

Schedule of Standard Bylaws

City Gardens Strata Plan LMS 474

(updated 1-29-2010)

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

Section 1: Payment of strata fees

- (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- (2) If an owner is late in paying strata fees, the owner must pay to the strata corporation interest on the late payment in the amount of 10% per annum, compound annually, and calculated on a monthly basis commencing from the date the strata fee payment was due and continuing until the last day of the month in which it is paid.
- (3) An owner who is in arrears in paying strata fee for 30 or more days will be fined \$50.00 per month until the strata fee have been paid in full.

Section 2: Repair and maintenance of property by owner

- (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.

Section 3: Use of property

- (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that
 - (a) causes a nuisance or hazard to another person,
 - (b) causes unreasonable noise,
 - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - (d) is illegal, or
 - (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.
- (2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.

(3) No person including an owner, tenant, occupant or visitor at any time to keep or bring in any pets to a strata lot and the common area except with the express written consent of the Strata Council. Such consent will extend to two (2) domestic animals (Amended 2-27-2007). Approval may be granted by Council upon review of the individual circumstances and only after the pet owner has acknowledged and agreed in writing to the responsibility and covenants imposed by the Council on the owner with regard to maintenance of the animal(s). Council can revoke permission to keep the pet(s) in the building if odours, noise or other offensive behaviour occurs of if health risks are posed to other Owners in the building. (Amended 12-23-2003)

(4) Unless otherwise authorized by the strata council, all units shall be restricted to the following number of occupancy;

(a) in a one bedroom suite - not more than three permanent occupants;

(b) in a two bedroom suite - not more than five permanent occupants;

(c) in a three bedroom suite – not more than seven permanent occupants

An additional fee charges of \$50.00 per month for each person over the occupancy limit above.

(5) Mops or dusters of any kind shall not be shaken from, and nothing shall be thrown out any window, door, passage, or other part of the strata lot or common property.

(6) No material substances, especially burning material such as cigarettes or matches shall be thrown out or permitted to fallout of any window, door, balcony, or other part of the strata lot or common property.

(7) The placing of items on the patio and balconies shall be limited to free-standing, self-contained planter boxes, summer furniture and accessories, including barbecues, and indoor/outdoor carpeting. Articles of a hanging nature shall be installed within the inside perimeter of the balcony railing line.

(8) Any attachment and installation of Satellite dish or radio antenna shall not be allowed to the exterior surface of the building or to be visible from the exterior of the strata lot.

(9) No bicycles, tricycles, sake boards will be allowed into the building or elevator or on the common property with the exception of the underground parking and designated storage area.

(10) No household or personal items shall be placed, displayed or stored in the common area other than designated storage area.

(11) Only vehicles with current registration and insurance in force shall be allowed in the parking area, except with special permission of the strata council. Parking of vehicles other than those owned or leased by a resident or their household guest is prohibited. Failure to display parking decal will be subject to removal at the owner's expense.

(12) Rental or transfer title of parking space(s) by the owners is limited to other residents of City Gardens only.

(13) No one shall park, or leave unattended, or cause to be parked or left unattended a vehicle in such a position that it interferes or infringes upon other parking spaces, public access lanes, roadways or parking restricted areas. All such vehicles will be subject to removal at the owner's expense.

(14) No residents shall park in designated guest or handicap parking. Visitor parking is to be used by the owner's guest up to 8 hours maximum per day. All such vehicles in violation will be subject to removal at the owner's expense.

(15) Vehicles dripping excessive oil or any gasoline may be prohibited from parking until repaired. Owners of such vehicles shall upon receiving the corporation's notification, clean up all drippings and oil stain, or on failure to do so in 7 days notice, shall be assessed the cost of the clean up.

Section 4: Inform Strata Corporation

(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.

Section 5: Obtain approval before altering a strata lot

(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;
- (e) fences, railings or similar structures that enclose a patio, balcony or yard;
- (f) common property located within the boundaries of a strata lot;
- (g) those parts of the strata lot which the strata corporation must insure under section 149 of the Act.

(2) The strata corporation must not unreasonably withhold its approval under subsection (1), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

(3) This section does not apply to a strata lot in a bare land strata plan.

Section 6: Obtain approval before altering common property

- (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.

