

BRENTWOOD PLACE VILLAGE

BYLAWS

STRATA PLAN NO. EPS649

LAST UPDATE: NOVEMBER 29, 2018

(Please note that these bylaws have been consolidated for convenience only. The official bylaws of the Strata Corporation are those approved by the owners in accordance with the Act and filed in the Land Title Office from time to time.)

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Supplied to StrataDocs on 2019/01/17
Ordered by Ron Neal on 2019/10/29

Bylaws – Brentwood Place Village – SP EPS649

Division 1 — Duties of Owners, Tenants, Occupants and Visitors

Payment of strata fees

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

Repair and maintenance of property by owner

- 2 (1) An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (2) An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

Use of property

- 3 (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that ***(Repealed & Replaced February 14, 2012 CA2391783)***
 - (a) causes a nuisance or hazard to another person,
 - (b) causes unreasonable noise,
 - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - (d) is illegal, or
 - (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.
- (2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act. ***(Repealed & Replaced February 14, 2012 CA2391783)***
- (3) The keeping of pets in a Strata Lot is limited to the following: ***(3(a)(b)(c)(d) Repealed & Replaced January 28, 2016 CA4984754)***
 - (a) A reasonable number of fish with a maximum limit of one 25 gallon or 95 Liter aquarium.
 - (b) No more than two cats, or one dog or one bird, and the bird is caged within the Strata Lots.
 - (c) All cats, dogs and birds must be carried and leashed or otherwise secured within the confines of the common property, garage and storage areas.

- (d) Pet owners shall be responsible for the cleaning of any mess, accident or stains caused by their pets; any commercial cleaning of the mess, accidents or stains will be at the expense of the pet owner.
- (4) Signs may not be installed in any strata lot, or on any common property, unless the strata corporation has approved the size, design and location of such signs. The strata corporation must act reasonably in giving or withholding such approval. The strata corporation must notify an applicant for such approval of its decision within 30 days of the delivery of an application to the strata corporation. ***(Repealed & Replaced February 14, 2012 CA2391783)***
- (5) (a) No awnings shall be installed other than with the prior written approval of the corporation. ***(Added January 28, 2016 CA4984754)***
- (b) An owner, tenant, occupant or visitor must not hang or have bird feeders or bird baths, with the exception of liquid humming bird feeders, on any Strata Lot, common or limited common property. ***(Added January 28, 2016 CA4984754)***
- (c) Flower baskets and humming bird feeders must only be hung from the inside perimeter of any post on the Strata Lot balcony or patio. ***(Added January 28, 2016 CA4984754)***
- (d) Plant hangers or any other decorations must not be hung so as to penetrate the building envelope. Any such hangings must be removed and any holes or damage left on the property must be repaired in a professional manner through all layers penetrated at owner's expense and subject to review and approval by Strata Council. ***(Added January 28, 2016 CA4984754)***
- (e) The use of balconies or patios is subject to the following restrictions: ***(Added January 28, 2016 CA4984754)***
- (i) Only appropriate patio furniture which may include planters, an umbrella, and a barbecue, may be used or stored on a balcony or patio. ***(Added January 28, 2016 CA4984754)***
 - (ii) For clarity a balcony or patio must not be used to hang wind chimes or store bikes, ladders, garbage, or old furniture. ***(Added January 28, 2016 CA4984754)***
 - (iii) A balcony or patio must not be used to hang boxed plants from railings where water or other falling debris may fall to another owner's property or common property below. ***(Added January 28, 2016 CA4984754)***
 - (iv) A balcony or patio must be kept clean and free of debris. ***(Added January 28, 2016 CA4984754)***
 - (v) Potted plants on a balcony or patio must be kept trimmed and devoid of dead flowers and leaves, and kept in such a manner so as not to detract from the exterior appearance of the buildings. ***(Added January 28, 2016 CA4984754)***
- (6) An owner, tenant, occupant or visitor must not use or occupy, or permit to be used or occupied, a strata lot, the common property, limited common property or common assets for the purpose of growing, producing, harvesting, marketing,

selling or distribution of marijuana. (*Added November 29, 2018 CA7217785*)

Inform strata corporation

- 4 (1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and mailing address outside the strata plan, if any.
- (2) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

Obtain approval before altering a strata lot

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

Obtain approval before altering common property

- 6 (1) An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.
- (2) The strata corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

Permit entry to strata lot

- 7 (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot

- (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
 - (b) at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act.
- (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.

Division 2 — Powers and Duties of Strata Corporation

Repair and maintenance of property by strata corporation

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

Division 3 — Council

Council size

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

Council members' terms

- 10 (1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- (2) A person whose term as council member is ending is eligible for reelection.
- (3) to (5) [Repealed 1999-21-51.]

Removing council member

- 11 (1) Unless all the owners are on the council, the strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members.
- (2) After removing a council member, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.
- (3) Despite subsection 11(1), a council member elected solely by the owners of Commercial Units may only be removed by a resolution passed by a majority vote of the owners of Commercial Units at an annual or special general meeting.
(Added February 14, 2012 CA2391783)
- (4) After removing a council member elected solely by the owners of Commercial Units, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term, at which only the owners of Commercial Units may vote.
(Added February 14, 2012 CA2391783)

Replacing council member

- 12 (1) If a council member resigns or is unwilling or unable to act for a period of 2 or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.
- (2) A replacement council member may be appointed from any person eligible to sit on the council.
- (3) The council may appoint a council member under this section even if the absence of the member being replaced leaves the council without a quorum.

- (4) If all the members of the council resign or are unwilling or unable to act for a period of 2 or more months, persons holding at least 25% of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings.

