

# BYLAWS

## STRATA PLAN LMS-712

### 888 BEACH

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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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**Duties of Owners, Tenants, Occupants and Visitors**

**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.

**2. Payment of strata fees and special levies**

2.1 An owner must pay strata fees on or before the first day of the month to which the strata fees relate.

2.2 Where an owner fails to pay strata fees in accordance with bylaw 2.1, outstanding strata fees may 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 up to \$200 for each contravention of bylaw 2.1.

2.3 A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy.

2.4 Where an owner fails to pay a special levy in accordance with bylaw 2.3, outstanding special levies may be subject to an interest charge of 10% per annum, compounded annually. In addition to interest, failure to pay a special levy on the date or dates payable will result in a fine of up to \$200 for each contravention of by-law 2.3.

### **3. Repair and maintenance of property by owner**

3.1 An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

3.2 An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

### **4. Use of property**

4.1 A resident or visitor must not use a strata lot, the common property or common assets in a way that

- (a) causes a nuisance or hazard to another person,
- (b) causes unreasonable noise, odour, vibration or glare,
- (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.

For the purposes of bylaw 4.1 (b) "unreasonable noise" includes, but is not limited to sound made by a resident or visitor between the hours of 11:00 p.m. and 8:00 a.m. which disturbs another resident in another strata lot, the common property or the limited common property or, and includes, not exhaustively, excessive sound from;

- i) music systems, instruments, televisions, live music, or human voices;
- ii) or vibrations from appliances;
- iii) a social gathering;
- iv) a residents or visitors entering or leaving the building, grounds, or parking lot;
- v) uncarpeted or hard surface floors,;
- vi) the movement of furniture, drawers opening or closing;
- vii) construction activities.

- 4.2 a) A resident who has a hard surface floor in their strata lot must take reasonable and effective steps to eliminate nuisance or unreasonable noise including, not exhaustively, installing carpets, felt pads on furniture or wearing soft soled footwear.
- b) Upon written application by a resident who demonstrates special needs, council may grant an exemption from by-law 4.2a) which shall terminate with the occupancy of the resident.
- 4.3 A resident or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.
- 4.4 An owner is responsible for any damage caused by occupants, tenants or visitors to the owner's strata lot.
- 4.5 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 act, omission, negligence or carelessness by the owner or tenant or any visitor, occupant, guest, employee, agent, tenant or a family member of the owner or tenant, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, and for the purposes of bylaws 4.1, 4.2 and 4.3, any insurance deductible paid or payable by the strata corporation shall be considered an expense not covered by the proceeds received by the strata corporation as insurance coverage and will be charged to the owner.
- 4.6 **Illegal Activity**
- Where the strata corporation determines that illegal activity is taking place in a strata lot or on the common property, an owner, tenant or occupant, regardless of whether they had knowledge, notice or forewarning of such illegal activity will be strictly liable to pay all costs incurred by the strata corporation in connection with the investigation and removal of the illegal activity including, without limitation, any insurance deductibles, increases in insurance premiums, disposal costs, and all costs to repair damage to any strata lot or common property, including limited common property.
- 4.7 An owner who is a landlord must inspect, or ensure that his or her agent inspects a strata lot not less than once every 60 days or as frequently as necessary to satisfy himself that a strata lot is not being used for an illegal purpose.
- 4.8 Where a resident contravenes or permits another person to contravene bylaws 4.1, 4.2 or 4.3, the owner of the strata lot shall be subject to a fine of up to \$200.

## 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.
- 5.2 A resident or visitor must ensure that all animals are leashed or carried when on the common property or on land that is a common asset. A pet found loose on common property or land that is a common asset may be delivered to the municipal pound at the cost of the strata lot owner.
- 5.3 A resident must not keep a pet on a strata lot other than one or more of the following:
- (a) a reasonable number of fish or other small aquarium animals;
  - (b) up to 2 small caged mammals;
  - (c) up to 2 caged birds;
  - (d) one dog or two cats.
- 5.4 A resident may apply in writing to the strata council before a pet is brought on the strata lot for approval for a temporary exception to the number of pets which may be kept on a strata lot on the basis of special need or compassion; such permission shall expire with the special need or occupancy of the resident or the pet, whichever occurs first.
- 5.5 A resident must not harbour exotic pets, including not exhaustively, snakes, reptiles, spiders or large members of the cat family.
- 5.6 A resident must register a pet with the strata council within ten (10) days of the pet being brought on a strata lot by providing, in writing, the name of the pet, breed, weight, colour and markings, together with the name, strata lot number and telephone number of the pet owner.
- 5.7 A resident must not keep a pet which is a nuisance on a strata lot, on common property or on land that is a common asset. If a resident has an unregistered pet or a pet which, in the opinion of council, 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.
- 5.8 If a resident contravenes or keeps a pet which contravenes bylaws 5.5, 5.6, 5.7, the strata council may order such pet to be removed permanently from the strata lot, the common property or common assets or all of them.
- 5.9 A resident whose pet contravenes bylaw 5.7 may be subject to an 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.

