

**STRATA PLAN LMS-2064  
HARBOURSIDE PARK  
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**BYLAWS**  
**STRATA PLAN LMS-2064**  
***HARBOURSIDE PARK***

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**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, c.43 (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.

The Schedule of Standard Bylaws to the Act does not apply to the strata corporation.

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**1. Compliance With Bylaws and Rules**

1.1 All residents and visitors must comply strictly with the bylaws and rules of the strata corporation adopted from time to time. *(May 14/2002)*

**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. *(May 14/2002)*

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. *(May 14/2002)*

- 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. *(May 14/2002)*
- 2.4 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. Each dishonoured cheque or dishonoured automatic debit will be subject to a fine of \$25.00 and an administration charge of \$20.00. *(May 14/2002)*
- 2.5 A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy. *(May 14/2002)*
- 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. *(May 14/2002)*
- 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. *(May 14/2002)*

### **3. Repair and Maintenance of Property by Owner**

- 3.1 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. *(May 14/2002)*

### **4. Use of Property**

- 4.1 A resident 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, *(May 14/2002)*
  - (b) Causes unreasonable noise, *(May 14/2002)*
  - (c) Unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot, *(May 14/2002)*
  - (d) Is illegal, or *(May 14/2002)*
  - (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. *(May 14/2002)*

- 4.2 A resident 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. *(May 14/2002)*
- 4.3 An owner is responsible for any damage caused by occupants, tenants or visitors to the owner's strata lot. *(May 14/2002)*
- 4.4 An owner shall indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered 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. *(May 14/2002)*
- 4.5 A resident must not use, or permit to be used, the strata lot except as a private dwelling home and, unless granted prior written approval by the council, a resident must not allow more than two persons to occupy a strata lot originally designated by the owner developer as a one bedroom unit and not allow more than four persons to occupy a strata lot originally designated by the owner developer as a two bedroom unit. For the purposes of this bylaw 4.5, a "person" is defined to include children, but exclude visitors staying for less than 30 days with an owner, occupant or tenant of a strata lot. *(May 14/2002)*
- 4.6 An owner or occupant who alleges hardship as a result of the passage of bylaw 4.5 may appeal to the council for permission to be exempt from bylaw 4.5 on the basis of hardship and the council must not unreasonably refuse the appeal. *(May 14/2002)*
- 4.7 Not permit any act to be done or condition to exist within his lot which causes, or might cause, damage to the common plumbing and electrical systems or wastage or excessive consumption of the common electricity, water or natural gas supplies. *(May 14/2002)*
- 4.8 All Owners are responsible for minimizing noise in their suites. If hard surface floors are installed they must be insulated. If noise from hard surface floors (insulated or not) disturbs other residents, the Owners with hard surface floors must carpet the traffic areas on the hard surface floors. *(May 14/2002)*
- 4.9 Maintain the security of the building at all times, and shall not leave any door or garage gate in the common property open while unattended. *(May 14/2002)*

4.10 Comply with all municipal, provincial and federal laws and any bylaw, rule or regulation enacted there under pertaining to the use and condition of his lot or the common property. *(May 14/2002)*

## **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 asset except in accordance with these bylaws. *(May 14/2002)*

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. *(May 14/2002)*

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; *(May 14/2002)*

(b) A reasonable number of small caged mammals; *(May 14/2002)*

(c) Up to 2 caged birds; *(May 14/2002)*

(d) 2 dogs or 2 cats. *(May 14/2002)*

5.4 A resident must not harbour exotic pets, including not exhaustively, snakes, reptiles, spiders or large members of the cat family, unless prior permission has been received from Council. *(May 14/2002)*

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, and a color photo, together with the name, strata lot number and telephone number of the pet owner. *(May 14/2002)*

5.6 A resident or visitor must not permit a loose or unleashed Permitted Pet at any time within on the common property or on land that is a common asset. A Permitted Pet found loose on common property or land that is a common asset shall be delivered to the municipal pound at the cost of the strata lot owner. *(May 14/2002)*

