strata lot, common property by an owner
 - (a) nuisance and hazards
 - (b) noise and odours
 - (c) interference with rights of other persons
 - (d) illegal activity
 - (e) contrary to intended use of strata property
 - (f) conduct of business
 - 4.2 damage to common property
 - 4.3 OWNER responsible for damage caused by others
 - 4.4 OWNER to indemnify Strata corporation for damage caused by others and Council not required to make a claim under insurance policy
 - 4.5 Strata lot to used only for a private dwelling with limit on number of occupants
 - 4.6 Hardship – Council may grant relief
5. **Pets and animals**
 - 5.1 Owner may not keep pets except in accordance with bylaws
 - 5.2 “Common Property” does not include “Limited Common Property”
 - 5.3 No exotic pets or animals
 - 5.4 Owner must apply to council for permission to keep a pet
 - 5.5 Pets must be leashed when on common property
 - 5.6 Pets deemed to be Permitted Pets if owned at time this bylaw is passed
 - 5.7 Owner may not keep a Permitted Pet if it is deemed to be a nuisance

- 5.8 Fine for contravention of bylaw 5.7
- 5.9 Removal of pet if in contravention of bylaw 5.7 on three occasions
- 5.10 Control of pet and cleanup
- 5.11 Pet to be kept in strata lot except for ingress and egress
- 5.12 Strata lot owner liable for pets
- 5.13 Owner or visitors not to feed birds or rodents.
- 5.14 Fines for breach of this bylaw
- 5.15 No pets in Guest Suite

- 6. Inform Strata Corporation**
 - 6.1 Owner must notify Council of
 - (a) change of ownership
 - (b) mortgage or other dealing in the property
 - 6.2 Owner to provide name of tenant

- 7. Obtain approval before altering strata lot**
 - 7.1 Approval required before making alteration to strata lot
 - 7.2 Approval not to be unreasonably withheld but may be subject to conditions
 - 7.3 Application must be in writing with details

- 8. Obtain approval before altering common property**
 - 8.1 Owner must obtain approval before altering common property
 - 8.2 Application must be in writing
 - 8.3 Approval may be subject to conditions
 - 8.4 OWNER may responsible for alterations carried out before this bylaw passed
 - 8.5 Consequences if alteration carried out without complying with conditions.

- 9. Renovations/alterations in all situations**
 - 9.1 Two days notice required before work commenced
 - 9.2 Construction debris not to be deposited in strata disposal containers
 - 9.3 Delivery of goods and protection of elevator
 - 9.4 Drop cloths to be used and common property to be cleaned regularly
 - 9.5 Permitted hours of work
 - 9.6 Presence of owner required during significant renovations /alterations
 - 9.7 Owners responsibility for work of others
 - 9.8 Fine for contravention of bylaw

- 10. Permit entry to strata lot**
 - 10.1 Persons authorized by strata corporation to be permitted entry to strata lot
 - 10.2 If forced entry is required the owner is responsible for all costs
 - 10.3 Notice to include date and time and reason for entry

- 11. Repair and maintenance of property by strata corporation**
 - 11.1 Property which the strata corporation must repair and maintain

- 12. Council Size**
 - 12.1 Required number of council members

- 13. Council eligibility**
 - 13.1 Only Owner or spouse of Owner may stand for Council
 - 13.2 Owner of a strata lot which may be subject to lien may not stand or continue to be on council
 - 13.3 Owner of a strata lot strata lot with amounts owing in respect to the strata lot may not stand for or continue to be on council
 - 13.4 Owner of a strata lot may not stand for council or continue on council of other monies are owing

14. **Council member's term**
 - 14.1 Term ends at end of annual general meeting
 - 14.2 A person may be re-elected to office
15. **Removing council member**
 - 15.1 Removal at annual general meeting or special general meeting
 - 15.2 Appointment or election of replacement
 - 15.3 If all members are removed
 - 15.4 Appointment of members to make a quorum
 - 15.5 Who is eligible for appointment
16. **Replacing council member**
 - 16.1 Council may appoint replacement member
 - 16.2 Replacement may be made from any persons eligible to sit on council
 - 16.3 A point when there is no quorum
 - 16.4 When all members of council resign or cannot act
17. **Officers**
 - 17.1 Officers to be elected by council after annual general meeting
 - 17.2 A person may hold more than one office
 - 17.3 Vice president powers and duties
 - 17.4 Duties for remainder of president's term
 - 17.5 Replacement of officers
18. **Calling council meetings**
 - 18.1 Any council member may call a meeting
 - 18.2 Notice not required to be in writing
 - 18.3 Council meetings may be held with less than one weeks notice
19. **Requisition of council hearing**
 - 20.1 Request by Owner for hearing at council meeting
 - 20.2 When must hearing be held
 - 20.3 Written decision must be given within specified time
21. **Quorum of council**
 - 21.1 How many members required for quorum
 - 21.2 Council members must be present in person
22. **Council meetings**
 - 22.1 Council may conduct meetings as they see fit
 - 22.2 Council meetings may be held by electronic means
 - 22.3 Members are deemed to be present when using electronic means
 - 22.4 Owners and spouses may attend as observers
 - 22.5 No observers may attend in certain circumstances
23. **Voting at council meetings**
 - 23.1 Decisions must be by majority
 - 23.2 If a tie vote
 - 23.3 Results of all votes to be recorded in minutes
24. **Council to inform owners of minutes**
 - 24.1 Minutes to be circulated within two weeks
25. **Delegation of council's powers and duties**
 - 25.1 Council may delegate powers

- 25.2 Spending powers may be delegated
- 25.3 Limitation of delegation of spending powers
- 25.4 Council may not delegate its powers to determine certain matters
- 26. Spending restrictions**
 - 26.1 No unauthorized spending of Strata corporation money
 - 26.2 Spending if immediately required for repairs
- 27. Limitation of liability of council member**
 - 27.1 Council member acting in good faith not personally liable
 - 27.2 Limitation of liability does not liability as an owner
 - 27.3 Acts by council member valid
- 28. Fines**
 - 28.1 Maximum fines
 - 28.2 Council must impose fines in some circumstances
 - 28.3 Interest payable if fine not paid
- 29. Continuing contravention**
 - 29.1 Fine may imposed every 7 days where continued contravention