Officers

- 13**
- (1) At the first meeting of the council held after each annual general meeting of the strata corporation, the council must elect, from among its members, a president, a vice president, a secretary and a treasurer.
 - (2) A person may hold more than one office at a time, other than the offices of president and vice president.
 - (3) The vice president has the powers and duties of the president
 - (a) while the president is absent or is unwilling or unable to act, or
 - (b) for the remainder of the president's term if the president ceases to hold office.
 - (4) If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

Calling council meetings

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

Repealed

- 15** [Repealed 2009-17-35.]

Quorum of council

- 16**
- (1) A quorum of the council is
 - (a) 1, if the council consists of one member,
 - (b) 2, if the council consists of 2, 3 or 4 members,
 - (c) 3, if the council consists of 5 or 6 members, and
 - (d) 4, if the council consists of 7 members.
 - (2) Council members must be present in person at the council meeting to be counted in establishing quorum.

Council meetings

- 17**
- (1) At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.
 - (2) If a council meeting is held by electronic means, council members are deemed to be present in person.
 - (3) Owners may attend council meetings as observers.
 - (4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:
 - (a) bylaw contravention hearings under section 135 of the Act;
 - (b) rental restriction bylaw exemption hearings under section 144 of the Act;
 - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

Voting at council meetings

- 18**
- (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.
 - (2) Unless there are only 2 strata lots in the strata plan, if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
 - (3) The results of all votes at a council meeting must be recorded in the council meeting minutes.

Council to inform owners of minutes

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

Delegation of council's powers and duties

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- 20**
- (1) Subject to subsections (2) to (4), the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.
 - (2) The council may delegate its spending powers or duties, but only by a resolution that
 - (a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
 - (b) delegates the general authority to make expenditures in accordance with subsection (3).
 - (3) A delegation of a general authority to make expenditures must
 - (a) set a maximum amount that may be spent, and
 - (b) indicate the purposes for which, or the conditions under which, the money may be spent.
 - (4) The council may not delegate its powers to determine, based on the facts of a particular case,
 - (a) whether a person has contravened a bylaw or rule,
 - (b) whether a person should be fined, and the amount of the fine, or
 - (c) whether a person should be denied access to a recreational facility.

Spending restrictions

- 21**
- (1) A person may not spend the strata corporation's money unless the person has been delegated the power to do so in accordance with these bylaws.
 - (2) Despite subsection (1), a council member may spend the strata corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.

Limitation on liability of council member

- 22**
- (1) A council member who acts honestly and in good faith is not personally liable because of anything done or omitted in the exercise or intended exercise of any power or the performance or intended performance of any duty of the council.
 - (2) Subsection (1) does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

Division 4 — Enforcement of Bylaws and Rules

Maximum fine

- 23 The strata corporation may fine an owner or tenant a maximum of
- (a) \$200.00 for each contravention of a bylaw, and
(Amended January 28, 2016 CA4984754)
 - (b) \$50.00 for each contravention of a rule.
(Amended January 28, 2016 CA4984754)

Continuing contravention

- 24 If an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than 7 days, a fine may be imposed every 7 days.

Division 5 — Annual and Special General Meetings

Person to chair meeting

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

Participation by other than eligible voters

- 26
- (1) Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.
 - (2) Persons who are not eligible to vote, including tenants and occupants, may participate in the discussion at the meeting, but only if permitted to do so by the chair of the meeting.
 - (3) Persons who are not eligible to vote, including tenants and occupants, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

Voting

- 27
- (1) At an annual or special general meeting, voting cards must be issued to eligible voters.
 - (2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.

- (3) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.
- (4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.
- (5) If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote.
- (6) If there are only 2 strata lots in the strata plan, subsection (5) does not apply.
- (7) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.
- (8) Quorum for Annual and Special General Meetings
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 27.(8) 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.
(Added January 28, 2016 CA4984754)
- (9) Voter Eligibility
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. *(Added January 28, 2016 CA4984754)*

Order of business

- 28** The order of business at annual and special general meetings is as follows:
- (a) certify proxies and corporate representatives and issue voting cards;
 - (b) determine that there is a quorum;
 - (c) elect a person to chair the meeting, if necessary;
 - (d) present to the meeting proof of notice of meeting or waiver of notice;
 - (e) approve the agenda;
 - (f) approve minutes from the last annual or special general meeting;
 - (g) deal with unfinished business;
 - (h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;
 - (i) ratify any new rules made by the strata corporation under section 125 of the Act;
 - (j) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;

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

Division 6 — Voluntary Dispute Resolution

Voluntary dispute resolution

- 29
- (1) A dispute among owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if
 - (a) all the parties to the dispute consent, and
 - (b) the dispute involves the Act, the regulations, the bylaws or the rules.
 - (2) A dispute resolution committee consists of
 - (a) one owner or tenant of the strata corporation nominated by each of the disputing parties and one owner or tenant chosen to chair the committee by the persons nominated by the disputing parties, or
 - (b) any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties.
 - (3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

Division 7 — Marketing Activities by Owner Developer

Display lot

- 30
- (1) An owner developer who has an unsold strata lot may carry on sales functions that relate to its sale, including the posting of signs.
 - (2) An owner developer may use a strata lot, that the owner developer owns or rents, as a display lot for the sale of other strata lots in the strata plan.

Division 8 – Miscellaneous Matters

Two Types

- 31
- (1) The strata lots are of two different types.
 - (2) All strata lots on the ground floor are non-residential strata lots ("Commercial Units")
 - (3) All other strata lots are residential strata lots ("Residential Units")

Composition of Strata Council.

