

ST JAMES PLACE BYLAWS

STRATA PLAN No. VIS 3801

LAST UPDATE: NOVEMBER 18, 2015

(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 2018/10/17
Ordered by Ron Neal on 2021/08/26

ST JAMES PLACE

BYLAWS - STRATA PLAN VIS 3801

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Supplied to StrataDocs on 2018/07/17
Ordered by Ron Neal on 2021/08/26

STRATA PLAN VIS 3801 - BYLAWS

ST JAMES PLACE

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.
- 1.1** An amount will be levied for late payment of the monthly strata fees as follows:
 - (1) If a cheque, cash, money order or bank transfer is not tendered by the first of the month to which it relates, \$10.00.
 - (2) If a cheque, cash, money order or bank transfer is not tendered by the eleventh of the month to which it relates, another \$10.00.
 - (3) If a cheque, cash, money order or bank transfer is not tendered by the twenty-first of the month to which it relates, another \$10.00.

The maximum fine that can be assessed in any one month under this bylaw is \$30.00. The Strata Council may waive any fines under this section on written application from the owner, if it is just and equitable to do so. The waiving of the fine must be contained in the minutes of the Strata Council. These fines will be automatically applied and no notice is required. However, they must be included in any statement of account requested by, or mailed to, the owner.

- 1.2** Interest will be charged on all late payments at the maximum rate, 10% per annum compounded annually, allowed under the Strata Property Act. Interest on monthly assessments will be calculated on the first day of the month following the due date of the fee.
- 1.3** When monthly fees are not paid due to financial hardship, the strata council will waive further fines and interest if the owner enters into a payment scheme acceptable to the strata council. The payment scheme must be in writing and signed by the owner and the Strata Council or Manager. If the owner defaults on the payment scheme, fines and interest will be levied. The onus is on the owner to provide objective proof of financial hardship.
- 1.4** Special Assessments are due on the passing of the resolution approving of the special assessment.
- 1.5** Interest will be charged on any special assessments at the same maximum as regular monthly assessments unless otherwise specified in the resolution. The date interest commences will be set by the special resolution. If the interest rate is not otherwise set, the interest rate commences on the first day of the month that is more than 90 days after the passing of the resolution. The Strata Council may waive interest if it is just and equitable to

do so on written application by the owner. The waiving of the interest must be contained in the minutes of the Strata Council.

- 1.6 The interest on late payments pursuant to 1.2 and 1.5 is not a fine, and forms part of the strata fees for the purposes of section 116 of the Strata Property Act.
- 1.7 If a cheque tendered for payment of either a regular or special assessment is not honoured by the financial institution on which it is drawn, fines and interest will be calculated as if the cheque had not been tendered. Any related bank charges incurred by the Strata Corporation will be the responsibility of the person who tendered the cheque.
- 1.8 If an owner repeatedly tenders cheques as payment which are subsequently not honoured by the financial institution, the manager or Strata Council may refuse to accept any cheque from that person as payment and may stipulate another type of payment such as cash or certified cheque. In any event, any cheque offered as payment may be refused by the manager or Strata Council if there is reasonable grounds to believe it will not be honoured and another form of payment may be stipulated.
- 1.9 The year end of the strata corporation for the year ended June 30, 2000 will be extended by one month to July 31, 2000. This will be a 13-month fiscal period. For each succeeding year, the fiscal period will be a 12-month period commencing August 1st and ending 12 months later on July 31st.

Repair and maintenance of property by owner

- 2 (1) An owner must repair and maintain the owner's strata, 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.
- ~~(3) An owner must replace the hot water tank at least every ninth year unless the tank has a manufacturer's warranty greater than nine years. If the warranty is greater than nine years, the tank can be retained for the length of the warranty period plus two years. The owner must provide proof of the age of the hot water tank if so requested by the manager of the strata council. (Repealed July 16, 2014 CA3867219)~~

Use of property

- 3 (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that:
 - (a) causes a nuisance or hazard to another person,
 - (b) causes unreasonable noise,
 - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - (d) is illegal, or

(e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.