Annual and Special General Meetings

- 30. Quorum of meeting**
 - 30.1 Commencement of meeting
- 31. Person to chair meeting**
 - 31.1 Meetings must be chaired by president
 - 31.2 If president unable to act
 - 31.3 Chair to be elected if neither president or vice president able to act
- 32. Participation by other than eligible voters**
 - 32.1 Interested persons may attend even if not eligible to vote and may participate if permitted by the chair
 - 32.2 Persons not permitted to vote may be requested to leave by resolution passed
- 33. Voting**
 - 33.1 Certain members may not vote
 - 33.2 Members who may not vote
 - 33.3 Members who may not vote
 - 33.4 Voting cards must be used
 - 33.5 Vote decided by show of cards unless count is requested
 - 33.6 Method of counting precise vote
 - 33.7 Results of precise vote must be announced by chair and recorded
 - 33.8 A second ballot may be cast by president if there is tie vote
 - 33.9 Election of council or removal of member must be by secret ballot if requested
- 34. Order of business**
 - 34.1 (a) – (n) Order of business is listed
- 35. Voluntary dispute resolution**
 - 35.1 Dispute may be referred to a dispute resolution committee
 - 35.2 Makeup of dispute resolution committee
 - 35.3 Committee must attempt to help resolve dispute

Small Claims Court Proceedings

- 36. Authorization to proceed**
 36.1 Council has authority to proceed in Small Claims Court

Marketing Activities by Owners and Occupants

- 37. Sale of a strata lot**
 37.1 Display of real estate signs
 37.2 Sale of strata lots by individual owner
- 38. Insurance against major perils**
 38.1 Strata corporation must insure against major perils
- 39. Liability of strata corporation**
 39.1 Strata corporation not liable to owner for certain damages
 39.2 Strata corporation not liable for failure to enforce bylaws
 39.3 Strata Corporation shall carry out repairs in a proper manner
- 40. Storage lockers and bicycle storage**
 40.1 Bicycles to be stored only in designated places
 49.2 No storage of hazardous, flammable or materials with noxious odours
- 41. Parking**
 41.1 Oversized vehicles not permitted
 41.2 Storage of non-resident or unlicensed vehicles
 41.3 Parking stall not to be transferred to non-resident person
 41.4 Owners must only park in assigned stall
 41.5 Parked vehicle must not interfere with other parking stalls
 41.6 Removal of improperly parked vehicle
 41.7 Parking stall not to be used for storage or repairs
 41.8 Speed limit in garage
 41.9 No smoking in garage
 41.10 Washing cars
 41.11 Oil leaks and other residues not permitted
 41.12 Right of way in garage
 41.13 Operation of car radios prohibited
 41.14 Stall numbering and assignment to strata lots
 41.15 Garage for parking only
 41.16 Visitor parking for visitors only
- 42. Moving in/out procedures**
 42.1 Conformity to bylaws and rules required. OWNER responsible for all damage done to elevators and common property
 42.2 Notice of moving arrangements to be given to Council 7days in advance
 42.3 Elevator doors not to be jammed open

- 42.4 Elevator pads and other protection to be used
 - 42.5 Owner or other resident responsible for security protection of entrance doors and not to be left open and property not to be left piled in lobby
 - 42.6 Common areas to be left clean and damage free
 - 42.7 Refundable damage deposit to be paid before moves both in and out
 - 42.8 Fine for failure to comply may be deducted from deposit.
- 43. Cleanliness**
- 43.1 Strata lot not permitted to become unsanitary and rubbish not permitted on common property
 - 43.2 Disposal of household waste
- 44. Residential Rentals**
- 44.1 No strata lots may be rented.
 - 44.2 Conditions for exempt rental – tenant to receive current bylaws and Form K
 - 44.3 “ “ “ “ strata corporation to receive copy of form K
 - 44.4 “ “ “ “ fine and penalty for unauthorized lease
 - 44.5 Conditions for existing rental
- 45. Visitors and children**
- 45.1 Owners responsible for activities of visitors
 - 45.2 Owners responsible for noise caused by children
 - 45.3 Owners responsible for supervision of children
- 46. Hazards**
- 46.1 Restrictions on barbecues
 - 46.2 Dropping of materials from window or balcony
 - 46.3 Placement of planters
 - 46.4 Duplicate key and forcible entry to strata lot
 - 46.5 Use of skateboards or bicycles on common property
 - 46.6 Waterbeds
 - 46.7 No natural Christmas trees permitted
 - 46.8 Servicing of appliances and overflows from fixtures.
- 47. Miscellaneous**
- 47.1 No smoking on common property
 - 47.2 Obstruction of common property
 - 47.3 Playing and loitering on common property
 - 47.4 Use of common property- electrical outlets, signs, fences etc
 - 47.5 Posting of notices on bulletin board
 - 47.6 Strata lot doors to be kept closed and use of extract fans.
 - 47.7 Shaking of rugs, mops etc not permitted
 - 47.8 Colour of blinds and drapes
 - 47.9 Display of items on exterior of building
 - 47.10 Erection of structures on common property
 - 47.11 Christmas lights permitted between Dec. 1st and January 15th
 - 47.12 Only authorized persons permitted on roof
 - 47.13 Trespass not permitted on another owner’s exclusive limited common property
- 48. Guest suite**
- 48.1 Guest suite available for rental on terms and conditions detailed in Rules
 - 48.2 Disclaimer of liability
 - 48.3 Pets are not permitted
 - 48.4 Rental to be arranged with person to be designated by Council at rate provided for in Rules

THE STRATA PLAN LMS 1447

THE ROSEMONT
2271 Bellevue Avenue
West Vancouver, B.C. V7V 4X1

Bylaws

Adopted by Resolution passed at the ANNUAL GENERAL MEETING OCTOBER 28, 2003

Preamble

These bylaws bind the strata corporation and the tenants and occupants to the same extent as if the bylaws had been signed by the strata corporation and each OWNER, tenant and occupant and contains covenants on the part of the strata corporation with each OWNER, tenant and occupant and on the part of each OWNER, tenant and occupant with every other owner, tenant and occupant and with the strata corporation to observe and perform their provisions.

The intent of the Bylaws is to create and promote harmony and goodwill among all Owners. If a problem develops, the first attempt to resolve it should be between the parties involved. Unless otherwise stated, all terms have the meanings prescribed in the *Strata Property Act*, S.B.C. 1998, c. 43 (the "Act"). For the purposes of these bylaws, "OWNER" or "OWNERS" means the registered owner(s) and as further defined in the Act, "owner" will include the OWNER(S) his/her tenant, a resident or occupant of the strata lot, any invitee or guest and as otherwise specifically provided herein and "owner" means collectively, an OWNER, a tenant, resident and an occupant of a Strata Lot. **The Schedule of Standard Bylaws to the Act does not apply to the Strata Corporation.**

Duties of owners, residents, Tenants, Occupants and Invitees and Visitors

1. Compliance with bylaws and rules

- 1.1 All owners and visitors must comply strictly with the bylaws and rules of the strata corporation adopted from time to time.
- 1.2 Unless otherwise permitted by the Strata Council, all reports to Council of infractions of Bylaws or Rules or other matters of concern should be reported in writing by the complainant
- 1.3 In cases of breach of Bylaws or Rules the Strata Council may issue warnings or levy fines which shall become due and payable on the date for the payment of the owner's next monthly assessment.
- 1.4 Where an owner fails to pay a fine levied in accordance with this section it will be subject to an interest charge of 10% per annum, compounded annually. In addition to interest, failure to pay a fine will result in a fine for each breach of bylaw 1.3.

