

# **ARBUTUS VILLAGE – VR563**

## **REGISTERED BYLAWS**

| <b>Registration Number</b> | <b>Comments</b>     | <b>Date of Registration</b> |
|----------------------------|---------------------|-----------------------------|
| <b>BV059453</b>            | <b>Amended 2003</b> | <b>Feb 20, 2003</b>         |
| <b>BX318957</b>            | <b>Amended 2005</b> | <b>Mar 31, 2005</b>         |
| <b>BB474631</b>            | <b>Amended 2007</b> | <b>March 6,2007</b>         |
| <b>BB0759913</b>           | <b>Amended 2009</b> | <b>March 5, 2009</b>        |
| <b>BB1454992</b>           | <b>Amended 2010</b> | <b>March 16, 2010</b>       |
| <b>CA3001069</b>           | <b>Amended 2013</b> | <b>February 13, 2013</b>    |
| <b>CA5028892</b>           | <b>Amended 2016</b> | <b>March 7 , 2016</b>       |
| <b>CA6666587</b>           | <b>Amended 2018</b> | <b>March 7, 2018</b>        |
| <b>CA7394298</b>           | <b>Amended 2019</b> | <b>March 15, 2019</b>       |
| <b>CA8082463</b>           | <b>Amended 2020</b> | <b>March 11, 2020</b>       |
| <b>CA8968880</b>           | <b>Amended 2021</b> | <b>April 30, 2021</b>       |

## **SCHEDULE OF BYLAWS**

### **The Owners, Strata Plan VR 563**

These bylaws replace the Schedule of Standard Bylaws in the *Strata Property Act* and repeal all previously registered bylaws.

#### **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. If an owner fails to pay strata fees at the required time the Strata Corporation may charge interest at the rate of 10% per annum compounded annually. If an owner fails to pay a special levy at the required time, the owner will be charged \$200 late payment penalty for each month the special levy remains unpaid.
- (2) The owner of a strata lot for which a cheque or automatic debit does not clear will be charged the financial service charge.
- (3) If the Strata Corporation incurs legal or other costs in order to collect strata fees or special levies in relation to a strata lot, the owner of the strata a lot will be responsible to reimburse the Strata Corporation for the full amount of the costs incurred by the Strata Corporation.
- (4) Additional assessments, fines authorized by these Bylaws, banking charges, filing costs, legal expenses, interest charges and any other expenses incurred by the Strata Corporation to enforce these Bylaws, shall become part of the assessment of the owners and shall become due and payable on the first day of the next month following, except that any amount owing other than strata fees, special levies, reimbursement of the cost of work ordered by a public or local authority, or the strata lot's share of a judgment will be calculated as a separate component of such assessment and the Strata Corporation may not register a lien on behalf of such separate component.

##### **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) Without limiting the generality of the foregoing an owner is obligated to repair and maintain the lower patio areas enclosed by fencing and the front entrance area from the entrance door of the unit to the entrance gate.

### Use of property

- 3 (1) An owner, tenant, occupant or visitor must not:
- (a) use a strata lot, the common property or common assets in a way that:
    - (i) causes a nuisance or hazard to another person;
    - (ii) causes unreasonable noise
    - (iii) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot;
    - (iv) is illegal, or contrary to any statute, ordinance, bylaw, regulation or order of any government or public authority; and
    - (v) 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.
  - (b) 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;
  - (c) do anything that will increase the risk of fire, invalidate any insurance or increase the rate of insurance for the whole or any part of the property;
  - (d) use or install in or about a building on a strata lot any shades, awnings, window or balcony guards or screens, supplementary heating or air conditioning, television or radio antenna, satellite dishes or similar structures or appurtenances, except those installations approved in writing by the Strata Council;
  - (e) use skateboards, rollerblades or scooters on the roadway.
- (2) The sidewalks, walkways, passages and driveways of the common property, including aprons, shall not be obstructed or used for any purpose other than ingress and egress from the strata lots and parking areas within the common property. Clear access for emergency vehicles must be maintained.
- (3) All refuse and garbage must be deposited in suitable closed containers. Garbage and recycling boxes are to be placed outside the strata lot only on the day of municipal garbage pickup and returned to inside the carport area on the same day.
- (4) An owner, tenant or occupant must not install any covering on the floors of balconies and decks without the written permission of the Strata Council.
- (5) Christmas lights are permitted to be installed on the building on a strata lot or on the strata lot only between December 1 and January 31.