- (2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.
- (3) An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset.
- (4) An owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following:
 - (a) a reasonable number of fish or other small aquarium animals;
 - (b) a reasonable number of small caged mammals;
 - (c) up to 2 caged birds;
 - (d) one dog or up to 2 cats.
- (5) A pet kept on the strata lot shall be kept quiet and controlled. A pet must not create noise audible on the exterior of the strata lot that disturbs the occupants of another strata lot.

3.1 No pet kept on the strata lot shall exceed the weight of 25 lbs. If there is any doubt regarding the weight of a pet, the owner can be requested to provide a current veterinarian's certificate as to weight. If this certificate is not provided within 10 days of a written request from the Strata Corporation the pet shall be deemed to be in excess of 25 lbs.

3.2 No animal shall urinate or defecate on common property. A fine of \$10 will be levied for the first occurrence and double thereafter. Where a pet does contaminate the common area or grounds with any of its bodily fluids, the person who has ownership or control of the animal must clean up after their pet immediately or be subject to a fine.

(Please note that balcony/patio areas are common property).

3.3 An owner, occupant, tenant or visitor must not:

- (1) use common hallways or common property for the storage of garbage, shopping carts, or personal property,
- (2) shake a mop or duster of any kind from a window or balcony, or throw any refuse or litter from the strata lot onto another strata lot or common property,
- (3) hang or permit to be hung any laundry, washing, rugs, signs, or any other material which in the opinion of the strata council is offensive, on the common property or about a strata lot in a manner that is visible from the outside of the strata lot,

- (4) allow a motor vehicle to leak fluids onto a parking spot or driveway, and must clean up such fluids as soon as practicable,
- (5) erect or fasten a television antenna or similar structure or appurtenance to the exterior of any strata lot or on any common property except in connection with a cable system as authorized by the strata council or as was originally installed by the developer,
- (6) tamper with, break or remove a smoke detector, fire extinguisher or other common fixture or asset,
- (7) litter on the common property,
- (8) smoke on the common property, including the elevators, garage and stairwells.

All cigarettes must be extinguished before entering the building or exiting the strata lot.

- 3.4** An owner, tenant, or occupant must not permit a strata lot to be occupied by more than two individuals per bedroom and one individual per den for a period of more than one month without the prior consent of the strata council. Newborn infants to the age of three are exempted from this provision. Rooms are to be considered bedrooms if they were indicated as such on the original building plan. Rooms are considered dens if they were indicated as such on the original building plan.
- 3.5**
 - (1) Window coverings visible from the common property must be kept in good repair and, on the side visible from the exterior of the building, be a neutral colour such as white, cream or light beige. The strata council will determine the acceptability of such coverings if a complaint is received.
 - (2) Window treatments that are in addition to (are hung over) other window coverings that conform to (1) are exempted as long as the conforming window coverings face the exterior.
 - (3) Window coverings in good repair and not otherwise offensive will have 12 months from the passing of this bylaw to comply.
- 3.6** Owners, tenants or occupants may not use the common facilities and assets for maintaining any vehicle other than their own. They may only do this in their assigned parking space except for the washing of their own vehicles in the designated space. Visitors are not permitted to do any maintenance. A fine of \$10 will be levied for the first violation and double thereafter.
- 3.7** No one may store or park any vehicle unless it had valid vehicle insurance as evidenced by current license plates or unless it has storage insurance. In the latter case, proof of insurance must be provided to the strata council.
- 3.8**
 - (1) No hard surface flooring may be installed in the living room, dining room, bedrooms, dens or hallways of suites that are above other suites. Areas where the developer

originally installed vinyl flooring (kitchen and bathroom) are excluded. In addition hard surface flooring may be installed in a small area, not to exceed 25 square feet, by the front door of a suite. Hard surface flooring includes laminate and wood flooring, roll vinyl flooring, exposure of the concrete sub floor and tiles whether ceramic, porcelain or vinyl.

