

**STRATA CORPORATION
LMS 3719
EDENCREST ESTATES**

A. STRATA CORPORATION BYLAWS

Approved – February 8, 2018
Registered – March 26, 2018
Registration # CA6700764

Provided by:

**Peninsula Strata Management Ltd.
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Strata Corporation Bylaws

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

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. 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.

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;

(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) uses the common property adjacent to an Owner's strata lot as a short cut access to the street or other properties – except on an emergency basis, exceptional circumstance which may happen once or twice a year, or unless a Council Member exercising their duties.

(2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.

(3) An owner, tenant or occupant shall not use or permit the use of his strata lot for non-residential use including:

- (a) civic use;
- (b) congregate housing and care;
- (c) accessory advertising;
- (d) daycare centre; or
- (e) temporary lodging.

An owner, tenant or occupant shall not grant a license to any person or use or permit the use of his strata lot under any of the following arrangements. Without limiting the generality of the foregoing, no owner, occupant or tenant will grant a license to any person to occupy a strata lot under the following arrangements:

- (a) pursuant to a house swap;
- (b) as a motel, hotel, inn, hostel, or bed and breakfast or other similar accommodations;
- (c) through any website designed for booking short term accommodations, including but not limited to www.airbnb.com, www.vrbo.com and other similar websites; or
- (d) at a nightly or weekly rate.

Pets

- (4) An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset.

An owner, tenant or occupant must not keep any pets 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 indoor mammals;
 - (c) up to 2 caged birds;
 - (d) one dog or one cat.
- (5) An owner, tenant, occupant or visitor must not:
 - (a) smoke on common or limited common property such as balconies and patios;
 - (b) smoke in strata lots;
 - (c) for the purpose of this bylaw, 'smoke' or 'smoking' includes inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking equipment that burns tobacco or other substances and including electronic smoking devices.

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.

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 the 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

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.

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 portion 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 Act.

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

Division 2 – Powers and Duties of Strata Corporations

8. Repair and maintenance of property by strata corporation

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 the 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 and windows on the exterior of a building or that front on the common property;and
 - (v) fences, railing and similar structures that enclose patios, balconies and yards.

Division 3 - Council

9. Council size

- (1) subject to subsection (2), the council must have at least 3 and not more than 7 members.
- (2) If the strata plan has fewer than 4 strata lots or the strata corporation has fewer than 4 owners, all the owners are on the council.
- (3) Eligibility for Council:
 - (a) an owner's spouse who is not on title as a registered owner, but resides in Edencrest may be elected to Council;
 - (b) family members over the age of 21, who reside in the Strata Corporation and are not on title as a registered owner may be elected to Council if designated by the Owner.

10. Councilmembers' 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 reelection.

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.

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.

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.

14. Calling Council Meetings

- (1) Any council members 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.

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.

16. Quorum of Council

(1) A quorum of the council is:

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

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

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.

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.

19. Council to inform owners of Minutes

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

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.

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.

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

23. Maximum fine

(1) The strata corporation may fine an owner or tenant a maximum of:

- (a) \$200.00 for each contravention of a bylaw, and
- (b) \$50.00 for each contravention of a rule; and
- (c) \$500.00 for each contravention of a rental bylaw

24. Continuing Contravention

(1) 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

25. Person to Chair meeting

(1) Annual and special general meeting 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.

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.

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.

28. Order of Business

(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.

Division 6 -Voluntary Dispute Resolution

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 consented to, by all the disputing parties.

(3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

Division 7 -Additions to the Standard Bylaws

30. Display Lot

(1) An owner developer who has an unsold strata lot may carry on sales functions that relate to its sale, including the posting of signs.

(2) An owner developer may use a strata lot, that the owner developer owns or rents, as a display lot for the sale of other strata lots in the strata plan.

EDENCREST STRATA PLAN LMS3719

BYLAWS (Second Amendment)