Section 7: Permit entry to strata lot

- (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot
 - (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
 - (b) at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Strata Property Act.
 - (c) All owners shall provide one valid key to the unit's entrance door in a sealed envelope to be kept safely in the Council Office for emergency use only.
- (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.

Division 2 — Powers and Duties of Strata Corporation

Section 8: Repair and maintenance of property by Strata Corporation

- (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) doors, windows and skylights on the exterior of a building or that front on the common property;
 - (E) fences, railings and similar structures that enclose patios, balconies and yards;
- (d) a strata lot in a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to
- (i) the structure of a building,
 - (ii) the exterior of a building,
 - (iii) chimneys, stairs, balconies and other things attached to the exterior of a building,
 - (iv) doors, windows and skylights on the exterior of a building or that front on the common property, and
 - (v) fences, railings and similar structures that enclose patios, balconies and yards.

Division 3 — Council

Section 9: Council size

- (1) The council must have at least 3 and not more than 5 members.
- (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 under the Strata Property Act against the strata lot occupied by that person.
- (3) No person may stand for council or continue to be on council if the owner or tenant is indebted to the strata corporation for additional assessments, including special levies, fines authorized by these bylaws, banking charges, filing costs, legal expenses, interest charges and any other expenses incurred by strata corporation in the enforcement of these bylaws or any rule established by the strata council under the Strata Property Act.

Section 10: Council members' terms

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

Section 11: Removing council member

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

(2) After removing a council member, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.

Section 12: Replacing council member

(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.

Section 13: Officers

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

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

(3) The vice president has the powers and duties of the president

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

(b) for the remainder of the president's term if the president ceases to hold office.

(4) If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

Section 14: Calling council meetings

(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.

Section 15: Requisition of council hearing

(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.

Section 16: Quorum of council

(1) A quorum of the council is

- (a) 3 for the council meeting

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

Section 17: Council meetings

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

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

(3) Owners may attend council meetings as observers.

(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.

Section 18: Voting at council meetings

- (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- (2) Unless there are only 2 strata lots in the strata plan, if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- (3) The results of all votes at a council meeting must be recorded in the council meeting minutes.

Section 19: Council to inform owners of minutes

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

Section 20: Delegation of council's powers and duties

- (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.

Section 21: Spending restrictions

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

Section 22: Limitation on liability of council member

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

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

Division 4 — Enforcement of Bylaws and Rules

Section 23: Maximum fine

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

Section 24: Continuing contravention

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

Division 5 — Annual and Special General Meetings

Section 25: Person to chair meeting

- (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.

Section 26: Participation by other than eligible voters

- (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.

Section 27: Voting

- (1) At an annual or special general meeting, voting cards must be issued to eligible voters.
- (2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
- (3) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.
- (4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.
- (5) If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president may break the tie by casting a second, deciding vote.
- (6) If there are only 2 strata lots in the strata plan, subsection (5) does not apply.
- (7) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.

Section 28: Order of business

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

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

Division 6 — Voluntary Dispute Resolution

Section 29: Voluntary dispute resolution

- (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 consent to, by all the disputing parties.
- (3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

Division 7 — Renting and/or Leasing of Strata Lots

Section 30: Limit of rental lots (Amended 1-29-2010)

- (1) Subject to the provisions of this bylaw strata lots shall be owner-occupied only, with the following considerations and exceptions:
- (a) where cases of undue physical or financial hardship of a personal nature arise, the owner may make a written request to the council for permission to rent a strata lot for a limited period of time, and where the council has been provided with evidence that undue hardship will result if limited rental approval is not given, the council shall not unreasonably withhold permission. For the purposes of this bylaw, permission to rent or lease a strata lot will be for a limited period and must be renewed in a written request sixty (60) days prior to the expiry of agreed rental or lease permission.
 - (b) this bylaw does not apply to prevent the rental of a strata lot to a member of the "family" of an owner, meaning:
 - (i) the spouse of the owner;
 - (ii) a parent or child of the owner; or
 - (iii) a parent or child of the spouse of the owner,where "spouse of the owner includes an individual who has lived and cohabited with the owner, for a period of at least two years at the relevant time, in a marriage-like relationship, including a marriage-like relationship between persons of the same gender;

(c) the strata corporation is entitled to 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 days.

