

Jul-12-2018 10:04:05.001

CA6925982

STRATA PROPERTY ACT FILING
PROVINCE OF BRITISH COLUMBIA

PAGE 1 OF 2 PAGES

- Your electronic signature is a representation by you that:
 - you are a subscriber; and
 - you have incorporated your electronic signature into
 - this electronic application, and
 - the imaged copy of each supporting document attached to this electronic application, and have done so in accordance with Sections 168.3 and 168.41(4) of the *Land Title Act*, RSBC 1996, C.250.
- Your electronic signature is a declaration by you under Section 168.41 of the *Land Title Act* in respect of each supporting document required in conjunction with this electronic application that:
 - the supporting document is identified in the imaged copy of it attached to this electronic application;
 - the original of the supporting document is in your possession; and
 - the material facts of the supporting document are set out in the imaged copy of it attached to this electronic application.

Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the *Land Title Act*.

Mary Alison McCabe Brunton M3442H	Digitally signed by Mary Alison McCabe Brunton M3442H DN: c=CA, cn=Mary Alison McCabe Brunton M3442H, o=Lawyer, ou=Verify ID at www.juricert.com/LKUP.cfm? id=M3442H Date: 2018.07.12 09:51:42 -07'00'
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1. CONTACT: (Name, address, phone number)

Diana Bernier, Paralegal - Reed Pope Law Corporation
202 - 1007 Fort Street

Telephone: 250-383-3838
File No.: 6330-003

Victoria

BC V8V 3K5

Document Fees: \$28.63

Deduct LTSA Fees? Yes

2. IDENTIFICATION OF ATTACHED STRATA PROPERTY ACT FORM OR OTHER SUPPORTING DOCUMENT:

Form-I Amendment to Bylaws

LTO Document Reference:

3. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

NO PID NMBR COMMON PROPERTY STRATA PLAN VIS1136

Related Plan Number: **VIS1136**


Strata Property Act
FORM I
AMENDMENT TO BYLAWS
(Section 128)

The Owners, **Strata Plan VIS 1136**, certify that the following amendment to the bylaws of the strata corporation were approved by a resolution passed by a $\frac{3}{4}$ vote in accordance with section 128 of the *Strata Property Act* at the Annual General Meeting held on June 27, 2018:

RESOLUTION #1 - BYLAW AMENDMENT: AGE RESTRICTION

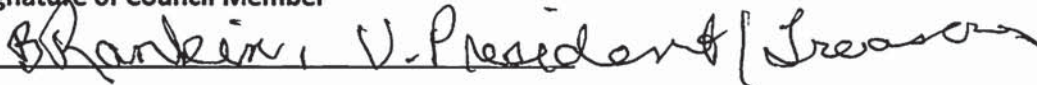
RESOLVED, as a THREE-QUARTER (3/4) VOTE of The Owners, Strata Plan VIS 1136, that the following bylaw of the Strata Corporation be **repealed in its entirety**:

Bylaw 30(2)(a): No owner of a strata lot shall permit any person under the age of 16 to ordinarily reside in said strata lot when said strata lot is occupied by the owner.



Sebastian Barry, President.

Signature of Council Member



B. Rankin, V. President / Treasurer

Signature of Council Member

July 3/18
DATE

*Section 128 (3) of the Act provides that an Amendment to Bylaws must be filed in the land title office within 60 days of the amendment being approved.

27 APR 2007 12 29

FB041791

VICTORIA, B.C.

Date: April 16, 2007


Registrar
Land Title Office
PO Box 9255
Victoria, B.C. V8W 9J3

IDF

Please receive herewith the following document (s) for filing:

Amendment of Bylaws for Strata Plan VIS1136

Fee Payable _____


signature

NAME OF APPLICANT: Baywood Property Management Ltd.