2. Payment of strata fees and special levies

- 2.1 An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- 2.2 Where an owner fails to pay strata fees in accordance with bylaw 2.1, outstanding strata fees will be subject to an interest charge of 10% per annum, compounded annually. In addition to interest, failure to pay strata fees on the due date will result in a fine of \$50.00 for each contravention of bylaw 2.1.

- 2.3 Unless otherwise approved by resolution of Council, an owner must provide the strata corporation or its agent with twelve (12) consecutive, monthly post-dated cheques for strata fees for the fiscal year of the strata corporation, dated as of the first day of each month or, if applicable, written authorization for monthly automatic debit from the owner's bank account.
- 2.4 Failure by an owner to submit, as required, twelve (12) monthly, post-dated strata fee cheques or written authorization for a automatic debit in accordance with bylaw 2.3 is a contravention of bylaw 2.3 and the strata corporation will levy a fine of \$50.00 for each contravention. Each dishonoured cheque or dishonoured automatic debit will be subject to a fine of \$50.00.
- 2.5 A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy.
- 2.6 Failure to pay a special levy on the due date will result in a fine of \$50.00 for each contravention of bylaw 2.5.
- 2.7 Where an owner fails to pay a special levy in accordance with bylaw 2.5, outstanding special levies will be subject to an interest charge of 10% per annum, compounded annually.
- 2.8 Council may in special circumstances, as determined by Council, waive, suspend or reduce a fine, penalty or interest as provided in this section and bylaw 1.3. and 1.4..
- 3. Repair and maintenance of property by owner**
- 3.1 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.
- 3.2 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.

Note - See also sec 12

4. Use of property

- 4.1 An owner must not use a strata lot, the common property or common assets in a way that in the reasonable opinion of the Council:
- (a) causes a nuisance or hazard to another person,
 - (b) causes unreasonable noise or offensive odours, any noise should be kept to a minimum between 11:00p.m. and 7:00a.m
 - (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, contrary to any statute, ordinance, Bylaw, Rule, Regulation or law of any regulatory authority of Canada whether Federal, Provincial, Municipal or this Strata Corporation
 - (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.
 - (f) Owners shall not use the strata lot to conduct or carry on any business, trade or profession unless otherwise approved by the Strata Council. Any such approval is personal to the applicant owner and does not run with the strata lot and may be revoked by the Strata Council on giving thirty days notice in writing.

- 4.2 An owner 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.
- 4.3 The **OWNER** is responsible for any damage referred in section 4.2 caused by residents, occupants, tenants, invitees, guests or visitors to the **OWNER'S** strata lot.
- 4.4 An **OWNER** shall indemnify and save harmless the strata corporation from the expense for any maintenance, repair or replacement rendered necessary to the common property, limited common property, common assets or to any strata lot caused by an owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family, 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 bylaws 4.1, 4.2 and 4.3, 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 will be charged to the **OWNER**. The Council, in its sole discretion may choose not to make an insurance claim to avoid increased premiums or underwriting problems. In that case the amount of the claim waived may be shared equally by the Strata Corporation and after notice, in writing, from the Council the **OWNER** shall pay such share with the next monthly payment of strata fees.
- 4.5 An **OWNER** must not use, or permit a strata lot to be used, for any purpose other than as a private dwelling home and, will not permit an owner to have a pet unless granted prior written approval by the council, a resident must not allow more than two persons to occupy a strata lot originally designated by the owner developer as a one bedroom unit and not allow more than two persons to occupy each bedroom in a strata lot originally designated by the owner developer. For the purposes of this bylaw 4.5, a "person" is defined to include children, but excludes visitors staying for less than 30 days with an owner, occupant or tenant of a strata lot. A "bedroom" is defined as a room that had a built-in closet at the time of original construction of the strata. Lot.
- 4.6 An owner who alleges hardship as a result of the passage of bylaw 4.5 may appeal to the council for permission to be exempt from bylaw 4.5 on the basis of hardship and the council must not unreasonably refuse the appeal. Such permission may be limited in time and may be rescinded on giving the owner thirty days notice.
- 5. Pets and animals**
- 5.1 An owner must not keep any pets on a strata lot or common property or on land that is a common asset except in accordance with these bylaws.
- 5.2 For the purpose of this section 5 "common property does not include limited common property".
- 5.3 An owner or visitor must ensure that all animals are leashed or otherwise secured when on the common property, except limited common property, or on land that is a common asset. An owner or visitor must not keep a pet on a strata lot other than one or more of the following:
- (a) a reasonable number of fish or other small aquarium animals;
 - (b) a reasonable number of small caged mammals;
 - (c) up to 2 caged birds;
 - (d) one small dog or one cat. "Small" means under 20 pounds when it reaches maturity
- 5.4 An owner must not harbour exotic pets, including, but not limited, to snakes, reptiles, spiders or large members of the cat family.