- (6) Carports may only be used for insured vehicles, for the storage of bicycles, garbage cans, recycling boxes, firewood and storage units that have been approved by the Strata Council.
- (7) No signs, billboards, placards, advertising or notices of any kind may be posted on the strata lot, on the exterior of the building on a strata lot, on the common property or in a window that is visible from the exterior of the strata lot except "For Sale" signs which may only be located as directed by the council. This bylaw shall be interpreted in a manner consistent with elections legislation.
- (8) An owner, tenant or occupant must not install window coverings or security bars visible from the exterior of the strata lot in a colour other than white or beige.
- (9) An owner, tenant, occupant or visitor shall not shake mops or dusters or throw refuse, including burning material such as matches or cigarettes out of windows, doors or from the patio or balcony of the building on a strata lot.
- (10) An owner, tenant, occupant or visitor must not hang clothing, bedding, flags, laundry or washing on the strata lot, from a building on a strata lot or on common property where it is visible from the common property or another strata lot.
- (11) No items may be stored on common property. Any expense incurred by the Strata Corporation to remove items left on common property will be charged to the strata lot responsible.
- (12) An owner, tenant, occupant or visitor must not smoke tobacco, marijuana or other chemicals or e-cigarettes:
- (a) on all exterior portions of a strata lot or common property that is within 6 meters of a door, window or air intake.
- (13) An owner, tenant or occupant may not grow or cultivate marijuana plants within a building on a strata lot, on the exterior portions of a strata lot or on common property.
- (14) An owner, tenant or occupant shall not grant a license to any person or use or permit the use of his strata lot under any of the following arrangements:
- ...
- (b) as a motel, hotel, inn, hostel, or bed and breakfast or other similar accommodations;
  - (c) through any website designed for booking short term accommodations, including but not limited to [www.Airbnb.com](http://www.Airbnb.com), [www.vrbo.com](http://www.vrbo.com) and other similar websites; or
  - (d) at a nightly or weekly rate.

**Pets**

- 4 (1) An owner, tenant or occupant must not keep any pets on a strata lot other than:
- (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; and
  - (d) 2 dogs and 2 cats.
- (2) Notwithstanding subsection (1) an owner, tenant or occupant may not keep any exotic pets on a strata lot including but not limited to snakes, reptiles, spiders or large members of the cat family.
- (3) All pets shall be kept under the control of the owner, tenant, or occupant at all times while on the common property and must not interfere with or damage the common property or interfere with the use and enjoyment of a strata lot or common property by other owners, tenants and occupants.
- (4) An owner of a pet shall not permit the pet to urinate or defecate on the common property. The owner of the pet shall immediately and completely remove all of the pet's waste from the common property and dispose of it in a waste container or by some other sanitary means. An owner who fails to remove a pet's waste will be responsible for all costs incurred by the Strata Corporation to remove the waste and/or repair the common property as well as for any fines that may be levied by the Strata Council.
- (5) An owner of a pet shall not permit the pet to cause a nuisance to any resident or permit the pet to disturb any other owner, tenant or occupant due to barking, howling or the making of other noise.
- (6) If the Strata Council receives a complaint about a pet, a bylaw enforcement hearing will be held in accordance with the provisions of the Act. At the end of the hearing, the Strata Council may take no action, fine the owner, require the person to pay the costs of remedying the contravention or order the immediate removal of the pet from the strata lot in which case the pet will be immediately removed. The owner of the pet will be advised about the outcome of the hearing in writing.
- (7) Owners keeping or allowing a pet to remain on their strata lot shall be responsible for and shall indemnify and save harmless the Strata Corporation from all actions, causes of action, loss, costs, or expenses resulting from the actions of the pet, regardless of whether or not the owner had knowledge, notice or forewarning of the likelihood of such action.