- 32** (1) The council shall always include one member elected solely by the owners of the Commercial Units, unless such owners fail to elect such a member.
- (2) The remaining members of the council shall be elected by all the owners, without distinguishing between the type of strata lots they own.

Matters Affecting Commercial Units

- 33** (1) No resolution of council that primarily restricts the use or occupation of one or more of the Commercial Units, or the imposition of user fees, shall be effective unless the council member (if any) elected solely by the owners of the Commercial Units votes in favour of that resolution.

Application of Section 6.4 of the Strata Property Regulation

- 34** (1) Until and unless the Strata Corporation passes a unanimous resolution to the contrary, section 6.4 of the Strata Property Regulation shall govern the contribution by strata lot owners to expenses that benefit only limited common property, or strata lots of one type.

Owner Developer Storage

- 35** (1) So long as an owner developer remains the owner of any strata lot, the owner developer:
- (a) may post signs and store building and other materials on such parts of the common property as it deems appropriate, and may secure such items without providing keys to the strata corporation; and,
- (b) shall be entitled to unlimited access over common property.

Move-Ins and Move-outs (*Added January 28, 2016 CA4984754*)

- 36** (1) An owner, tenant, or occupant moving possessions and furniture into or out of a Strata Lot shall be confined to the hours between 8:00 a.m. and 8:00 p.m. on the scheduled moving day. The Strata Council shall be given 72 hours' notice in writing of any proposed move so that arrangements may be made for use and covering of the elevator cab walls, as well as for access to the electrical, utility and communication rooms. (*Added January 28, 2016 CA4984754*)
- (2) An owner, tenant or occupant is responsible for any damage to the common property resulting from that owner's, tenant's or occupant's move. (*Added January 28, 2016 CA4984754*)
- (3) Any refuse, recyclables and garbage left behind shall be removed from the Strata Lot, storage locker or common property at the owner's/tenants expense. (*Added January 28, 2016 CA4984754*)

- (4) There will be a move-in fee of \$100.00 charged to the owner of the applicable strata lot for each move into the strata unit by an owner, tenant or occupant.
(Added January 28, 2016 CA4984754)

Rental Restrictions *(Added January 28, 2016 CA4984754)*

- 37** (1) The number of residential strata lots within the strata corporation that may be rented at any one time is limited to 6 (six) strata lots.
(Added January 28, 2016 CA4984754)
- (2) An owner wishing to rent a strata lot must apply in writing to the council for permission to rent before entering into any tenancy agreement.
(Added January 28, 2016 CA4984754)
- (3) If the number of strata lots rented at the time an owner applies for permission to rent has reached the limit stated in bylaw 37.(1), excluding exempt strata lots pursuant to sections 142, 143 and 144 of the Act, the council must refuse permission and notify the owner of the same in writing, as soon as possible stating that the limit has been reached or exceeded, as the case may be, and place the owner of the strata lot on a waiting list to be administered by the council based upon the date of the request for permission to rent.
(Added January 28, 2016 CA4984754)
- (4) If the limit stated in bylaw 37.(1) has not been reached at the time the owner applies for permission to rent a strata lot, excluding exempt strata lots pursuant to sections 142, 143 and 144 of the Act, the council will grant permission and notify the owner of the same in writing as soon as possible.
(Added January 28, 2016 CA4984754)
- (5) An owner receiving permission to rent a strata lot must exercise the permission to rent within 90 days from the date that the council granted same, otherwise the permission expires. During the 90 days immediately following the grant of permission, the strata lot will be deemed rented for the purposes of the limit stated in bylaw 37.(1). *(Added January 28, 2016 CA4984754)*
- (6) Permission to rent a strata lot granted pursuant to this bylaw 37 ceases on the earlier of: *(Added January 28, 2016 CA4984754)*
- (a) 3 months following the end of a tenancy, if a new tenancy has not been entered into by the end of the said three month period;
 - (b) the date on which the owner who received permission to rent ceases to be a registered owner of the strata lot;
 - (c) the date on which the owner who received permission to rent commences residing in the strata lot.
- (7) 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. *(Added January 28, 2016 CA4984754)*

- (8) 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.
(Added January 28, 2016 CA4984754)
- (9) Where an owner rents a strata lot in contravention of any of bylaws 37.(1), 37.(2), 37.(3), 37.(5), and 37.(6), the owner will be subject to a fine of \$500.00, and the strata corporation will take all necessary steps to terminate the lease or tenancy, including, but not limited to, seeking a declaration or Court injunction to enforce the bylaw. Any legal costs incurred by the strata corporation in enforcing the rental restriction bylaws will be the responsibility of the contravening owner and will be recoverable from the owner on a solicitor and own client basis by the strata corporation. *(Added January 28, 2016 CA4984754)*
- (10) An owner, tenant or occupant must not rent less than all of a strata lot.
(Added January 28, 2016 CA4984754)
- (11) A strata lot must not be used for short-term accommodation purposes, including, but not limited to, a bed-and-breakfast, lodging house, hotel, motel, home exchange, time share, temporary housing, corporate housing, vacation rental or extended vacation rental, whether arranged through websites such as Air BnB, VRBO, Premiere Executive Suites or through companies that advertise this type of accommodation. Without limiting the generality of the foregoing, an owner, tenant or occupant must not enter into a license for the use of all or part of a strata lot for accommodation purposes. Despite bylaw 23 and effective November 30, 2018, any breach of this bylaw 37(11) is subject to a fine of up to \$1,000 per day.
(Repealed & Replaced November 29, 2018 CA7217785)

