

Strata Plan VIS 2095

Shady Oaks, 4540 West Saanich Road

Amended Bylaws

Approved: 19 October 2014

Part 1 - Definitions and Interpretation

Definitions

1 In these bylaws:

"Act" means the *Strata Property Act*;

"boarder" means a licensee who is provided with prepared meals by the owner, tenant, or principle occupier of a strata lot;

"licencee" means an individual other than a member of the family occupying a strata lot who, in exchange for payment, goods, or services, is:

(a) permitted entry to and use of, but not possession of, all or part of the strata lot, and

(b) furnished a sleeping unit by the owner, tenant, or principle occupier of the strata lot;

"Regulation" means the *Strata Property Regulation*;

"rental" means the providing of residential accommodations that grants possession, but not ownership, of all, or part, of a strata lot to a tenant by an owner, or tenant, in exchange for payment, goods, or services.

Interpretation

2 These bylaws replace all previous bylaws, and the *Schedule of Standard Bylaws*.

Part 2 - Duties of Owners, Tenants, Occupants and Visitors

Payment of strata fees

- 3 (1) An owner must provide 12 monthly post-dated cheques to the strata corporation on or before October 1st of each calendar year.
- (2) An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- (3) An owner who is in arrears by more than 30 days in payment of the monthly strata fee, or a special levy, will be assessed interest of 10 percent per annum, compounded annually for the amount in arrears based on the number of days in arrears.

Repair and maintenance of property by owner

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

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

Use of property

- 5 (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that
 - (a) undermines, detracts from, or is contradictory to the residential nature, and purpose, of the strata complex,
 - (b) causes a nuisance or hazard to another person,
 - (c) causes unreasonable noise,
 - (d) causes noise between the hours of 11 pm and 8 am that interferes with, or disturbs the quiet use or enjoyment of a strata lot or the common property by any other owner, tenant, or occupant,
 - (e) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - (f) is illegal, or
 - (g) 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) The following activities are prohibited on common property and strata lots:
 - (a) the repair, assembly, or adjustment of motor vehicles, trailers, boats, or other mechanical equipment, excepting the repair of minor mechanical equipment;
 - (b) any repair that presents the risk of oil or gas spillage;
- (3) The following activities are prohibited on strata lots:
 - (a) the installation, or storage of personal property underneath decks or on patios, in a manner that detracts from the appearance of the complex as deemed by the strata corporation;
 - (b) the placement of laundry lines such that they are visible from outside the strata lot;
 - (c) the placement or display of signs, notices, billboards, placards or other advertising matter, such that they are visible from outside the strata lot, without the prior written consent of the strata corporation.
- (4) Owners, tenants, and occupants with liquid filled furniture in their strata unit must maintain current liability insurance.
- (5) 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.

Parking restrictions

- 6 (1) Unless present at the request of the strata corporation, no motor vehicle may be parked on any common property other than in an assigned parking stall.
- (2) Despite subsection (1), a vehicle may be parked on the driveway for the purposes of washing, cleaning, loading, and unloading, so long as the vehicle is not left unattended for more than 10 minutes.
- (3) Recreational vehicles, boats, trailers, and oversized vehicles may not be parked on

common property at any time.

- (4) Vehicles parked on common property in contravention of these bylaws may be towed at the owner's expense.

Pets

- 7 (1) No pets or animals may be kept, or permitted to reside on a strata lot except as follows:
 - (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) 1 dog, or 2 cats, or 1 dog and 1 cat.
- (2) Any dog or cat may not exceed either:
 - (a) 25 pounds in weight, or
 - (b) 12 inches in height to the shoulder.
- (3) An owner, tenant, or potential purchaser may, by 3/4 vote approval at an annual, or special general meeting, have a dog or cat in excess of the restrictions of subsection (2),
- (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.
- (5) No owner, tenant or occupant shall remove or attempt to remove or capture a pet, or otherwise attempt to harm resident pets on strata corporation property.
- (6) Pet owners must immediately remove their pet's excrement from common property.

Inform strata corporation

- 8 (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) An owner or tenant must inform the strata corporation of the number of minors, the number and names of any adults, and the number and type of any pets residing in a strata lot.
- (3) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

Waste disposal and recycle

- 9 All organic waste, inorganic waste, and recyclable materials must be disposed of or recycled in accordance with municipal bylaws.

Obtain approval before altering a strata lot

- 10 (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

- 11** (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

- 12** (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.