ADDRESS: 2019 Oak Bay Ave., Victoria, BC, V8R 1E5

TELEPHONE: 250-592-5852

27 APR 2007 12 30

FB041791

Strata Property Act

Form I
AMENDMENT TO BYLAWS

(Section 128)

The Owners, Strata Plan VIS1136 certify that the attached amendments to the bylaws of the strata corporation were approved by a resolution passed in accordance with section 128 of the Strata Property Act at an annual general meeting held on February 27, 2007.



Signature of Authorized Strata Manager

01 07/04/27 12:29:42 01 VI 751362
DOC FILE \$21.75

RESOLVED, as a THREE QUARTER (3/4) VOTE of the Owners, Strata Plan VIS1136, that Bylaws 8(c)(ii)(D) and 8(d)(iv) of the Strata Corporation's Bylaws be amended by replacing the word "thermoseals" with the words "failed seals" so that the amended Bylaws read as follows:

- 8 "The strata corporation must repair and maintain all of the following:
- (c) limited common property, but the duty to repair and maintain it is restricted to:
 - (ii) the following, no matter how often the repair or maintenance ordinarily occurs:
 - (d) doors, windows and skylights (including the casings, the frames and the sills of such windows and skylights but excluding the **failed seals** where the windows are of double glazed construction) on the exterior of a building or that front on the common property excluding balcony enclosures, and"
 - 8 (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:
 - (iv) doors, windows and skylights (including the casings, the frames and the sills of such windows and skylights but excluding the **failed seals** where the windows are of double glazed construction) on the exterior of a building or that front on the common property, and"

-6 APR 2006 09 56

FA042067


VICTORIA, BC

April. 6 / 06.
Date

Registrar
Land Titles Office
Victoria, BC

Please receive herewith the following document(s) for filing:

Form I - Amendment to Bylaws



Signature

NAME OF APPLICANT: Strata Plan 1136 of Cornerstone Properties
ADDRESS: #301-1001 Cloverdale Ave., Victoria, BC V8X4C9
TELEPHONE: (250) 475-2005

Forms/LTOcoversheet


-6 APR 2006 09 57

FA042067

**Strata Property Act
FORM I
AMENDMENT TO BYLAWS
(Section 128)**

The Owners, Strata Plan 1136 [the registration number of the strata plan] certify that the following or attached amendments to the bylaws of the strata corporation were approved by a resolution passed in accordance with section 128 of the *Strata Property Act* at an annual or special general meeting held on February 28, 2006 [month day, year]*:

(See attached schedule)



Signature of Council Member



Signature of Second Council Member

02 06/04/06 09:56:49 02 VI 692607
DOC FILE \$21.50

* Section 128 (3) of the Act provides that an Amendment to Bylaws must be filed in the land title office within 60 days of the amendment being approved.

SCHEDULE

RESOLVED, as a THREE QUARTER (3/4) VOTE of the Owners, Strata Plan 1136, that the Strata Corporation's Bylaws be amended by amending Bylaw #30 (1) (a) to read as follows:

#30 (1) (a) at any given time up to five (5) residential strata lots may be leased for terms of not less than one year, and the procedure to be followed by the strata corporation in administering this limit will be as follows:

4625/Schedule-Feb06

31 MAR 2004 12 23

EW037608

VICTORIA, BC

March 16, 2004

Registrar
Land Title Office
Victoria, BC

Please receive herewith the following document(s) for filing:

FORM I – NOTIFICATION OF CHANGE OF BYLAWS

Elaine Ferguson
Signature

NAME OF APPLICANT: STRATA PLAN 1136

ADDRESS: C/O PROLINE MANAGEMENT LTD.
201-20 BURNSIDE ROAD WEST, VICTORIA, BC V9A 1B3

TELEPHONE: 475-6440

31 MAR 2004
Strata Property Act 23

EW037608

FORM I

AMENDMENTS TO BYLAWS

(Section 128)

The Owners, Strata Plan 1136 certify that the following or attached amendments to the bylaws of the strata corporation were approved by a resolution passed in accordance with section 128 of the *Strata Property Act* at an annual or special general meeting held on February 26, 2004.