- 5.10 A pet owner must ensure that a 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. Any damage caused by a pet to the common property, including damage caused by fouling will be repaired at the owner's expense.
- 5.11 A pet owner must keep a pet only in a strata lot, except for ingress and egress to the street or parking areas. Pets are not permitted in the courtyard area, on level "2" lobby of Ocean Tower, Level "L" lobby of Beach Tower or the 5th and 6th floor of California Walkway except for pets belonging to residents of California Walkway.
- 5.12 A strata lot owner shall be liable for all actions by a pet, regardless of whether the owner had knowledge, notice or forewarning of the likelihood of such action.
- 5.13 The strata council may, from time to time on behalf of the strata corporation, enact such rules with respect to the keeping of pets as the strata council, acting reasonably, deems necessary or desirable, provided that, in the event of any conflict between these bylaws and any such rule, the provisions of these bylaws will prevail.
- 5.14 A resident or visitor must not feed birds, rodents or other wild animals from any strata lot, limited common property, common property or land that is a common asset. No bird feeders of any kind are permitted to be kept on balconies, strata lots, common property or land that is a common asset.
- 5.15 Where a resident contravenes bylaws 5.1; 5.2; 5.3; 5.5; 5.6; 5.7; 5.10; 5.11; 5.14 (inclusive), the owner of the strata lot will be subject to a fine of up to \$200.

## **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
  - (b) not less than 2 days prior to a tenant moving into a strata lot, the tenant's name and mailing address, if any, and, if the mailing address is outside the strata plan, the strata lot which the tenant occupies, and provide a copy of the Notice of Tenant's responsibilities, signed by the tenant.

## **7. Obtain approval before altering a strata lot, common property or limited common property**

- 7.1 An owner must obtain the written approval of the strata corporation before making or authorizing an alteration to a strata lot, common property or limited common property that involves any of the following:
- (a) the structure of the building including bearing walls within a strata lot;
  - (b) the exterior of the building;

- (c) patios, chimneys, stairs, balconies, cladding, vent covers 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; and
- (h) electrical, plumbing, piping, heating, ventilation, gas and other services, and flooring; or
- (i) installation of any hard surface floor.

For the purposes of bylaw 7.1 “hard surface floor” includes, not exhaustively, tile, marble granite, slate, hardwood or hardwood laminate.

7.2 An owner, as part of its application to the strata corporation for permission to alter a strata lot, common property or limited common property must:

- (a) submit, in writing, detailed plans and a description of the intended alteration;
- (b) obtain the consent of the owners by written approval of the strata council under bylaw 7.2;
- (c) in the case of an application to install hard surfaced flooring, provide written copy of the manufacturer’s specifications and acoustic impact ratings for the acoustic underlayment with the owner’s application.

7.3 The strata corporation must not unreasonably withhold its approval under bylaw 7.1, to alter a strata lot but may require as a condition of its approval to alter a strata lot, common property or limited common property, that the owner agree, in writing, to certain terms and conditions, including, not exhaustively, the following:

- (a) that alterations be done within 90 days of the granting of consent or such time as council may direct and in accordance with the design and plans approved by the strata council or its duly authorized representative,
- (b) to ensure that all contractors provide certificates of General Liability of at least \$1,000,000,
- (c) to ensure that the standards of work and materials used in the alteration are not less than the existing,



- (d) to obtain all applicable permits, licences and approvals from the appropriate governmental authorities and provide copies to the strata council,
- (e) to ensure that all electrical, plumbing, piping, heating, ventilation or gas and other services and flooring will be completed by certified tradesmen,
- (f) to retain, at the owner's expense, an architect, professional engineer, or other consultant to ascertain that the proposed alterations to electrical, plumbing, piping, heating, ventilation or gas systems are feasible and appropriate to the building,
- (g) where it is determined that the proposed alterations are feasible and appropriate, to retain such architect, engineer or consultant to design and supervise construction of the alteration,
- (h) that all work and materials necessary for the alteration are at the sole expense of the owner.
- (i) to provide "as built" drawings of the alteration within 2 weeks from completion of the alterations.
- (j) that the owner from time to time of the strata lot receiving the benefit of an alteration to a strata lot, common property or limited common property, 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 the strata lot common property or limited common property.
- (k) 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.

- 7.4 An owner who has altered a strata lot, common property or limited common property prior to the passage of these bylaws, or any subsequent owner on title who receives the benefit of such alteration 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.
- 7.5 An owner who alters a strata lot, common property or limited common property subsequent to the passage of these bylaws, or any subsequent owner on title who receives the benefit of such alteration must restore at the owner's sole expense, the strata lot, common property or limited common property 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 cost of the owner, and such costs shall be added to and become part of the strata fees of that owner for the month next following the date on which such costs were incurred and will be come due and payable on the due date of payment of monthly strata fees.
- 7.6 An owner who alters a strata lot, common property or limited common property contrary to these bylaws, or any subsequent owner on title who has received the benefit of such alteration, must conform to a written order of the strata council to restore the strata lot, common property or limited common property to its condition prior to the alteration within the time set by the strata council.
- 7.7 An owner refuses or neglects to restore all or part of an alteration to its original condition in accordance with bylaw 7.6, shall be subject to a fine of up to \$200, and where a contravention continues without interruption for more than 14 consecutive days, a fine may be imposed every 7 days.
- 7.8 An owner must ensure that all new hard surface floors are installed with an acoustic underlayment membrane suitable for the flooring material and which meets or exceeds the acoustic impact standards adopted from time to time by the strata council and set out in the rules.
- 7.9 An owner may apply to the strata council for an exemption from bylaw 7.8 on the basis that the hard surface floor will be above an area not affected by sound transmission or is part of the owner's strata lot.
- 7.10 A resident must not alter his strata lot, in any manner which, in the opinion of the strata council, will alter the exterior appearance of the building.
- 7.11 Bylaw 5(3) of the Schedule of Bylaws to the Act does not apply to the strata corporation.
- 7.12 Where a resident contravenes or permits another person to contravene bylaws 7.1, 7.5, 7.6, or 7.8, 7.9 or 7.10 the owner of the strata lot shall be subject to a fine of up to \$200.
8. **DELETED**
9. **Procedures for Alterations**

