

BYLAWS

STRATA PLAN LMS 343

PLACE FONTAINEBLEAU

AMENDMENTS

2008-06-13, REGISTRATION #BB067226

2011-11-14, REGISTRATION #BB2001791

2014-11-14, REGISTRATIAON #CA4080307

2015-12-17, REGISTRATION #CA4883915

2017-01-12, REGISTRATION #CA5762103

2019-11-28, REGISTRATION #CA7896415

PREAMBLE

These bylaws bind the strata corporation and the owners, 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 contained 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.

Unless otherwise stated, all terms have the meanings prescribed in the Strata Property Act, S.B.C. 1998, and c.43 (referred to as the Act). For the purposes of these bylaws, "residents" means collectively, owners, tenants and occupants and "a resident" means collectively, an owner, a tenant and an occupant.

DUTIES OF OWNERS, TENANTS, OCCUPANTS AND VISITORS

1. Compliance with bylaws and rule

- 1.1 All residents and visitors must comply strictly with the bylaws and rules of the strata corporation adopted from time to time.

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 \$25.00 for each contravention of bylaw 2.1.
- 2.3 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 (a) Failure by an owner to submit twelve (12) monthly, post-dated strata fee cheques or written authorization for automatic debit in accordance with bylaw 2.3 is a contravention of bylaw 2.3 and the strata corporation will levy a fine of \$25.00 for each contravention.
- (b) Each dishonoured cheque or dishonoured automatic debit will be subject to a fine equal to the bank cost plus a 10% administration charge on the bank cost.
- 2.5 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 \$25.00 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.

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.

4. Use of Property

4.1 A resident 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 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 or by the strata plan.

4.2 A resident 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.

4.3 An owner is responsible for any damage caused by occupants, tenants or visitors to the owner's strata lot.

4.4 An owner shall indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement necessary to the common property, limited common property, common assets or to any strata lot by 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, 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.

4.5 The strata lot shall not be used for commercial, professional or other purposes which may be illegal or contrary to any government or municipal rules or ordinances or is injurious to the reputation or security of the condominium development or its owners. Home occupation use may be permitted subject to the provisions of the applicable municipal bylaws.

5. Pets and Animals

- 5.1 A resident or visitor must not keep any pets on a strata lot or common property or on land that is a common assets except in accordance with these bylaws.
- 5.2 A resident 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.
- 5.3 A resident 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 animals; (c) up to two caged birds;
 - (c) Two dogs or two cats or one dog and one cat, except with approval by the council.
- 5.4 A resident must not harbor exotic pets, including not exhaustively, snakes, reptiles, spiders or large members of the cat family.
- 5.5 A resident 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.
- 5.6 A resident or visitor must not permit a loose or unleashed Permitted Pet (leashes cannot exceed six feet in length) at any time within on the common property or on land that is a common asset. A Permitted Pet found loose on common property of land that is a common asset shall be delivered to the municipal pound and all costs shall be paid by the strata lot owner•
- 5.7 A resident 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 a resident 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 residents or visitors of a strata lot, common property or common assets, the council may order such a pet to be removed permanently from the strata lot, the common property or common assets or all of them. If the owner does not comply the strata corporation will seek a declaration or Court injunction to enforce the bylaw. Any legal costs incurred by the strata corporation will be recoverable from the owner.
- 5.8 A pet owner must ensure that a Permitted Pet is kept quiet, controlled and clean. The owner must immediately dispose of any excrement on common property or on land that is a common asset.
- 5.9 A strata lot owner must assume all liability for all actions by a Permitted Pet, regardless of whether the owner had knowledge, notice or forewarning of the likelihood of such action;

- 5.10 A resident 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.
- 5.11 A resident who contravenes any of bylaws 5.1 to 5.6 (inclusive) or 5.10 will be subject to a fine of:
- (a) Warning letter will be sent for the first offence;
 - (b) \$25.00 for a second offence;
 - (c) \$50.00 for a third offence, and
 - (d) \$100.00 for all subsequent offences.
- 5.12 For the purposes of section 5.1 I, each month or portion of a month that an owner is in violation of subsections 5.3, 5.4, 5.5, 5.7 and 5.10 shall be deemed anew offence.