Section 33: Small Claims Actions

(1) Notwithstanding any provision of the Strata Property 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.

Section 34: Move In / Move Out

(1) The strata corporation may regulate the times and manner in which any person moves into or out of strata lots and may require that such moves be coordinated with the manager of the building at least 7 days in advance of such moves, or such lesser period as the council may, in its sole discretion, permit, provided that if an owner or tenant carries out any move into or out of a strata lot otherwise than in accordance with such prior arrangements made with the manager of the building, the owner or tenant will be subject to a fine of \$50.00, such fine to be paid on or before the due date of the next monthly strata fees.

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

(3) An owner shall pay to the Strata Corporation the sum of \$ 50.00 each time there is a move into or a move out of a strata lot.

(4) Any and all damages caused to the common property as a result of a move in/move out of a strata lot shall be charged to the registered owner at the time the damage occurs.

Section 37: Insurance

(1) Where the strata corporation is required to repair, replace and/or maintain any portion of the common property, common facilities, assets, including strata lots comprised in the building(s) (the "Property") that are usually the subject of insurance pursuant to Section 149 of the *Strata Property Act* and whereas the strata corporation is subject to an insurance deductible greater than five (5) percent of the insured value of the Property, in the event of damage to the Property caused by an earthquake, the strata corporation shall levy a special assessment upon all owners of the strata corporation in proportion to the respective unit entitlement of each owner's strata lot in an amount equivalent to the deductible or such lesser amount as may be required to complete all repairs to and replacement of the Property as necessary. In the event of an earthquake, the special assessment shall immediately become due and payable in full and any owner who sells, conveys or transfers his/her title, including a re-mortgage, shall pay the full amount outstanding.

As a matter of financial convenience only, the owners may pay the special assessment over a period of six (6) months, such payments to be equally divided and commencing on the first day of the month following declaration of this bylaw by the strata council or any duly appointed administrator in lieu of the strata council. Any instalment not made on the first of each month shall be assessed a fine of \$100.00. The strata corporation may further add interest charges.

This special assessment shall be considered as part of the common expenses of the strata corporation and Section 171 of the *Strata Property Act* shall be applicable where an owner fails to make the required payment as authorized by this by-law.

(2) An owner shall indemnify and save harmless the strata corporation from the expense of any maintenance, repair or strata lot or contents thereof caused by or resulting from the acts, omission of acts, negligence or carelessness, by the owner or by that of any member of the owner's family or their guests, employees, contractors, agents, tenants or volunteers, but only to the extent that such expense is not met by the proceeds received from any applicable insurance policies held by the strata corporation as required by the provisions of the *Strata Property Act*.

(3) For the purposes of this bylaw, the payment of an insurance deductible pursuant to section 158 of the *Strata Property Act* does not limit the capacity of the strata corporation to sue an owner, tenant or the persons who normally occupy a strata lot in order to recover the deductible portion of an insurance claim if the owner, tenant or person who normally occupies the strata lot is responsible for the loss or damage that gave rise to the claim.

(4) Damage to personal property of an owner, tenant or occupant of a strata lot, together with any upgrading, substituting or improvements/betterments to the strata lot since the date of original construction of the strata lot shall be the responsibility of the owner, tenant or occupant.

THE OWNERS OF STRATA PLAN LMS 474 (CITY GARDENS)

1268 WEST BROADWAY, VANCOUVER, B.C. V6H 1G6 PHONE: 778-861-7686 FAX: 604-733-8998

RULES & REGULATIONS FOR CITY GARDEN –STRATA PLAN LMS 474

- 1) Allow the Building Manager without prior notice to remove immediately any unauthorized items from the public common area including parking stalls; any owners or occupants who are found disposing such items outside of the suite will be fined \$250.00 per occurrence.”
(RATIFIED BY AGM HELDED 1-31-2012)

- 2) If the Owner was found failed to maintain the fixtures in good repair and causing water damages to the common property, he/she will be responsible for all the costs and insurance deductibles of the repairs and an additional fine of \$250.00 for neglecting the potential plumbing problem and water wastage.(RATIFIED BY AGM HELD ON 1-31-2012)