

Bylaws – Strata Plan NES 2947

Division 1 – Definitions

Definitions

- 1) For the purpose of these bylaws:

“**Statutory building scheme**” means the scheme of restrictions and limitations registered at the Land Titles Office against title to the strata lots in the strata corporation and governing the design of homes and improvements on the strata lots;

Division 2 – Duties of Owners, Tenants, Occupants and Visitors

Payment of strata fees

- 2) (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate. If an owner fails to pay strata fees at the required time the strata corporation may charge interest at the rate of the Royal Bank of Canada Prime Rate plus 6% per annum compounded annually.
(2) If an owner fails to pay a special levy at the required time he may be fined \$1000.00 for each month the special levy remains unpaid.
(3) If an owner fails to pay a fine at the required time, the strata corporation may charge interest at the rate of the Royal Bank of Canada Prime Rate plus 6% per annum compounded annually.
(4) All banking charges incurred by the strata corporation as a result of a cheque being dishonored by the owner’s financial institution will be charged back to the owner.
(5) If the strata corporation incurs legal or other costs in order to collect strata fees, special levies, or fines in relation to a strata lot, the owner of the strata lot will be responsible to reimburse the strata corporation for the full amount of the costs incurred by the strata corporation

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.
(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

- 4) (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that
- a) causes a nuisance or hazard to another person,
 - b) causes unreasonable noise,
 - c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - d) is illegal;
 - e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan; or
 - f) is injurious to the reputation of the strata corporation.

(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) up to 2 caged birds;
- d) one dog or one cat.

(5) The council of the strata corporation in their reasonable discretion, may approve pets other than the ones listed above.

(6) The council of the strata corporation, by notice to the owner or occupier, may require removal by an owner or occupier of any residential strata lot of any pet or other animal kept by the owner or occupier in a strata lot if such pet or animal, in the opinion of the strata council constitutes a nuisance to any owner or occupier of a strata lot, or causes danger or damage to any owner or occupier of a strata lot or to any property of the strata corporation or an owner or occupier of a strata lot.

(7) An owner must not do any of the following:

- a) erect a clothesline on the strata lot or hang laundry or washing in such a way as to be visible from the outside of the strata lot;
- b) deposit household refuse and garbage in any container other than proper containers as directed by the council;

- c) allow either his strata lot to become untidy or to create an untidy condition on common property immediately adjacent to his strata lot. The council shall be at liberty, upon seven days' notice in writing to the owner, to remove any items that are creating the untidy condition on the common property or clean up the common area immediately adjacent to any owner's strata lot to its satisfaction, and charge the expense to the owner;
- d) place on the strata lot any antennae or satellite dish of whatsoever form, including both tower and line antennae and including antennae for reception of citizens band ("C.B."), television, or other communications, except that this restriction does not apply to satellite dishes of a diameter of 24 inches or less which are sited on the strata lot in such a manner so as not to be visible from the common property or any other strata lot;
- e) Except for not more than two private passenger automobiles owned by the resident(s) of any dwelling which may be constructed on the Lots, and passenger vehicles used by persons visiting the residents, without the authorization of the council, no waste, salvage or commercial materials of any kind, or chattels, including without restriction the generality thereof, trailers, campers, 5th wheels, motor homes, trucks, motorcycles or boats shall be parked, placed or situated on the Lots, in a location that is visible from outside the Lot for a period of more than thirty (30) days.

(8) The pathways, roadways and driveways on the common property shall not be obstructed or used for any purpose other than that for which each was designed. No owner, occupier or person shall park his vehicles, or allow his guest, visitor, or invitee to park their vehicles, on any common property.

(9) No owner, occupier or person shall do anything on the common property likely to damage the common property or the plants, bushes, flowers or lawn thereon.

(10) The speed limit on all roadways within the strata corporation is 30 kilometers per hour.