- (2) Suites on the first floor and suite 212, which is over storage, are excluded from this provision.
- (3) Any installations that predate bylaw 3.8 are exempt from (1) above. The onus to establish eligibility for any exemption will be on the owner.
- (4) Suites that are exempted from (1) only by virtue of having existing flooring in place that predates the rule pursuant to (3) will not have the exception extended to any replacement flooring.
- (5) The strata council may provide an exemption if satisfactory sound mitigation is installed that meets or exceeds a minimum of ¼ inch cork or better. The owner of the unit below must be notified (amended September 15, 2010 FB382684)
- (6) Any objection by the owner referred to in (5) must be related only to a reasonable concern regarding the transmission of noise to his or her strata lot.
- (7) Any approvals granted in (5) must be obtained prior to the installation. The owner granted an exemption in that section must provide proof that the sound mitigation was installed as set out in the approval granted.

- 3.9**
- (1) The owner, tenant, occupant or any one invited on the premises shall not engage in any criminal activity on the premises or property including but not limited to:
 - (a) any drug related activity
 - (b) solicitation (sex trade workers or related nuisance activity)
 - (c) street gang activity
 - (d) assault or threatened assault
 - (e) unlawful use of a firearm
 - (f) any criminal activity that threatens the health, safety or welfare of any persons on the common property or in any strata lot.
 - (2) A single violation of any of the above shall be deemed a serious violation and material non-compliance with the bylaws.

3.10 An owner, tenant, occupant or visitor shall not use or permit the use of a strata lot under his or her control for a professional, commercial, or business purpose that:

- (a) increases the amount of foot traffic or motor vehicle traffic in the common property
- (b) cause people to loiter on the common property
- (c) in any way increases or may increase the liability risk of the strata corporation

- (d) involves customers, clients, employees, contractors, other workers or any individual attending the strata lot in connection with the commercial activity of the occupant
- (e) involves an individual using a strata lot as a place of temporary lodging.

3.11 Roller blades shall be removed before entering the building and bikes dismounted and carried through the halls. A fine of \$10 will be levied for the first violation and double thereafter.

- 3.12** (1) An owner, tenant, occupant or visitor shall not use any musical instrument, amplifier, sound reproduction system or other device within a strata lot or on strata property that causes a disturbance or interferes with the comfort of any other owner or occupant.
- (2) An owner, tenant, occupant or visitor shall not produce, make or cause to be made or produced a noise, smell or vibration in or about the strata lot or property or do anything that will unreasonably interfere with the quiet enjoyment of another occupant in another strata lot.

3.13 An owner that has a BBQ shall have an approved and appropriate fire extinguisher for the BBQ in use to assist in the event of a fire.

3.14 Only owners and tenants who currently reside in the building and their visitors may use parking stalls from St. James Place.

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 and an emergency contact telephone number.
- (2) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

4.1 On or before the day of a change in the occupancy of a unit, an owner or landlord must submit the following:

- (a) the names of all the occupants of the strata lot
- (b) the residential telephone number of the occupants
- (c) an emergency contact name and telephone number for the occupants
- (d) pet information including the name, weight and description of any dog or cat to be kept on the strata lot
- (e) the make, model, colour and license plate number of any vehicles to be parked on the common property
- (f) the name (up to 16 characters) to appear on the enterphone and the telephone number to be associated with that name.

If the occupant does not wish to use the enterphone, the requirements set out in (f) above is waived.

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.

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 the 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;
 - (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** The council must have at least 3 and not more than 7.

Council members' terms

- 10**
- (1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
 - (2) A person whose term as council member is ending is eligible for re-election.

Removing council member

- 11** (1) Unless all the owners are on the council, the strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members.
- (2) After removing a council member, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.

Replacing council member

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

Officers

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

Requisition of council hearing

- 15** (1) By application in writing, stating the reason for the request, an owner or tenant may request a hearing at a council meeting.
- (2) If a hearing is requested under subsection (1), the council must hold a meeting to hear the applicant within one month of the request.
- (3) If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within one week of the hearing.

Quorum of council

- 16** (1) A quorum of the council is:
- (a) 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.
- 19.1** The minutes of council meetings are to be posted in the strata corporation notice board located as designated by the strata council. This will be deemed to be notice to all of the owners for the purpose of section 19.
- 19.2** If an electronic copy of the minutes are available and an owner has provided the strata council with a valid e-mail address, a copy of the minutes will be provided to that owner by e-mail if the owner has so requested.

