

VICTORIA LAND TITLE OFFICE

Feb-12-2019 14:55:23.008

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STRATA PROPERTY ACT FILING
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PAGE 1 OF 20 PAGES

- Your electronic signature is a representation by you that:
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 - 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.

John Patrick Beechinor 625BR3	c=CA, cn=John Patrick Beechinor 625BR3, o=Lawyer, ou=Verify ID at www.juricert.com/ LKUP.cfm?id=625BR3
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- 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*.

1. CONTACT: (Name, address, phone number)

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Document Fees: \$28.63

Deduct LTSA Fees? Yes

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

Form-Y Owners Developers' Notice of Different Bylaws

LTO Document Reference:

3. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

030-675-693

LOT A SECTION 40 ESQUIMALT DISTRICT PLAN EPP86079

Supplied to StrataDocs on 2019-04-04
Ordered by Ron Neal on 2019-06-17

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Ordered By: Ron Neal of RE/MAX Alliance on Jun 11, 2020
Uploaded: Apr 04, 2019 Verified: Apr 04, 2019

Strata Property Act

FORM Y

OWNER DEVELOPERS' NOTICE OF DIFFERENT BYLAWS
(Section 245(d), Regulations section 14.6(2))

Re: Strata Plan EPS5275, being a strata plan of

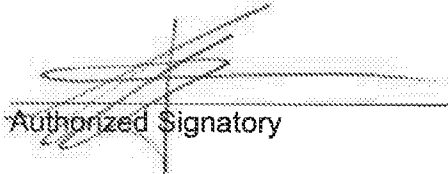
Parcel Identifier: 030-675-693 Lot A Section 40 Esquimalt District Plan EPP86079

The following or attached bylaws differ from the Standard Bylaws to the *Strata Property Act*, as permitted by section 120 of the Act:

See the bylaws attached as Schedule A which replace the Standard Bylaws to the *Strata Property Act*.

Date: February 12, 2019.

ROYAL BAY HOLDINGS NO. 2 LTD.

By: 
Authorized Signatory

Supplied to StrataDocs on 2019/02/10
Ordered by Ron Neal on 2020/06/17

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SCHEDULE A**BYLAWS****West Commons at Royal Bay**

Preface: For the purposes of these bylaws, the word "resident" includes an owner, tenant or occupant of a strata lot.

Division 1 -- Duties of Owners, Tenants, Occupants and Visitors**Payment of strata fees and special levies****1**

- (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- (2) A late payment fine of \$50 per month will be assessed against a strata lot in arrears after the 6th working day of the month.
- (3) Bank charges for cheques returned marked "Non Sufficient Funds", stop payment cheques or closed account cheques will be charged back to the owner, and a \$25.00 fine will apply for each such cheque.
- (4) Any payments made by an owner will first be applied to the payment of outstanding interest, fines and special levies and secondly to the payment of outstanding strata fees.

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, and keep travelled portions free of snow, ice or slush, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

Use of property**3**

- (1) A resident or visitor must not use a strata lot, the common property or common assets in a way that:
 - (a) causes a nuisance or hazard to another person,
 - (b) causes unreasonable noise,