6. Inform strata corporation

- 6.1 An owner must notify the strata corporation of:
- (a) the owner's name and any occupants' names, the strata lot number and mailing address outside the strata plan, if any, within two weeks of becoming an owner; and
 - (b) Any changes within the mortgage or dealing in connection with the strata lot, such as mortgage lender, within two weeks of such mortgaging or other dealing taking place.
- 6.2 On request of the strata corporation, a tenant must inform the strata corporation of the tenant's name 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, decks or other things attached to the exterior of the building; doors, windows or skylights on the exterior of a building, or that front on common property;
 - (d) fences, railings or similar structures that enclose a patio, balcony, deck or yard;
 - (e) common property located within the boundaries of a strata lot;
 - (f) those parts of the strata lot which the strata corporation must insure under section 149 of the Act; and
 - (g) wiring, plumbing, piping, heating, air conditioning and other services.
- 7.2 The strata corporation must not unreasonably withhold its approval under bylaw 7.1, 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.

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.

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 and description of the intended alteration;
- (b) obtain all applicable permits, licenses 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 8.1.

8.3 The strata corporation may require, as a condition of approval, that the owner agree, in writing, to certain terms and conditions, including, not exhaustively, the following:

- (a) that alterations be done in accordance with the design plans approved by the strata council or its duly authorized representatives;
- (b) that the standard work and materials be not less than that of the existing structures;
- (c) that all the work and materials necessary for the alteration be at the sole expense of the owner;
- (d) that the owner of the strata lot receiving the benefit of an alteration to common property, limited common property or common assets must, from time to time, 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;
- (e) that the owner and any subsequent owner on title who receives the benefit of such alteration, must, with respect only to claims of 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.

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 8.1 to 8.3 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 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

- 9.1 An owner must give the council two working days; notice of the scheduled arrival of tradespersons or delivery materials. Tradespersons must be licensed and bonded. Inadequate notice or work by unlicensed or unbonded tradespersons will result in the levy of fines.
- 9.2 A resident must not permit any construction debris, materials or packaging to be deposited in the strata corporation's disposal containers.
- 9.3 If, for the delivery of any construction materials, an elevator is required, the owner must ensure the elevator is protected with wall pads and floor coverings. A minimum 24 hours' notice is required for the caretaker to install the coverings.
- 9.4 A resident must be responsible to ensure that all common areas are restored to their pre-renovation state daily. This includes but is not limited to sweeping of breezeways, paths and stairs and the mopping up of spills.
- 9.5 An owner must ensure that the hours of work are restricted to 8:00 AM to 5:00 PM, Monday through Friday, and 10:00 AM to 5:00 PM, 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/designate must be in attendance for all significant renovations/alterations, the determination of significant shall be at 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 licenses are obtained.
- 9.8 An owner in contravention of bylaws 9.1 to 9.7 (inclusive) shall be subject to a fine of \$25.00 (maximum \$200.00) for each contravention, as well as be responsible for any cleanup or repair costs.

10. Permit entry to strata lot

- 10.1 A resident or visitor 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 by-laws 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 10.1 (b) must include the date and approximate time of entry, and the reason for entry.

POWERS AND DUTIES OF THE STRATA CORPORATION

11. Repair and Maintenance of property by strata corporation

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

11.2 Without limiting bylaw 11.1(b), the strata corporation is responsible for the maintenance of trees and large bushes planted by current or past owners in the yard areas adjacent to strata lots (which yard areas are common property on the strata plan) where any such tree or bush is interfering with a building, fence or other structure.

12. Council Size

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

13. Council eligibility

13.1 The spouse of an owner in good standing may stand for council. For the purposes of this section "spouse of owner" includes an individual who has lived and cohabited with the for a period of at least 2 years at the relevant time, in a marriage-like relationship, including a marriage-like relationship between persons of the same gender.

13.2 No person shall 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 the strata lot under section 116 (j) 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 legal costs, or 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 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 reelection

15. Removing council member

15.1 Unless all the owners are on the council, the strata corporation may, by a resolution passed by a two-thirds (2/3) 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 leave the council without a quorum.

15.5 A replacement council member appointed pursuant to bylaws 152 and 15.4 may be appointed from any person eligible to sit on the council.

16. Replacing council member

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

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

16.3 The council may appoint a council member under bylaw 16.2 even if the absence of the member being replaced leaves the council without a quorum

16.4 If all 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 in respect to 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-p

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

(c) For the remainder of the president's term if the president ceases to hold office.