BYLAW 1 - EXTERIOR APPEARANCE AND ALTERATION

- 1.1 No antenna for radio, television, citizen bands or other forms of transmitting or receiving devices shall be erected on a Strata Lot without prior written consent of the Strata Council.
- 1.2. Where window coverings (drapes, blinds, etc.) are visible from the Common Property they shall be kept in good repair. The Strata Council will determine the acceptability of such covers, if there is a complaint from other owners.
- 1.3 No permanent structure (including, but not limited to, sheds, fixed clothes lines and permitted fences) erected on the Common Property shall exceed the height of the fences permitted to be constructed by clause 2.5 hereof.
- 1.4 Christmas lights and decorations are permitted between December 1st and January 31st unless specific Council approval has been received.
- 1.5 Garbage cans cannot be stored outside the units except on designated pickup day. No garbage bags allowed to be stored, garbage cans with proper lids only.
- 1.6 Cardboard must be broken down and recoiled properly.
- 1.7 Owners are responsible for watering of shrubs of their entire Strata Lot.
- 1.8 No sign, billboard, placard advertising business or trade signs are to be placed on Strata Lot without prior written consent from Strata Council, with the exception of realty signs.
- 1.9 No awnings or exterior shades may be installed without prior written consent of the Strata Council.
- 1.10 Cleaning of interior windows is the owner's responsibility.
- 1.11 Damage caused to the exterior of units including windows by owners or their visitors are to be repaired at owner's expense within one month of written notification or owner will be assessed the cost of repairs.
- 1.12 Zero rentals will be permitted except for those mandated by the Strata Property Act, under Section 142 and Section 144.
- 1.13. The maximum number of persons permitted in the Amenity Building at one time shall be fifty-nine (59) persons.
- 1.14 If a Strata Lot owner, occupant or guest of a Strata Lot owner causes damage or loss to the Strata Lot of another owner or to the Limited Property or to the Common Property of Edencrest, the Strata Lot owner responsible for the damage or loss shall pay the Insurance deductible on that claim. The Strata Lot owner that causes the damage or loss shall also pay the Insurance deductible for any damage and loss incurred to their unit covered by the Strata Plan's insurance policy.

EDENCREST STRATA PLAN LMS3719

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BYLAWS (Second Amendment)

BYLAW 2 - VEHICLES

- 2.1** An owner shall not use any part of the Common Property, except designated areas, for the parking and/or the operating of motor vehicles.
- 2.2** Parking vehicles by the owners, tenants or guests is not permitted on any Strata Corporation roadways unless otherwise posted.
- 2.3** An owner, tenant or guest shall not park or store any trailer, truck larger than 3/4 ton pickup, camper, motor home or boat on a Strata Lot unless it is within an enclosed garage.
- 2.4** No vehicle shall be operated on Common Property at a speed in excess of 10 Kms/Hr, unless otherwise posted.
- 2.5** Common Property roadways are not to be used as playground area, unless supervised.
- 2.6** Areas designated by the Strata Council, as visitor's parking shall be for visitors parking only.
- 2.7** Vehicles parked in violation of bylaws will be towed at the vehicle owners expense. Responsibility of calling of towing resides with the Strata Council at members only.
- 2.8** Only vehicles with current registration and insurance in force shall be parked on Common Property in driveways, except with written permission of Strata Council.
- 2.9** No owners, residents or guest shall carry out major repairs or oil changes to their vehicles while on Common Property or Limited Common Property.

EDENCREST STRATA PLAN LMS3719

BYLAWS (Second Amendment)

BYLAW 3 - PETS AND ANIMALS

- 3.1** Subject to the regulation with approval by the Strata Council, an Owner is permitted to keep a maximum of two small household pets on his Strata Lot.
If the Strata Council, on reasonable grounds considers any animal to be a nuisance, the Owner may be given written notice to have the animal removed from the Strata Lot
Within thirty (30) days of receiving such notice.
- 3.2** An Owner shall not permit or allow any animal to run unleashed on Common Property.
If an animal defecates on Common Property the Owner is responsible for immediate cleanup.
- 3.3** Visitors animals brought onto Common Property or Limited Common Property shall be subject to the same rules as apply to Owners animals. Each Owner shall be fully responsible for such visitor's animals.
- 3.4** Pets are limited to domestic cats and dogs only, per Bylaw 3.1 and in the case of a dog, its size shall be limited to a maximum weight of 30 lbs and a shoulder height of 14 inches when fully grown.

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BYLAWS (Second Amendment)

BYLAW 4 - SEVERABILITY

- 4.1** Owners are responsible for conduct of their children and guests.
- 4.2** An owner shall not permit noise, which unreasonably interferes with the use and enjoyment of other owners of the development.

Addendum.

Bylaws 1.7, 1.10, 2.2, 2.5, 3.2. Amended AGM June 4th 2001. Land Title Ref LM BR180027
Bylaws 1.13, 1.14, 3.4. Added AGM May 23rd 2007. Land Title Ref NW BB526605

EDENCREST LMS3719 STRATA COUNCIL
DATED October 14th 2007