Inform strata corporation

- 5) (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

- 6) (1) An owner must obtain the written approval of the strata corporation before making a significant change in the use or appearance of any home or structure that was constructed on a strata lot in compliance with the statutory building scheme..
- (2) The strata corporation must not unreasonably withhold its approval under subsection (1), provided such change is in keeping with the overall quality and character of the development and the restrictions and guidelines contained in the statutory building scheme.

Obtain approval before altering common property

- 7) (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.

Permit entry to strata lot

- 8) (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot
- f) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
 - g) 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.
 - a. 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, or
 - b. to ensure compliance with the Act and the bylaws.
- (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

- 9) The strata corporation must repair and maintain all of the following:
- h) common assets of the strata corporation;

- i) common property that has not been designated as limited common property;
- j) limited common property, but the duty to repair and maintain it is restricted to
 - a. repair and maintenance that in the ordinary course of events occurs less often than once a year, and
 - b. the following, no matter how often the repair or maintenance ordinarily occurs:
 - 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;
 - v. fences, railings and similar structures that enclose patios, balconies and yards.

Division 3 – Council

Election

- 10)(1) The council must be elected by and from among the registered owners of the strata lots.
- (2) Where a strata lot is owned by more than one person, only one owner of the strata lot or heir appointed representative shall be a member of the council at any one time.

Council size

- 11)(1) Subject to subsection (2), the council must have at least 3 and not more than 7 members.
- (2) If the strata plan has fewer than 4 strata lots or the strata corporation has fewer than 4 owners, all the owners are on the council.

Council members' terms

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

Removing council member

- 13)(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

14)(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

15)(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

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

l) 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

16)(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

m) all council members consent in advance of the meeting, or

n) the meeting is required to deal with an emergency situation, and all council members either

a. consent in advance of the meeting, or

- b. 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

17)(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

18)(1) A quorum of the council is

- o) 1, if the council consists of one member,
- p) 2, if the council consists of 2,3 or 4 members,
- q) 3, if the council consists of 5 or 6 members, and
- r) 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 quorum.

Council meetings

19)(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 a council meetings that deal with any of the following:

- s) bylaw contravention hearings under section 135 of the Act;
- t) rental restriction bylaw exemption hearings under section 144 of the Act;
- u) 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

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

(2) Unless there are only 2 strata lots in the strata plan, if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.

(3) The results of all votes at a council meeting must be recorded in the council meeting minutes.

Council to inform owners of minutes

21) (1) 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

22) (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 revoke the delegation.

(2) The council may delegate its spending powers or duties, but only by a resolution that

- v) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
- w) delegates the general authority to make expenditures in accordance with subsection (3).

(3) The delegation of a general authority to make expenditures must

- x) set a maximum amount that may be spent, and
- y) 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,

- z) whether a person has contravened a bylaw or rule,
- aa) whether a person should be fined, and the amount of the fine, or
- bb) whether a person should be denied access to a recreational facility.

Spending restrictions

23) (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) in accordance with section 98 of the Strata Property Act, a council member may authorize, without resolution of the strata corporation, an expenditure of not more than \$2,000 per occurrence which was not set out in the annual budget of the strata corporation and approved by the owners at a general meeting provided such expenditure is necessary to ensure safety or prevent significant loss or damage, whether physical or otherwise.

Limitation on liability of council member

24) (1) A council member who acts honestly and in good faith is not personally liable because of anything done or omitted in the 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

- 25) The strata corporation may fine an owner or tenant a maximum of
- a) \$100 for each contravention of a bylaw, and
 - b) \$50 for each contravention of a rule.

Continuing contravention

- 26) 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.

