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BR169743

SURVEY DEPT.

REGISTRAR
LAND TITLE OFFICE
88 - 6TH STREET
NEW WESTMINSTER, BC V3L 5B3

Please receive herewith, the following document(s) for filing:

BYLAWS Birch Gardens LMS 572



(Signature)

FRED SHAW

(Firm Name)

Birch Gardens

Address and Telephone No.)

302-1318 W 6th Ave

Vancouver BC V6H 1A7

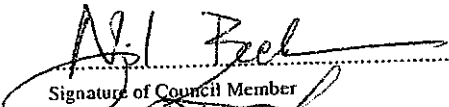
604 732-3403


Strata Property Act
FORM I
AMENDMENT TO BYLAWS

(Section 128)

The Owners, Strata Plan LMS 572 [the registration number of the strata plan] certify that the following or attached amendments to the bylaws of the strata corporation were approved by a resolution passed in accordance with section 128 of the *Strata Property Act* at an annual or special general meeting held on JUNE 13, 2001 [month day, year]*:

[wording of bylaw amendment]


.....
Signature of Council Member


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

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

SCHEDULE OF BYLAWS

Birch Gardens Strata Corporation LMS 572

1318 West 6th Avenue, Vancouver, B.C.

The following Bylaws apply to owners and occupants of Birch Gardens Strata Corporation LMS 572, 1318 West 6th Avenue, Vancouver, B.C.

1. No owner or occupant shall obstruct the public halls, locker room halls and stairways of the building for any purpose. No owner or occupant shall permit or place any bicycle, cart, shopping cart, wagon, tricycle, or similar vehicle to stand in any public hall, locker room hall, stairway, passage or exitway.

2. No owner or occupant shall make or permit any disturbing noises in or about the building or do or permit anything to be done therein which may interfere with the rights, comforts and convenience of other owners within the building, at any time without the written permission of those owners whose rights to quiet enjoyment of their building and premises will be affected by such acts. The written permission given by other owners must be explicit as to time, location, and nature of the disturbing acts or actions. For the purposes of these bylaws, but without limiting the generality of the foregoing, the following activities will be considered prima facie, disturbing activities when undertaken anywhere within the strata lots or common property:

- (a) Dancing between the hours of 11:00 p.m. and 9:00 a.m.
- (b) Playing of stereos, radios, television, in a disturbing manner at anytime, or in a loud manner between 11:00 p.m. and 9:00 a.m. Stereo, radio and/or television speaker must be raised off the floor by a stand or cushion material to alleviate sound transmission through the floor.
- (c) Doing carpentry or mechanical repairs between the hours of 11:00 p.m. and 9:00 a.m.
- (d) Playing musical instruments or singing between the hours of 11:00 p.m. and 9:00 a.m.
- (e) Gymnastics, wrestling, fighting, brawling, at any time.
- (f) Consuming alcoholic beverages when on the common property.

3. No owner or occupant shall permit the unnecessary waste of water supplied to the unit by the corporation.

4. No owner or occupant shall permit animals, birds, domestic or household pets to be kept in any apartment without the written permission of the Strata Council. The permission of the Council with respect to any animal, bird, or pet may be revoked by Council at any time for



sufficient cause. Such animal or bird shall not be kept on any Strata Lot or Common Property after fifteen (15) days notice in writing to that effect is given to the owner of the Strata Lot where it is kept. At the date of enactment of this by-law, all existing pets will be protected under this clause.

5. No owner or occupant shall prevent the reasonable access to any apartment during daytime hours of 9:00 a.m. to 5:00 p.m. for the purpose of effecting repairs or pest control by employees or agents of the Strata Corporation, assuming due notice of 24 hours.

6. No owner or occupant shall park or permit to be parked any motor vehicle in any parking space other than the space allotted to the occupant by the Strata Corporation. The Council assumes the responsibility for allotting the spaces and all inquiries with respect to parking spaces should be directed to Council in writing.

7. No owner shall park vehicles on the Common Property except private passenger motor vehicles and bicycles. Without limiting the generality of the foregoing, prohibited vehicles include buses, derelict motor vehicles, motorhomes, recreational vehicles, trailers, large trucks, uninsured vehicles and any vehicle that is commercially licensed or that displays signs or lettering identifying business use thereof; provided however, that motorhomes, recreational and commercial vehicles shall be permitted temporarily on the Common Property for the purpose of loading, unloading, delivery, removal or to provide a service, but such vehicles shall not obstruct the safe operation of another vehicle or park overnight on the Common Property.

8. No owner or occupant shall park or permit to be parked any motor vehicle in visitor parking other than those belonging to their visitors.

9. No owner or occupant shall park or permit to be parked any motor vehicle in the handicap parking other than a motor vehicle which displays a current and bona fide handicap decal or card.

10. No owner or occupant shall leave, or permit to be left, any item in any of the Common areas of the building including the parking garage without the permission of the Strata Corporation in writing. Anything so left will be removed by the Strata Corporation and disposed of forthwith.

11. No owner or occupant shall use or permit to be used any open-flame, charcoal, or gas-fired barbecue or oven devices on any of the limited common areas such as balconies, garden areas, roof gardens without a heat resistant material underneath the cooking device. Cooking devices are to be kept back a minimum of two feet from walls. Barbecues, must not be of a disturbance (i.e. smell, smoke) to other occupants of the building. Should a complaint be received the barbecue must be stopped.

12. No owner or occupant shall walk upon, or permit any person to walk upon, any of the gravelled roof-top areas, without permission of the Strata Corporation.