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 repair or replacement is immediately required to ensure safety or prevent significant loss or damage.
- 21.1** The strata council may redirect expenditures budgeted for on one expense category to another expense, but only to the extent that there would otherwise be an overall surplus in the operating budget. The limit on discretionary spending is removed but only to the extent a deficit is not created. Otherwise, the aggregate limit on discretionary expenditures that may cause an operating fund deficit is \$2,500.00

Limitation on liability of council members

- 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.

Other person to serve on council

22.1 Other persons who are not registered owners may serve on the strata council provided permission is granted in writing by at least one of the registered owners and the other registered owners do not object. The person may vote and carry out all the duties of the council member as if he or she was a registered owner.

Division 4 - Enforcement of Bylaws and Rules

Maximum fine

- 23** (1) The maximum amount the strata corporation may fine an owner or tenant for the contravention of a bylaw or rule is:
 - (a) \$200.00 for each contravention of a bylaw, and
 - (b) \$50.00 for each contravention of a rule.
 - (2) Despite subsection (1), the maximum amount that a strata corporation may fine an owner for the rental of a residential strata lot in contravention of a bylaw that prohibits or limits rentals is \$500 for each contravention of the bylaw.
- 23.1** Where a fine conflicts with the maximum provided under the Strata Property Act, the fine is not void but is reduced to the allowed amount under the Act.
- 23.2** The imposition of a fee or fine does not limit the amount of a claim or remedy the strata corporation may pursue against the owner or tenant.

Continuing contravention

- 24** The maximum frequency for the imposition of a fine for a continuing contravention of a bylaw or rule is every 7 days.

Division 5 - Annual and Special General Meetings

Person to chair meeting

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

Participation by other than eligible voters

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

Voting

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

Order of business

- 28** The order of business at annual and special general meetings is as follows:
- (a) certify proxies and corporate representatives and issue voting cards;
 - (b) determine that there is a quorum;
 - (c) elect a person to chair the meeting, if necessary;
 - (d) present to the meeting proof of notice of meeting or waiver of notice;
 - (e) approve the agenda;
 - (f) approve minutes from the last annual or special general meeting;

- (g) deal with unfinished business;
- (h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;
- (i) ratify any new rules made by the strata corporation under section 125 of the Act;
- (j) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
- (k) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
- (l) deal with new business, including any matters about which notice has been given under section 45 of the Act;
- (m) elect a council, if the meeting is an annual general meeting;
- (n) terminate the meeting.

Quorum for Annual and Special General Meetings (Added July 12, 2012 CA2676305)

28.1 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 28.1 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. (Repealed and Replaced July 16, 2014 CA3867219)

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 - Rentals

Restriction on number of strata lots that may be rented or leased

- 30.1** An owner, tenant or occupant shall not rent or lease a strata lot except in compliance with the following:
- (a) The number of strata lots that may be rented or leased is limited to 19.
 - (b) If a strata lot is not rented or leased, an owner must give written application to the strata council before a strata lot may be rented or leased and must receive written approval before the strata lot may be rented or leased.
 - (c) The strata council will approve any request to rent provided that
 - (i) the granting of the request does not increase the total number of leased or rented units to greater than the maximum specified, and
 - (ii) no prior applications to rent or lease are outstanding for any other unit.
 - (d) Once the maximum number of rentals has been reached, any additional requests will be treated on a first come, first served basis.
 - (e) Permission to rent or lease previously granted will be revoked when
 - (i) after approval has been granted for the renting or leasing of the strata lot, it is not rented or leased the lot within 120 days of approval, or
 - (ii) the strata lot is sold and the number of leased units exceeds the maximum limits specified.

If a strata lot is not leased or rented within the timeframe set out in (e) above, the strata council will be entitled to consider the application of another owner.
 - (f) After having a permission to rent revoked, an owner may reapply but the application will be considered to be a new application and will be treated as such when considering any applications received prior to it.

The strata council will respond to all applications to rent within two weeks of receiving the application.