Insurance and Responsibility *(Added January 28, 2016 CA4984754)*

- 38** (1) An owner, tenant or occupant, is responsible for obtaining insurance coverage to cover risks that are not covered by the Strata Corporation insurance. Without limiting the foregoing, an owner is responsible for obtaining insurance coverage to pay any deductibles payable under the strata insurance for which the owner is responsible. *(Added January 28, 2016 CA4984754)*
- (2) If an owner is responsible for any loss or damage to a strata lot, common property, limited common property, or common assets, that owner must indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered necessary to the strata lot, common property, limited common property or common assets but only to the extent that such expense is not reimbursed from the proceeds received by operation of any strata insurance policy. Without limiting the generality of the word "responsible", an owner is responsible for the owner's own acts or omissions, as well as those of any of the tenants, occupants, visitors, agents, contractors, employees, or pets of the strata lot or the owner. *(Added January 28, 2016 CA4984754)*

- (3) For the purposes of these bylaws, any insurance deductible payable by the Strata Corporation will be considered an expense not covered by the strata insurance proceeds received by the Strata Corporation and will be charged to the owner. *(Added January 28, 2016 CA4984754)*

No smoking

(Added November 29, 2018 CA7217785)

- 39** (1) For the purposes of this bylaw 39, the following definitions apply: *(Added November 29, 2018 CA7217785)*
- (a) “**smoke**” or “**smoking**” includes inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe, hookah pipe or other lighted smoking equipment that burns tobacco or other weed substances (including, for clarity, marijuana); *(Added November 29, 2018 CA7217785)*
 - (b) “**vape**” or “**vaping**” includes inhaling, exhaling, vapourizing or carrying or using an activated e-cigarette. *(Added November 29, 2018 CA7217785)*
- (2) An owner, tenant, occupant or visitor must not smoke or vape anywhere on or within Strata Plan EPS 649, including in a strata lot. *(Added November 29, 2018 CA7217785)*

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BYLAWS

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LAST UPDATE: FEBRUARY 12, 2016

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

Repair and maintenance of property by owner

- 2 (1) An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (2) An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

Use of property

- 3 (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that
(Repealed & Replaced February 14, 2012 CA2391783)
 - (a) causes a nuisance or hazard to another person,
 - (b) causes unreasonable noise,
 - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - (d) is illegal, or
 - (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.
- (2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.
(Repealed & Replaced February 14, 2012 CA2391783)
- (3) The keeping of pets in a Strata Lot is limited to the following:
(3(a)(b)(c)(d) Repealed & Replaced January 28, 2016 CA4984754)
 - (a) A reasonable number of fish with a maximum limit of one 25 gallon or 95 Liter aquarium.
 - (b) No more than two cats, or one dog or one bird, and the bird is caged within the Strata Lots.
 - (c) All cats, dogs and birds must be carried and leashed or otherwise secured within the confines of the common property, garage and storage areas.

(d) Pet owners shall be responsible for the cleaning of any mess, accident or stains caused by their pets; any commercial cleaning of the mess, accidents or stains will be at the expense of the pet owner.

(4) Signs may not be installed in any strata lot, or on any common property, unless the strata corporation has approved the size, design and location of such signs. The strata corporation must act reasonably in giving or withholding such approval. The strata corporation must notify an applicant for such approval of its decision within 30 days of the delivery of an application to the strata corporation. *(Repealed & Replaced February 14, 2012 CA2391783)*

(5) (a) No awnings shall be installed other than with the prior written approval of the corporation. *(Added January 28, 2016 CA4984754)*

(b) An owner, tenant, occupant or visitor must not hang or have bird feeders or bird baths, with the exception of liquid humming bird feeders, on any Strata Lot, common or limited common property. *(Added January 28, 2016 CA4984754)*

(c) Flower baskets and humming bird feeders must only be hung from the inside perimeter of any post on the Strata Lot balcony or patio. *(Added January 28, 2016 CA4984754)*

(d) Plant hangers or any other decorations must not be hung so as to penetrate the building envelope. Any such hangings must be removed and any holes or damage left on the property must be repaired in a professional manner through all layers penetrated at owner's expense and subject to review and approval by Strata Council. *(Added January 28, 2016 CA4984754)*

(e) The use of balconies or patios is subject to the following restrictions: *(Added January 28, 2016 CA4984754)*

(i) Only appropriate patio furniture which may include planters, an umbrella, and a barbecue, may be used or stored on a balcony or patio. *(Added January 28, 2016 CA4984754)*

(ii) For clarity a balcony or patio must not be used to hang wind chimes or store bikes, ladders, garbage, or old furniture. *(Added January 28, 2016 CA4984754)*

(iii) A balcony or patio must not be used to hang boxed plants from railings where water or other falling debris may fall to another owner's property or common property below. *(Added January 28, 2016 CA4984754)*

(iv) A balcony or patio must be kept clean and free of debris. *(Added January 28, 2016 CA4984754)*

(v) Potted plants on a balcony or patio must be kept trimmed and devoid of dead flowers and leaves, and kept in such a manner so as not to detract from the exterior appearance of the buildings. *(Added January 28, 2016 CA4984754)*

Inform strata corporation

- 4 (1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and mailing address outside the strata plan, if any.
- (2) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

Obtain approval before altering a strata lot

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

Obtain approval before altering common property

- 6 (1) An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.
- (2) The strata corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

Permit entry to strata lot

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

- (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.

Division 2 — Powers and Duties of Strata Corporation

Repair and maintenance of property by strata corporation

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

Division 3 — Council

Council size

- 9**
- (1) Subject to subsection (2), the council must have at least 3 and not more than 7 members.
 - (2) If the strata plan has fewer than 4 strata lots or the strata corporation has fewer than 4 owners, all the owners are on the council.