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 pet to be removed permanently from the strata lot, the common property or common asset or all of them. *(May 14/2002)*

- 5.8 If a resident contravenes bylaw 5.7, the owner of the strata lot will be subject to a fine pursuant to bylaw 27.1. *(May 14/2007) (May 15, 2007)*
- 5.9 Notwithstanding bylaw 5.8, a resident whose pet contravenes bylaw 5.7 will be subject to an immediate injunction application and the owner of the strata lot will be responsible for all expenses incurred by the strata corporation to obtain the injunction, including legal costs. *(May 14/2002)*
- 5.10 A pet owner must ensure that a Permitted Pet is kept quiet, controlled and clean. Any excrement on common property or on land that is a common asset must be immediately disposed of by the pet owner. *(May 14/2002)*
- 5.11 A pet owner must keep a Permitted Pet only in a strata lot, except for ingress and egress, and the resident or visitor must keep under control the Permitted Pet when the Permitted Pet is in the interior of the building, including the elevator. *(May 14/2002)*
- 5.12 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. *(May 14/2002)*
- 5.13 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. *(May 14/2002)*
- 5.14 A resident who contravenes any of bylaws 5.1 to 5.7 (inclusive) or 5.10 to 5.13 (inclusive) will be subject to a fine pursuant to bylaw 27.1. *(May 14/2002) (May 15, 2007)*

## **6. Inform Strata Corporation**

- 6.1 An owner must notify the strata corporation of
- (a) Within two weeks of becoming an owner; the owner's name and any occupants' names, strata lot number and mailing address outside the strata plan, if any; and *(May 14/2002)*
  - (b) Any mortgage or other dealing in connection with the strata lot within two weeks of such mortgaging or other dealing. *(May 14/2002)*
- 6.2 On requests by the strata corporation, a tenant must inform the Strata Corporation of the tenant's name and the strata lot which the tenant occupies. *(May 14/2002)*

## **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; *(May 14/2002)*
  - (b) The exterior of a building; *(May 14/2002)*
  - (c) Patios, chimneys, stairs, balconies or other things attached to the exterior of a building; *(May 14/2002)*
  - (d) Doors, windows or skylights on the exterior of a building, or that front on the common property; *(May 14/2002)*
  - (e) Fences, railings or similar structures that enclose a patio, balcony or yard; *(May 14/2002)*
  - (f) Common property located within the boundaries of a strata lot; *(May 14/2002)*
  - (g) Those parts of the strata lot which the strata corporation must insure under section 149 of the Act; and *(May 14/2002)*
  - (h) Wiring, plumbing, piping, heating, air conditioning and other services. *(May 14/2002)*
- 7.2 The strata corporation must not unreasonably withhold its approval under bylaw 8. 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. *(May 14/2002)*
- 7.3 An owner intending to apply to the strata corporation for permission to alter a strata lot must submit, in writing, detailed plans and written description of the intended alteration. *(May 14/2002)*

## **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. *(May 14/2002)*
- 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; *(May 14/2002)*

- (b) Obtain all applicable permits, licenses and approvals from the appropriate governmental authorities and provide copies to the strata council; and *(May 14/2002)*
- (c) Obtain the consent of the owners by written approval of the strata council under bylaw 8.1. *(May 14/2002)*

8.3 The strata corporation may require, as a condition of its 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 or plans approved by the strata council or its duly authorized representatives; *(May 14/2002)*
- (b) That the standard of work and materials be not less than that of the existing structures; *(May 14/2002)*
- (c) That all work and materials necessary for the alteration be at the sole expense of the owner; *(May 14/2002)*
- (d) That the owner from time to time of the strata lot receiving the benefit of an alteration to common property, limited common property or common assets must, 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; *(May 14/2002)*
- (e) That the owner and any subsequent owner on title who receives the benefit of such alteration, must, with respect only to claims or 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 from the alteration and the said costs or expenses incurred must be charged to that owner and shall be added to and become part of the strata fees of that owner for the month next following the date upon which the cost or expenses are incurred, but not necessarily paid by the strata corporation, and shall become due and payable on the due date of payment of monthly strata fees. *(May 14/2002)*