Part 3 - Powers and Duties of Strata Corporation

Repair and maintenance of property by strata corporation

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

Reimbursement of unbudgeted expenses

- 14** An owner, or tenant, must reimburse the strata corporation in full for any additional expense incurred by the strata corporation due to:
- (a) the failure of an owner, tenant, occupant, or visitor, to comply with a written request for entry to a strata lot, as described in section 12 (1) of these bylaws,
 - (b) negligence, carelessness, or omission on the part of an owner, tenant, occupant, or visitor, or
 - (c) damage to the common property or a strata lot, caused by an owner, tenant, occupant, or visitor, that does not constitute reasonable wear and tear.

Part 4 - Council

Council size

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

Eligibility for council

- 16** (1) Any council member who has their strata unit listed for sale may continue to serve on council, but will not have voting privileges.
- (2) No person may stand for council or continue to be on council with respect to a strata lot if the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the Act.

Council members' terms

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

Removing council member

- 18** (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

- 19** (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

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

Calling council meetings

- 21** (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.

Quorum of council

- 22** (1) A quorum of the council is
- (a) 2, if the council consists of 3 or 4 members,
 - (b) 3, if the council consists of 5 or 6 members, and

- (c) 4, if the council consists of 7 members.
- (2) Council members must be present in person at the council meeting to be counted in establishing quorum.

Council meetings

- 23** (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

- 24** (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

- 25** 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

- 26** (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

- 27** (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) The council may authorize, without the authority of a special resolution, expenditures not provided for in the annual budget to a maximum of \$500.00 per fiscal year.
- (3) Despite subsections (1) and (2), 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

- 28** (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.

Part 5 - Rentals and Licences

Rental restrictions

- 29** The rental of strata lots is subject to the following restrictions:
- (a) only 1 strata lot may be rented out at any given time, and
 - (b) a rental period is limited to a maximum of 1 year.

Rental limit administration

- 30** (1) An owner or tenant intending to rent out a strata lot, must provide a written statement of intent to rent to the strata corporation indicating:
- (a) the unit to be leased,
 - (b) the start date and end date of the rental agreement, and
 - (c) the length of the rental period.
- (2) A written statement of intent to rent must be received by the strata corporation no sooner than 90 days, and no later than thirty 30 days in advance of the intended start date of the rental period.
- (3) Within 2 weeks of receiving a notice of intent to rent, the strata corporation shall inform an owner or tenant whether or not a strata lot may be rented out.
- (4) The strata corporation shall reply to notices of intent to rent based on the chronological order in which they are received, starting with the earliest received.
- (5) A strata lot that has rental status shall have that status terminated as a result of:
- (a) the end of the rental agreement;
 - (b) the departure of the tenant, regardless of the length of the rental agreement;
 - (c) the failure to rent out the strata lot within the first 30 days following the start of the intended rental period.

Rental records

- 31** (1) The Strata Corporation shall keep a list of all rentals, recording:
- (a) the strata lot being rented,
 - (b) the start and end dates of the rental agreement,
 - (c) the length of the rental period, and
 - (d) the name, mailing address, primary phone number, and (if provided) email addresses of any owner, or tenant.

Boarders and licencees

- 32** Any owner, or tenant, may provide residential accommodations to a boarder or licencee subject to the following restrictions:
- (a) no more than 1 boarder or licencee is permitted per unit,
 - (b) no boarding or licencing agreement term may exceed a period of 1 year,
 - (c) the owner, or tenant, must reside in the strata lot during the period of the boarding or licencing agreement,
 - (d) within 2 weeks of a boarder or licencee taking up residence, the owner must provide the strata corporation with a written declaration, signed by the boarder or licencee that states that the boarder or licencee has been informed of, and agrees to abide by, the bylaws and rules of the strata corporation.

Part 6 - Enforcement of Bylaws and Rules

Maximum fine

- 33** (1) The strata corporation may fine an owner, or tenant a maximum of:
- (a) \$50 for each contravention of a rule, and
 - (b) \$200 for each contravention of a bylaw.
- (2) Despite subsection (1), in the case of a contravention of the rental restriction bylaw, the strata corporation may fine an owner, or tenant a maximum of \$500.

Continuing contravention

- 34** 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.

Part 7 - Annual and Special General Meetings

Person to chair meeting

- 35** (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

- 36** (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

- 37** (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) The vote of a strata lot may not be exercised, except on matters requiring a unanimous vote, if the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the Act.

Order of business

- 38** 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.

Part 8 - Voluntary Dispute Resolution

Voluntary dispute resolution

- 39** (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.