3/4 Vote Resolution #1 - New Bylaw (Use of Property)

BE IT RESOLVED THAT Bylaw 3(5)(s) be added:

01 04/03/31 12:23:36 01 VI
DOC FILE

555166
\$20.00

An owner, tenant or occupant must not replace any existing flooring material with a material different than that which is existing without first receiving written permission of the strata council which permission shall not be unreasonably withheld. For example, carpet or linoleum shall not be replaced with any type of flooring material without written approval.

3/4 Vote Resolution #2 - New Bylaw (Use of Property)

BE IT RESOLVED THAT Bylaw 3(5)(t) be added:

An owner, tenant or occupant must not carry or display a natural Christmas tree in a strata lot or on the common property. Holiday decorations can only be displayed between December 1st to January 15th.

3/4 Vote Resolution #3 - New Bylaw (Repair/Responsibility by Owner)

BE IT RESOLVED THAT Bylaw 2(3) be added as follows:

All repair and maintenance costs arising from damage to Common Property, Common Assets or any Strata Lot(s) within Strata Plan 1136 caused by an Owner, Tenant, or Occupant or; Visitor of an Owner, Tenant or Occupant of Strata Plan 1136 shall be charged to the owner of a strata lot.

3/4 Vote Resolution #4 - Bylaw Amendment (Bicycle, Storage & Parking)

BE IT RESOLVED THAT Bylaw 35(5) be amended to include:


In the event a spillage is not properly cleaned, the Strata Corporation may order the work done and shall hold the owner liable for the expense for such clean up.

3/4 Vote Resolution #5 – Bylaw Amendment (Selling of Strata Lots)


BE IT RESOLVED THAT Bylaw 40(1) be amended to read:

An owner of a strata lot, when selling his or her strata lot, shall not permit “For Sale” signs to be placed on or about the common property. Signs shall not be displayed in unit windows, balconies or on exterior walls.

A revised set of bylaws, incorporating these amendments, is attached.



Signature of Council Member



Signature of Second Council Member

Date: Mar. 16, 2004

STRATA PLAN 1136**FOREST HILLS****BYLAWS INDEX****AS AMENDED FEBRUARY 26, 2004****Division 1 - Duties of Owners, Tenants, Occupants and Visitors**

- 1 Payment of strata fees / interest on late payments
- 2 Repair and maintenance of property by owner, including chimneys
- 3 Use of property, limitations
3. (4) These bylaws do not allow pets in any strata lot
4. Inform Strata Corporation
- 5 Obtain approval before altering a strata lot
- 6 Obtain approval before altering common property
- 7 Permit entry to strata lot

Division 2 - Powers and Duties of Strata Corporation

- 8 Repair and maintenance of property by Strata Corporation

Division 3 - Council

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- 2 -

Division 4 - Enforcement of Bylaws and Rules

- 23 Maximum fine
- 24 Continuing contravention

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- 25 Person to chair meeting
- 26 Participation by other than eligible voters
- 27 Voting
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Division 6 - Voluntary Dispute Resolution

- 29 Voluntary dispute resolution

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- 30 Rental restriction bylaw

Division 8 - Miscellaneous

- 31 Small claims actions
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- 33 Use of patios and balconies
- 34 Garbage disposal
- 35 Bicycles, storage & parking
- 36 Move in, move out
- 37 Smoking
- 38. Waterbeds
- 39 Garden planting
- 40 Selling of strata lots
- 41. Acquisition or disposal of personal property

Schedule of Standard Bylaws – Forest Hills – Strata Plan 1136

AS AMENDED FEBRUARY 26, 2004

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

Payment of strata fees

1. (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- (2) If an owner is late in paying his or her strata fees, the owner must pay to the strata corporation interest on the late payment in the amount of 10% per annum, compounded annually, and calculated on a monthly basis commencing from the date the payment was due and continuing until the last day of the month in which it is paid.

