

## SCHEDULE OF BYLAWS

### Strata Plan NW 2350 - Primrose Hill

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

##### 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. Interest may be charged on late payments at the maximum rate permitted by the Regulations.

##### Repair and maintenance of property by owner

- 2 (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.

##### Use of property

- 3 (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that
- (a) causes a nuisance or hazard to another person,
  - (b) causes unreasonable noise,
  - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
  - (d) is illegal, or
  - (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.
- (2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.
- (3) 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.
- (4) 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 caged mammals;
  - (c) a reasonable number of caged birds;
  - (d) a maximum of three dogs and/or cats.

##### Inform strata corporation

- 4 (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.

#### **Obtain approval before altering a strata lot**

- 5 (1) An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves any of the following:
  - (a) the structure of a building;
  - (b) the exterior of a building;
  - (c) chimneys, stairs, balconies or other things attached to the exterior of a building;
  - (d) doors, windows or skylights on the exterior of a building, or that front on the common property;
  - (e) fences, railings or similar structures that enclose a patio, balcony or yard;
  - (f) common property located within the boundaries of a strata lot;
  - (g) those parts of the strata lot which the strata corporation must insure under section 149 of the Act.
- (2) The strata corporation must not unreasonably withhold its approval under subsection (1), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.
- (3) This section does not apply to a strata lot in a bare land strata plan.

#### **Obtain approval before altering common property**

- 6 (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, including future maintenance and repair costs.

#### **Permit entry to strata lot**

- 7 (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot
  - (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
  - (b) at a reasonable time, on 48 hours written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the 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 Corporation**

#### **Repair and maintenance of property by strata corporation**

- 8 The strata corporation must repair and maintain all of the following:
  - (a) common assets of the strata corporation;
  - (b) common property that has not been designated as limited common property;

- (c) limited common property, but the duty to repair and maintain it is restricted to
  - (i) repair and maintenance that in the ordinary course of events occurs less often than once a year, and
  - (ii) the following, no matter how often the repair or maintenance ordinarily occurs:
    - (A) the structure of a building;
    - (B) the exterior of a building;
    - (C) chimneys, stairs, balconies and other things attached to the exterior of a building;
    - (D) doors, windows and skylights on the exterior of a building or that front on the common property;
    - (E) fences, railings and similar structures that enclose patios, balconies and yards;
- (d) a strata lot in a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to
  - (i) the structure of a building,
  - (ii) the exterior of a building,
  - (iii) chimneys, stairs, balconies and other things attached to the exterior of a building,
  - (iv) doors, windows and skylights on the exterior of a building or that front on the common property, and
  - (v) fences, railings and similar structures that enclose patios, balconies and yards.

### **Division 3 - Council**

#### **Council size**

- 9** (1) The council must have at least 3 and not more than 7 members.

#### **Council members' terms**

- 10** (1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- (2) A person whose term as council member is ending is eligible for re-election.
- (3) No person may stand for council or continue to be on council with respect to a strata lot if the strata corporation is entitled to register a lien against that strata lot under section 116(1).

#### **Removing council member**

- 11** (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.

#### **Replacing council member**

- 12** (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.

#### **Officers**

- 13 (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.

#### **Calling council meetings**

- 14 (1) Any council member may call a council meeting by giving the other council members at least one week's notice of the meeting, specifying the reason for calling the meeting.
- (2) The notice does not have to be in writing.
- (3) A council meeting may be held on less than one week's notice if
  - (a) all council members consent in advance of the meeting, or
  - (b) the meeting is required to deal with an emergency situation, and all council members either
    - (i) consent in advance of the meeting, or
    - (ii) are unavailable to provide consent after reasonable attempts to contact them.
- (4) The council must inform owners about a council meeting as soon as feasible after the meeting has been called.

#### **Requisition of council hearing**

- 15 (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.

#### **Quorum of council**

- 16 (1) A quorum of the council is
  - (a) 2, if the council consists of 3 or 4 members,

- (b) 3, if the council consists of 5 or 6 members, and
  - (c) 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.

### **Council meetings**

- 17**
- (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.

### **Voting at council meetings**

- 18**
- (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.
  - (2) 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.

### **Council to inform owners of minutes**

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

### **Delegation of council's powers and duties**

- 20**
- (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.

#### **Spending restrictions**

- 21
- (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.
  - (3) If a proposed expenditure has not been put forward for approval in the budget or at an annual or special general meeting, the strata corporation may make the expenditure out of the operating fund only if the expenditure, together with all other unapproved expenditures, whether of the same type or not that were made in the same fiscal year, is less than 5% of the total contribution to the operating fund for the current year.