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. *(May 14/2002)*

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 next 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. *(May 14/2002)*

## **9. Renovations / Alterations**

9.1 A resident must not permit any construction debris, materials or packaging to be deposited in the strata corporation's disposal containers. *(May 14/2002)*

9.2 An owner must ensure that the delivery of any construction materials is through the service entrance and, if in an elevator, the owner must ensure the elevator is protected with proper wall pads and floor coverings. An owner must not permit any renovations/alterations materials to be delivered through the main lobby. *(May 14/2002)*

9.3 A resident must be responsible to ensure:

- (a) Drop cloths are installed and removed daily between the elevators and the strata lot as well as between other doors to protect common areas from any spillage or dripping; and
- (b) Stairs, lobbies and paths through the parking areas are regularly cleaned (and vacuumed at the request of the council) and the residential corridor thoroughly vacuumed daily.

I Hard surface floors must be installed using the following specifications:

- (i) Underlay (sound deadening material) under the hardwood floor must be at least 3.5 mm thick and possess a STC (sound transmission class rating > 50 and IIC must be > 60;
- (ii) Council requires proof of purchase and the STC and IIC ratings for the above underlay materials in order to approve the owner's application for the installation of hardwood flooring; and

- (iii) Ceramic tiles on the kitchen and bathroom floors must also be installed with sound deadening underlay material and details of this material must be submitted to council in order to approve the owner's application for installation of ceramic flooring.

- 9.4 An owner must ensure the hours of work are restricted to 9:00 a.m. to 5:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. Saturdays. An owner must not conduct work or permit work to be conducted on Sundays or statutory holidays. The owner must advise the site office of planned renovations/alterations and provide a refundable \$200 damage/cleaning deposit prior to their commencement.
- 9.5 An owner must be in attendance for all SIGNIFICANT renovations/alterations, the determination of SIGNIFICANT shall be in the discretion of the council. (May 14/2002)
- 9.6 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. (May 14/2002)
- 9.7 An owner in contravention of any of bylaws 9.1 to 9.6 (inclusive) shall be subject to a fine of \$100.00 for each contravention, as well as be responsible for any clean up or repair costs. (May 14/2002)

## **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; (May 14/2002)
    - (b) At a reasonable time, on 48 hours' written notice, (May 14/2002)
      - (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 bylaws or the Act or to insure under section 149 of the Act; (May 14/2002)
  - OR
  - (ii) To ensure a resident's compliance with the Act, bylaws and rules. (May 14/2002)
- 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. (May 14/2002)

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. *(May 14/2002)*

## **11. Repair and Maintenance of Property by the Strata Corporation**

11.1 The strata corporation must repair and maintain all of the following:

- (a) Common assets of the strata corporation; *(May 14/2002)*
- (b) Common property that has not been designated as limited common property; *(May 14/2002)*
- (c) Limited common property, but the duty to repair and maintain it is restricted to *(May 14/2002)*
  - (i) Repair and maintenance that in the ordinary course of events occurs less often than once a year, and *(May 14/2002)*
  - (ii) The following, no matter how often the repair or maintenance ordinarily occurs: *(May 14/2002)*
    - A. The structure of a building; *(May 14/2002)*
    - B. The exterior of a building; *(May 14/2002)*
    - C. Patios, chimneys, stairs, balconies and other things attached to the exterior of a building; *(May 14/2002)*
    - D. Doors, windows and skylights on the exterior of a building or that front on common property; *(May 14/2002)*
    - E. Fences, railings and similar structures that enclose patios, balconies and yards; *(May 14/2002)*
- (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 *(May 14/2002)*
  - (i) The structure of a building, *(May 14/2002)*
  - (ii) The exterior of a building, *(May 14/2002)*
  - (iii) Patios, chimneys, stairs, balconies and other things attached to the exterior of a building, *(May 14/2002)*
  - (iv) Doors, windows and skylights on the exterior of a building or that front on common property, and *(May 14/2002)*
  - (v) Fences, railings and similar structures that enclose patios, balconies and yards. *(May 14/2002)*