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.
- (3) All repair and maintenance costs arising from damage to Common Property, Common Assets or any Strata Lot(s) within Strata Plan 1136 caused by an Owner, Tenant, or Occupant or; Visitor of an Owner, Tenant or Occupant of Strata Plan 1136 shall be charged to the owner of a strata lot.

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. ***In the case of the residential strata lots an owner, tenant, occupant or visitor shall not conduct any business in the strata lot other than that which can be conducted over the telephone or cable lines.***

It is noted that strata lots 1 and 29 are commercial strata lots and intended for commercial purposes.

- (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.
 - (4) 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.
- Pets
- (4) These bylaws do not allow pets in any strata lot.
 - (5) An owner, tenant or occupant must not:
 - (a) use a strata lot for any purpose which involves undue traffic or noise in or about the strata lot or common property between the hours of 10:30 p.m. and 7:00 a.m. or that encourages loitering by persons in or about the strata lot or common property;
 - (b) make, cause or produce undue noise, smell, vibration or glare in or about any strata lot or common property or do anything which will interfere unreasonably with any other owner, tenant or occupant;
 - (c) use any musical instrument, amplifier, sound reproduction equipment or other device within or about any strata lot, the common property or any limited common property such that it causes a disturbance or interferes with the comfort of any other owner, tenant or occupant;

- (d) obstruct or use the sidewalks, walkways, passages and driveways of the common property for any purpose other than ingress or egress from the strata lots or parking areas within the common property of the strata plan;
- (e) leave on the common property or any limited common property, any shopping cart or any other item designated from time to time by the strata council or store on his/her balcony or patio any trunks, freezers, bicycles, goods, chattels, or other material of any kind which would be visible from the exterior of the building with the exception of patio furniture and flower boxes. Christmas lights may be displayed from the first of December to January fifteenth annually.
- (f) use a barbecue, hibachi or other like cooking device on a balcony, deck or patio;
- (g) shake any mops or dusters of any kind, nor throw any refuse, out of the windows or doors or from the balcony of a strata lot;
- (h) do anything that will increase the risk of fire or the rate of insurance on the building or any part thereof;
- (i) permit a condition to exist within a strata lot which will result in the waste or excessive consumption of the building's domestic water supply or heated water;
- (j) allow a strata lot to become unsanitary or a source of odour;
- (k) feed pigeons, gulls or other birds, squirrels, rodents or other animals from a strata lot or anywhere on or in close proximity to the common property or any limited common property, but this shall not apply to a pet permitted to be kept in a strata lot pursuant to these bylaws and the rules made hereunder, which pet shall be fed only in a strata lot;
- (l) install any window coverings, visible from the exterior of his strata lot, which are different in size or colour from those approved by the strata council;
- (m) hang or display any laundry, washing, clothing, bedding or other articles from windows, balconies or other parts of the building so that they are visible from the outside of the building;

- (n) use or install in or about a strata lot any shades, awnings, window or balcony guards or screens, ventilators, supplementary heating, air conditioning devices, except those installations approved in writing by the council;
- (o) erect on or fasten to the strata lot, the common property or any limited common property any television, radio or satellite antenna or similar structure or appurtenance thereto;
- (p) place any signs, billboards, notices or other advertising matter of any kind on, or visible from, the exterior of a residential strata lot;
- (q) place any indoor-outdoor carpeting on any non-enclosed wood deck or balcony, or place any items on any deck, patio or the balcony except free-standing, self-contained planter boxes, summer furniture and accessories nor install any hanging plants or baskets or other hanging items within three feet of a balcony railing line; and
- (r) give any keys, combinations, security cards or other means of access to the building, the parking garage or common areas to any person other than said strata lot owner's employee, contractor, occupant or guest permitted by these bylaws.
- (s) an owner, tenant or occupant must not replace any existing flooring material with a material different than that which is existing without first receiving written permission of the strata council which permission shall not be unreasonably withheld. For example, carpet or linoleum shall not be replaced with any type of flooring material without written approval.
- (t) an owner, tenant or occupant must not carry or display a natural Christmas tree in a strata lot or on the common property. Holiday decorations can only be displayed between December 1st to January 15th.