#### **Limitation on liability of council member**

- 22
- (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**

#### **Maximum fine**

- 23
- The strata corporation may fine an owner or tenant a maximum of
- (a) \$200 for each contravention of a bylaw, and
  - (b) \$50 for each contravention of a rule.

#### **Continuing contravention**

- 24
- 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**

#### **Person to chair meeting**

- 25
- (1) Annual and special general meetings must be chaired by the president of the council.
  - (2) If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
  - (3) If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons who are present at the meeting.

### Participation by other than eligible voters

- 26
- (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.

### Voting

- 27
- (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.

### Order of business

- 28 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

### Voluntary dispute resolution

- 29
- (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.



## **PARKING RULES**

1. Parking is prohibited on all roadways in the development, which are fire lanes.
2. Areas designated as common parking areas may be used on a first come, first served basis.
3. Vehicles may not be continuously parked in the common parking areas for more than 24 hours.
4. No parking is permitted at any time in areas designated as emergency vehicle turnarounds.
5. Vehicles may be parked in front of garages, provided that they do not overhang or have tires touching the asphalt portion of the roads, and do not block neighbouring garages or the internal walkways to the units.
6. Unlicensed and uninsured vehicles may not be parked on the common property.
7. Vehicles parked in contravention of these rules may be towed without notice and at the expense of the vehicle owner.





Notice of  
Extraordinary General Meeting

of

Primrose Hill Owners  
Strata Plan NW2350

Topic: PARKING

to be held on

Thursday March 31, 1994

at the

Community Room

Forest Grove Elementary School

8525 Forest Grove Drive, Burnaby

at

7:30 PM SHARP

Please Plan to Attend!

Also: Please see attached NOTICE regarding patrolling and enforcement of municipal by-laws on our FIRE LANES and EMERGENCY VEHICLE TURNAROUNDS commencing this FRIDAY, March 11, 1994.

# AGENDA

## Extraordinary General Meeting of the Owners

### Strata Plan NW2350

Thursday, March 31, 1994, 7:30 PM  
Forest Grove Elementary School, Burnaby, B.C.

1. Call of the roll, certification of proxies, voting cards
2. Proof of Notice of Meeting
3. Approval of minutes of AGM of Thursday, February 24, 1994
4. Report from chair
5. PARKING:
  - a. All Roadways are Fire Lanes. No parking at any time.  
(municipal by-law)
  - b. No stopping in Emergency Vehicle Turnarounds.  
(municipal by-law)
  - c. MOTION: "The EXTRA PARKING SPACES on each street are designated as first-come, first-serve, 24-hour maximum parking spaces."
  - d. MOTION: "Parking is allowed for an owner (or his/her visitor) in front of his/her garage, whether on red brick and/or concrete sections, provided the vehicle is not overhanging or its tires touching the blacktop, and does not block internal walkways to the units."
6. Old business
7. New business
8. Adjournment

Darcy O'Shea  
Chairman  
Primrose Hill  
Strata Plan NW2350  
March 7, 1994

Dear Owners,

Since we were unable to ratify the parking issue at the AGM of February 24th, we are now heading into an EGM on March 31st to do just that. Nobody has voiced objection to the by-laws concerning our roadways or turnarounds, and yet last night, one turnaround was full, and several vehicles were on the roads. We are now engaging a towing company commencing this Friday, March 11th, to patrol our streets on a 24-hour basis and remove any vehicles breaking these two municipal by-laws. Despite our persistent reminders at AGM's, in every newsletter, and thru warning notices, this has still become necessary. We need make sure that we, and our visitors, pay attention to this. Where in the past a Strata Council Member had to call the towing company and therefore deal with an uncomfortable and unnecessary situation, that is no longer the case.

The two other areas of concern about parking include the extra or 'visitor' parking spaces within the development. Despite our opinions or our wishes or the ideal situation, of paramount importance is to make a rule which is simple and easily enforceable. The rule proposed by the Strata Council, after careful debate and a vote, is agreeably the simplest and easiest to enforce. The last issue is the ability to park in front of garages. The enclosed site plans show the locations of sidewalks, and possible parking areas in front of garages. They represent my estimation of where vehicles might be able to park off the blacktop and/or off the concrete sections. Some spots would obviously require small cars and careful parking. Again, after lengthy discussion and a narrow vote, the final rule is proposed. I feel it worthy of mention that the Strata Council feels that trying to restrict parking in front of garages would lead to a legal challenge with dismal hopes of success.

It is my hope that most (or all) Owners will attend in person to cast your votes. I hope also that since we could easily discuss this topic for hours(days), that our comments and questions will be directed towards achieving our goal: A workable, fair, enforceable set of rules which apply to everyone for the benefit of everyone. Keep in mind that most owners have caused no problem most of the time!!

I look forward to seeing you all at the meeting, and hope that we can amicably clear up this long-standing problem. Believe me, if there is a test of the survival of self-management, this is it.