Violation of Bylaws

- 27) (1) Any infraction or violation of these bylaws or any rules and regulations established under them on the part of an owner, the owner's agents, invitees or guests may be corrected, remedied or cured by the strata corporation.
- (2) Any costs or expenses so incurred by the strata corporation, including but not limited to the full cost in repairing any damage to the plumbing, electrical and other systems of the common property infrastructure or other parts of the common property caused by the owner, his agents, invitees or guests, shall be charged to that owner and shall be added to and become a part of the assessment of that owner for the month next following the date on which the costs or expenses are incurred, but not necessarily paid by the strata corporation, and shall become due and payable on the date of payment of the monthly assessment.
- (3) Notwithstanding any provision of the Act, the strata corporation may proceed under the Small Claims Act (British Columbia) against an owner or other person to collect money owing to the strata corporation, including money owing as a fine, without requiring authorization by a resolution passed by a $\frac{3}{4}$ vote.
- (4) The strata corporation may recover from an owner by an action for debt in a court of competent jurisdiction money which the strata corporation is required to expend as a result of an act or omission by the owner, the owner's agents, invitees or guests, or an infraction or violation of these bylaws or any rules or regulations established under them.
- (5) Any owner who violated, or permits any occupant or any agent, invitee or guest of the owner or occupant to violate, any of these bylaws or any rule or regulation which may be established from time to time by the strata council pursuant to the Act or these bylaws will be subject to a fine of up to \$100 per day for each time the violation continues, such fine to be added to the next monthly assessment payable by such owner.
- (6) Additional assessments, fines authorized by these bylaws, banking charges, filing costs, legal expenses interest charges, and any other expenses incurred by the strata corporation to enforce these bylaws, as they may be amended from time to time, or any rule or regulation which may be established from time to time by the strata council pursuant to the Act or these bylaws, shall become part of the assessment of the owner responsible and shall become due and payable on the first day of the month next following. In addition, where any claim has been made

against the insurance policy to the strata corporation as a result of the violation of any of these bylaws or any rule or regulation which may be established from time to time by the strata council pursuant to the Act or these bylaws, by any owner or any occupant, agent, invitee or guest of such owner or occupant, a sum equal to the amount of the deductible charged by the insurer of the strata corporation as a result of the claim shall become part of the assessment of the owner responsible and shall become due payable on the first day of the month next following.

(7) An owner assessed or fined under these bylaws may appeal such assessment, fine or any other charge by giving notice in writing of such appeal to the strata council, within 15 days after notice of the assessment of fine is given to the owner. The appeal shall be heard at a meeting of the strata council and the owner shall receive notice and have the right to appear before and be heard by the strata council at such meeting, in accordance with procedures which may be established by the strata council.

Division 5 – Annual and Special General Meetings

Person to chair meeting

- 28) (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

- 29) (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.
- (2) 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

- 30) (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 voted 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

31) 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 there is a quorum; (9 votes – 1/3 of 25 from section 48 of the Act)
- (c) elect a person to chair the meeting, if necessary; (normally the President)
- (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

- 32) (1) A dispute among owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if
- (a) All the parties to the dispute consent, and
 - (b) The dispute involves the Act, the regulations, the bylaws or the rules.
- (2) A dispute resolution committee consists of
- (a) one owner or tenant of the strata corporation nominated by each of the disputing parties and one owner or tenant chosen to chair the committee by the persons nominated by the disputing parties, or

- (b) any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties.
- (3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute

Division 7 Marketing Activities by Owner Developer

Promotion

- 33)(1) During the time that the owner-developer of the strata corporation is the owner or lessee of any strata lot, it shall have the right to:
- (a) maintain any strata lot of strata lots, whether owner or leased by it, as display homes and to carry on any marketing and sales functions within such strata lots and within any are of the common property of the strata corporation including any recreation facilities;
 - (b) erect and maintain such signage on the common property of the strata corporation;
 - (c) have access to any and all parts of the common property and common facilities for the purpose of showing strata lots, the common property and the common facilities to prospective purchasers and realtors;

in each case as may be reasonably determined by the owner-developer in order to enable or assist it in marketing or selling any strata lot withi the strata corporation. The owner-developer shall act reasonably in exercising its rights under this section. This section may not be directly or indirectly modified, amended, rescinded or varied in any way except by a unanimous resolution.