- (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,
- (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) A resident or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.
- (3) A resident or visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset.
- (4) **No exotic pets such as snakes, rodents and reptiles will be permitted.**
- (5) **All pets will be registered with the council, and dogs and cats must wear collar identification with the name and unit # of the owner.**
- (6) **An owner of a pet will not permit the pet to urinate or defecate on the common property or limited common property, and if any pet does urinate or defecate on the common property or limited common property, the owner will immediately and completely remove all of the pet's waste and dispose of it in a waste container or by some other sanitary means.**
- (7) **A resident whose guest or invitee brings an animal or pet onto the common property will ensure that the guest or invitee complies with all requirements of these bylaws as they relate to animals and will perform all of the duties and obligations with respect to that animal or pet as set out in these bylaws.**
- (8) **No resident will permit its pet to interfere with any other person, pet or object, or permit its pet to disturb any other owner, tenant or occupant with uncontrolled barking or howling.**
- (9) **No loose or unlicensed pets of any kind will be permitted at any time within the boundaries of the common property, excluding the property to which the owner of the animal has exclusive use. When on common property all pets must be leashed (with a leash not exceeding six (6) feet in length) or carried, and under the control of a resident at all times. The municipal pound will be authorized to patrol the common property and to impound any pets found at large, at the owner's expense.**
- (10) **A resident 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 resident;**
- (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 resident;**
- (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 council;**
- (f) **use a barbecue or other like cooking device on a deck or patio unless such barbecue or cooking device is powered by propane, natural gas or electricity and such propane, natural gas or electricity powered barbecues, hibachis and other light cooking devices will not be used except in accordance with rules made by the strata corporation from time to time;**
- (g) **shake any mops or dusters of any kind, nor throw any refuse, out of the windows or doors of a strata lot;**
- (h) **allow a strata lot to become unsanitary or a source of odour;**
- (i) **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, or install a bird feeder of any form on the outside of a strata lot, but this will not apply to a pet permitted to be kept in a strata lot pursuant to these bylaws and the rules made hereunder, which pet will be fed only in a strata lot;**
- (j) **install any window coverings, visible from the exterior of his strata lot, which are different in size or colour from those of the original building specifications;**
- (k) **hang or display any laundry, washing, clothing, bedding or other articles from windows or other parts of a strata lot so that they are visible from the outside of the building;**
- (l) **use or install in or about a strata lot any shades, awnings, window or balcony guards, ventilators, supplementary heating or air conditioning devices, except those installations approved in writing by the council; and**

(m) **fasten to the strata lot, the common property or any limited common property any television or radio antenna, satellite dish or similar structure or appurtenance thereto.**

(11) **Each strata lot will be used exclusively as a private single family residence.**

(12) **No signs, fences billboards, placards, advertising, or notices of any kind will be erected or displayed on the common property or in or on a strata lot in a manner which is visible from outside the strata lot, without the prior written approval of the council.**

(13) **A resident will not allow the area around his or her strata lot to become untidy. Rubbish, garbage, boxes, packing cases, or the like will not be thrown, piled or stored on the common property. The council will be at liberty to remove rubbish and clean up the common area and charge the expense to the resident involved.**

(14) **Any material other than ordinary household refuse and garbage must be removed from the common property or the owner's strata lot by the owner and at the owner's expense.**

(15) **No resident will do anything that will cause a safety hazard to the buildings and/or other residents.**

(16) **Everything should be done to reduce fire hazards, and nothing will be brought or stored on a strata lot or the common property which will in any way increase or tend to increase the risk of fire or the rate of fire insurance or any other insurance policy held by the strata corporation, or which will invalidate any insurance policy.**

(17) **Storage of toxic, offensive or hazardous materials not used for normal household purposes is prohibited. Materials which could give off flammable vapour, such as gasoline, solvents, paints (industrial), and the like will not be stored in the strata lot.**

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) A resident 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 or door bells 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 the alteration.
- (3) **A resident must not do any act, nor alter a strata lot, in any manner, which in the opinion of the council will alter the exterior appearance of a building. Without limiting the generality of the foregoing, no metallicized or reflective coatings are permitted on glass windows or doors, and woodwork, concrete and metal work cannot be painted without prior approval from the council.**

Obtain approval before altering common property

6

- (1) A resident 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.
- (3) **Except as permitted pursuant to subsection 6(4), residents will not add to or alter any of the trees, plants, bushes, flowers, lawns or landscaping features**

without the prior written consent of the strata corporation, and will not cause damage to any such trees, plants, bushes, flowers, lawns or landscaping features. Residents will also not place chairs, tables or other objects on the lawns and grounds so as to damage them or to prevent growth or to interfere with the cutting of the lawns or the maintenance of the grounds generally.