- 5.5 An owner must apply to the council for written permission to keep a pet (a "Permitted Pet") by registering the pet with the council within 30 days of the pet residing on a strata lot (or the passage of this bylaw) and by providing, in writing, the name of the Permitted Pet, breed, colour and markings, together with the name, strata lot number and telephone number of the pet owner and, if required by Council, a certificate from a veterinary doctor as to the weight and potential weight of the permitted pet.
- 5.6 An owner or visitor must not permit a loose or unleashed Permitted Pet (leashes cannot exceed six feet in length) at any time on the common property or on land that is a common asset. A Permitted Pet found loose on common property or land that is a common asset, without notice may be delivered to the municipal pound at the cost of the strata lot owner.
- 5.7 An owner having a pet at the time this bylaw is passed will be deemed to have a Permitted Pet but otherwise subject to the provisions of this bylaw and must give a description of the permitted pet including name, breed and colour in writing to the Council.
- 5.8 An owner must not keep a Permitted Pet which is a nuisance on a strata lot, on common property or on land that is a common asset. If an owner has a pet which is not a Permitted Pet or if, in the opinion of council, the Permitted Pet is a nuisance or has caused or is causing an unreasonable interference with the use and enjoyment by owners or visitors of a strata lot, common property or common assets, the council may issue a warning or a fine and/or (order such pet to be removed permanently from the strata lot, the common property or common asset or all of them). Council may only act on the provisions of this section if it receives two written complaints and gives the owner reasonable notice of a hearing.
- 5.9 If an owner contravenes bylaw 5.7, the OWNER of the strata lot will be subject to a fine of \$50.00 for a first offence and \$100.00 for each subsequent offence..
- 5.10 Notwithstanding bylaw 5.8, an owner whose pet is in contravention of bylaw 5.7 on three occasions will be required to remove the pet permanently from the strata lot, the common property or common asset or all of them and will be subject to an immediate injunction application for removal of the pet and the OWNER of the strata lot will be responsible for all expenses incurred by the strata corporation to obtain the injunction, including legal costs.
- 5.11 A pet owner must ensure that a Permitted Pet is kept quiet, controlled and clean. Any excrement on common property or on land that is a common asset must be immediately disposed of by the pet owner and reasonable steps taken to clean any residue on carpets etc..
- 5.12 A pet owner must keep a Permitted Pet only in a strata lot, except for ingress and egress.
- 5.13 A strata lot owner must assume all liability for all actions by a Permitted Pet or other pet belonging to the owner or visitor, regardless of whether the owner had knowledge, notice or forewarning of the likelihood of such action.
- 5.14 An owner or visitor must not feed birds, rodents or other wild animals from any strata lot, limited common property, common property or land that is a common asset. No bird feeders of any kind are permitted to be kept on balconies, strata lots, common property or land that is a common asset.
- 5.15 An owner contravening any of bylaws 5.1 to 5.7 (inclusive) or 5.10 to 5.13 (inclusive) will be subject to a \$100.00 fine.
- 5.16 Permitted Pets or other pets may not be left unattended in a Strata Lot or Limited Common Property for excessive periods of time and may never be left unattended on common property and the Permitted Pet or other pet is not to be stressed in any way by virtue of unnatural confinement
- 5.17 Persons occupying the Guest Suite are not permitted to keep pets of any kind in the Guest Suite or on Strata property

Note - See sections 135 of the Act regarding hearing requirements and section 123 (1) - regarding exemption

6. Inform strata corporation (see also sec. 37)

6.1 An OWNER must notify the strata corporation of:

- (a) within two weeks of becoming an OWNER; the OWNER'S name and any occupants' names, strata lot number and mailing address outside the strata plan, if any; an emergency telephone number and contact person, if any, and
- (b) any mortgage or other dealing in connection with the strata lot within two weeks of such mortgaging or other dealing. (see also sec 37)

6.2 On request by the strata corporation, an OWNER or tenant must inform the strata corporation of the tenant's name and telephone number and name and telephone number of an emergency contact person and the strata lot which the tenant occupies.

7. Obtain approval before altering a strata lot

7.1 An OWNER must obtain the written approval of the strata corporation before making or authorizing 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) patios, 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;
- (e) fences, railings or similar structures that enclose a patio, balcony or yard;
- (f) common property located within the boundaries of a strata lot;
- (g) those parts of the strata lot which the strata corporation must insure under section 149 of the Act; and
- (h) wiring, plumbing, piping, heating, air conditioning and other services,
- (i) installation and/or replacement of hardwood floors and/or hard surface floors and in particular provide information as to noise and sound proofing and method of attachment to subsurface.

7.2 The strata corporation must not unreasonably withhold its approval under bylaw 8.1, 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 and to indemnify and hold harmless the strata corporation for any future costs in connection with the alteration.

7.3 An OWNER intending to apply to the strata corporation for permission to alter a strata lot must submit, in writing, detailed plans and written description of the intended alteration.

Note – Section 149 of the Act refers to property which must be insured by the Strata Corporation and in particular refers to section 9.1(1) of the Regulations which defines “fixtures”.

8. Obtain approval before altering common property

- 8.1 An OWNER must obtain the written approval of the strata corporation before making or authorizing an alteration to common property, including limited common property or common assets. The Council may require that a special resolution for approval be submitted to a General or Special General Meeting.
- 8.2 An OWNER, as part of its application to the strata corporation for permission to alter common property, limited common property or common assets, must:
- (a) submit, in writing, detailed plans including colours and description of the intended alteration;
 - (b) obtain all applicable permits, licences and approvals from the appropriate governmental authorities and provide copies to the strata council; and
 - (c) obtain the consent of the owners by written approval of the strata council under bylaw 9.1.
- 8.3 The strata corporation may require, as a condition of its approval, that the OWNER agree, in writing, to certain terms and conditions, including, but not limited to, the following:
- (a) that alterations be done in accordance with the design or plans approved by the strata council or its duly authorized representatives;
 - (b) that the standard of work and materials be not less than that of the existing structures;
 - (c) that all work and materials necessary for the alteration be at the sole expense of the OWNER.
 - (d) that the OWNER and any subsequent owner from time to time of the strata lot receiving the benefit of an alteration to common property, limited common property or common assets must, for so long as he or she remains an OWNER, be responsible for all present and future maintenance, repairs and replacements, increases in insurance, and any damage suffered or cost incurred by the strata corporation as a result, directly or indirectly, of the alterations to common property, limited common property or common assets and property within any strata lot and for damages sustained by any owner, occupant, tenant or guest;
 - (e) that the OWNER and any subsequent OWNER on title who receives the benefit of such alteration, must, with respect only to claims or demands arising during the time that they shall have been owner, indemnify and hold harmless the strata corporation, its council members, employees and agents from any and all claims and demands whatsoever arising out of or in any manner attributable to the alteration. Any costs or expenses incurred by the strata corporation as the result of such claim or demand will be the responsibility of the OWNER from time to time of the strata lot who has benefited from the alteration and the said costs or expenses incurred must be charged to that OWNER and shall be added to and become part of the strata fees of that OWNER for the month next following the date upon which the cost or expenses are incurred, but not necessarily paid by the strata corporation, and shall become due and payable on the due date of payment of monthly strata fees.
 - (f) That tradespersons provide proof of third party liability insurance for bodily injury and property damage, if required by the Council.
- 8.4 An OWNER who has altered common property, limited common property or common assets prior to the passage of these bylaws shall be subject to their content and intent to the extent that any damages suffered or costs incurred by the strata corporation as a result, directly or indirectly, of the alteration, must be borne by the OWNER who has benefited from the alteration.