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 (including the casings, the frames and the sills of such doors, windows and skylights) on the exterior of a building, or that front on the common property (i.e. including, for example, adding security devices to the entrance door to a strata lot);
 - (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 or resulting from the alteration.
- (3) An owner, tenant or occupant must not do any act, nor alter a strata lot, in any manner, which in the opinion of the council will alter the appearance of the exterior or common area interior of the building.

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 and to provide, at the request of the strata corporation, evidence of appropriate insurance coverage 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 and without liability, to ensure safety or prevent significant loss or damage, and
 - (b) at a reasonable time, on 48 hours' written notice,
 - (i) 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 the Act; and
 - (ii) to ensure compliance with the Act and these bylaws.
- (2) The notice referred to in subsection (1)(b) must include the date and approximate time of entry, and the reason for entry.

Division 2 – Powers and Duties of Strata Corporation**Repair and maintenance of property by strata corporation**

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 excluding owner's alterations and balcony enclosures and other things attached to the exterior of a building;
 - (D) doors, windows and skylights (including the casings, the frames and the sills of such windows and skylights **but excluding the thermalseals where the windows are of double glazed construction**) on the exterior of a building or that front on the common property excluding balcony enclosures, and
 - (E) fences, railings and similar structures that enclose patios, balconies and yards unless installed by a strata lot owner.
- (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 (including the casings, the frames and the sills of such windows and skylights **but excluding the thermalseals where the windows are of double glazed construction**) 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. Subject to subsection (2), the council must have at least *five (5)* and not more than seven (7) members.

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 a council member is ending is eligible for re-election

Removing council member

11. (1) Unless all 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 with cause.
- (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) No person shall stand for council or continue to be on council with respect to a strata lot if the strata corporation is entitled to register a lien against that strata lot under the Act.

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 chair, a vice chair, a secretary and a treasurer.

- (2) A person may hold more than one office at a time, other than the offices of chair and vice chair.
- (3) The vice chair has the powers and duties of the chair.
 - (a) while the chair is absent or is unwilling or unable to act, or
 - (b) for the remainder of the chair's term if the chair ceases to hold office.
- (4) If an officer other than the chair 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.

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) 3, if the council consists of 5 or 6 members, and
 - (b) 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 by pre-arrangement.
- (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 observer 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) If there is a tie vote at a council meeting, the *chair* may break the tie by casting a second, deciding vote (***listing numbers in favor and opposed***).
- (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 availability 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) to 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 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. (1) The strata corporation may fine an owner or tenant a maximum of:
- (a) \$200 for each contravention of a bylaw; and
 - (b) \$50 for each contravention of a rule.
 - (c) *\$500 for each contravention of the Rental Restrictions Bylaw.*
- (2) The strata corporation may impose a fine on an owner or tenant for a continuing contravention of a bylaw or rule every 7 days.
- (3) Each owner and tenant is responsible for payment upon written notice, without invoice, of any money (other than strata fees, but including special levies) owing to the strata corporation as provided for in the Act or these bylaws, and if the owner or tenant fails to pay any money so owing within 15 days after the date such money becomes due, the owner or tenant will, after having been given written notice of the default and been provided with a reasonable opportunity to answer the complaint (including a hearing if requested), be assessed and pay a fine of \$10.00, and if such

default continues for a further 15 days, an additional fine of \$25.00 will be levied against and paid by the owner or tenant, as the case may be, and for each additional month such default continues, an additional fine of \$25.00 will be levied against and paid by the owner or tenant.