17.4 The strata council may vote to remove an officer.

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 a meeting, specifying the reason for calling the meeting.

18.2 The notice in bylaw 18.1 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 A resident may request a hearing at a council meeting by application in writing 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 19.1, the council must hold a meeting to hear the applicant within one (1) month of the date of receipt of the application by the council.

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 council is

- (a) 2, if the council consists of 3 or 4 members;
- (b) 3, if the council consists of 5 or 6 members;
- (c) 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 a 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 4 Owners and spouses of owners may attend council meetings as observers.
- 21.5 .Despite bylaw 21.4, no observers may attend 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.

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 or post for 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 24.2, 24.3 and 24.4, 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 24.3.
- 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 contravened a bylaw or rule,
 - (b) whether a person should be fined, and the amount of the fine,
 - (c) whether a person should be denied access to a recreational facility or

- (d) Whether an owner should be granted an exemption from 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.

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 26.1 does not affect a council member's liability, as an owner, for a judgment against the strata corporation.
- 26.3 All acts 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 continue in office.

ENFORCEMENT OF BYLAWS AND RULES

27. Fines

- 27.1 Except where specifically stated to be otherwise in these bylaws, the strata corporation may fine an owner or tenant:
 - (a) \$ 25.00 (up to \$200.00) for each contravention of a bylaw, and
 - (b) \$ 10.00 (up to \$50) for each contravention of a rule.

- 27.2 A 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 month following such contravention.

28. Contravention

- 28.1 Except where specifically stated to be otherwise in these bylaws, 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.

ANNUAL AND SPECIAL GENERAL MEETINGS

29. Quorum of meeting

29.1 Business must not be conducted at an annual or special general meeting unless a quorum consisting of eligible voters holding 1/3 of the strata corporation's votes is present in person or by proxy

29.2 If within Y, hour from the time appointed for an annual or special general meeting, a quorum is not present, the meeting stands adjourned for a further Y, hour on the same day and at the same place and if within a further Y, hour from the time of the adjournment, a quorum is not present, the eligible voters, present in person or by proxy, constitute a quorum. Bylaw 29.2 does not apply to a demand for a special general meeting pursuant to section 43 of the Act.

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 president nor 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 and occupants may attend annual and special general meetings, whether or not they are eligible to vote.

31.2 Persons, who are not eligible to vote, may not participate in the discussion at a meeting except by permission of the chair.

31.3 Tenants, 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 the 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 2Except 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 a show of voting cards or by roll call, secret ballot or some other method.
- 32.7 If a precise count is requested, the outcome of each vote, including the number of votes for and against the resolution, 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 32.1 to 32.8 (inclusive), an election of council or removal of a council member must be held by secret ballot, if an eligible voter requests the secret ballot.

33. Electronic attendance at meetings

- 33.1 A person who is eligible to vote may attend an annual or special general meeting by electronic means so long as the person and the other participants can communicate with each other.
- 33.2 If an annual or special general meeting is held by electronic means with a person, the person is deemed to be present in person for the purposes of the meeting.

34. Order of Business

- 34.1 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 or meeting or waiver of notice; (e) approve agenda;
 - (e) approve minutes from the last annual general or special general meeting;
 - (f) deal with unfinished business;
 - (g) 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;
 - (h) ratify any new rules made by the strata corporation under section 125 of the Act;
 - (i) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;

- (j) approve budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
- (k) deal with new business, including any matters about which notice has been given under section 45 of the Act; (m)
- (l) elect a council, if the meeting is an annual general meeting;
- (m) Terminate the meeting.

VOLUNTARY DISPUTE RESOLUTION

35. Voluntary dispute resolution

35.1 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.

35.2 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.

35.3 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, 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 visitors, occupants, guests, employees, agents, tenants or a member of the owner's family.

MARKETING ACTIVITIES BY OWNER

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.

INSURANCE

38. Insurance

- 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.

STORAGE

39. Storage lockers

- 39.1 A resident must not store any hazardous or flammable materials in storage lockers.