Council members' terms

- 10 (1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- (2) A person whose term as council member is ending is eligible for reelection.
- (3) to (5) [Repealed 1999-21-51.]

Removing council member

- 11 (1) Unless all the owners are on the council, the strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members.
- (2) After removing a council member, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.
- (3) Despite subsection 11(1), a council member elected solely by the owners of Commercial Units may only be removed by a resolution passed by a majority vote of the owners of Commercial Units at an annual or special general meeting.
(Added February 14, 2012 CA2391783)
- (4) After removing a council member elected solely by the owners of Commercial Units, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term, at which only the owners of Commercial Units may vote.
(Added February 14, 2012 CA2391783)

Replacing council member

- 12 (1) If a council member resigns or is unwilling or unable to act for a period of 2 or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.
- (2) A replacement council member may be appointed from any person eligible to sit on the council.
- (3) The council may appoint a council member under this section even if the absence of the member being replaced leaves the council without a quorum.
- (4) If all the members of the council resign or are unwilling or unable to act for a period of 2 or more months, persons holding at least 25% of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings.

Officers

- 13
- (1) At the first meeting of the council held after each annual general meeting of the strata corporation, the council must elect, from among its members, a president, a vice president, a secretary and a treasurer.
 - (2) A person may hold more than one office at a time, other than the offices of president and vice president.
 - (3) The vice president has the powers and duties of the president
 - (a) while the president is absent or is unwilling or unable to act, or
 - (b) for the remainder of the president's term if the president ceases to hold office.
 - (4) If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

Calling council meetings

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

Repealed

- 15 [Repealed 2009-17-35.]

Quorum of council

- 16
- (1) A quorum of the council is
 - (a) 1, if the council consists of one member,
 - (b) 2, if the council consists of 2, 3 or 4 members,
 - (c) 3, if the council consists of 5 or 6 members, and
 - (d) 4, if the council consists of 7 members.

- (2) Council members must be present in person at the council meeting to be counted in establishing quorum.

Council meetings

- 17** (1) At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.
- (2) If a council meeting is held by electronic means, council members are deemed to be present in person.
- (3) Owners may attend council meetings as observers.
- (4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:
 - (a) bylaw contravention hearings under section 135 of the Act;
 - (b) rental restriction bylaw exemption hearings under section 144 of the Act;
 - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

Voting at council meetings

- 18** (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- (2) Unless there are only 2 strata lots in the strata plan, if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- (3) The results of all votes at a council meeting must be recorded in the council meeting minutes.

Council to inform owners of minutes

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

Delegation of council's powers and duties

- 20** (1) Subject to subsections (2) to (4), the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.
- (2) The council may delegate its spending powers or duties, but only by a resolution that

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

- (3) A delegation of a general authority to make expenditures must
 - (a) set a maximum amount that may be spent, and
 - (b) indicate the purposes for which, or the conditions under which, the money may be spent.
- (4) The council may not delegate its powers to determine, based on the facts of a particular case,
 - (a) whether a person has contravened a bylaw or rule,
 - (b) whether a person should be fined, and the amount of the fine, or
 - (c) whether a person should be denied access to a recreational facility.

Spending restrictions

- 21 (1) A person may not spend the strata corporation's money unless the person has been delegated the power to do so in accordance with these bylaws.
- (2) Despite subsection (1), a council member may spend the strata corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.

Limitation on liability of council member

- 22 (1) A council member who acts honestly and in good faith is not personally liable because of anything done or omitted in the exercise or intended exercise of any power or the performance or intended performance of any duty of the council.
- (2) Subsection (1) does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

Division 4 — Enforcement of Bylaws and Rules

Maximum fine

- 23 The strata corporation may fine an owner or tenant a maximum of
 - (a) \$200.00 for each contravention of a bylaw, and
(Amended January 28, 2016 CA4984754)
 - (b) \$50.00 for each contravention of a rule.
(Amended January 28, 2016 CA4984754)

Continuing contravention

- 24 If an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than 7 days, a fine may be imposed every 7 days.

Division 5 — Annual and Special General Meetings

Person to chair meeting

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

Participation by other than eligible voters

- 26
- (1) Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.
 - (2) Persons who are not eligible to vote, including tenants and occupants, may participate in the discussion at the meeting, but only if permitted to do so by the chair of the meeting.
 - (3) Persons who are not eligible to vote, including tenants and occupants, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

Voting

- 27
- (1) At an annual or special general meeting, voting cards must be issued to eligible voters.
 - (2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
 - (3) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.
 - (4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.

- (5) If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote.
- (6) If there are only 2 strata lots in the strata plan, subsection (5) does not apply.
- (7) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.
- (8) Quorum for Annual and Special General Meetings
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 27.(8) 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.
(Added January 28, 2016 CA4984754)
- (9) Voter Eligibility
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. *(Added January 28, 2016 CA4984754)*

Order of business

- 28** The order of business at annual and special general meetings is as follows:
- (a) certify proxies and corporate representatives and issue voting cards;
 - (b) determine that there is a quorum;
 - (c) elect a person to chair the meeting, if necessary;
 - (d) present to the meeting proof of notice of meeting or waiver of notice;
 - (e) approve the agenda;
 - (f) approve minutes from the last annual or special general meeting;
 - (g) deal with unfinished business;
 - (h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;
 - (i) ratify any new rules made by the strata corporation under section 125 of the Act;
 - (j) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
 - (k) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
 - (l) deal with new business, including any matters about which notice has been given under section 45 of the Act;
 - (m) elect a council, if the meeting is an annual general meeting;
 - (n) terminate the meeting.