- 9.1 A resident must give the concierge two working days' prior notice of the scheduled arrival of tradespersons or delivery of materials. Inadequate notice may result in the levy of fines.
- 9.2 A resident must not permit any construction debris, or materials or packaging to be deposited in the strata corporation's disposal containers.
- 9.3 A resident must ensure that the elevator is protected with proper wall pads and floor coverings prior to the delivery of any construction materials.
- 9.4 A resident must be responsible to ensure that no construction debris or materials are deposited or remain in the common property or limited common property.
- 9.5 A resident must ensure that the hours of work are restricted from 8:30 a.m. to 5:30 p.m., Monday through Friday, from 10:00 a.m. to 5:00 p.m. on Saturdays.
- 9.6 Construction activities are not permitted on Sundays or Statutory holidays, except
- (a) activities which do not generate noise which disturbs an occupant of another strata lot, or
  - (b) with prior permission of the strata council.
- 9.7 A resident or his agent must provide reasonable supervision for all significant alterations; the determination of significant shall be in the discretion of the council.
- 9.8 A resident 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 licences are obtained.
- 9.9 Where a resident contravenes bylaws 9.1 to 9.7 (inclusive), the owner of the strata lot shall be subject to a fine of up to \$200 for each contravention, as well as be responsible for any clean up or repair costs.

**10. Permit entry to strata lot**

- 10.1 A resident or visitor must allow a person authorized by the strata corporation to enter the strata lot, common property or limited common property;
- a) in an emergency, without notice, to ensure safety or prevent significant loss or damage;
  - b) at a reasonable time, on 7 days' written notice;
    - i) to inspect, repair, renew, replace or maintain common property, limited 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; or

- ii) to ensure a resident or visitor's compliance with the Act, bylaws and rules.
  - c) in order to facilitate entry for the purposes of 10.1 (b), an owner or resident shall, upon written request,
    - i) provide the strata corporation with a key to the strata lot, or
    - ii) provide the strata corporation details, in writing, of a designate of the suite owner authorized to provide access to the suite, or
    - iii) grant immediate entry to the strata lot to a person authorized by the strata corporation on the date and time for the purposes specified in the notice.
- 10.2 Where a resident contravenes by-law 10.1(b)(ii) or 10.1 (c), the owner shall be subject to a fine of up to \$200 for each contravention, as well as be responsible for any costs to the strata corporation, including the cost of a separate visit, unless the owner establishes to the satisfaction of the strata council that such contravention was reasonable.
- 10.3 If forced entry to a strata lot is required due to required emergency access and the inability to contact the owner of the strata lot, the owner shall be responsible for all costs of forced entry incurred by the strata corporation.
- 10.4 The notice referred to in bylaw 10.1(b) and 10 .1 (c) must include the date and approximate time of entry, and the reason for entry.
- 10.5 In exercising its rights under this bylaw, the strata corporation must not unreasonably interfere with the operation of any occupant of a non-residential strata lot.

### **Powers and Duties of Strata Corporation**

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

- 11.1 The strata corporation must repair and maintain all of the following:
- (a) common assets of the strata corporation;
  - (b) common property that has not been designated as limited common property;
  - (c) limited common property, but the duty to repair and maintain it is restricted to
    - (i) repair and maintenance that 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:
      - the structure of a building;
      - a) the exterior of a building;

- b) patios, chimneys, stairs, balconies and other things attached to the exterior of a building;
  - c) doors, windows and skylights including casings, sills and frames, on the exterior of a building or that front on common property;
  - d) fences, railings and similar structures that enclose patios, balconies and yards;
- (d) a strata lot, but the duty to repair and maintain it is restricted to
- (i) the structure of a building,
  - (ii) the exterior of a building,
  - (iii) patios, chimneys, stairs, balconies and other things attached to the exterior of a building,
  - (iv) doors, windows and skylights including casings, sills and frames, on the exterior of a building or that front on common property, and
  - (v) fences, railings and similar structures that enclose patios, balconies and yards.

**12. Acquisition or Disposition of Personal Property**

12.1 The strata corporation may purchase, lease or otherwise acquire personal property for the use or benefit of the owners and may sell or otherwise dispose of such personal property for any amount approved in the annual budget for the strata corporation, but if the personal property has a market value of more than \$5,000, only if approved by a resolution (passed by a  $\frac{3}{4}$  vote) at an annual or special general meeting.