PARKING

40. Parking

- 40.1 A resident must not permit any oversized, commercial or recreational vehicles including, but not exhaustively, boats, trailers and campers to enter or be parked or stored on common, limited property or land that is a common asset without prior permission of the strata corporation.
- 40.2 A resident must not store unlicensed or uninsured vehicles on common, limited common property or on land that is a common asset.
- 40.3 A resident storing a vehicle must provide proof of insurance to the strata corporation on the commencement date of the storage.
- 40.4 An owner must not sell, lease or license parking stalls to any person other than an owner or occupant.
- 40.5 A resident must park only in the parking stall assigned to the resident.
- 40.6 A resident 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.
- 40.7 Any resident's vehicle parked in violation of bylaw 40.6 will be subjected 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.
- 40.8 A resident 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 adhesive or hardening compounds) or work on vehicles involving any automotive fluids or paints, motor tune ups or mechanical repairs.

- 40.9 A resident or visitor operating a vehicle in the parking area must activate the vehicle's headlights and not exceed 10 km/hour.
- 40.10 A resident must wash a vehicle in the location designated for vehicle washing only. Once washing is completed, the resident must hose down and remove all dirt, refuse and excess water from the washing area. While washing, a resident must keep audio volume low.
- 40.11 A resident must not park or store any vehicle that drips oil or gasoline. A resident must remove any dripped oil, gasoline or other automotive residue.
- 40A.1 A resident or visitor must not use an electrical outlet in or on the common property except as expressly permitted by these bylaws or the rules, or with the prior written permission of the council.
- 40A.2 A resident who wishes to use an electrical outlet for the purposes of charging an electric vehicle or for trickle charging purposes must apply to the council for permission for such use. Any such use is subject to a user fee of \$35 per vehicle, for each month or part thereof.
- 40A.3 An owner may, in accordance with bylaw 8, apply to the council for permission to install an electric vehicle charging station in respect of the parking stall(s) assigned to the owner's strata lot.

40A VISITOR PARKING

- 40A.1 Visitor parking in the designated LMS343 visitor's parking Lot shall be on a first come, first served basis;
- 40A.2 Parking permits issued by the Strata Corporation must be placed on the dashboard of the visiting motor vehicle with the pass number visible.
- 40A.3 A maximum of one visitor parking permit will be issued to each Strata Lot. Parking permits remain the property of the Strata Corporation.
- 40A.4 Lost or stolen tags must be reported immediately to Strata Manager and a charge of \$50.00 per parking permit will be levied for a replacement of the lost or stolen parking permit. If vehicles are found in visitor stalls with parking permits bearing the same Strata Lot number, all vehicles will be towed;
- 40A.5 The visitor parking spaces are intended for the exclusive use of individuals who are visiting a resident of LMS343, or by trades' people who are providing a service to a resident or the Strata Corporation. Any other use contravenes this bylaw;
- 40A.6 Visitors will not park a motor home, trailer, tractor, boat or equipment of any kind in a visitor parking space.
- 40A.7 Visitor's pets must not be left in vehicles at any time, and must be leashed at all times while on common property.
- 40A.8 A resident's personal vehicles must not be parked in the visitor stalls for any reason at any time; the definition of a resident for this bylaw is a resident that lives either full time or part time at Place Fontainebleau.

- 40A.9 Visitor parking shall be limited to a maximum duration of 12 hours, unless prior approval is arranged with the caretaker. Under no circumstances may a motor vehicle make use of visitor parking for more than three (3) consecutive days or portion thereof without an extended visitor parking pass. Furthermore, no motor vehicle may make use of visitor's parking for more than seven (7) days or portion thereof in a calendar month.
- 40A.10 An extended visitor parking pass may be obtained from the caretaker on a space available basis. Extended visitor's parking passes are provided at the sole discretion of Strata Council. The Strata Lot's parking permit must be displayed in addition to the extended parking permit at all times;
- 40A.11 Residents who abuse their visitor's parking privileges will have these privileges revoked for a period of 90 days on first offence and for 1 year for each subsequent offence;
- 40A.12 Vehicles not permitted in visitor's parking and visitors' vehicle without a valid parking permit will be towed at the vehicle Owner's expense.