- 8.5 An OWNER who, subsequent to the passage of bylaws 9.1 to 9.3 inclusive, alters common property or limited common property without adhering strictly to these bylaws, must restore, at the owner's sole expense, the common property, limited common property or common assets, as the case may be, to its condition prior to the alteration. If the OWNER refuses or neglects to restore the alteration to its original condition, the strata corporation may conduct the restoration, at the expense of the owner who altered the common property or limited common property. The cost of such alteration shall be added to and become part of the strata fees of that OWNER for the month next following the date on which the cost was incurred and will become due and payable on the due date of payment of monthly strata fees.

9. Renovations/alterations in all situations

- 9.1 An owner must give the council two working days' prior notice of the scheduled arrival of tradespersons or delivery of materials. Tradespersons must be licensed and bonded and have proof of coverage for legal liability worker's compensation, if required by the Council. Inadequate notice or work done or commenced by unlicensed, unbonded or uninsured tradespersons may result in the levy of fines.
- 9.2 An owner must not permit any construction debris, materials or packaging to be deposited in the strata corporation's disposal containers.
- 9.3 An owner must ensure that the delivery of any construction materials is through the parking lot and, if in an elevator is used, the owner must ensure the elevator is protected with proper wall pads and floor coverings. An owner must not permit any renovations/alterations materials to be delivered through the main lobby.
- 9.4 An Owner must be responsible to ensure:
- (a) drop cloths are installed and removed daily between the elevators and the strata lot as well as between other doors to protect common areas from any spillage or dripping; and
 - (b) stairs, lobbies and paths through the parking areas are regularly cleaned (and vacuumed at the request of the council) and the residential corridor thoroughly vacuumed daily;
- 9.5 An owner must ensure that the hours of work are restricted to 8:00 a.m. to 5:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m., Saturdays, Sundays and statutory holidays. To perform renovations/alterations on statutory holidays, an owner must apply for permission in writing to the council at least five business days before the holiday date.
- 9.6 An owner or designated person satisfactory to the Council must be in attendance for all significant renovations/alterations, the determination of "significant" shall be in the discretion of the Council.
- 9.7 An owner performing or contracting with others to perform renovations or alterations will be responsible, financially and otherwise, for ensuring that any and all required permits and licences are obtained.
- 9.8 If there is contravention of any of bylaws 10.1 to 10.7 (inclusive) the OWNER shall be subject to a fine of \$100.00 for each contravention, as well as be responsible for any clean up or repair costs.

10. Permit entry to strata lot

- 10.1 An owner must allow a person authorized by the strata corporation to enter the strata lot or limited common property
- (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage;
 - (b) at a reasonable time, on 48 hours' written notice,

- (i) to inspect, repair, renew, replace or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair, replace, renew and maintain under these bylaws or the Act or to insure under section 149 of the Act; or
 - (ii) to ensure a resident's compliance with the Act, bylaws and rules.
- 10.2 If forced entry to a strata lot is required due to required emergency access and the inability to contact the owner of the strata lot, the owner shall be responsible for all costs of forced entry incurred by the strata corporation.
- 10.3 The notice referred to in bylaw 11.1(b) must include the date and approximate time of entry, and the reason for entry.

Powers and Duties of Strata Corporation

11. Repair and maintenance of property by strata corporation

- 11.1 The strata corporation, unless otherwise provided for in these bylaws, 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. patios, chimneys, stairs, balconies and other things attached to the exterior of a building;
 - D. doors, windows and skylights on the exterior of a building or that front on common property;
 - E. fences, railings and similar structures that enclose patios, balconies and yards;
 - (d) a strata lot, but the duty to repair and maintain it is restricted to
 - (i) the structure of a building,
 - (ii) the exterior of a building,
 - (iii) patios, chimneys, stairs, balconies and other things attached to the exterior of a building,
 - (iv) doors, windows and skylights on the exterior of a building or that front on common property.

- (v) fences, railings and similar structures that enclose patios, balconies and yards.
- (vi) Council may require that certain repairs or replacements, such as, failed sealed glass units will only be done when sufficient numbers can be done at one time to assure cost savings.

Council

12. Council size

- 12.1 The council must have at least 3 and not more than 7 members.

13. Council eligibility

- 13.1 Unless otherwise permitted by the Act only an OWNER or spouse of an OWNER may stand for election to council.
- 13.2 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 section 116(1) of the Act.
- 13.3 No person may stand for council or continue to be on council with respect to a strata lot if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules.
- 13.4 No person may stand for council or continue to be on council with respect to a strata lot if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules for which the owner is responsible under section 131 of the Act.

14. Council members' terms

- 14.1 The term of office of a council member, who, unless otherwise provided for in these bylaws or the Act must be an OWNER, ends at the end of the annual general meeting at which the new council is elected.
- 14.2 A person whose term as council member is ending is eligible for re-election.

15. Removing council member

- 15.1 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. The strata corporation must pass a separate resolution for each council member to be removed.
- 15.2 After removing a council member, the strata corporation may hold an election at the same annual or special general meeting to replace the council member for the remainder of the term or the remaining members of the Council may appoint a replacement council member for the remainder of the term.
- 15.3 If the strata corporation removes all of the council members, the strata corporation must hold an election at the same annual or special general meeting to replace the council members for the remainder of the term up to, at least, the minimum number of council members required by bylaw of the strata corporation for the remainder of the term.
- 15.4 The council may appoint the remaining council members necessary to achieve a quorum for the strata corporation, even if the absence of the members being replaced leaves the council without a quorum.

15.5 A replacement council member appointed pursuant to bylaws 16.2 and 16.4 may be appointed from any person eligible to sit on the council.

16. Replacing council member

16.1 If a council member resigns or is unwilling or unable to act the remaining members of the council may appoint a replacement council member for the remainder of the term.

16.2 A replacement council member may be appointed from any persons eligible to sit on the council.

16.3 The council may appoint a council member under bylaw 17.2 even if the absence of the member being replaced leaves the council without a quorum.

16.4 If all the members of the council resign or are unwilling or unable to act 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.

17. Officers

17.1 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.

17.2 A person may hold more than one office at a time, other than the offices of president and vice president.

17.3 The vice president has the powers and duties of the president

(a) while the president is absent or is unwilling or unable to act,

(b) if the president is removed, or

17.4 for the remainder of the president's term if the president ceases to hold office.

17.5 If an officer other than the president is removed, resigns, is unwilling or unable to act the council members may elect a replacement officer from among themselves for the remainder of the term.

18. Calling council meetings

18.1 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.

18.2 The notice in bylaw 19.1 does not have to be in writing.

18.3 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.