**Indemnification and insurance deductible**

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- (1) An owner shall indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered necessary to the common property, limited common property, common assets or a strata lot for which the owner, or any member of his or her family or tenant or their guests, servants, agents or invitees is responsible but only to the extent that such expense is not met by the proceeds of insurance carried by the strata corporation.
- (2) An owner shall indemnify and save harmless the strata corporation from the expense of any investigation rendered necessary to the common property, limited common property, common assets or a strata lot if, at the conclusion of the investigation, it is determined that the cause of the problem is either a part of a strata lot that is the responsibility of an owner to repair, or arises as a result of an alteration to a strata lot or common property, including limited common property for which the owner is responsible to repair.
- (3) In the event that loss or damage occurs to common property, limited common property, common assets or any strata lot that gives rise to a valid claim under the strata corporation's insurance policy, the owner shall reimburse the strata corporation for the deductible portion of the insurance claim if the owner or any member of his or her family or tenant or their guests, servants, agents or invitees is responsible for the loss or damage that gave rise to the claim.
- (4) Where an owner, tenant, occupant or visitor does or permits anything to be done that is illegal or for any reason invalidates the strata corporation's insurance, the owner must indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement of any damage to the common property, limited common property, common assets or strata lots.
- (5) For the purpose of this bylaw, any costs for which a strata lot owner is responsible shall be considered as an expense chargeable to the owner and shall be added to and become a part of the assessment of that owner for the month next following the date on which the expense was incurred and shall become due and payable on the date of payment of the monthly assessment.
- (6) An owner who fails to pay the cost of repair or remedying the loss or damage when due shall reimburse the strata corporation and save it harmless against any and all costs and expenses required to collect such reimbursement, whether by Court action or other means and including council member or management costs associated with lost time from employment, strata management costs and legal costs, comprised of legal fees, taxes, disbursements and other related expenses, as between a solicitor and his own client or on a full indemnity basis.

**Parking**

- 6 (1) Parking lots on common property are for the use of residents and visitors.
- (2) No owner, tenant or occupant shall carry out extensive repairs, adjustments or change vehicle fluid in any motor vehicle or other mechanical equipment while parked on common property.
- (3) No owner, tenant or occupant shall park or store a recreational vehicle, commercial vehicle, boat, trailer, camper, or equipment of any kind on common property or in a carport on a strata lot.
- (4) No owner, tenant or occupant shall cause or permit an unregistered or uninsured vehicle to be parked on common property.
- (5) No owner, tenant or occupant shall cause or permit an unregistered or uninsured vehicle to be parked in a carport without obtaining the prior written approval of the Strata Council.
- (6) No owner, tenant or occupant shall permit a vehicle to leak oil, gasoline, or other fluids on the common property, parking lots, on the streets or in a carport.
- (7) Trade vehicles and moving vans may park temporarily on the roads and in the common property parking lots provided they are attended and can be moved immediately.
- (8) Any vehicle which does not comply with the Bylaws may be removed at the vehicle owner's expense.

**Inform Strata Corporation**

- 7 (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) Within two weeks of renting all or part of his or her strata lot an owner must give the strata corporation a copy of the Notice of Tenant's Responsibilities signed by the tenant.
- (3) (a) The residential strata lots of the strata corporation are intended for owner occupied use.
- (b) All rentals must be for a minimum of 1 (one) month and subject to a written tenancy agreement or lease.
- (c) An owner who rents a strata lot to a tenant must, upon request of the strata council, provide the strata corporation a copy of the written tenancy or lease agreement which confirms that the tenancy is for a minimum of 1 (one) month.

- (4) An owner, tenant or occupant must not use or allow a strata lot to be used, rented occupied or licensed as vacation or travel accommodation, including but not limited to, as a hotel room, bed and breakfast, Airbnb, Vrbo or similar services.

### **Alterations to a building on a strata lot**

- 8 (1) Subject to subsection (2) an owner must obtain the written approval of the Strata Corporation before making an alteration to a building 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) the installation of shades, awnings, windows or balcony guards or screens;
  - (e) the installation of supplementary heating or air conditioning devices; and
  - (f) the installation of television or radio antennae, satellite dishes or similar structures or appurtenances.
- (2) Requests for alterations submitted pursuant to subsection (1) that represent a significant change to the building on the strata lot must be approved by a 3/4 vote of the owners at a general meeting. The following are examples of significant changes to a building that will require approval by means of a 3/4 vote however the list is not intended to be exhaustive:
- (a) adding roof top decks or balconies or any changes to the roofline of a building;
  - (b) changing the colour or material to the exterior of the building or carport;
  - (c) extending or adding to a building;
  - (d) adding new windows or door openings or changing the size of window or door openings;
  - (e) changing the exterior of the building that will affect another unit's privacy or use and enjoyment of their unit;