MOVING

41. Moving in/out procedures

- 41.1 An owner must conform and ensure that any tenants conform to the Move In and Move Out rules established by council from time to time.
- 41.2 A resident must provide notice to the strata corporation of all moving arrangements at least 48 hours before the moving date. All moves must take place between 9:00 AM and 6:00 PM, Monday through Friday and 10:00 AM and 5:00 PM on Saturdays, Sundays and statutory holidays.
- 41.3 A resident using the elevator during a move must ensure that the elevator service key is used to control the elevator and the doors not jammed open in any manner.
- 41.4 A resident must ensure that access doors to the underground parking are not left open, ajar or unattended and that furniture is not left piled in breezeways.
- 41.5 A resident must ensure that all common areas are left damage-free and clean.
- 41.6 An Owner must pay a non-refundable move in fee of \$200 for each move into a strata lot., whether in or out, 48 hours prior to any move and expenses incurred by the Strata Corporation attributable to the resident and all fines attributable to the move will be deducted from the deposit. Any amounts over and above the \$200.00 will be charged to the owner.
- 41.7 A resident contravening bylaw 41.1 to 41.6 (inclusive) shall be subject to a fine of \$25.00 (up to \$200.00).

APPEARANCE OF STRATA LOTS

42. Cleanliness

42.1 A resident must not allow a strata lot to become unsanitary or untidy. Rubbish, dust, garbage, boxes, packing cases and other similar refuse must not be thrown, piled or stored in the strata lot or on common property. Any expenses incurred by the strata corporation to remove such refuse will be charged to the strata lot owner.

42.2 A resident must ensure that ordinary 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 appropriately.

43. Residential rentals

43.1 The number of strata lots within the strata corporation that may be leased at any one time is limited to twelve (12). Bylaw is included here for convenience only. This bylaw limiting the number of strata lots that may be rented to twelve (12) was filed in the Land Title Office on June 8, 1994 under registration number BH21661. It remains in force from June 8, 1994 and has not been altered, replaced or repealed since that date.

43.2 An owner wishing to lease a strata lot must apply in writing to the council for permission to rent before entering into a tenancy agreement.

43.3 If the number of strata lots leased at the time an owner applies for permission to lease has reached the limit stated in bylaw excluding exempt strata lots pursuant to sections 143 and 144 of the Act and section 17.15 of the Regulations, the council must refuse permission and notify the owner of the same in writing, as soon as possible stating that the limit has been reached or exceeded, as the case may be, and place the owner of the strata lot on a waiting list to be administered by the council based upon the date of the request for permission to rent.

43.4 If the limit stated in bylaw 43.1 has not been reached at the time the owner applies for permission to lease a strata lot, excluding exempt strata lots pursuant to sections 143 and 144 of the Act and section 17.15 of the Regulations, the council shall grant permission and notify the owner of the same in writing as soon as possible.

43.5 An owner receiving permission to lease a strata lot must exercise the permission to lease within 90 days from the date that the council granted same, otherwise, the permission expires. During the 90 days immediately following the grant of permission, the strata lot shall be deemed leased for the purposes of the limit stated in bylaw 43.1.

43.6 Prior to possession of the strata lot by a tenant, the 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.

43.7 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.

- 43.8 Where an owner leases a strata lot in contravention of bylaws 43.1, 43.2 or 43.3, the owner shall be subject to a fine of \$500.00 and the strata corporation shall take the necessary steps to terminate the lease or 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 bylaw shall be the responsibility of the contravening landlord and shall be recoverable from the owner or a solicitor and own client basis by the strata corporation.
- 43.9 Where an owner receives exemption from bylaw 43.1 under section 144 of the Act the term of the exemption granted by the strata corporation will be for the period of one year, prior to which time the owner must reapply.
- 43.10 Any owner who fails to comply with subsection 43.7 shall be liable to pay a fine of \$100 per month until the Form K Notice of Tenant's Responsibilities, signed by the tenant, is received by the Strata Corporation.
- 43.11 Upon termination of an existing tenancy the owner must advise the Strata Council and obtain approval of the Strata Council before obtaining a new tenant.
- 43.12 If there are no applicants, the owner shall be permitted another three months period before 43.5 will apply again.
- 43.13 If an owner has been disqualified under subsection 43.5, that owner may make a new application for tenancy and be placed on the waiting list according to subsection 43.3.
- 43.14 A strata lot must not be used for short-term accommodation purposes such as a bed-and breakfast, lodging house, hotel, home exchange, time share or vacation rents such as, but not limited to, Airbnb, VRBO, Flipkey, etc. Without limiting the generality of the foregoing, a resident must not enter into a license for the use of all or part of a strata lot.
- 43.15 Where an owner leases or rents a strata lot in contravention of bylaw 43, the owner shall be subject to a fine of \$500, for each month, **or portion thereof**, the violation continues, and the strata corporation shall take all necessary steps to terminate the lease or tenancy, including, but not limited to:
- (a) 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.