## **12. Council**

12.1 The council must have at least 3 and not more than 7 members. *(May 14/2002)*

### **13. Council Eligibility**

- 13.1 An owner or the spouse of an owner may stand for council, but not both. *(May 14/2002)*
- 13.2 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) of the Act. *(May 14/2002)*
- 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 for which the owner is responsible under section 13 1 of the Act. *(May 14/2002)*

### **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. *(May 14/2002)*
- 14.2 A person whose term as council member is ending is eligible for reelection. *(May 14/2002)*

### **15. Removing Council Member**

- 15.1 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. The strata corporation must pass a separate resolution for each council member to be removed. *(May 14/2002)*
- 15.2 After removing a council member, the strata corporation must 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. *(May 14/2002)*
- 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. *(May 14/2002)*
- 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 leaves the council without a quorum. *(May 14/2002)*

15.5 A replacement council member appointed pursuant to bylaws 15.2 and 15.4 may be appointed from any person eligible to sit on the council. *(May 14/2002)*

## **16. Replacing Council Member**

16.1 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. *(May 14/2002)*

A member of the council will be deemed to resign if the member is absent from three consecutive meetings of council without the consent of the majority of the remaining members of the council. *(May 14/2002)*

16.2 A replacement council member may be appointed from any person eligible to sit on the council. *(May 14/2002)*

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. *(May 14/2002)*

16.4 If all the 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 respecting the calling and holding of meetings. *(May 14/2002)*

## **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. *(May 14/2002)*

17.2 A person may hold more than one office at a time, other than the offices of president and vice president. *(May 14/2002)*

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, *(May 14/2002)*

(b) If the president is removed, or *(May 14/2002)*

(c) For the remainder of the president's term if the president ceases to hold office. *(May 14/2002)*

17.4 The strata council may vote to remove an officer. *(May 14/2002)*

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. *(May 14/2002)*

## **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 the meeting, specifying the reason for calling the meeting. *(May 14/2002)*

18.2 The notice in bylaw 18.1 does not have to be in writing. *(May 14/2002)*

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 *(May 14/2002)*

(b) The meeting is required to deal with an emergency situation, and all council members either *(May 14/2002)*

(i) Consent in advance of the meeting, or *(May 14/2002)*

(ii) Are unavailable to provide consent after reasonable attempts to contact them. *(May 14/2002)*

## **19. Requisition of Council Hearing**

19.1 By application in writing, a resident an owner or tenant may request a hearing at a council meeting stating the reasons for the request. *(May 14/2002)*

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 by the council of the application. *(May 14/2002)*

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. *(May 14/2002)*

## **20. Quorum of Council**

20.1 A quorum of the council is

(a) 1, if the council consists of one member, *(May 14/2002)*

(b) 2, if the council consists of 2, 3 or 4 members, *(May 14/2002)*

(c) 3, if the council consists of 5 or 6 members, and *(May 14/2002)*

(d) 4, if the council consists of 7 members. *(May 14/2002)*

20.2 Council members must be present in person at the council meeting to be counted in establishing quorum. *(May 14/2002)*

## **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. *(May 14/2002)*

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. *(May 14/2002)*

21.3 If a council meeting is held by electronic means, council members are deemed to be present in person. *(May 14/2002)*

21.4 In the absence of both the chairman and the vice chairman, the members present shall from among themselves appoint an chairman for that meeting, who shall have all the duties and powers of the chairman while so acting. *(May 14/2002)*