**Council**

**13. Council size**

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

**14. Council eligibility**

14.1 The spouse or partner of an owner may stand for council.

14.2 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.

14.3 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.

- 14.4 No person may stand for council or continue to be on council with respect to a strata lot if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules for which the owner is responsible under section 131 of the Act.

**15. Council members' terms**

- 15.1 The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.

- 15.2 A person whose term as council member is ending is eligible for re-election.

**16. Removing council member**

- 16.1 The strata corporation may, by a resolution passed by a two-thirds ( $\frac{2}{3}$ ) vote at an annual or special general meeting, remove one or more council members. The strata corporation must pass a separate resolution for each council member to be removed. In this bylaw 16.1, a  $\frac{2}{3}$  (two-thirds) vote means a vote in favour of a resolution by at least  $\frac{2}{3}$  of the votes cast by eligible voters who are present in person or by proxy at the time the vote is taken and who have not abstained from voting.

- 16.2 After removing a council member, the strata corporation may hold an election at the same annual or special general meeting to replace the council member for the remainder of the term or the remaining members of the council may appoint a replacement council member for the remainder of the term.

- 16.3 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.

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

**17. Replacing council member**

- 17.1 If a council member resigns, or is unwilling or unable to act, the remaining members of the council may appoint a replacement council member for the remainder of the term. If a council member misses three (3) consecutive meetings without valid reason that person is deemed to have resigned.
- 17.2 A replacement council member may be appointed from any person eligible to sit on the council.
- 17.3 The council may appoint a council member under bylaw 17.2 even if the absence of the member being replaced leaves the council without a quorum.
- 17.4 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.

**18. Officers**

- 18.1 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.
- 18.2 A person may hold more than one office at a time, other than the offices of president and vice president.
- 18.3 The vice president has the powers and duties of the president
  - (a) while the president is absent or is unwilling or unable to act,
  - (b) if the president is removed, or
  - (c) for the remainder of the president's term if the president ceases to hold office.
- 18.4 The strata council may vote to remove an officer.
- 18.5 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.

**19. Calling council meetings**

- 19.1 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.
- 19.2 The notice in bylaw 19.1 must be in writing.
- 19.3 A council meeting may be held on less than one week's notice if

- (a) all council members consent in advance of the meeting, or
- (b) the meeting is required to deal with an emergency situation, and all council members either
  - (i) consent in advance of the meeting, or
  - (ii) are unavailable to provide consent after reasonable attempts to contact them.

19.4 Bylaw 14(4) of the Schedule of Bylaws to the Act does not apply to the strata corporation.

**20. Requisition of council hearing**

20.1 By application in writing, a resident may request a hearing at a council meeting stating the reasons for the request.

20.2 Except for a hearing pursuant to section 144 of the Act, if a hearing is requested under bylaw 20.1, 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.

20.3 If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within two weeks of the date of the hearing.

**21. Quorum of council**

21.1 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.

21.2 Council members must be present in person at the council meeting to be counted in establishing quorum.

**22. Council meetings**

22.1 The council may meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit.

22.2 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.

22.3 If a council meeting is held by electronic means, council members are deemed to be present in person.



22.4 Owners may attend council meetings as observers, unless council, in its sole discretion, prohibits their attendance.

22.5 Despite bylaw 22.4, 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) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

**23. Voting at council meetings**

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

23.2 If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.

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

**24. Council to inform owners of minutes**

24.1 The council must circulate to owners the minutes of all council meetings within 2 weeks of the meeting, whether or not the minutes have been approved.

24.2 The council may have in-camera minutes of council meetings relating to sensitive or privacy issues which do not need to be circulated.

**25. Delegation of council's powers and duties**

25.1 Subject to bylaws 25.2, 25.3 and 25.4, 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.

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

- (a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
- (b) delegates the general authority to make expenditures in accordance with bylaw 25.3.

- 25.3 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.
- 25.4 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,
  - (c) whether a person should be denied access to a recreational facility.

**26. Spending restrictions**

- 26.1 No council member may spend the strata corporation's money to repair or replace common property or common assets without the majority consent of council unless the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.
- 26.2 Subject to bylaw 26.3 if a proposed expenditure has not been approved in the budget or at an annual or special general meeting, the strata corporation may only make such expenditure out of the operating fund if the expenditure, together with all other unapproved expenditures, whether of the same type or not, that were made pursuant to this subsection (1) in the same fiscal year, is less than 2 percent of the annual operating budget.
- 26.3 Notwithstanding bylaw 26.1, the strata corporation can make an expenditure out of either the operating fund or the contingency reserve fund if there are reasonable grounds to believe that an immediate expenditure is necessary to ensure safety or to prevent significant loss or damage, whether physical, financial or otherwise.
- 26.4 If the strata corporation makes an expenditure under bylaw 26.1, 26.2 or 26.3, the strata corporation must inform owners as soon as feasible about any expenditure of more than \$5,000 on any single item.
- 26.5 Bylaw 21(2) of the Schedule of Bylaws to the Act does not apply to the strata corporation.

**27. Limitation of liability of council member**

- 27.1 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.
- 27.2 Bylaw 27.1 does not affect a council member's liability, as an owner, for a judgement against the strata corporation.