Division 6 — Voluntary Dispute Resolution

Voluntary dispute resolution

- 29 (1) A dispute among owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if
- (a) all the parties to the dispute consent, and
 - (b) the dispute involves the Act, the regulations, the bylaws or the rules.
- (2) A dispute resolution committee consists of
- (a) one owner or tenant of the strata corporation nominated by each of the disputing parties and one owner or tenant chosen to chair the committee by the persons nominated by the disputing parties, or
 - (b) any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties.
- (3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

Division 7 — Marketing Activities by Owner Developer

Display lot

- 30 (1) An owner developer who has an unsold strata lot may carry on sales functions that relate to its sale, including the posting of signs.
- (2) An owner developer may use a strata lot, that the owner developer owns or rents, as a display lot for the sale of other strata lots in the strata plan.

Division 8 – Miscellaneous Matters

Two Types

- 31 (1) The strata lots are of two different types.
- (2) All strata lots on the ground floor are non-residential strata lots ("Commercial Units")
- (3) All other strata lots are residential strata lots ("Residential Units")

Composition of Strata Council.

- 32 (1) The council shall always include one member elected solely by the owners of the Commercial Units, unless such owners fail to elect such a member.

- (2) The remaining members of the council shall be elected by all the owners, without distinguishing between the type of strata lots they own.

Matters Affecting Commercial Units

- 33** (1) No resolution of council that primarily restricts the use or occupation of one or more of the Commercial Units, or the imposition of user fees, shall be effective unless the council member (if any) elected solely by the owners of the Commercial Units votes in favour of that resolution.

Application of Section 6.4 of the Strata Property Regulation

- 34** (1) Until and unless the Strata Corporation passes a unanimous resolution to the contrary, section 6.4 of the Strata Property Regulation shall govern the contribution by strata lot owners to expenses that benefit only limited common property, or strata lots of one type.

Owner Developer Storage

- 35** (1) So long as an owner developer remains the owner of any strata lot, the owner developer:
- (a) may post signs and store building and other materials on such parts of the common property as it deems appropriate, and may secure such items without providing keys to the strata corporation; and,
 - (b) shall be entitled to unlimited access over common property.

Move-Ins and Move-outs *(Added January 28, 2016 CA4984754)*

- 36** (1) An owner, tenant, or occupant moving possessions and furniture into or out of a Strata Lot shall be confined to the hours between 8:00 a.m. and 8:00 p.m. on the scheduled moving day. The Strata Council shall be given 72 hours' notice in writing of any proposed move so that arrangements may be made for use and covering of the elevator cab walls, as well as for access to the electrical, utility and communication rooms. *(Added January 28, 2016 CA4984754)*
- (2) An owner, tenant or occupant is responsible for any damage to the common property resulting from that owner's, tenant's or occupant's move. *(Added January 28, 2016 CA4984754)*
- (3) Any refuse, recyclables and garbage left behind shall be removed from the Strata Lot, storage locker or common property at the owner's/tenants expense. *(Added January 28, 2016 CA4984754)*
- (4) There will be a move-in fee of \$100.00 charged to the owner of the applicable strata lot for each move into the strata unit by an owner, tenant or occupant. *(Added January 28, 2016 CA4984754)*

Rental Restrictions *(Added January 28, 2016 CA4984754)*

- 37**
- (1) The number of residential strata lots within the strata corporation that may be rented at any one time is limited to 6 (six) strata lots.
(Added January 28, 2016 CA4984754)
 - (2) An owner wishing to rent a strata lot must apply in writing to the council for permission to rent before entering into any tenancy agreement.
(Added January 28, 2016 CA4984754)
 - (3) If the number of strata lots rented at the time an owner applies for permission to rent has reached the limit stated in bylaw 37.(1), excluding exempt strata lots pursuant to sections 142, 143 and 144 of the Act, the council must refuse permission and notify the owner of the same in writing, as soon as possible stating that the limit has been reached or exceeded, as the case may be, and place the owner of the strata lot on a waiting list to be administered by the council based upon the date of the request for permission to rent.
(Added January 28, 2016 CA4984754)
 - (4) If the limit stated in bylaw 37.(1) has not been reached at the time the owner applies for permission to rent a strata lot, excluding exempt strata lots pursuant to sections 142, 143 and 144 of the Act, the council will grant permission and notify the owner of the same in writing as soon as possible.
(Added January 28, 2016 CA4984754)
 - (5) An owner receiving permission to rent a strata lot must exercise the permission to rent within 90 days from the date that the council granted same, otherwise the permission expires. During the 90 days immediately following the grant of permission, the strata lot will be deemed rented for the purposes of the limit stated in bylaw 37.(1). *(Added January 28, 2016 CA4984754)*
 - (6) Permission to rent a strata lot granted pursuant to this bylaw 37 ceases on the earlier of: *(Added January 28, 2016 CA4984754)*
 - (a) 3 months following the end of a tenancy, if a new tenancy has not been entered into by the end of the said three month period;
 - (b) the date on which the owner who received permission to rent ceases to be a registered owner of the strata lot;
 - (c) the date on which the owner who received permission to rent commences residing in the strata lot.
 - (7) 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. *(Added January 28, 2016 CA4984754)*