19. Requisition of council hearing

- 19.1 By application in writing, an OWNER may request a hearing at a council meeting stating the reasons for the request.
- 19.2 Except for a hearing pursuant to section 144 of the Act, if a hearing is requested under bylaw 20.1, the council must hold a meeting to hear the applicant within one (1) month of the date of receipt by the council of the application.
- 19.3 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 date of the hearing.

20. Quorum of council

- 20.1 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.
- 20.2 Council members must be present in person at the council meeting to be counted in establishing quorum.

21. Council meetings

- 21.1 The council may meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit.
- 21.2 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.
- 21.3 If a council meeting is held by electronic means, council members are deemed to be present in person.
- 21.4 Owners and spouses of owners may attend council meetings as observers.
- 21.5 Despite bylaw 22.4, 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. (**hearing of complaints**)
 - (b) rental restriction bylaw exemption hearings under section 144 of the Act; (**hardship**)
 - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

22. Voting at council meetings

- 22.1 At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- 22.2 If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.

- 22.3 The results of all votes at a council meeting must be recorded in the council meeting minutes.
- 23. Council to inform owners of minutes**
- 23.1 The council must circulate to or post to owners the minutes of all council meetings within 2 weeks of the meeting, whether or not the minutes have been approved.
- 24. Delegation of council's powers and duties**
- 24.1 Subject to bylaws 25.2, 25.3 and 25.4, the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.
- 24.2 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 bylaw 25.3.
- 24.3 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.
- 24.4 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 warning letter or notice should be sent to an owner.
 - (c) whether a person should be fined, and the amount of the fine,
 - (d) whether a person should be denied access to a recreational facility, or
 - (e) whether an owner should be granted an exemption from a rental restriction bylaw under section 144 of the Act.
- 25. Spending restrictions**
- 25.1 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.
- 25.2 Despite bylaw 26.1, a council member may spend the strata corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.
- 26. Limitation on liability of council member**
- 26.1 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.
- 26.2 Bylaw 27.1 does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

- 26.3 All acts done in good faith by the council are, even if it is afterwards discovered that there was some defect in the appointment or continuance in office of a member of council, as valid as if the council member had been duly appointed or had duly continued in office.

Enforcement of Bylaws and Rules

27. Fines

- 27.1 Except where specifically stated to be otherwise in these bylaws the Strata Council in cases of breach of Bylaws or Rules may issue warnings or levy fines which shall become due and payable on the date for the payment of the OWNER'S next monthly assessment.

(a) A maximum fine of \$200.00 for each contravention of a bylaw, and

(b) A maximum fine of \$50.00 for each contravention of a rule.

- 27.2 The council must, if it determines in its discretion, that a resident is in repeated contravention of any bylaws or rules of the strata corporation, levy fines and the fines so levied shall be immediately added to the strata fees for the strata lot and shall be due and payable together with the strata fees for the strata lot in the next month following such contravention.

- 27.3 Where an owner fails to pay a fine levied in accordance with this section it will be subject to an interest charge of 10% per annum, compounded annually. In addition to interest, failure to pay a fine will result in a fine for each breach of bylaw 1.3.

Note – Sections 135 and 136 of the Act provide for a hearing before imposition of a fine, penalty or sanction .

28. Continuing contravention

- 28.1 Except where specifically stated to be otherwise in these bylaws and the Act, if, after notice in writing to the owner, 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.

Annual and Special General Meetings

29. Quorum of meeting

- 29.1 If within ½ hour from the time appointed for an annual or special general meeting, a quorum is not present, the meeting stands adjourned for a further ½ hour on the same day and at the same place. If within a further ½ hour from the time of the adjournment, a quorum is not present, the eligible voters, present in person or by proxy, constitute a quorum.

(NOTE This bylaw 30.1 is an alternative to section 48(3) of the Act. This bylaw does not apply to a meeting demanded pursuant to section 43 of the Act and failure to obtain a quorum for a meeting demanded pursuant to section 43 terminates, and does not adjourn, that meeting.)

30. Person to chair meeting

- 30.1 Annual and special general meetings must be chaired by the president of the council.

30.2 If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.

30.3 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, eligible to vote, who are present at the meeting.

31. Participation by other than eligible voters

31.1 Tenants, occupants, spouses and invited persons, such as someone giving expert advice, may attend annual and special general meetings, whether or not they are eligible to vote. Persons who are not eligible to vote, may participate in the discussion at a meeting, but only if permitted to do so by the chair of the meeting.

31.2 Persons who are not eligible to vote must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

32. Voting

32.1 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the Act.

32.2 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules.

32.3 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules, including legal costs, for which the owner is responsible under section 131 of the Act.

32.4 At an annual or special general meeting, voting cards must be issued to eligible voters.

32.5 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.

32.6 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.

32.7 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.

32.8 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.

32.9 Despite anything in bylaws 33.1 to 33.8 (inclusive), an election of council or removal of a council member must be held by secret ballot, if the secret ballot is requested by an eligible voter.

33. Order of business

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

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

Voluntary Dispute Resolution

34. Voluntary Dispute Resolution

34.1 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.

34.2 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.
- 34.3 The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

Small Claims Court Proceedings

36 Authorization to proceed

- 36.1 The strata corporation may proceed under the *Small Claims Act*, without further authorization by the owners, to recover from an owner or other person, by an action in debt in Small Claims Court, money owing to the strata corporation, including money owing as administration fees, bank charges, fines, penalties, interest or the costs, including legal costs, of remedying a contravention of the bylaws or rules and to recover money which the strata corporation is required to expend as a result of the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family.

Marketing Activities by Owners and Occupants

37 Sale of a strata lot

- 37.1 Real estate signs must not be displayed in a strata lot or on the common property except in the location designated by the strata corporation for real estate signs. All such signs must be removed within 14 days after sale documents have been completed.
- 37.2 Sale of Strata Lots by individual OWNERS may be conducted individually, or in co-operation with accredited real estate agents. In the interest of security the Management Company and the Strata Council must be informed of the name of the listing agent so security measures can be reviewed. The agent or OWNER must inform council of a sale with name of purchaser and when possession will be granted. Viewing of a strata lot by a prospective purchaser may be by appointment only and in no circumstances will open house viewing be permitted except for agent's open. (See also section 7)

Insurance

38 Insuring against major perils

- 38.1 The strata corporation must insure against major perils, as set out in regulation 9.1(2) of the Act, including, without limitation, earthquakes.