- (4) Additional assessments, fines authorized by these bylaws, banking charges, filing costs, legal expenses, interest charges and any other expenses incurred by either the strata corporation to enforce these bylaws, as they may be amended from time to time, or any rule which may be established from time to time by the council pursuant to the Act or these bylaws, shall become part of the assessment of the owner responsible and shall become due and payable on the first day of the month next following, except that any amount owing in respect of a fine or the cost of remedying the contravention of a bylaw will be calculated as a separate component of such assessment and the strata corporation may not register a lien against such separate component.

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

Participation by other than eligible voters

26. (1) Owners and their spouses may attend annual and special general meetings, whether or not they are eligible to vote.

- (2) Persons who are not eligible to vote may participate in the discussion at the meeting, but only if permitted to do so by the chair of the meeting.
- (3) Persons not eligible to vote, 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. In accordance with Land Title registration of Strata Plan 1136, the owner of strata lot 1 is entitled to three (3) votes.
- (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 chair, or, if the chair is absent or unable or unwilling to vote, the vice chair may break the tie by casting a second, deciding vote.
- (6) 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.
- (7) An owner who is otherwise an eligible voter may not exercise his or her vote for a strata lot, except on matters requiring a unanimous vote, if the strata corporation is entitled to register a lien against that strata lot.

Order of business

28. The order of business at annual or 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 of the strata corporation nominated by each of the disputing parties and one owner 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.

- (5) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

Division 7 – Rental Restrictions and Occupancy

30. (1) Rental Restrictions

Subject to the provisions of this bylaw residential strata lots shall be owner-occupied only, with the following considerations and exceptions:

- (a) at any given time up to 9 residential strata lots may be leased for terms of not less than one year, and the procedure to be followed by the strata corporation in administering this limit will be as follows:
- (i) any owner wishing to rent a residential strata lot must make an application in writing to the council;
 - (ii) approvals will be granted by the council on a first come basis in the order of the date such applications are received by the council;
 - (iii) the council will not screen tenants, establish screening criteria, require the approval of the tenants, require the insertion of terms in tenancy agreements or otherwise restrict the rental of a strata lot except as set out in this bylaw;
 - (iv) the council will consider each application upon receipt and will respond to each application in writing.
 - (v) the council will keep a list of owners who wish to rent their residential strata lot and the priority of their application, and will advise each owner as soon as their application can be accepted;
 - (vi) upon acceptance of an application to rent, an owner must enter into a lease of a residential strata lot within three months (3) from acceptance by the council of such owner's application or the acceptance will be automatically revoked and the council will be entitled to advise the owner next following the list that its application to rent a residential strata lot has been approved; and
 - (vii) an owner may continue to lease his or her residential strata lot until the earlier of the date such owner moves into the residential strata lot to take occupancy and the date the strata lot is sold by the owner to a third party.

- (b) notwithstanding paragraph (a), where cases of undue physical or financial hardship of a personal nature arise, the owner may make a written request to the council for permission to rent a residential strata lot for a limited period of time, and where the council has been provided with evidence that undue hardship will result if limited rental approval is not given, the council shall not unreasonably withhold permission for limited rental;
- (c) this bylaw does not apply to prevent the rental of a residential strata lot to a member of the "family" of an owner, meaning:
- (i) the spouse of the owner;
 - (ii) a parent or child of the owner; or
 - (iii) a parent or child of the spouse of the owner.
- where "spouse of the owner" includes an individual who has lived and cohabitated with the owner, for a period of at least two years at the relevant time, in a marriage-like relationship, including a marriage-like relationship between persons of the same gender;
- (d) where an owner has leased a residential strata lot to a tenant pursuant a tenancy agreement entered into before this bylaw was passed, this bylaw does not apply to such residential strata lot until the later of:
- (i) one year after the tenant who is occupying the strata lot at the time the bylaw is passed ceases to occupy the strata lot as a tenant; and
 - (ii) one year after the bylaw has been passed; and
- (e) the strata corporation is entitled to impose a fine of up to \$500 for a contravention of this bylaw, and may impose such fine for a continuing contravention every seven days.
- (f) It is recognized that the owners of the commercial Strata Lots 1 and 29 retain their right to rent or lease their strata lots.