- 27.3 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.

### **Enforcement of Bylaws and Rules**

#### **28. Maximum Fines**

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

- 28.2 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.

- 28.3 Each owner is responsible for payment, without invoice, of any money (other than strata fees, but including special levies) owing to the strata corporation with respect to that owner's strata lot as provided for in the Act or these bylaws.

- 28.4 Additional assessments, fines authorized by these bylaws, banking charges, filing costs, legal expenses, interest charges and any other expenses incurred by either the strata corporation to enforce these bylaws, as they may be amended from time to time, or any rule which may be established from time to time by the 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, except that any amount owing in respect of a fine or the cost of remedying the contravention of a bylaw will be calculated as a separate component of such assessment and the strata corporation may not register a lien against such separate component.

#### **29. Continuing contravention**

- 29.1 Except where specifically stated to be otherwise in these bylaws, if an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than 7 days, a fine may be imposed every 7 days.

## Annual and Special General Meetings

### 30. Quorum of meeting

30.1 If within 15 minutes from the time appointed for an annual or special general meeting, a quorum is not present, the eligible voters, present in person or by proxy, constitute a quorum.

This bylaw 30.1 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.

### 31. Person to chair meeting

31.1 Annual and special general meetings may be chaired by the president of the council, or if the president is unwilling or unable to act, the meeting may be chaired by the vice president of the council.

31.2 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 or the property manager.

### 32. Participation by other than eligible voters

32.1 Only owners and others as designated by Sections 28, 54, 147 and 148 of the Act may attend annual and special general meetings, whether or not they are eligible to vote.

32.2 Persons who are not eligible to vote may participate in the discussion at the meeting, but only if permitted to do so by the chair of the meeting.

32.3 Persons who are not eligible to vote must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

### 33. Voting

33.1 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.

33.2 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, including legal costs, for which the owner is responsible under section 131 of the Act.

33.3 At an annual or special general meeting, voting cards must be issued to eligible voters.

33.4 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.

- 33.5 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.
- 33.6 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.
- 33.7 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.
- 33.8 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 a majority vote.

**34. Order of business**

- 34.1 The order of business at annual and special general meetings is as follows:
  - (a) certify proxies and corporate representatives and issue voting cards;
  - (b) determine that there is a quorum;
  - (c) elect a person to chair the meeting, if necessary;
  - (d) present to the meeting proof of notice 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;
- (o) the order of business detailed in 34.1 may be modified by a majority vote at a special general meeting.

### **Small Claims Court Proceedings**

#### **35. Authorization to proceed**

- 35.1 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.

### **Marketing Activities by Owners and Occupants**

#### **36. Sale of a strata lot**

- 36.1 Real estate signs must not be displayed in a strata lot or on the common property.
- 36.2 At open houses, the agent or owner must meet prospective buyers at the lobby entrance, and escort them to and from the seller's suite.
- 36.3 An owner who contravenes by-laws 36.1 or 36.2 shall be subject to a fine of \$200.

### **Insurance**

#### **37. Insuring against major perils**

- 37.1 The strata corporation must insure against major perils, as set out in Regulation 9.1(2), including earthquakes.
- 37.2 Notwithstanding section 159 of the *Strata Property Act*, no strata council member will be liable to any owner, tenant or occupant, or to any group of owners, tenants or occupants, for failing to obtain property insurance coverage to full replacement value, provided that in trying unsuccessfully to obtain such insurance, he/she has acted honestly and in good faith with a view to the best interests of the strata corporation and in so doing has exercised the care, diligence and skill of a reasonably prudent person in comparable circumstances.

## **Storage**

### **38. Storage lockers and bicycle storage**

- 38.1 A resident must store bicycles, tricycles, kayaks and canoes in the bicycle storage room, lockers or townhouse garages.
- 38.2 A resident who stores an item in a bicycle storage room must first register it with the property agent.
- 38.3 Where an item is stored in the bicycle room in an unused condition for an extended period of time, the strata corporation may give the owner one month's notice, in writing, to remove the item.
- 38.4 Where an owner fails to remove an item as required by bylaw 38.3, the strata corporation may remove and dispose of such item without further notice to the owner.
- 38.5 A resident must not store any hazardous or flammable substances in storage lockers or townhouse garages.
- 38.6 A resident must not store anything outside lockers.
- 38.7 A resident must not bring bicycles into elevators or hallways.
- 38.8 A resident must not store a bicycle on a balcony, deck or patio.
- 38.9 A resident must ensure that bicycles enter or leave the building only by means of an entrance to the parking garage.
- 38.10 Where a resident contravenes by-laws 38.1 to 38.9 (inclusive), the owner shall be subject to a fine of up to \$200.

## **Parking**

### **39. Parking**

- 39.1 A resident must not permit any oversized, commercial or recreational vehicles including, but not exhaustively, boats, trailers and campers to enter or be parked or stored on common property, limited common property or land that is a common asset without prior written consent of the strata council.
- 39.2 A resident must not store unlicensed or uninsured vehicles on the common property, limited common property or on land that is a common asset.
- 39.3 A resident storing a vehicle must
- (i) provide, to the strata corporation, proof of insurance effective on the commencement date of the storage, and

(ii) display a valid parking permit on the vehicle at all times.