Strata Corporation Liability to Owner

39 Liability of Corporation

- 39.1 The Strata Corporation shall not be liable for any compensation to an owner for any loss or damage to the property, or the person of an owner arising from any defect or want of repair of the common property or any part thereof, unless such loss or damage resulted from negligence on the part of the Strata Corporation, its employees, or agent. The Owner is expected to carry adequate insurance to cover any damage to a strata lot.
- 39.2 The Strata Corporation shall not be liable for loss damage or injury which might arise because of failure to ensure that owners have complied with these bylaws.
- 39.3 Where the Strata Corporation is required to enter a strata lot for the purpose of maintaining, repairing, or renewing pipes, wires, cables and for the time being existing in the strata lot and any other repairs to common property capable of being used in connection with the enjoyment of any other strata lot or the common property, the Strata Corporation and its agents shall in carrying out any work or repairs do so in proper timely and workmanlike manner and restore the strata lot to its former condition, leaving the strata lot clean and free of debris.

Storage

40 Storage lockers and bicycle storage

- 40.1 A resident must store bicycles and tricycles only in basement parking areas, the bicycle rack and storage lockers.
- 40.2 A resident must not store any hazardous or flammable substances or materials of a deteriorating nature or which may develop offensive odours in storage lockers.

Parking

41 Parking

- 41.1 An owner must not permit any oversized, commercial or recreational vehicles including, but not exhaustively, those over 9,000lbs GVW, boats, trailers and campers to enter or be parked or stored on common property, limited common property or land that is a common asset except those used for the delivery or removal of goods. On application Council may give written permission subject to such conditions as Council determines.
- 41.2 Vehicles which are stored by or for a non resident, except guests or family members, or are unlicensed are prohibited from the premises without the written permission of the Council except in the course of delivery to or removal of goods from the premises.
- 41.3 An OWNER must not sell, lease or licence parking stalls to any person other than an owner or occupant. The Council must be notified, in writing, of a permitted sale, lease or licence with such details as are required by Council. The transaction shall be recorded in the Minutes of the Strata Council.

- 41.4 An owner must park only in the parking stall assigned to the OWNER unless given permission by another OWNER to use his/her stall.
- 41.5 An owner or visitor must not permit a vehicle to be parked or left unattended in a manner that interferes with parking stalls, access lanes or no parking zones.
- 41.6 Any vehicle parked in violation of bylaw 41.5 will be subject to removal by a towing company authorized by council, and all costs associated with such removal will be charged to the owner of the strata lot.
- 41.7 Unless otherwise permitted by Council, an owner or visitor must not use any parking area as a work area for carpentry, renovations, repairs (including, but not exhaustively, sawing, drilling and the use of any adhesive or hardening compounds) or work on vehicles involving any automotive fluids or paints, motor tune ups or mechanical repairs, except, minor repairs not involving removal of fluids and which can be accomplished in one day.
- 41.8 An owner or visitor operating a vehicle in the parking areas must activate the vehicle's headlights and not exceed 10 km/hour.
- 41.9 An owner or visitor must not smoke while in the parking area including inside a vehicle.
- 41.10 An owner must wash a vehicle only in the location designated for vehicle washing. Once washing is completed, the owner must hose down and remove all dirt, refuse and excess water from the washing area and leave hoses etc in a neat and tidy condition. No vehicle shall be in the washing stall for more than two hours. While washing, a user must keep audio volume low. No vehicle shall be parked in the washing stall for a purpose other than washing and shall not impede incoming or outgoing traffic. Use of the washing stall by non-owners is not permitted without permission of Council.
- 41.11 An owner must not park or store any vehicle that drips oil or gasoline. An owner must remove any dripped oil, gasoline or other automotive residue. If the owner fails to remove such material after written notice from the Council the owner may be deemed by Council to be in breach of this bylaw and subject to a fine of \$100.00 plus the cost of cleaning as determined by the Council. Continuous dripping of oil or other fluids may result in Council prohibiting parking of the vehicle on common property until repairs have been carried out.
- 41.12 Outgoing vehicles have the right of way at the entrance to the garage. Vehicles descending the ramp must yield to vehicles on the right on level one. Drivers must wait until the garage door closes on departure before leaving the driveway and before entering the ramp or turning into the parking area on entering the building.
- 41.13 The operation of car radios or stereos in such areas is prohibited between the hours of 11.00p.m. and 7:30am.
- 41.14 Each parking stall shall be numbered and designated to the associated Strata Lot and registered with the Council
- 41.15 The garage is for the express purpose of parking licensed automobiles and may not used for storage of household effects or any other material
- 41.16 Visitor parking spaces are for visitor use only.

Moving

42 Moving in/out procedures

- 42.1 An owner must conform and ensure that any tenants conform to the Move In and Move Out bylaws and rules established by council from time to time. OWNERS are responsible for damage done to elevators and other common property caused by themselves or others with their permission or on their behalf.
- 42.2 An owner must provide notice to the Council of all moving arrangements at least seven days before the moving date. All moves must take place between 8:00am and 8:00pm, Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays, Sundays and statutory holidays.
- 42.3 An owner using the elevator during a move must ensure that the doors are not jammed open in any manner..
- 42.4 It is the responsibility of owners to ensure elevator pads or other equipment is used to protect the property during the move. The Property Manager should be contacted for information in this regard.
- 42.5 During moving it is often necessary to hold doors open to allow easier access to the building. The owner *or* other resident who may be familiar with who the building residents are is at the door to identify owners from strangers. An owner must ensure that the lobby doors are not left open, ajar or unattended and that furniture is not left piled in the lobby area.
- 42.6 A resident must ensure that all common areas are left damage free, clean and all hallways and lobby areas vacuumed immediately upon completion of the move.
- 42.7 A resident must pay a refundable damage deposit of \$200.00 both in and out, at least 48 hours prior to any move and any expenses, including loss or damage to elevator padding, incurred by the strata corporation attributable to the owner and all fines levied will be deducted from the deposit. This deposit applies to each and any tenancy change in a rental unit.
- 42.8 A resident contravening any of bylaws 42.1 to 42.7 (inclusive) shall be subject to a fine of \$50.00 which may be deducted from the deposit..

Appearance of strata lots

43 Cleanliness

- 43.1 An owner must not allow a strata lot to become unsanitary. Rubbish, dust, garbage, boxes, packing cases or and other similar articles or refuse must not be thrown, piled or stored on common property *or* limited common property. The council may cause to removed any rubbish and have the common areas cleaned up and any expenses incurred by the strata corporation to remove such refuse will be charged to the strata lot owner.
- 43.2 An owner must ensure that ordinary household refuse and garbage is securely wrapped and placed in the containers provided for that purpose, recyclable material is kept in designated areas and material other than recyclable or ordinary household refuse and garbage is removed from strata property at the owners expense.