- (f) adding any equipment or devices related to solar or wind power or the reception or transmission of electronic transmission such as TV or radio transmissions or cellular signals;
  - (g) any alterations to eaves troughs, downspouts or drainage systems including the storage of rainwater; and
  - (h) any modifications or changes to chimney structures.
- (3) Prior to granting approval or, in the case of significant changes submitting the change to the owners for approval, the Strata Corporation may require an owner to submit any or all of the following:
- (a) alteration plans and specifications, and a list of materials and dates of commencement and completion of construction; and
  - (b) copies of all municipal or other governmental approvals and permits required for the alteration.
- (7) If an owner proceeds with any alteration approved by the Strata Council or owners within the Strata Corporation, such alteration must be done in a good and workmanlike manner.
- (8) Any alteration to a building on a strata lot that has not received the prior written approval of the Strata Corporation must be removed at the owner's expense if the Strata Corporation orders that the alteration be removed.
- (9) Owners who undertake alterations in accordance with these bylaws, and subsequent owners, are responsible for all costs relating to:
- (a) the maintenance and repair of the alterations;
  - (b) repairing and maintaining common property or a strata lot if such repair is required as a result of the alteration;
  - (c) the effects on all adjacent strata lots or common property, and
  - (d) the effects of rain and weathering, staining, discoloration.

**Obtain approval before altering a strata lot**

- 9 (1) Landscaping design and maintenance on all strata lots is the responsibility of the strata corporation except as defined in 2(2).
- (2) An owner, tenant or occupant must obtain the written approval of the Strata Corporation before making any alteration to the landscaped area of a strata lot including

adding or removing pavers, cement, gravel or adding or removing trees, plantings or fences except that approval is not required for any alterations made to the area that is the responsibility of an owner to repair and maintain as required by these bylaws.

(3) An owner must obtain the written approval of the Strata Corporation before making an alteration to common property or common assets.

(4) 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.

### **Obtain approval before altering common property**

10 (1) An owner must obtain the prior written approval of the Strata Corporation before making an alteration to 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**

11 (1) An owner, tenant, occupant or visitor must allow a person authorized by the Strata Corporation or the section to enter the building or 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:

(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 or the section to repair and maintain under these bylaws or insure under section 149 of the Act; or

(ii) to ensure compliance with the Act or 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) An owner who does not permit entry as required by subsection (1) will be responsible for all costs incurred by the Strata Corporation if a professional is required to re-attend at the strata lot 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 or insure including all legal costs incurred by the Strata Corporation if an application to the Court is required in order to obtain access to the strata lot.

(4) In the event of an emergency occurring in a building or strata lot whose occupant cannot be contacted, access to ensure safety or prevent significant loss or damage may have to be gained by force at the owner's expense.

## **Division 2 – Powers and Duties of Strata Corporation**

### **Repair and maintenance of property by Strata Corporation**

- 12 (1) The Strata Corporation must repair and maintain all of the following:
- (a) common assets of the Strata Corporation;
  - (b) common property;
  - (c) a building on 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) exterior doors, and window frames and skylights on the exterior of a building; and
    - (v) fences, railings and similar structures that enclose patios, balconies and yards.
  - (d) the strata lot for which repair and maintenance includes:
    - (i) lawn mowing, pruning, planting, weeding, fertilizing and general maintenance of all landscaped areas excepting those areas which are the responsibility of an owner as set out in bylaw 2(2);
    - (ii) all sidewalks, driveways, walkways and carports but the duty to repair and maintain is restricted to repair and maintenance that in the ordinary course of events occurs less often than once a year; and
    - (iii) fences, gates and other such items erected on or between strata lots;

## **Division 3 – Strata Council**

### **Strata Council size and membership**

- 13 (1) The Strata Council must have at least 5 and not more than 7 members.
- (2) An occupant who is a spouse of an owner is eligible to be elected to the Strata Council provided written notice has been provided to the Strata Council by the owner.
- (3) An owner, tenant or occupant will not be entitled to be elected to Strata Council or continue to stand on Strata Council if the Strata Corporation is entitled to register a lien against that strata lot under section 116 of the Act.

### **Strata Council members' terms**

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

### **Removing Strata Council member**

15 (1) The Strata Corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more Strata Council members.

(2) After removing a Strata Council member, the Strata Corporation must hold an election at the same annual or special general meeting to replace the Strata Council member for the remainder of the term.

### **Replacing Strata Council member**

16 (1) If a Strata Council member resigns or is unwilling or unable to act for a period of two or more months, the remaining members of the Strata Council may appoint a replacement Strata Council member for the remainder of the term.

(2) A replacement Strata Council member may be appointed from any person eligible to sit on the Strata Council.

(3) The Strata Council may appoint a Strata Council member under this section even if the absence of the member being replaced leaves the Strata Council without a quorum.

(4) If all the members of the Strata Council resign or are unwilling or unable to act for a period of two or more months, persons holding at least 20% of the Strata Corporation's votes may hold a special general meeting to elect a new Strata Council by complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings.