(4) The strata corporation may grant to each owner of a strata lot the exclusive use of one or more garden plots located within that portion of the common property intended to be used for garden plots, for a term not exceeding one year and subject to such terms and conditions as the strata corporation may determine in its sole discretion (including conditions with respect to maintaining the garden plot to a minimum standard).

Permit entry to strata lot

7

- (1) A resident 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 property damage to the common property or another strata lot or those portions of a strata lot that are the responsibility of the strata corporation under these bylaws; 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 section 149 of the Act;
 - (ii) without limiting the generality of bylaw 7(1)(b)(i), to inspect, repair, test or maintain the sprinkler systems serving any building in the development; and
 - (iii) 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.
- (3) If the authorization cannot be obtained then the person authorized by the strata corporation to enter the strata lot may do so by using reasonable force on the locking devices, and the replacement of the locking device and any resulting damage to the door and door frame will be at the expense of the strata lot owner.

Division 2 -- Powers and Duties of Strata Corporation

Repair and maintenance of property by strata corporation

8

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

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

- (vi) any portion of a sprinkler system servicing the development that may be located in a strata lot.

Division 3 -- Council

Council size

9

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

Council members' terms

10

- (1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- (2) A person whose term as council member is ending is eligible for 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 $\frac{3}{4}$ vote at an annual or special general meeting, remove one or more council members.
- (2) After removing a council member, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.
- (3) No person may stand for council or continue to be on council with respect to a strata lot if such person is in contravention of any of these bylaws.

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, other than the offices of president and vice president.

(3) The vice president has the powers and duties of the president:

- (a) while the president is absent or is unwilling or unable to act, or
- (b) for the remainder of the president's term if the president ceases to hold office.

(4) If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

Calling council meetings

14

(1) Any council member may call a council meeting by giving the other council members at least one week's notice of the meeting, specifying the reason for calling the meeting.

(2) The notice does not have to be in writing.

(3) A council meeting may be held on less than one week's notice if:

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

(4) The council must inform owners about a council meeting after the meeting has been called.

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Ordered By: Ron Neal of RE/MAX Alliance on Jun 11, 2020
Uploaded: Apr 04, 2019 Verified: Apr 04, 2019

Repealed

15

[Repealed 2009-17-35.]

Quorum of council

16

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

Council meetings

17

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

Voting at council meetings**18**

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

Council to inform owners of minutes**19**

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

Delegation of council's powers and duties**20**

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

Spending restrictions and Council Remuneration

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 subsections (1), a council member may spend the strata corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.

Limitation on liability of council member

22

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

Division 4 -- Enforcement of Bylaws and Rules

Maximum fine

23

- (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.
- (2) **Additional assessments, fines authorized by these bylaws, banking charges, filing costs, legal expenses on a full indemnity basis, 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, will become part of the assessment of the owner responsible and will 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 president of the council.
- (2) If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
- (3) If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons who are present at the meeting.

Participation by other than eligible voters**26**

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

Voting**27**

- (1) At an annual or special general meeting, voting cards must be issued to eligible voters.
- (2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
- (3) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.

(4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.

(5) If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote.

(6) If there are only 2 strata lots in the strata plan, subsection (5) does not apply.

(7) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.

(8) An owner who is otherwise an eligible voter may not exercise his or her vote for a strata lot, except on matters requiring an 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 and special general meetings is as follows:

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

- (m) elect a council, if the meeting is an annual general meeting;
- (n) terminate the meeting.

Division 6 -- Voluntary Dispute Resolution

Voluntary dispute resolution

29

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

Division 7 -- Promotion

Promotion

30

- (1) During the time that the owner developer of the strata corporation is a first owner of any strata lots, it will have the right to maintain any strata lots, whether owned or leased by it, as display units, and to carry on sales or leasing functions it considers necessary in order to:
 - (a) enable it to sell or lease the strata lots; or
 - (b) enable it (or a related entity) to sell or lease strata lots contained within a development developed or to be developed in the vicinity of the development by the owner developer (or a related entity).
- (2) During the time that the owner developer of the strata corporation is a first owner of any strata lots, it may in its reasonable discretion use the common property to market and conduct the sale or lease of strata lots in the development.
- (3) During the time that the owner developer of the strata corporation (or a related entity) is engaged in the development and marketing of the development

referred to in subsection 30(1)(b), it may, in its reasonable discretion, use the common property to market and conduct the sale or lease of strata lots in the development referred to in subsection 30(1)(b).