- 39.4 An owner must not sell, lease, licence or assign parking stalls to any person other than an owner. An owner may lease a parking stall only to an occupant of the building.
- 39.5 A resident must park only in the parking stall assigned to the resident or leased from another owner.
- 39.6 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.
- 39.7 Any resident's vehicle parked in violation of bylaw 39.6 may 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.
- 39.8 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 other mechanical repairs.
- 39.9 A resident or visitor operating a vehicle in the parking areas must activate the vehicle's headlights and not exceed 10 km/hour.
- 39.10 A resident must wash a vehicle in the location designated for vehicle washing only. Once washing is completed, the resident must hose down and remove all dirt, refuse and excess water from the washing area. While washing, a resident must keep any audio volume low.
- 39.11 A resident must not park or store any vehicle that drips oil, gasoline or other fluids.
- 39.12 In the event of spillage of oil, gasoline or other fluids, a resident will be responsible for the costs of clean-up or membrane repairs.
- 39.13 The strata council may designate common property or limited common property for the exclusive use for visitor or paid parking, and may set the fees for paid parking.
- 39.14 A resident must not use any area of the common property or limited common property designed for parking for storage of personal items.

**Short Term Parking:**

- 39.15 The strata council may designate common property or limited common property for the exclusive use of residents for short term parking for which it may waive parking fees.
- 39.16 A resident shall not park in a designated short term parking space for more than the maximum time posted.
- 39.17 The vehicle of a resident who parks in a designated short term parking space for longer than the maximum time posted may be subject to removal by a towing company authorized by the strata council and the vehicle owner shall be responsible for any associated towing charges.



**Visitor Parking:**

- 39.18 The strata council may designate common property or limited common property for the exclusive use of guests of residents.
- 39.19 A resident may not park in a designated visitor parking space.
- 39.20 The vehicle of a resident who parks in a visitor parking space may be subject to removal by a towing company authorized by the strata council, and the vehicle owner shall be responsible for any associated towing charges.

**Garage Remotes:**

- 39.21 An owner is entitled to one garage remote per assigned parking space.
- 39.22 An owner may not lend or give a garage remote to anyone except a family member, a tenant of that owner, or another person authorized by the owner.
- 39.23 In the event of loss, a resident must immediately notify the property manager, or the concierge on duty if the property manager is not available.
- 39.24 In the event of loss, and upon written application by the owner, the strata council may issue a replacement garage remote for which it may charge a fee.
- 39.25 An owner who demonstrates exceptional circumstances or special needs may apply in writing to the strata council requesting an additional garage remote.
- 39.26 Where an owner demonstrates exceptional circumstances or special needs, the strata council may issue an additional garage remote for which it may charge a fee.

**Parking Permits:**

- 39.27 An owner is entitled to one parking permit per assigned parking space.
- 39.28 An owner may not lend or give a parking permit to anyone other than a family member or tenant of the owner and who occupies a strata lot.
- 39.29 In the event of loss, an owner may apply in writing to the strata council requesting a replacement parking permit, for which it may charge a fee.
- 39.30 A resident must display a valid parking permit prominently and visibly in their vehicle at all times.

**Security:****Access Fobs:**

- 39.31 An owner is entitled to two access fobs per strata lot.

- 39.32 An owner may not lend or give an access fob to anyone except a family member, a tenant of that owner, or another person authorized by the owner.
- 39.33 In the event of loss, a resident must immediately notify the property manager, or the concierge on duty if the property manager is not available.
- 39.34 In the event of loss, and upon written application by the owner, the strata council may issue a replacement access fob for which it may charge a fee.
- 39.35 An owner who demonstrates exceptional circumstances or special needs may apply in writing to the strata council requesting a replacement access fob.
- 39.36 An owner may apply for an additional access fob for which the strata council may charge a fee.
- 39.37 Where a resident contravenes bylaws 39.1 to 39.6, 39.8 to 39.11, 39.14, 39.16, 39.19, 39.22, 39.23, 39.28, 39.30, 39.32, 39.33, (inclusive), the owner shall be subject to a fine of up to \$200.

## **Moving**

### **40. Moving in/out procedures**

For the purposes of bylaw 40 a “move” means a transfer of residence involving a strata lot which requires a lobby entrance door to be kept open for more than ½ hour and for which the resident has provided proper notice, and includes a transfer of residence in which a lobby entrance door is kept open several times cumulatively amounting to more than ½ an hour.

All other moves shall be deemed an “unscheduled move”.

- 40.1 An owner must conform to and ensure that any tenant conforms to the Move In and Move Out rules established by council from time to time.
- 40.2 A resident must provide notice to the concierge of all moving arrangements at least 7 days before the moving date.
- 40.3 In the event of unusual circumstances, a resident may apply in writing to the strata council for an exemption from bylaw 40.2.