### **Officers**

17 (1) At the first meeting of the Strata Council held after the annual general meeting of the Strata Corporation the Strata Council must elect, from among its members, a president, a vice president, a secretary and a treasurer as necessary.

(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 Strata Council members may appoint a replacement officer from among themselves for the remainder of the term.

### **Calling Strata Council meetings**

18 (1) Any Strata Council member may call a Strata Council meeting by giving the other Strata 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 Strata Council meeting may be held on less than one week's notice if
  - (a) all Strata Council members consent in advance of the meeting; or
  - (b) the meeting is required to deal with an emergency situation, and all Strata 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 Strata Council must inform owners about a Strata Council meeting as soon as feasible after the meeting has been called.

### **Requisition of Strata Council hearing**

- 19 (1) By application in writing, stating the reason for the request, an owner, tenant or occupant may request a hearing at a Strata Council meeting.
- (2) If a hearing is requested under subsection (1), the Strata Council must hold a meeting to hear the applicant within two weeks of the request.
- (3) If the purpose of the hearing is to seek a decision of the Strata Council, the Strata Council must give the applicant a written decision within one week of the hearing.
- (4) Communications between an owner and the Strata Council must be in writing. Such communication must be signed by the owners.

### **Quorum of Strata Council**

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

### **Strata Council meetings**

- 21 (1) At the option of the Strata Council, Strata Council meetings may be held by electronic means, so long as all Strata Council members and other participants can communicate with each other.
- (2) If a Strata Council meeting is held by electronic means, Strata Council members are deemed to be present in person.

(3) Owners may attend Strata Council meetings as observers and must arrive before the meeting commences.

(4) Despite subsection (3), no observers may attend those portions of Strata Council meetings that deal with any of the following:

(a) bylaw contravention hearings under section 135 of the Act;

(b) any other matters if the presence of observers would, in the Strata Council's opinion, unreasonably interfere with an individual's privacy.

#### **Voting at Strata Council meetings**

22 (1) At Strata Council meetings, decisions must be made by a majority of Strata Council members present in person at the meeting.

(2) If there is a tie vote at a Strata Council meeting, the president may break the tie by casting a second, deciding vote.

(3) The results of all votes at a Strata Council meeting must be recorded in the Strata Council meeting minutes.

#### **Strata Council to inform owners of minutes**

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

#### **Delegation of Strata Council's powers and duties**

24 (1) Subject to subsections (2) to (4), the Strata Council may delegate some or all of its powers and duties to one or more Strata Council members or persons who are not members of the Strata Council, and may revoke the delegation.

(2) The Strata 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 Strata 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**

- 25 (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) A Strata Council member may make an unapproved expenditure out of the operating fund if the expenditure, together with all other unapproved expenditures made in the same fiscal year is less than \$5,000 in the aggregate.
- (3) Despite subsection (1), a Strata 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 Strata Council member**

- 26 (1) A Strata 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 Strata Council.
- (2) Subsection (1) does not affect a Strata Council member's liability, as an owner, for a judgment against the Strata Corporation.

**Division 4 – Committees**

**Executive Committee**

- 27 (1) The Strata Council shall appoint from its body their president to an Executive Committee which may be formed in respect of the operation of any joint facilities. Any other member of that Strata Council may serve as an alternate in the absence of the president.
- (2) A member appointed to the Executive Committee shall hold office until:
- (a) by notice in writing he resigns his office;
  - (b) he is removed by resolution of the Strata Council;
  - (c) he ceases to hold office as a member of the Strata Council.
- (3) If the Executive Committee appointee resigns or is unable or unwilling to act, the Strata Council will appoint another Strata Council member to the Executive Committee for the balance of the remaining term.

### **Division 5 – Enforcement of Bylaws and Rules**

#### **Maximum fine**

- 29 The bylaws the Strata Corporation may fine an owner, tenant or occupant a maximum of:
- (a) \$200 for each contravention of a bylaw;
  - (b) \$50 for each contravention of a rule; and
  - (c) \$1,000 per day for each contravention of bylaw 3(14).

#### **Continuing contravention**

- 30 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 except bylaw 3(14) in which case a fine may be imposed daily.