Transitional Provision

- 30.2**
- (1) Owners that are registered on title as of the date of the passing of this bylaw that are renting or leasing their strata lots as of the date of passing of this bylaw may continue to rent or lease even though the total number of strata lots rented or leased exceeds the maximum allowed.
 - (2) Owners that entered into a binding contract to purchase a strata lot prior to the passing of bylaw 30.1 may also rent their strata lot and be allowed to continue to do so on the same basis as the owners in (1) above, provided they rent or lease their strata lots within 90 days of registering title.
 - (3) Owners that are registered on title as of the date of passing of this resolution who rent or lease their strata lot within 90 days after the passing of the bylaw in 30.1 will also be allowed to continue to do so on the same basis as the owners in (1) above.
 - (4) The exemption from 30.1 granted under (1) to (3) above will be revoked only if the strata lot is sold or if the owner takes up residence in the unit.

Hardship

- 30.3** (1) An owner may apply to the strata corporation for an exemption from a bylaw that prohibits or limits rentals on the grounds that the bylaw causes hardship to the owner. The application must be in writing and must state
- (a) the reason the owner thinks an exemption should be made, and
 - (b) whether the owner wishes a hearing.
- (2) If the owner wishes a hearing, the strata corporation must hear the owner or the owner's agent within 3 weeks after the date the application is given to the strata corporation.
- (3) An exemption is allowed if the strata corporation does not give its decision in writing to the owner
- (a) within one week after the hearing, or
 - (b) if not hearing is requested, within 2 weeks after the application is given to the strata corporation.
- (4) The strata corporation must not unreasonably refuse to grant an exemption.
- (5) If an exemption is granted for reasons of hardship, the owner must establish that the hardship still exists once every 24 months or every change in tenancy whichever is the greater.
- (6) The number of strata lots rented the reasons of hardship are to be counted as rented in the determining the number of units that may be leased or rented.

Rental to family members

- 30.4** (1) Section 30.1 does not apply to prevent the rental of a strata lot to a member of the owner's family. For the purposes of this section, "family" and "family member" have the meaning set out in the regulations to the *Strata Property Act*.
- (2) The number of strata lots rented or leased pursuant to the "family" exemption is to be counted as rented in determining the number of units that may be leased or rented.

Form K

- 30.5** A form K is prescribed in the regulations to the Strata Property Act must be delivered to the strata corporation within the time limits set out in the Act.

Certification and verification tenancy information

- 30.6** (1) A landlord must do the following:

- (a) read the information made available by the strata council regarding insurance, tenant selection, being a good landlord and reference and credit checking.
 - (b) establish the true name of the tenant by requesting photo identification.
 - (c) establish the veracity of information provided by the tenant by obtaining a credit check with a credit bureau.
- (2) The landlord must certify that he or she has done the above in writing on a form prescribed by the strata council and deliver that form to the strata corporation within the time limits set out for delivery of the form K.
- (3) The strata council will forthwith mail, e-mail or fax the information referred to in (1)(a), depending on the preference of the landlord, upon request, free of charge, but not more than once per year.
- (4) The strata corporation may request proof that the landlord has done the above but cannot require a copy of the credit report.
- (5) The landlord is free to use his or her own judgement as to whether to accept a particular tenant and nothing in the above requires or allows the strata corporation to
- (a) screen the tenant
 - (b) establish tenant screening criteria
 - (c) approve of the tenant
 - (d) prohibit the rental except in accordance with the overall rental restriction as set out in section 30.1.

Division 8 – Other

Increase to allowable contingency fund limit

- 31** The restriction limiting the contingency reserve amount to 100% of the annual operating is hereby changed to 350% of the annual operating amount. No further authorization from the owners will be required until the new limit is reached.

Persons who may not be permitted to vote

- 32** A vote belonging to a Strata Lot may not be exercised at any meeting if a lien could be registered against that lot pursuant to section 116 of the *Strata Property Act*, unless a unanimous vote is required.

Initiation of action in small claims court

- 33** (1) The Strata Council or manager may begin a small claims action to collect money owing, including strata fees and fines, without the prior approval of a special resolution. However, if the manager commences the action, Strata Council must approve the action. All decisions to commence an action must be contained in the minutes of the Strata Council.