- 40.4 At least 7 days prior to a move a resident must pay:
- (a) a Move In fee of \$200, or such other amount as council shall set from time to time, and;
  - (b) a fee for a security guard to attend the move, in the amount council shall set from time to time.
- 40.5 A resident must ensure that a lobby entrance door is attended by a security guard at all times during a move.
- 40.6 A resident must pay the costs of a security guard to monitor the lobby entrance door during a move.
- 40.7 Residents of strata lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 are exempted from the requirements of bylaws 40.4 and 40.6.
- 40.8 All moves must take place between 9:00 a.m. and 5:00 p.m. Monday through Saturday. Moves are not permitted on Sundays or statutory holidays.
- 40.9 In the event on unusual circumstances, a resident may apply to the strata council for an exemption from bylaw 40.8.
- 40.10 A resident must ensure that a lobby entrance door is not left open, ajar or unattended during a move, or that an elevator door is not jammed open, and that furniture is not left piled in the common areas.
- 40.11 A resident must ensure that all common areas are left damage free, clean and all hallways and elevators are vacuumed immediately upon completion of a move.
- 40.12 Where a resident contravenes bylaws 40.2, 40.4, 40.6, 40.8, 40.10 and 40.11 (inclusive), the owner shall be subject to a fine of \$200.

### **Appearance of strata lots**

#### **41. Cleanliness**

- 41.1 A resident must not allow a strata lot to become unsanitary, untidy or a source of odour. 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.
- 41.2 A resident must ensure that ordinary household refuse and garbage is securely wrapped and deposited in the garbage chute or 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.

- 41.3 No furniture, carpet, wood, plaster board, mattresses, paint products, or other hazardous materials may be deposited in strata dumpsters. Disposal of these items is the responsibility of the resident.
- 41.4 A resident must remove any materials other than ordinary household refuse at their own expense.
- 41.5 Where a resident contravenes by-laws 41.1 to 41.4 (inclusive), the owner shall be subject to a fine of up to \$200.

### **Visitors and Children**

#### **42. Children and supervision**

- 42.1 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 strata council, that will not disturb the quiet enjoyment of others.
- 42.2 Residents are responsible for the conduct of children residing in their strata lot, including ensuring that noise is kept at a level that, in the sole determination of a majority of the council, will not disturb the quiet enjoyment of others.
- 42.3 Residents are responsible to assume liability for and properly supervise activities of children while playing including, but not exhaustively, swimming.

#### **43. Miscellaneous**

- 43.1 A resident or visitor must not smoke on common property.
- 43.2 A resident or visitor must not use any barbeque, hibachi or other outdoor cooking device in a strata lot, or on the limited common property, or common property except in accordance with these by-laws and the rules made by the strata council from time to time.
- 43.3 A resident may use an approved outdoor cooking device only on a designated deck or designated patio.

For the purposes of by-law 43.3, an “approved outdoor cooking device” means a barbeque, or hibachi, powered by propane, natural gas or electricity. Charcoal, wood burning or open flame devices are not permitted.

For the purposes of by-law 43.3 “designated deck” means the limited common property above ground designated for the exclusive use of strata lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 45, 47, 80, 81, 91, 168, 169, 184, 185, 254, 255, 258, and 259; “designated patio” means the limited common property at ground level designated for the exclusive use of strata lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 22, 23, 24, 25, 26, 27, 28, 29, 30.

- 43.4 A resident must not use a charcoal or wood burning outdoor heating or open flame device on the limited common property or the common property. Outdoor heating devices powered by propane, natural gas or electricity are permitted.

- 43.5 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.
- 43.6 A resident or visitor must not wear or use inline skates, roller skates and skateboards on common property or limited common property or anywhere in the building, including a strata lot.
- A resident or visitor must not ride a bicycle or tricycle on common property or limited common property except for ingress or egress to a bicycle storage area.
- 43.7 A resident must not permit any person to play or loiter in the garden areas, on common property or on land that is a common asset, if doing so affects the quiet enjoyment of any other resident.
- 43.8 A resident or visitor must not use common property electrical outlets with the exception of parking area outlets used while vacuuming a vehicle.
- 43.9 A resident or owner must not erect or display, or permit to be erected or displayed, any signs, billboards, placards, advertising or notices on the common property, the limited common property, or in a strata lot, unless authorized by the council.
- 43.10 A resident may post notices on a designated bulletin board, subject to being removed by the council if deemed inappropriate or posted for in excess of one week.
- 43.11 A resident must ensure that all entrance doors to strata lots are kept closed and kitchen extract fans are used when cooking.
- 43.12 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.
- 43.13 A resident must ensure that drapes, blinds, louvers, or window screens visible from the outside of the building are cream or white in colour.
- 43.14 A resident must ensure that no 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.
- 43.15 A resident must not display or erect fixtures, fences, trellises, poles, clotheslines, racks, storage sheds and similar structures permanently or temporarily installed or attached 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, patio areas, front door steps or stoop, shall be limited to free standing, self contained planter boxes or containers, summer furniture and accessories or such items as, in the opinion of the strata council, are in keeping with the balance of the development in terms of design, quality, proportion and colour. Items not allowed on decks, patios or balconies include, not exhaustively, indoor/outdoor carpeting, freezers, refrigerators, dressers, bicycles, sports

equipment, tents, hanging baskets, tarps, storage containers and barbeques, hibachis or other cooking devices except as permitted under by-law 43.3.