## **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. *(May 14/2002)*

22.2 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. *(May 14/2002)*

22.3 The results of all votes at a council meeting must be recorded in the council meeting minutes. *(May 14/2002)*

## **23. Council to Inform Owners of Minutes**

23.1 The council must circulate to or post for owners the minutes of all council meetings within 4 weeks of the meeting, whether or not the minutes have been approved. *(May 14/2002)*

## **24. Delegation of Council's Powers and Duties**

24.1 Subject to subsections (2) and (4) 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. *(May 14/2002)*

- 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 *(May 14/2002)*
  - (b) Delegates the general authority to make expenditures in accordance with subsection (3) bylaw 24.3. *(May 14/2002)*
- 24.3 A delegation of a general authority to make expenditures must
- (a) Set a maximum amount that may be spent, and *(May 14/2002)*
  - (b) Indicate the purposes for which, or the conditions under which, the money may be spent. *(May 14/2002)*
- 24.4 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, *(May 14/2002)*
  - (b) Whether a person should be fined, and the amount of the fine, *(May 14/2002)*
  - (c) Whether a person should be denied access to a recreational facility, or *(May 14/2002)*
  - (d) Whether an owner should be granted an exemption from a rental restriction bylaw under section 144 of the Act. *(May 14/2002)*

## **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. *(May 14/2002)*

## **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. *(May 14/2002)*
- 26.2 Bylaw 26.1 does not affect a council member's liability, as an owner, for a judgment against the strata corporation. *(May 14/2002)*
- 26.3 All acts done 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 continued in office. *(May 14/2002)*

## **27. Fines**

- 27.1 The corporation may, in its sole discretion, impose fines for any breach of these Bylaws or Rules or Regulations established hereunder as follows: For the first breach by an owner the fine shall be FIFTY (\$50.00). For each subsequent breach by the same owner or the registered tenant, (not necessarily the same breach), the fine may increase in increments of FIFTY (\$50.00) to a maximum of TWO HUNDRED DOLLARS (\$200.00) per fine, for the changes or the registered tenant. *(May 15, 2007)*
- 27.2 The 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 next month following such contravention. *(May 14/2002)*

## **28. Continuing 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. *(May 14/2002)*

## **29. Annual and Special General Meetings**

- 29.1 If within 1/2 hour from the time appointed for an annual or special general meeting, a quorum is not present, the meeting stands adjourned for a further 1/2 hour on the same day and at the same place. If within a further 1/2 hour from the time of the adjournment, a quorum is not present, the eligible voters, present in person or by proxy, constitute a quorum. *(May 14/2002)*

This bylaw is an alternative to section 48(3) of the Act. This bylaw does not apply to a meeting demanded pursuant to section 43 of the Act and failure to obtain a quorum for a meeting demanded pursuant to section 43 terminates, and does not adjourn, that meeting. *(May 14/2002)*

## **30. Person to Chair Meeting**

- 30.1 Annual and special general meetings must be chaired by the president of the council. *(May 14/2002)*
- 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. *(May 14/2002)*

30.3 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, eligible to vote, who are present at the meeting. *(May 14/2002)*

### **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. *(May 14/2002)*

31.2 Persons who are not eligible to vote, including tenants and occupants may participate in the discussion at a meeting, but only if permitted to do so by the chair of the meeting. *(May 14/2002)*

31.3 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. *(May 14/2002)*

### **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 that strata lot under section 116(1) of the Act. *(May 14/2002)*

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. *(May 14/2002)*

32.3 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, including legal costs, for which the owner is responsible under section 131 of the Act. *(May 14/2002)*

32.4 At an annual or special general meeting, voting cards must be issued to eligible voters. *(May 14/2002)*

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. *(May 14/2002)*

32.6 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. *(May 14/2002)*

- 32.7 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. *(May 14/2002)*
- 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. *(May 14/2002)*
- 32.9 Despite anything in this sections bylaws 32.1 to 32.8 (inclusive), an election of council or a removal of a council member must be held by secret ballot, if the secret ballot is requested by an eligible voter. *(May 14/2002)*
- 32.10 An Owner who is a trustee is entitled to exercise the vote for the lot. The persons beneficially interested may not vote. *(May 14/2002)*
- 32.11 An instruments appointing a proxy shall be in writing signed by the appointer or his attorney, and must be for a particular meeting only. *(May 14/2002)*