- (8) 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.
(Added January 28, 2016 CA4984754)
- (9) Where an owner rents a strata lot in contravention of any of bylaws 37.(1), 37.(2), 37.(3), 37.(5), and 37.(6), the owner will be subject to a fine of \$500.00, and the strata corporation will take all necessary steps to terminate the lease or tenancy, including, but not limited to, seeking a declaration or Court injunction to enforce the bylaw. Any legal costs incurred by the strata corporation in enforcing the rental restriction bylaws will be the responsibility of the contravening owner and will be recoverable from the owner on a solicitor and own client basis by the strata corporation. *(Added January 28, 2016 CA4984754)*
- (10) An owner, tenant or occupant must not rent less than all of a strata lot.
(Added January 28, 2016 CA4984754)
- (11) A strata lot must not be used for short-term accommodation purposes, such as a bed-and-breakfast, lodging house, hotel, home exchange, time share or vacation rental. Without limiting the generality of the foregoing, a resident must not enter into a license for the use of all or part of a strata lot.
(Added January 28, 2016 CA4984754)

Insurance and Responsibility *(Added January 28, 2016 CA4984754)*

- 38**
- (1) An owner, tenant or occupant, is responsible for obtaining insurance coverage to cover risks that are not covered by the Strata Corporation insurance. Without limiting the foregoing, an owner is responsible for obtaining insurance coverage to pay any deductibles payable under the strata insurance for which the owner is responsible. *(Added January 28, 2016 CA4984754)*
 - (2) If an owner is responsible for any loss or damage to a strata lot, common property, limited common property, or common assets, that owner must indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered necessary to the strata lot, common property, limited common property or common assets but only to the extent that such expense is not reimbursed from the proceeds received by operation of any strata insurance policy. Without limiting the generality of the word "responsible", an owner is responsible for the owner's own acts or omissions, as well as those of any of the tenants, occupants, visitors, agents, contractors, employees, or pets of the strata lot or the owner. *(Added January 28, 2016 CA4984754)*
 - (3) For the purposes of these bylaws, any insurance deductible payable by the Strata Corporation will be considered an expense not covered by the strata insurance proceeds received by the Strata Corporation and will be charged to the owner.
(Added January 28, 2016 CA4984754)

END OF DOCUMENT

BRENTWOOD PLACE VILLAGE

BYLAWS

STRATA PLAN NO. EPS649

LAST UPDATE: FEBRUARY 14, 2012

PLEASE ENSURE THIS COPY REMAINS IN THE UNIT AT ALL TIMES.

Supplied to StrataDocs on 2015/12/16
Ordered by Ron Neal on 2019/10/29

Bylaws – Brentwood Place Village – SP EPS649

Division 1 — Duties of Owners, Tenants, Occupants and Visitors

Payment of strata fees

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

Repair and maintenance of property by owner

- 2 (1) An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (2) An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

Use of property

- 3 (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that ***(Repealed & Replaced February 14, 2012 CA2391783)***
 - (a) causes a nuisance or hazard to another person,
 - (b) causes unreasonable noise,
 - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - (d) is illegal, or
 - (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.
- (2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act. ***(Repealed & Replaced February 14, 2012 CA2391783)***
- (3) An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset. ***(Repealed & Replaced February 14, 2012 CA2391783)***
- (4) Signs may not be installed in any strata lot, or on any common property, unless the strata corporation has approved the size, design and location of such signs. The strata corporation must act reasonably in giving or withholding such approval. The strata corporation must notify an applicant for such approval of its

decision within 30 days of the delivery of an application to the strata corporation.
(Repealed & Replaced February 14, 2012 CA2391783)

- (5) No awnings shall be installed other than with the written approval of the strata corporation.
(Added February 14, 2012 CA2391783)

Inform strata corporation

- 4** (1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and mailing address outside the strata plan, if any.
- (2) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

Obtain approval before altering a strata lot

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

Obtain approval before altering common property

- 6** (1) An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.
- (2) The strata corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

Permit entry to strata lot

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

Division 2 — Powers and Duties of Strata Corporation

Repair and maintenance of property by strata corporation

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

Division 3 — Council

Council size

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

Council members' terms

- 10 (1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- (2) A person whose term as council member is ending is eligible for reelection.
- (3) to (5) [Repealed 1999-21-51.]

Removing council member

- 11 (1) Unless all the owners are on the council, the strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members.
- (2) After removing a council member, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.
- (3) Despite subsection 11(1), a council member elected solely by the owners of Commercial Units may only be removed by a resolution passed by a majority vote of the owners of Commercial Units at an annual or special general meeting.
(Added February 14, 2012 CA2391783)
- (4) After removing a council member elected solely by the owners of Commercial Units, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term, at which only the owners of Commercial Units may vote.
(Added February 14, 2012 CA2391783)

Replacing council member

- 12 (1) If a council member resigns or is unwilling or unable to act for a period of 2 or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.
- (2) A replacement council member may be appointed from any person eligible to sit on the council.

- (3) The council may appoint a council member under this section even if the absence of the member being replaced leaves the council without a quorum.
- (4) If all the members of the council resign or are unwilling or unable to act for a period of 2 or more months, persons holding at least 25% of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings.

Officers

- 13**
- (1) At the first meeting of the council held after each annual general meeting of the strata corporation, the council must elect, from among its members, a president, a vice president, a secretary and a treasurer.
 - (2) A person may hold more than one office at a time, other than the offices of president and vice president.
 - (3) The vice president has the powers and duties of the president
 - (a) while the president is absent or is unwilling or unable to act, or
 - (b) for the remainder of the president's term if the president ceases to hold office.
 - (4) If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

Calling council meetings

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

Repealed

15 [Repealed 2009-17-35.]

Quorum of council

- 16 (1) A quorum of the council is
- (a) 1, if the council consists of one member,
 - (b) 2, if the council consists of 2, 3 or 4 members,
 - (c) 3, if the council consists of 5 or 6 members, and
 - (d) 4, if the council consists of 7 members.
- (2) Council members must be present in person at the council meeting to be counted in establishing quorum.