13. Each owner shall keep such owners suite and parking stall(s) in a good state of preservation and cleanliness and shall not sweep or throw or permit to be swept or thrown therefrom, or from the door, windows, terraces or balconies thereof, any dirt or other substance.



14. Garbage and refuse from the suites shall be bagged, tied off and deposited in the garbage bin at the rear of the building.
15. Recyclable waste shall be collapsed and deposited in the appropriate bin at the rear of the building.
16. Complaints, if any, regarding services in the building shall be made in writing to the Strata Council.
17. Any consent, approval, or permission given under these bylaws by the Strata Council:
 - (a) Must be in writing and
 - (b) May be revoked at any time, after due notice.
18. No owner shall perform any major automobile repairs or repairs to other mechanical equipment in any part of the building.
19. No owner shall store any combustible, flammable or other offensive materials in his suite, locker or parking stall.
20. No owner shall do or permit to be done anything on the grounds of the building likely to damage the plants, bushes, flowers or lawns.
21. Any suites with gardens must maintain same.
22. All structural renovations or alterations must have written approval. No owner shall paint any of the exterior of the building and the appurtenances thereto or do so permit to be done anything which would alter the exterior appearance of the building.
23. No owner shall use common area fences as a method to enter at any time.
24. Fire Prevention & Emergency. In case of fire, and/or the sounding of the alarm, telephone 911 in order to alert the fire department. Do not turn off the alarm until the fire department has been notified and arrived at the building. In the event of the "Trouble Alarm Light" being activated, residents are to call a member of Council.
25. No more than one family will be allowed to reside in any suite on either a permanent or temporary basis, without the prior written consent of the Strata Council.
26. No owner shall permit his strata lot to be used for any purpose other than a single family residential dwelling.
27. No owner shall permit any damage or abuse to Corporation property.
28. No owner shall wash a car in the underground parking other than in the designated car washing area.



29. No signs, fences, gates, billboards, placards, advertising or notices of any kind shall be erected or displayed on the Common Property or the Strata Lot, without prior written approval of the Strata Council.

30. No awning, shade, screen, air-conditioning unit, smoke stack, radio or television antenna shall be hung from or attached to the exterior of the building or Strata Lot, without prior written consent of the Strata Council.

31. No laundry, clothing, bedding, or other articles shall be hung or displayed from windows, balconies, or other parts of the building, so that they are visible from the outside of the building. Balconies shall not be used for storage purposes.

32. A moving charge in the amount of \$50.00 will be assessed against the owner of the Strata Lot each time a move takes place into the Strata Lot. X

33. The Strata Council has the authority to levy fines of up to seventy-five dollars (\$75.00) per occurrence against an owner(s) of a Strata Lot, who is in contravention of the by-laws, and or rules.

34. No owner shall erect or hang any window covering or drape on the inside of any window or door of a strata lot, the Limited Common Property or Common Property, the outside face of which is not colored either neutral or beige.

35. No owner shall allow the area of and around his Strata Lot, Limited Common Property or Common Property to become untidy or unsanitary; the Council shall be at liberty to remove any rubbish or clean up the Common Property in close proximity to an owner's Strata Lot or Limited Common Property to its satisfaction and charge the expense to the owner.

36. No owner shall do anything or permit anything to be done on his Strata Lot, Limited Common Property or Common Property which will or may tend to increase the risk of fire or the rate of fire insurance premiums or any other insurance premiums with respect thereto.

37. No owner shall do anything or permit anything to be done by an occupier of his or her Strata Lot, Limited Common Property or Common Property that is contrary to any statute, ordinance, by-law or regulation of any government authority, whether Federal, Provincial, Municipal or otherwise.

38. No owner shall permit any member of his or her household, guest or invitees to trespass on any property to which another owner is entitled to exclusive occupation or use.

39. Rental Restrictions;

(a) Rental restrictions are in force so that, at any one time, a maximum of two (2) Strata Lots may be rented to a non-owner(s).

(b) At the date of enactment of this by-law, all owners shall file a declaration with the Strata Corporation, or its agent, as to the owner's status of residency at that date.

If no declaration is filed within 30 days of enactment the owner shall be deemed to be residence at Birch Gardens

- (c) This bylaw does not apply to a Strata Lot until one year after the bylaw is passed or one year after the tenant occupying the Strata Lot at the time the bylaw is passed, ceases to occupy it, whichever is later.
- (d) Any owner leasing their Strata Lot in contravention of this by-law shall be assessed a fine of \$500.00.

Procedure for Enforcement of Bylaws & Rules

1. Upon contravention of a bylaw or rule being brought to the attention of a member of the Strata Council, the Strata Council shall provide written notice to the contravenor of the nature of the contravention.
2. If a bylaw has been contravened the Strata Council may impose a fine immediately or it may give notice that a fine will be imposed after a specific number of days to be decided by the Strata Council.
3. If a contravention continues, the Strata Council may impose an additional fine every 7 days, beginning from the imposition of the initial fine.
4. Penalties imposed under these rules shall be payable to Strata Corporation LMS 572 and the penalties become due and payable upon demand.
5. Penalties of up to \$75.00 can be imposed by Council according to the above procedure, and foreclosure can result if the penalties are not paid upon demand by Council. If Council must resort to collection proceedings in order to collect a duly levied penalty, the owner against whom the penalty was assessed will be required to pay the costs of collection in accordance with the *Strata Property Act*.
6. Contravention of any bylaw or rule which continues for 7 days or more, may be construed by the Strata Council as a new and separate contravention every 7 days and may result in a series of penalties for what may appear to be the same contravention.