(2) Adult Occupancy / Occupancy

- (a) No owner of a strata lot shall permit any person under the age of 16 years to ordinarily reside in said strata lot when said strata lot is occupied by the owner.
- (b) In no case shall two (2) bedroom strata lot be occupied by more than three (3) persons.

Division 8 – Miscellaneous Matters

Small Claims Actions

31. Notwithstanding any provision of the Act, the strata corporation may proceed under the Small Claims Act (British Columbia) against an owner or other person to collect money owing to the strata corporation, including money owing as a fine, without requiring authorization by a resolution passed by a 3/4 vote.

Electronic Attendance at Meetings

32. Attendance by persons at an annual or special general meeting may be by telephone or other electronic method if such method permits all persons participating in the meeting to communicate with each other during the meeting.

Use of Patios and Balconies

33. An owner, tenant or occupant of a strata lot which does not have enclosed balconies shall not place planters or other such items or equipment within any part of the limited common property designated on the strata plan exclusively for the use of such owner unless, in the opinion of the council, such planters, items or equipment are in keeping with the balance of the development in terms of design, quality, proportion and colour. Any such planters, items or equipment will be maintained in good and tidy condition on an ongoing basis and the responsibility for such maintenance will be solely for the account of the owner, tenant or occupant entitled to the use of the limited common property on which they are placed.

Garbage Disposal

34. An owner, tenant or occupant shall remove ordinary household refuse and garbage from his or her strata lot and deposit it in the containers provided by the strata corporation for that purpose; all garbage shall be bagged and tied before so depositing and the owner, tenant or occupant shall remove any materials other than ordinary household refuse and garbage from the strata plan property at his or her expense.

Bicycles, Storage and Parking

35. (1) Bicycles are not permitted in elevators, hallways or any other common areas. No bicycles are to be kept on balconies or patios. All bicycles must enter or exit the building by way of the vehicle entry to the parking garage only.

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- (2) Any owner, tenant or occupant that leaves any item anywhere on or in the common property or on any limited common property does so at his or her own risk.
 - (3) An owner, tenant or occupant must use parking stalls only for the parking of licensed and insured motor vehicles, trailers, motorcycles or bicycles, and not for the parking of any other type of vehicle or the storage of any other item, unless otherwise approved in writing by the council.
 - (4) An owner, tenant or occupant shall not:
 - (a) use any parking space in the building or on the common property or on any limited common property, except the parking space which has been specifically assigned to his or her strata lot, a parking space leased by the owner or, when specifically agreed with another owner, the parking space assigned to the strata lot of that other owner;
 - (b) carry out any oil changes, major repairs or adjustments to motor vehicles or other mechanical equipment on common property or on any limited common property, except minor repair in the case of emergency;
 - (c) rent or lease the parking space assigned by the strata corporation to his or her strata lot to anyone other than an owner or tenant of Forest Hills or an employee of the commercial strata lots or otherwise permit that parking space to be regularly used by anyone that is not a resident of the building;
 - (d) use a Visitors parking space except that the Visitors parking spaces may be used by visitors, guests or service persons/tradespersons invited to a strata lot or common property;
 - (e) park any vehicle in a manner which will reduce the width of the garage roadway or any roadway on the common property or on any limited common property;
 - (f) park or store unlicensed vehicles in any parking space within the strata corporation except as follows:

Where an owner has a vehicle which is in good repair but he/she wishes to have the vehicle unlicensed and off the road for a period of up to six (6) months the owner may do so upon application and by providing written proof of storage insurance including liability insurance to the strata council.