Rentals

44 Residential rentals

- 44.1 No strata lots may be rented. (see Act sections 142, rental to “family”, and 144 for exemptions and “hardship”)
- 44.2 If an owner is exempt from a rental restriction bylaw pursuant to the Act sec. 142 or 144 prior to possession of a strata lot by a tenant, an owner must deliver to the tenant the current bylaws and rules of the strata corporation and a Notice of Tenant’s Responsibilities in Form K.
- 44.3 Within two weeks of renting a strata lot, the landlord must give the strata corporation a copy of the Form K - Notice of Tenant’s Responsibilities signed by the tenant, in accordance with section 146 of the Act.
- 44.4 Where an owner leases a strata lot in contravention of bylaw 45.1, the owner shall be subject to a fine of \$500.00 the strata corporation shall take all necessary steps to terminate the lease or and tenancy, including, but not limited to, seeking a declaration or Court injunction to enforce the bylaw. Any legal costs incurred by the strata corporation in enforcing the rental restriction bylaws shall be the responsibility of the contravening owner and shall be recoverable from the owner on a solicitor and own client basis by the strata corporation.
- 44.5 Where a Strata Lot is rented at the time this bylaw is passed it may continue to be rented for the permitted term of the rental or until the rental ceases by effluxion of time or terminated between the OWNER and the existing tenant. Thereafter the Strata Lot may not be rented.

Visitors and Children

45 Children and supervision

- 45.1 Owners are responsible for the conduct of visitors including ensuring that noise is kept at a level, in the sole determination of a majority of the Council, that will not disturb the rights of quiet enjoyment of others.
- 45.2 Owners are responsible for the conduct of children residing in their strata lot, including ensuring that noise is kept at a level, in the sole determination of a majority of the council, that will not disturb the quiet enjoyment of others.
- 45.3 Owners are responsible to assume liability for and properly supervise activities of children including, but not exhaustively, bicycling, skateboarding and hockey.

46 Hazards

- 46.1 No barbecues, other than those fuelled by propane gas or electricity, may be used or stored on balconies or patios. Propane barbecues or tanks shall not be stored within a storage locker or any other part of the building. When not in use propane valves must be shut off. A fire extinguisher must be readily available for use when operating a barbecue.
- 46.2 No owner or visitor shall permit substances, especially burning materials such as cigarettes or matches, to be thrown out or permitted to fall out of any window, door, balcony, passage, stairway or any other part of a strata lot or the common property.
- 46.3 No planters of any type shall be placed in any manner so as to hang outside of the balcony railing or balcony enclosure.
- 46.4 A bonded Caretaker, Manager, Property Manager or member of the Strata Council may be provided with a duplicate key for each strata lot by the owner to be used in case of emergency. In the event of an emergency occurring in a strata lot for which no duplicate key is available and whose occupant cannot be contacted, access by the Strata Council or its designated representative for the protection of the common property or safety may be gained by force, at the occupant's expense.
- 46.5 An owner or visitor must not cycle or wear or use inline skates or skateboards anywhere in the building or on common property, including a strata lot sidewalks, pathways, hallways driveways and car parking areas.
- 46.6 Any damage, due to the keeping of waterbed will be charged to the strata lot owner.
- 46.7 No owner shall permit the use of a natural Christmas tree within a strata lot.
- 46.8 Automatic washers and dishwashers should be checked and serviced on a regular basis to ensure that leaks do not occur especially in the connecting hoses. Any and all damage to common lands, strata property, strata lots and personal property of others resulting from leaks or overflows from such equipment as well as sinks, tubs, washbasins and piping within the strata lot shall be the responsibility of the strata lot OWNER.

Miscellaneous**47 Miscellaneous**

- 47.1 An owner or visitor must not smoke on common property.
- 47.2 An owner or visitor must not hinder or restrict sidewalks, entrances, exits, halls, passageways, stairways and other parts of the common property. Hindrance and restriction includes the keeping of personal items and garbage.
- 47.3 An owner must not permit any person to play or loiter in the garden areas, on common property or on land that is a common asset, unless such common property or common asset is designated as a playground.
- 47.4 An owner or visitor must not use common property electrical outlets with the exception of parking area outlets used while vacuuming a vehicle. Subject to bylaw 37.1 and 47.8, an owner

must not erect or display or permit to be erected or displayed any signs, fences, billboards, placards, advertising, notices or other fixtures of any kind on the common property or in a strata lot, unless authorized by the council. This shall include exterior painting and the addition of wood, ironwork, concrete or other materials.

- 47.5 An owner may post notices on the designated bulletin board, subject to being removed by the council if deemed inappropriate or posted in excess of a reasonable time.
- 47.6 An owner must ensure that all entrance doors to strata lots are kept closed and kitchen extract fans are used when cooking.
- 47.7 An owner or visitor must not shake rugs, carpets, mops or dusters of any kind from any balcony, window, stairway or other part of a strata lot or common property.
- 47.8 An owner must ensure that drapes or blinds visible from the outside of the building are cream or white in colour.
- 47.9 An owner must ensure that no air conditioning units, laundry, flags, except for a Canadian flag for no more than 20 days before and after a statutory holiday, clothing, bedding or other articles are hung or displayed from windows, balconies or other parts of the building so that they are visible from the outside of the building.
- 47.10 An owner must not display or erect fixtures, poles, clotheslines, racks, storage sheds and similar structures permanently or temporarily on limited common property, common property or land that is a common asset. Despite the foregoing, the placing of items on the limited common property balconies or patio areas shall be limited to free standing, self contained planter boxes or containers, summer furniture and accessories.
- 47.11 An owner who installs Christmas lights must install them after December 1st of the year approaching Christmas and must remove them before January 15th of the year following Christmas.
- 47.12 Only persons authorized by council are permitted on the roof.
- 47.13 No owner or visitor shall be permitted to trespass on another owner's exclusive limited common property.

48 Guest Suite

- 48.1 A guest suite is available on the second floor of the East Building. It is administered by the Strata Council and may be rented only by an OWNER for the use of his/her guests who may be visiting. The terms and conditions of rental, together with inventory, are detailed in The Rules.
- 48.2 The strata corporation assumes no liability for injury or loss which may result from use of the Guest suite or common property.
- 48.3 Pets are not permitted in guest suite – *(see section 5.16)*

- 48.4 Rental of the Guest Suite shall be arranged with a person designated by Council or an alternate person temporarily designated by the President or Vice President of Council at a rent determined by Council and provided for in the Rules.