Council meetings

- 17 (1) At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.
- (2) If a council meeting is held by electronic means, council members are deemed to be present in person.
- (3) Owners may attend council meetings as observers.
- (4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:
- (a) bylaw contravention hearings under section 135 of the Act;
 - (b) rental restriction bylaw exemption hearings under section 144 of the Act;
 - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

Voting at council meetings

- 18 (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- (2) Unless there are only 2 strata lots in the strata plan, if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- (3) The results of all votes at a council meeting must be recorded in the council meeting minutes.

Council to inform owners of minutes

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

Delegation of council's powers and duties

- 20 (1) Subject to subsections (2) to (4), the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.
- (2) The council may delegate its spending powers or duties, but only by a resolution that
- (a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
 - (b) delegates the general authority to make expenditures in accordance with subsection (3).
- (3) A delegation of a general authority to make expenditures must
- (a) set a maximum amount that may be spent, and
 - (b) indicate the purposes for which, or the conditions under which, the money may be spent.
- (4) The council may not delegate its powers to determine, based on the facts of a particular case,
- (a) whether a person has contravened a bylaw or rule,
 - (b) whether a person should be fined, and the amount of the fine, or
 - (c) whether a person should be denied access to a recreational facility.

Spending restrictions

- 21 (1) A person may not spend the strata corporation's money unless the person has been delegated the power to do so in accordance with these bylaws.
- (2) Despite subsection (1), a council member may spend the strata corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.

Limitation on liability of council member

- 22 (1) A council member who acts honestly and in good faith is not personally liable because of anything done or omitted in the exercise or intended exercise of any power or the performance or intended performance of any duty of the council.
- (2) Subsection (1) does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

Division 4 — Enforcement of Bylaws and Rules

Maximum fine

- 23** The strata corporation may fine an owner or tenant a maximum of
- (a) \$50 for each contravention of a bylaw, and
 - (b) \$10 for each contravention of a rule.

Continuing contravention

- 24** If an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than 7 days, a fine may be imposed every 7 days.

Division 5 — Annual and Special General Meetings

Person to chair meeting

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

Participation by other than eligible voters

- 26**
- (1) Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.
 - (2) Persons who are not eligible to vote, including tenants and occupants, may participate in the discussion at the meeting, but only if permitted to do so by the chair of the meeting.
 - (3) Persons who are not eligible to vote, including tenants and occupants, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

Voting

- 27**
- (1) At an annual or special general meeting, voting cards must be issued to eligible voters.

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- (2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
 - (3) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.
 - (4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.
 - (5) If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote.
 - (6) If there are only 2 strata lots in the strata plan, subsection (5) does not apply.
 - (7) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.

Order of business

28 The order of business at annual and special general meetings is as follows:

- (a) certify proxies and corporate representatives and issue voting cards;
- (b) determine that there is a quorum;
- (c) elect a person to chair the meeting, if necessary;
- (d) present to the meeting proof of notice of meeting or waiver of notice;
- (e) approve the agenda;
- (f) approve minutes from the last annual or special general meeting;
- (g) deal with unfinished business;
- (h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;
- (i) ratify any new rules made by the strata corporation under section 125 of the Act;
- (j) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
- (k) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
- (l) deal with new business, including any matters about which notice has been given under section 45 of the Act;
- (m) elect a council, if the meeting is an annual general meeting;
- (n) terminate the meeting.

Division 6 — Voluntary Dispute Resolution

Voluntary dispute resolution

- 29 (1) A dispute among owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if
- (a) all the parties to the dispute consent, and
 - (b) the dispute involves the Act, the regulations, the bylaws or the rules.
- (2) A dispute resolution committee consists of
- (a) one owner or tenant of the strata corporation nominated by each of the disputing parties and one owner or tenant chosen to chair the committee by the persons nominated by the disputing parties, or
 - (b) any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties.
- (3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

Division 7 — Marketing Activities by Owner Developer

Display lot

- 30 (1) An owner developer who has an unsold strata lot may carry on sales functions that relate to its sale, including the posting of signs.
- (2) An owner developer may use a strata lot, that the owner developer owns or rents, as a display lot for the sale of other strata lots in the strata plan.

Division 8 – Miscellaneous Matters

Two Types

- 31 (1) The strata lots are of two different types.
- (2) All strata lots on the ground floor are non-residential strata lots ("Commercial Units")
- (3) All other strata lots are residential strata lots ("Residential Units")

Composition of Strata Council.

- 32 (1) The council shall always include one member elected solely by the owners of the Commercial Units, unless such owners fail to elect such a member.
- (2) The remaining members of the council shall be elected by all the owners, without distinguishing between the type of strata lots they own.

Matters Affecting Commercial Units

- 33 (1) No resolution of council that primarily restricts the use or occupation of one or more of the Commercial Units, or the imposition of user fees, shall be effective unless the council member (if any) elected solely by the owners of the Commercial Units votes in favour of that resolution.

Application of Section 6.4 of the Strata Property Regulation

- 34 (1) Until and unless the Strata Corporation passes a unanimous resolution to the contrary, section 6.4 of the Strata Property Regulation shall govern the contribution by strata lot owners to expenses that benefit only limited common property, or strata lots of one type.

Owner Developer Storage

- 35 (1) So long as an owner developer remains the owner of any strata lot, the owner developer:
- (a) may post signs and store building and other materials on such parts of the common property as it deems appropriate, and may secure such items without providing keys to the strata corporation; and,
 - (b) shall be entitled to unlimited access over common property.

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