- 43.16 If a resident contravenes a provision of by-law 43.9 or 43.15, the strata council may give the resident written notice to remove the offending item within thirty days of the date of such notice. If the resident fails to remove the item, the strata council may direct that the item be removed and the owner of the strata lot shall be responsible for all the expenses incurred by the strata corporation for such removal and clean-up.
- 43.17 A resident who installs Christmas lights or Christmas decorations must install them after November 15th of the year approaching Christmas and must remove them before January 31st of the year following Christmas.
- 43.18 A resident must obtain prior written permission from the strata council before;
- (a) erecting radio, television antennas or satellite dishes ;
  - (b) installing shades, awnings, window or balcony guards or screens;
  - (c) installing heating;
  - (d) planting anything on common property or limited common property.
- 43.19 A resident must ensure that water, soil or plant debris does not escape from a balcony while cleaning the balcony or watering plants.
- 43.20 A resident must not remove window stops from windows originally installed in conformity with the City of Vancouver building code 3.3.1.13.(6).
- 43.21 A resident must not block light from entering common windows or glass block walls.
- 43.22 A resident must not install a hot tub on common property or limited common property.
- 43.23 A resident must not do or permit anything which will increase the risk of fire or the rate of insurance on the building.
- 43.24 A resident must not permit a condition to exist which will result in excessive consumption of domestic hot or cold water.
- 43.25 **AIR CONDITIONING DEVICES**
- An owner, tenant or occupant must not install or permit to be installed on a strata lot or the common property, including limited common property, any air conditioning or cooling devices except self contained air conditioning units which do not draw on the common water or gas systems.
- 43.26 **GAS APPLIANCES**

An owner, tenant or occupant must not install or permit to be installed on a strata lot or the common property, including limited common property, any gas appliances, including without limitation, ovens, stoves, cooktops and clothes dryers.

- 43.27 A resident must not keep a natural, cut Christmas tree in a strata lot.
- 43.28 A resident may not install any patio gate screening devices except those approved by the strata council.
- 43.29 Where a resident contravenes by-laws 43.1 to 43.28 (inclusive), the owner shall be subject to a fine of up to \$200.

#### **44. Commercial Strata Lots**

- 44.1 An owner of a commercial strata lot must conform and ensure that a tenant conforms strictly to all bylaws of Strata Plan LMS-712.
- 44.2 Hours of operation of commercial strata lot business shall be between 7:00 a.m. and 11:00 p.m. daily.
- 44.3 Prior to commencing operation of a business, an owner or tenant of a commercial strata lot must apply to the strata council for approval of the name of the business.
- 44.4 An owner or tenant of a commercial strata lot must apply to the strata council for prior written approval for all signage and advertising materials displayed in or on exterior windows and doors.
- 44.5 The Strata Corporation will provide hanging devices for approved commercial signage for all commercial strata lots.
- 44.6 Commercial strata lot owners must install and affix to such hanging devices, at their expense, approved commercial signage.
- 44.7 Use of commercial strata lots shall be restricted to independent, non-chain stores. Video or arcade games will not be permitted.
- 44.8 Where an owner or tenant contravenes by-laws 44.1 to 44.7 (inclusive), the owner of the commercial strata lot shall be subject to a fine of up to \$200.
- 44.9 Where an owner or tenant contravenes by-law 44.4 the strata corporation may, in addition, remove such unauthorized signage or advertising materials.

**45. Audit**

45.1 At each fiscal year-end, the strata corporation shall have its books, records and monies audited by an independent auditor. Copies of the audit shall be given to any owner within seven days of a request.

**46. Investment of Strata Corporation Money**

46.1 Notwithstanding Section 95 of the *Strata Property Act*, all money of the strata corporation, including the Contingency Reserve Fund, the Operating Fund and any other fund that may be established from time to time for special projects must be invested only in;

- (a) Savings or current account, GICs, or Term Deposits of a Canadian Chartered Bank or of a Canadian Credit Union. The total investment at any one of these banking institutions shall not exceed the insured limit of the institution;
- (b) Canadian or Provincial Government bonds;
- (c) Canadian Government Treasury Bills.

**47. Residential Rentals**

47.1 An owner, tenant or occupant must not lease or sublet a residential strata lot or any portion of a strata lot for a period of less than 3 consecutive months.

For the purposes of bylaw 47.1 “lease” or “sublet” excludes:

- i) a home exchange, or
- ii) a lease or sublet to a family member

For the purpose of bylaw 47.1 “lease” or “sublet” excludes a lease or sublet to a family member. “Family member” means:

- a. a spouse or partner of an owner,
- b. a parent or child of an owner, or
- c. a parent or child of the spouse or partner of an owner.

**47.2 Exemption from Rental Restriction Bylaw**

- a) An owner may apply to the strata council for an exemption from bylaw 47.1 on the grounds that the bylaw causes undue hardship to the owner.
- b) The application must be in writing and must state:
  - i) the reason the owner thinks an exemption should be made, and
  - ii) whether the owner wishes a hearing



- c) If the owner wishes a hearing, the strata council must hear the owner or the owner's agent within 3 weeks after the date the application is given to the strata corporation and give a decision in writing within one week of the hearing.
- d) An exemption granted by the strata council may be for a limited time.
- e) The strata council must not unreasonably refuse to grant an exemption.