### **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. *(May 14/2002)*
- 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. *(May 14/2002)*

### **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; *(May 14/2002)*
  - (b) Determine that there is a quorum; *(May 14/2002)*
  - (c) Elect a person to chair the meeting, if necessary; *(May 14/2002)*
  - (d) Present to the meeting proof of notice of meeting or waiver of notice; *(May 14/2002)*
  - (e) Approve minutes from the last annual or special general meeting; *(May 14/2002)*

- (f) Deal with unfinished business; *(May 14/2002)*
- (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; *(May 14/2002)*
- (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; *(May 14/2002)*
- (j) Approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting; *(May 14/2002)*
- (k) Deal with new business, including any matters about which notice has been given under section 45 of the Act; *(May 14/2002)*
- (l) Elect a council, if the meeting is an annual general meeting, *(May 14/2002)*
- (m) Terminate the meeting. *(May 14/2002)*

### **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 *(May 14/2002)*
- (b) The dispute involves the Act, the regulations, the bylaws or the rules. *(May 14/2002)*

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 *(May 14/2002)*
- (b) Any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties. *(May 14/2002)*

35.3 The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute. *(May 14/2002)*

### **36. Small Claims Court Proceedings 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 or other person, 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 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. *(May 14/2002)*

### **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. *(May 14/2002)*

### **38. Insuring Against Major Perils**

38.1 The strata corporation must insure against major perils, as set out in regulation 9.1(2), including, without limitation, earthquakes. *(May 14/2002)*

### **39. Storage Lockers and Bicycle Storage**

39.1 No bicycles to be kept on balconies or patios or any other common areas except those designated for bicycle storage. All bicycles must enter or exit the building by the basement only. *(May 14/2002)*

39.2 Not store any flammable or explosive substance in his lot or in the interior of the common property. *(May 14/2002)*

### **40. Parking**

40.1 Private passenger automobiles only shall be parked on common property and these shall be parked in designated assigned spaces-only; without the approval of the Strata Council, no motor vehicle, trailer, boat or equipment of any kind shall be driven on any part of the common property other than on driveways; no Owner or Resident vehicle shall be parked on visitor or guest spaces so assigned. Parking spaces are not to be used for storage. *(May 14/2002)*

40.2 A resident must not store unlicensed or uninsured vehicles on the common, limited common property or on land that is a common asset. *(May 14/2002)*

40.3 A resident storing a vehicle must provide proof of valid insurance to the strata corporation on the commencement date of the storage and on request thereafter. *(May 14/2002)*

- 40.4 An owner or resident must not sell, lease or license parking stalls to any person other than an owner or occupant. *(May 25/2004)*
- 40.5 A resident must park only in the parking stall assigned to the resident. *(May 14/2002)*
- 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. *(May 14/2002)*
- 40.7 Any resident's vehicle parked in violation of bylaw 40.6 will be subject 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. *(May 14/2002)*
- 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 any adhesive or hardening compounds) or work on vehicles involving any automotive fluids or paints, motor tune ups or mechanical repairs. *(May 14/2002)*
- 40.9 A resident or visitor operating a vehicle in the parking areas must activate the vehicle's headlights and not exceed 5 km/hour. *(May 14/2002)*
- 40.10 A resident or visitor must not smoke while in the parking area. *(May 14/2002)*
- 40.11 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. *(May 14/2002)*
- 40.12 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. *(May 14/2002)*
- 40.13 Visitor all night parking will be at a rate of \$3.00 per night (extended visitors on pass or visitors staying a single overnight exempt). *(May 14/2002)*