Darcy O'Shea  
Chairman





## Notice of Commencement

of

FIRE LANE and EMERGENCY VEHICLE TURNAROUND

24-hour PATROL

Starting on Friday, March 11, 1994, Low-Cost Towing will be patrolling our development and removing vehicles illegally parked on our fire lanes (BLACKTOP), which are Larkfield Drive, Robins Court and Finch Court, or stopped in our emergency vehicle turnarounds. All of these areas have had signs for years, and therefore are clearly marked. Also, these are municipal by-laws, not Strata rules!

An incidental benefit to this will be radio-equipped patrol of both our neighbourhood and our streets.

Let's not give them too much business; Look after our own vehicles and those of our visitors, after all, we're fortunate: There's always enough parking close by on Ash Grove and Forest Grove.

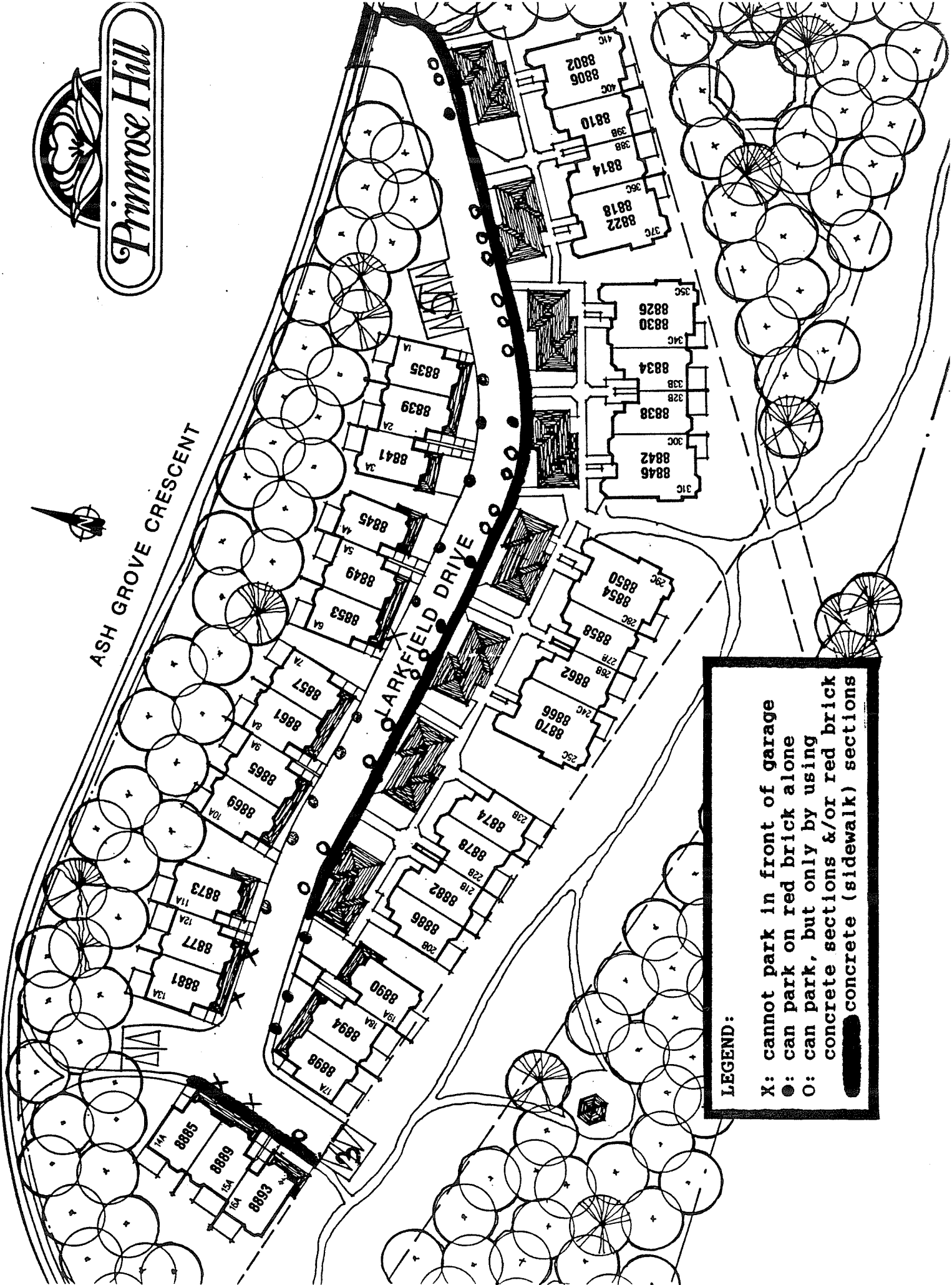






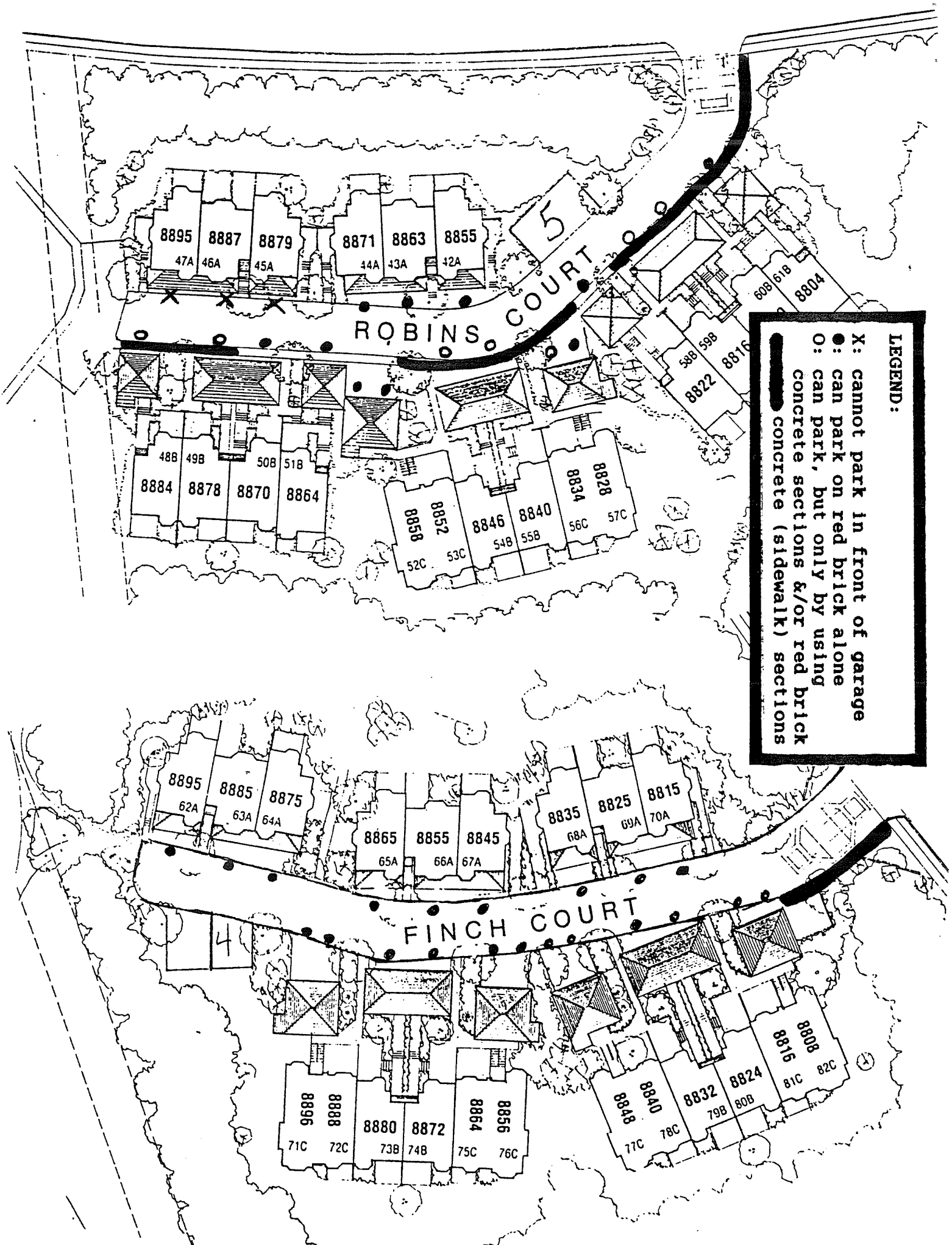
ASH GROVE CRESCENT

CLARKFIELD DRIVE



**LEGEND:**

- X: cannot park in front of garage
- : can park on red brick alone
- O: can park, but only by using concrete sections &/or red brick
- █: concrete (sidewalk) sections



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8895 8887 8879 8871 8863 8855

47A 46A 45A 44A 43A 42A

ROBINS COURT

8884 8878 8870 8864

48B 49B

50B 51B

8852 8846 8840

52C 53C 54B 55B

8828 8834

56C 57C

8895 8885 8875

62A 63A 64A

8865 8855 8845

65A 66A 67A

8835 8825 8815

68A 69A 70A

FINCH COURT

8896 8888

71C 72C

8880 8872

73B 74B 75C 76C

8864 8856

8848 8840

77C 78C

8832 8824

79B 80B

8808 8816

81C 82C