VISITORS AND CHILDREN

44. Children and Supervision

- 44.1 Residents are responsible for the conduct of children residing or visiting in their strata lot, including ensuring that noise is kept at a level, in the sole determination of a majority of council that will not disturb the quiet enjoyment of others.
- 44.2 Residents are responsible to assume liability for and properly supervise activities of children including, but not exhaustively, bicycling, skateboarding and hockey.

MISCELLANEOUS

45. Miscellaneous

- 45.1 A resident or visitor must not smoke in stairwells, breezeways, elevators, storage lockers or underground parking areas, including inside a vehicle.
- 45.2 Covered gas or electrical barbecues may be stored and used on limited common property such as decks, patios and balconies. There must be an approved fire extinguisher present.
- 45.3 A resident or visitor must not hinder or restrict sidewalks, entrances, exits, breezeways, stairways and other parts of the common property. Hindrance and restriction includes the keeping of personal items and garbage.
- 45.4 A resident or visitor must only use, but not exhaustively, skateboards, bicycles, tricycles, scooters and inline skates on outside sidewalks. There is to be no riding of the aforementioned vehicles in breezeways, underground parking areas or roadways. Pedestrians, wheelchairs and motorized scooters for people with disabilities have total right-of-way over any other vehicles.
- 45.5 A resident or visitor 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 a playground or the green space around the playground.
- 45.6 A resident or visitor must not use common property electrical outlets with the exception of parking area outlets used while cleaning a vehicle or by special permission of the strata council.
- 45.7 Subject to bylaw 37.1, a resident or 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.
- 45.8 A resident may post notices on the designated bulletin board, subject to being removed by the council if deemed inappropriate or posted for in excess of one month.
- 45.9 A resident must not shake rugs, carpets, mops or dusters of any kind from any balcony, deck, window, stairway or other part of strata lot or common property.

- 45.10 A resident must ensure that laundry, flags, clothing, bedding or other articles are not hung or displayed from windows, balconies or other parts of the building so that they are visible from the outside of the building.
- 45.11 Subject to Bylaw 45.12, a resident must not display or erect air conditioning units, fixtures, poles, clotheslines, racks, satellite dishes, hot tubs, or similar structures permanently or temporarily on limited common property, common property or land that is a common asset. Despite the foregoing, placing of items on limited common property balconies, decks or patio areas shall be limited to free standing, self-contained planter boxes or containers, barbecues as defined in section 45.2, summer furniture and accessories.
- 45.12 A resident must not place or install a storage shed on the limited common property patio area designated for their strata lot without the prior written approval of the council. A request for approval must include the size, height, design, and placement of the proposed shed. The considerations that the Strata Council will take into account in deciding whether to approve the proposed shed will include, but are not be limited to, are the size, height, design consistency with the complex, placement, and any possible hazard or safety concerns.
- 45.13 All future installation of garburators are prohibited due to the flood blocked pipes.
- 45.14 Owners will be charged for any loss of any common area key. A charge of \$25 will be applicable for the first offence, the second offence will be applicable charge of \$50 and subsequent offences will be charged \$100.
- 46. Hard Surface Flooring**
For the purposes of these bylaws, “hard surface flooring” includes porcelain, ceramic, marble, slate, quarry, limestone, travertine, glass, granite, stone, bamboo, cork, hardwood, softwood, laminate, resilient flooring, linoleum, vinyl or other materials.
- 46.1 An owner must apply in writing to the strata council for written approval to install, replace or retrofit hard surface flooring, prior to the commencement of the installation, replacement or retrofit; and conform to these hard surface flooring bylaws.
- 46.2 The strata council may, in its sole discretion as a condition of its approval of the installation of hard surface flooring, require the owner to use the highest rated sound dampening materials suited to the type of hard surface flooring to be installed.
- 46.3 An owner must install, replace or retrofit the hard surface flooring in accordance with the specifications mandated by the strata council from time to time.