- (2) The action can be commenced against a tenant, owner or any other debtor of the Strata Corporation.
- (3) Before commencing such action against a tenant or owner, notice must be given as set out in section 112 of the Strata Property Act. Any mortgagee who has filed a notification request must also be notified.

Right to offset

- 34** If an owner or tenant is indebted to the Strata Corporation and the Strata Corporation is indebted to the same owner or tenant, the Strata Corporation has a right to set off the amount it owes against the amount owed to it. This action cannot be taken if the debt owed to the Strata Corporation is the subject of mediation, arbitration or litigation and notice to that effect has been served on the Strata Corporation.

Charge for moving in and out

- 35** A fee of \$75 is imposed for every move into the building after the first move after an owner has obtained title to the property.

Indemnification (repealed and replaced July 16, 2014 CA3867219)

- 36.1** 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 or employees of the strata lot or the owner. (repealed and replaced July 16, 2014 CA3867219)

- 36.2** For the purposes of these bylaws: (repealed and replaced July 16, 2014 CA3867219)

- (a) any insurance deductible paid or 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; and (repealed and replaced July 16, 2014 CA3867219)
- (b) "strata insurance" means the insurance coverage obtained and maintained by the strata corporation pursuant to the Act and these bylaws. (repealed and replaced July 16, 2014 CA3867219)

Parking stall assignment

- 37**
- (1) The strata corporation will assign one parking space to with every strata lot without charge.
 - (2) The owner of a strata lot that acquires 99-year leases for an additional parking space from the owner developer and that gave notice of this interest to the strata corporation as of July 30, 1998 will be assigned an additional space without charge.
 - (3) The strata corporation may charge a fee for any other additional spaces not designated as visitor spaces.
 - (4)
 - (a) Vehicles must be insured with a minimum of storage and liability insurance when using parking stalls.
 - (b) When Strata is having the garage cleaned, notice will be given that all vehicles must be moved by a specific date and time. If vehicles are not moved they will be subject to towing fees and impound charges that will be the responsibility of the vehicle owner of the assigned parking stall.

Parking fees

- 38** Parking stalls may be rented to owners on a monthly basis for \$30 per month. An owner may rent on behalf of a tenant or occupants. Payment for parking is due with the regular monthly strata fee. Notice that a parking spot is being vacated must be made on or before the 10th day of the month before the first of the month for which notice is given and must be communicated to the strata council in writing. The communication may be made by fax or e-mail. Refunds will not be given if a parking spot is vacated part way through a month or if notice pursuant to the above is not given. If an owner commences renting a stall part way through a month, the amount of the fee may be prorated over the number of days in the month.

Fees for the copies of records

- 39** Fees for copies of records, providing information certificates or a certificate of payment is the maximum that is allowed under the Strata Property Act and Regulations. Postage, courier and other delivery costs are to be borne by the person making the request.

Video surveillance

- 40** The strata corporation may install video surveillance equipment on the common property for security purposes. Video files may be only be accessed for the following purposes by the following persons:
- (a) an owner or tenant when a criminal offence has been committed, but only for the time period of the offence and only for purposes related to the prosecution of the offence,

- (b) an appropriate authority may have access to selected files to assist in the prosecution of the offence,
- (c) the strata council may also access video files to establish a serious or repeated contravention of a bylaw or to aid in prosecution of significant damage to strata corporation property or asset, or as required in proceedings before a tribunal or in a court of law,
- (d) the strata council for necessary testing of the equipment.

Files not accessed pursuant to (a) to (c) above will not be retained for longer than two months.

Security

- 41 A tenant, owner, occupant or visitor may not do anything where it is reasonably foreseeable that the action will allow unauthorised access to the building. A tenant, owner, occupant or visitor shall not allow access to the building other than his or her invited guests, or another occupant who shares his or her strata lot. A tenant, owner, occupant or visitor may not prop open a door to the building unless the person is moving equipment or furniture, but may not leave the door unattended.
- 42 Persons may be permitted to attend meetings by telephone or other method, as long as all participants are able to communicate with each other.