### **Division 6 – Annual and Special General Meetings**

#### **Quorum**

- 31 (1) Quorum for an annual or special general meeting shall be the eligible voters holding one third of the Strata Corporation's votes present in person or by proxy.
- (2) If at the time appointed for a general meeting, a quorum is not present, the meeting shall stand adjourned for a period of 30 minutes whereupon:
- (a) a meeting held pursuant to section 43 is cancelled;
  - (b) a meeting held other than pursuant to section 43 shall be reconvened and the persons present in person or by proxy and entitled to vote, shall constitute a quorum.

#### **Person to chair meeting**

- 32 (1) Annual and special general meetings must be chaired by the president of the Strata Council.
- (2) If the president of the Strata Council is unwilling or unable to act, the meeting must be chaired by the vice president of the Strata Council.
- (3) If neither the president nor the vice president of the Strata 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**

- 33 (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.

### **Electronic Attendance and Voting**

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

(2) Proxy holders who attend electronically must submit the signed proxy to the strata corporation for certification as required by the council.

(3) At an annual or special general meeting, voting cards must be issued to the eligible voters other than those attending electronically.

(4) At an annual or special general meeting, a vote is decided in respect of:

(a) those attending in person by:

(i) show of voting card;

(ii) ballot;

(iv) roll call, or some other method as decided by the chair.

(b) those attending electronically by:

(ii) verbal communication; or

(iii) email or text if permitted by the chair.

(5) If a precise count is requested, the chair must decide whether it will be by show of voting cards, by roll call, secret ballot or some other communication method, as appropriate for those attending electronically.

(6) 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.

(7) 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.

(8) 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, except that those attending electronically may be required to verbally communicate, email, or text their vote.

(9) An owner will not be entitled to vote at a general meeting except on matters requiring an 80% vote or unanimous vote if the Strata Corporation is entitled to register a lien against the strata lot under section 116 of the Act.

2. The Strata Council of the Strata Corporation (the "Strata Council") take all such further actions to register the bylaw amendments with the Land Title Office, including but not limited to filing a Form I, Amendment to Bylaws.

3. Any two members of the Strata Council execute such documents as are required to register the bylaw amendments in the Land Title Office on behalf of the Strata Corporation.

CA8968880 Amended May2021

**Order of business**

35 (1) 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 Strata 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 Strata Council, if the meeting is an annual general meeting;
- (n) terminate the meeting.

**Division 7 – Voluntary Dispute Resolution**

**Voluntary dispute resolution**

- 36 (1) A dispute among owners, tenants, occupants, 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.

### **Division 8 – Small Claims**

#### **Small claims actions**

- 37 Pursuant to section 171 of the Act, the Strata Council, on behalf of the Strata Corporation, may commence a proceeding under the *Small Claims Act* against an owner or other person to collect money owing to the Strata Corporation without further authorization from the Strata Corporation. The Strata Council may commence the proceedings to collect monies owing to the Strata Corporation for any reason, including but not limited to monies owing by an owner, tenant or occupant for a fine or to recover the deductible portion of an insurance claim if the person is responsible for the loss or damage that gave rise to the claim. The Strata Council has full authority to negotiate a settlement or discontinue or dismiss the action.

### **Division 9 – Severability**

#### **Severability**

- 38 (1) Should any portion of these bylaws be deemed unenforceable by any court of competent jurisdiction, then for the purposes of interpretation and enforcement of the bylaws, each paragraph, sub-paragraph or clause hereof shall be deemed a separate provision and severable, and the balance of the provisions contained herein shall remain in full force and effect.
- (2) For the purposes of all bylaws, wherever the singular or masculine is used, it shall be construed as meaning the plural or feminine or body corporate where the context requires. The terms “resident” or “residents” refer to those individuals residing in the building, whether as owners, tenants or other occupants.

### **Division 10 – Security Measures**

- 39 (1) The Strata Corporation collects data with respect to the usage of each security fob programmed for the Pool use at the Strata VR563. The system operates 24 hours a day.
- (2) The security fob usage records will be used only to ensure the safety and security of the residents and the strata property, by detecting or deterring and assisting in investigation of criminal activity, and by the enforcement of Bylaws and Rules which relate to the safety and security of residents and strata property.

(3) The security fob usage records are stored for a period of five years from the date of recording, which period may be extended for those files required for law enforcement and/or Bylaw enforcement purposes.

(4) The personal information of owners, tenants or occupants collected herein in accordance to the purposes set out in this bylaw, will only be reviewed or disclosed to:

- a. Authorized law enforcement personnel, and/or
- b. The agents of the Strata Corporation and Council members.

(5) In the event of an incident in which they are involved or affected, an owner, tenant or occupant may request a copy of the security fob usage records.