(4) Notwithstanding bylaw 35, marketing signs of the owner developer may be displayed on the common property and/or the limited common property or window of any strata lot owned or leased by the owner developer at the reasonable discretion of the owner developer.

Division 8 -- Miscellaneous

Quorum for Adjourned Meeting

31

Notwithstanding section 48(3) of the Act, if within 15 minutes from the time appointed for an annual or special general meeting a quorum is not present, the meeting will be terminated if the meeting was convened upon the requisition of members; but in any other case, the meeting will stand adjourned for a further 15 minutes from the time appointed and, if within ½ hour from the time appointed a quorum is not present for the meeting, the eligible voters present in person or by proxy will constitute a quorum.

Small Claims Actions

32

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.

Use of Patios, Decks and Driveways

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(1) A resident of a strata lot will not place planters, lattices, trellises 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 items or equipment are in keeping with the balance of the development in terms of design, quality, proportion and colour. Any such 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 resident entitled to the use of the limited common property on which they are placed.

(2) All residents are responsible for the cleaning, good appearance and repair (including, without limitation, proper drainage) of their patios, decks and driveways, if applicable, at all times. Residents are responsible for keeping the drains clean and are responsible for contacting the council if problems exist.

(3) No permanent shading device will be erected over the patios, decks or driveways nor will any screen be permanently attached to the building without the prior consent of the council. Any resident wishing to do so should submit designs or plans to the council outlining the materials to be used.

(4) Patios and decks will not be used for unsightly storage (e.g. boxes).

Storage and Parking

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(1) Any resident that leaves any item anywhere on or in the common property or on any limited common property does so at his own risk, subject to any claim that may properly be made under any insurance policy maintained by the strata corporation by anyone that is an insured under that policy.

(2) A resident will not:

- (a) park on any roadway, fire lane, visitor parking stall or common property unless such common property is a parking stall that is designated as limited common property for the exclusive use of such resident's strata lot;
- (b) carry out any oil changes, major repairs or adjustments to motor vehicles or other mechanical equipment on common property or limited common property, except in the case of emergency; or
- (c) park any vehicle in a manner which will reduce the width of any roadway on the common property.

(3) A resident must promptly and at its own expense clean up any oil or other substance which spills or leaks onto the common property or limited common property.

(4) The speed limit within the common property will be no more than 10 km/h.

(5) No honking or other noise which is a nuisance will be made by any vehicle on the common property.

(6) All vehicles which do not comply with these bylaws will be removed at the owner's expense.

Selling of Strata Lots

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Signs advertising the sale, lease or open house of a strata lot must be displayed on the common post supplied by the strata corporation and may not be displayed in the windows or on a strata lot.

Rental Requirement

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An owner who leases his or her strata lot must provide to the strata corporation a Form K, Notice of Tenant's Responsibilities, in accordance with section 146 of the Act. Failure to provide a Form K within two weeks of the commencement of the tenancy will be cause for a fine for breach against the strata lot owner.

Damage to Property

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A resident or visitor must not do, or omit to do, whether deliberately or negligently, any act which would result in costs being incurred by the strata corporation due to a claim being made on the insurance policy of the strata corporation. In the event that loss or damage occurs that gives rise to a valid claim under the strata corporation's insurance policies, where such loss or damage arises as a result of a negligent or deliberate act of a resident or visitor, then such owner or the resident who is responsible for the visitor, will, as permitted by section 133 of the Act, be responsible for paying to the strata corporation the reasonable costs of the strata corporation remedying the contravention of this bylaw, being an amount equal to the insurance deductible payable by the strata corporation.