Parking Restrictions (added October 22, 2015 CA4818488)

- 43 (1) A vehicle must not be parked in a visitor's parking spot for a period of more than 12 consecutive hours without prior council approval. (added October 22, 2015 CA4818488)
- (2) Any vehicle that is parked in contravention of bylaw 43(1), or that is parked in a parking stall that has not been assigned to that vehicle owner's strata lot pursuant to bylaw Exhibit D – Bylaw to Enter into Special Use Arrangements for Parking Stalls which is filed under Land Title Office no. EM75568 (the "Assignment Bylaw") or rented to or licensed to the vehicle owner's strata lot by the strata corporation pursuant to these bylaws or by another strata lot owner pursuant to an arrangement with the owner of the applicable strata lot associated with the applicable parking stall, may be towed without notice where: (added October 22, 2015 CA4818488)
 - (a) a council member in the case of a visitor's parking stall or a parking stall rented or licensed by the strata corporation to a strata lot; or (added October 22, 2015 CA4818488)
 - (b) an owner in the case of a parking stall that has been assigned to that owner's strata lot pursuant to the Assignment Bylaw or a parking stall rented or licensed by the strata corporation to that owner's strata lot, (added October 22, 2015 CA4818488)

Identifies the vehicle as improperly parked in the parking stall. Any costs and risks of towing are the vehicle owner's responsibility. Such towing is in addition to any fines that may be levied for any breach of a parking related bylaw or rule. (added October 22, 2015 CA4818488)

Bylaw to Enter into Special Use Arrangements for Parking Stalls.

Bylaw [Special Resolution]

Grant the owner(s) of each strata lot the right to exclusive use and enjoyment of the numbered parking spaces as set out per appendix A attached. (For convenience, apartment numbers have been substituted for strata lot numbers in the appendix.) The stalls marked rental on appendix A will be made available by the strata corporation to the owners on an equitable basis.

(Added July 20, 1998 EM75568)

END OF DOCUMENT

Supplied to StrataDocs on 2018/08/17
Ordered by Ron Neal on 2021/08/20

Appendix A, Parking Stall Assignment
Attachment to July 30, 1998 Registration of Bylaws

Condo #	Stall #
105	1
107	2
108	3
109	4
203	5
204	6
205	7
310	8
106	9
406	10
208	11
303	12
101	13
103	14
410	15
212	16
210	17
311	18
207	19
312	20
307	21
308	22
309	23
305	24
Rental	25
Rental	26
Rental	27
Rental	28
Rental	29
Rental	30
408	31
407	32
Rental	33
Rental	34
visitor	35
visitor	36
visitor	37
visitor	38
403	39
304	40
306	41
206	42
404	43
405	44
407	45
408	46
409	47
209	48
411	49
104	50
Visitor/handicapped	51
412	52
211	53

Notice
The owner(s) of a particular strata (condo number substituted for strata lot number) as indicated in the column marked condo # will have the exclusive use and enjoyment of the parking space as represented by the stall number to the left.

Irene Browning
Irene Browning, Member of Strata Council
Strata Corporation VIS 3801

Wanda Gustafson
Wanda Gustafson, Member of Strata Council
Strata Corporation VIS 3801

Ordered to StrataDocs on 2018/07/11
Ordered by Ron Neal on 2021/08/26

Appendix A

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Garbage / Recycle area

1	<u>105</u>											Visitor	38
2	<u>107</u>											Visitor	37
3	<u>108</u>											Visitor	36
4	<u>109</u>											Visitor	35
5	<u>203</u>											Rental	34
6	<u>204</u>											Rental	33
7	<u>205</u>											407	32
8	<u>310</u>											408	31
9	<u>106</u>											Rental	30
10	<u>406</u>											Rental	29
11	<u>208</u>											Rental	28
12	<u>303</u>											Rental	27
13	<u>101</u>											Rental	26
14	<u>103</u>											Rental	25
		<u>410</u>	<u>212</u>	<u>210</u>	<u>311</u>	<u>207</u>	<u>312</u>	<u>307</u>	<u>308</u>	<u>309</u>	<u>305</u>		
		15	16	17	18	19	20	21	22	23	24	emergence exit	
												Electrical room	

Parking stall assignments
 registered with LTO on
July 30, 1998.

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