- (g) store any derelict vehicles anywhere on the common property. A derelict vehicle is one which shall be defined as being not presently roadworthy or is, in the opinion of a majority of the strata council, unsightly.
 - (h) use any part of the common property for storage, without the written consent of the council.
- (5) An owner, tenant or occupant must promptly and at his/her own expense clean up any oil or other substance which spills or leaks onto the common property or onto the limited common property. In the event a spillage is not properly cleaned, the Strata Corporation may order the work done and shall hold the owner liable for the expense for such clean up.

Move In / Move Out

36. (1) Any owner or tenant moving to or from the building must advise the property manager, in writing, specifying the date and time of the move in order that Council may arrange for the installation of the moving pads and for the use of the elevator key. All moves must be performed between the hours of 9:00 a.m. and 8:00 p.m. Damage to the elevator or building during a move will be charged to the departing or arriving owner.
- (2) A charge of \$25.00 will be levied for each and every move into the building. Failure to pay or the return of a cheque from the bank and additional bank processing fees shall result in this charge forming part of the strata fees for that strata lot commencing with the first day of the month immediately following the move.

Smoking

37. There shall be no smoking by any owner, tenant, resident or guest anywhere on the common property of the strata corporation with the exception of the outside uncovered parking lot. (This includes walkways, halls, stairs, elevators, parking garage, storage rooms, etc.)

Waterbeds

38. All waterbeds must be of quality construction. Those owners of waterbeds will be held responsible for any damage arising to common property or any strata lot as a result of leakage or spillage from the waterbed. Owners/residents shall carry appropriate waterbed insurance. The owners will on request provide a copy of insurance to the strata council or property manager.

Garden planting

39. (1) The strata corporation shall be under no obligation to replace trees, shrubs or other plants, fencing or other structures on the common property should they be damaged or destroyed.
- (2) Owners or tenants in strata lots 6-10 inclusive may, upon receipt of approval in writing from the strata council, change, add to or remove trees, shrubs or other plants on the deck area on common property immediately behind their strata lots.
- (3) Owners or tenants in strata lots 6-10 inclusive shall be responsible for watering and maintaining the trees, shrubs or other plants on the gravel area on common property immediately behind their respective strata lots without compensation or reimbursement.
- (4) The trees, shrubs or other plants on the deck area on common property immediately behind strata lots 6-10 inclusive and any trees, shrubs or other plants added to this area by owners or tenants of strata lots 6-10 pursuant to Bylaw 39(3) shall remain or immediately become the property of the strata corporation and the strata corporation shall not be responsible or obligated to replace any trees, shrubs or other plants in this area which become damaged or destroyed.
- (5) Nothing in Bylaw 39(2) to 39(4) inclusive shall restrict or otherwise alter the right of access to the deck area on common property immediately behind strata lots 6-10 inclusive presently held by any owner, council member, or any agent of the strata corporation, or other authorized person for any reasonable purpose contemplated by the Strata Property Act or the Bylaws.

Selling of Strata Lots

40. (1) An owner of a strata lot, when selling his or her strata lot, shall not permit "For Sale" signs to be placed on or about the common property. Signs shall not be displayed in unit windows, balconies or on exterior walls.
- (2) An owner of a strata lot, when selling a strata lot, will not hold or permit to be held, any public open house except in the matter prescribed by the council. One open house for agents will be allowed per listing. Unless the council otherwise prescribes, all showings must be by appointment only.

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Acquisition or Disposition of Personal Property

41. The strata corporation may purchase, lease or otherwise acquire personal property for the use or benefit of the owners and may sell or otherwise dispose of such personal property for any amount approved in the annual budget for the strata corporation, but otherwise only if approved by a resolution passed by a $\frac{3}{4}$ vote at an annual or special general meeting if the personal property has a market value of more than \$1,000.