#### **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. *(May 14/2002)*
- 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 a.m. and 3:00 p.m., Monday through Friday and 9:00 a.m. to 3:00 p.m. on Saturdays, Sundays and statutory holidays. The moving elevator will be blocked off to accommodate this move for a maximum of two hours. *(May 15, 2007)*

- 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. (May 14/2002)
- 41.4 A resident must ensure that the lobby doors are not left open, ajar or unattended and that furniture is not left piled in the lobby area. (May 14/2002)
- 41.5 A resident must ensure that all common areas are left damage free, clean and all hallways and lobby areas vacuumed immediately upon completion of the move. (May 14/2002)
- 41.6 A resident must pay a refundable damage deposit of \$200.00, whether in or out, 48 hours prior to any move and any expenses incurred by the strata corporation attributable to the resident and all fines levied will be deducted from the deposit. (May 14/2002)
- 41.7 A resident contravening bylaws 41.1 to 41.6 (inclusive) shall be subject to a fine pursuant to bylaw 27.1. (May 14/2002) (May 15, 2007)
- 41.8 Pay a non-refundable administration fee of TWO HUNDRED (\$200.00) to the Corporation to cover the move-in cost of new Owners or tenants and a TWO-HUNDRED-DOLLAR (\$200.00) damage/deposit which will be refunded upon completion of the move-in if no damage has been caused. (May 15, 2007)

## **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. (May 14/2002)
- 42.2 A resident must ensure that ordinary household 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. (May 14/2002)

## **43. Residential Rentals**

- 43.1 Prior to possession of a strata lot by a tenant, an 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. (May 14/2002)
- 43.2 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. (May 14/2002)

#### **44. Children and Supervision**

- 44.1 Residents are responsible for the conduct of visitors including ensuring that noise is kept at a level, in the sole determination of a majority of the council, that will not disturb the rights of quiet enjoyment of others. *(May 14/2002)*
- 44.2 Residents are responsible for the conduct of children residing in their strata lot, including ensuring that noise is kept at a level, in the sole determination of a majority of the council, that will not disturb the quiet enjoyment of others. *(May 14/2002)*
- 44.3 Residents are responsible to assume liability for and properly supervise activities of children including, but not exhaustively, bicycling, skateboarding and hockey. *(May 14/2002)*

#### **45. Miscellaneous**

- 45.1 A resident or visitor must not smoke on common property. *(May 14/2002)*
- 45.2 A resident or visitor must not hinder or restrict sidewalks, entrances, exits, halls, passageways, stairways and other parts of the common property. Hindrance and restriction includes the keeping of personal items and garbage. *(May 14/2002)*
- 45.3 A resident or visitor must not use common property electrical outlets with the exception of parking area outlets used while vacuuming a vehicle. *(May 14/2002)*
- 45.4 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. *(May 14/2002)*
- 45.5 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 week. *(May 14/2002)*
- 45.6 A resident must ensure that all entrance doors to strata lots are kept closed and kitchen extract fans are used when cooking. *(May 14/2002)*
- 45.7 A resident or visitor must not shake rugs, carpets, mops or dusters of any kind from any balcony, window, stairway or other part of a strata lot or common property. *(May 14/2002)*
- 45.8 A resident must ensure that drapes or blinds visible from the outside of the building are cream or white in colour. *(May 14/2002)*

- 45.9 A resident must ensure that no air conditioning units, laundry, flags, clothing, bedding or other articles are hung or displayed from windows, balconies or other parts of the building so that they are visible from the outside of the building. *(May 14/2002)*
- 45.10 A resident must not display or erect fixtures, poles, clotheslines, racks, storage sheds and similar structures permanently or temporarily on limited common property, common property or land that is a common asset. Despite the foregoing, the placing of items on the limited common property balconies or patio areas shall be limited to free standing, self contained planter boxes or containers, summer furniture and accessories. *(May 14/2002)*
- 45.11 An owner must ensure that Christmas lights are installed after December 1st of the year approaching Christmas and removed before January 15th of the year following Christmas. *(May 14/2002)*