

- Your electronic signature is a representation by you that:
 - you are a subscriber; and
 - you have incorporated your electronic signature into
 - this electronic application, and
 - the imaged copy of each supporting document attached to this electronic application,and have done so in accordance with Sections 168.3 and 168.41(4) of the *Land Title Act*, RSBC 1996, C.250.
 - Your electronic signature is a declaration by you under Section 168.41 of the *Land Title Act* in respect of each supporting document required in conjunction with this electronic application that:
 - the supporting document is identified in the imaged copy of it attached to this electronic application;
 - the original of the supporting document is in your possession; and
 - the material facts of the supporting document are set out in the imaged copy of it attached to this electronic application.
- Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the *Land Title Act*.
-

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

Deduct LTSA Fees? Yes

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

LTO Document Reference:

3. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

Strata Property Act
FORM I
AMENDMENT TO BY-LAWS
(Section 128)

The Owners, Strata Plan LMS 1491 certify that the following or attached amendments to the by-laws of the Strata Corporation were approved by a resolution passed in accordance with section 128 of the Strata Property Act at an Annual or Special General Meeting on October 25, 2017 .


Repeal and Replace



Signature of Council Member



Name



Signature of Council Member



Name

**STRATA PLAN LMS-1491
PENDRELL MEWS BYLAWS**

Amendments:

Registration: December 9, 2010 BB1725063
Registration: November 1, 2013 CA3437240
Registration: November 17, 2014 CA4083076

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**PENDRELL MEWS
Strata Plan LMS-1491**

SCHEDULE OF STANDARD BYLAWS

Preamble

These bylaws bind the Strata Corporation and the owners, tenants and occupants to the same extent as if the bylaws had been signed by the Strata Corporation and each owner, tenant, and occupant and contained covenants on the part of the Strata Corporation with each owner, tenant and occupant and on the part of each owner, tenant and occupant and with the Strata Corporation to observe and perform their provisions.

Unless otherwise stated, all terms have the meanings prescribed in the Strata Property Act, S.B.C. 1998, c43. ("Act") For the purpose of these bylaws, "residents" mean collectively, owners, tenants and occupants and "a resident" means collectively, an owner, a tenant and an occupant. The schedule of Standard Bylaws to the Act does not apply to the strata corporation.

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

Compliance with bylaws and rules

- 1** (1) All owners, residents and visitors must comply strictly with the bylaws and rules of the Strata Corporation adopted from time to time

Payment of Strata fees and special levies

- 2** (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- (2) Where an owner fails to pay strata fees in accordance with bylaw 2(1), outstanding strata fees will be subject to an interest charge of 10% per annum, compounded annually. In addition to interest, failure to pay strata fees on the due date will result in a fine of \$100.00 for each contravention of bylaw 2(1).
- (3) An owner must provide the Strata Corporation or its agent with twelve (12) consecutive monthly post-dated cheques for strata fees for the fiscal year of the Strata Corporation, dated as the first day of each month, or if applicable, written authorization for monthly automatic debit from the owner's bank account or internet banking (FirstService Residential's website).
- (4) written authorization for automatic debit or internet banking in accordance with bylaw 2(3) is a contravention of bylaw 2(3) and the Strata Corporation will levy a fine of \$100.00 for each contravention. Each dishonoured cheque or dishonoured automatic debit will be subject to a fine of \$50.00 and an administration charge of \$30.00.

- (5) A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy.
- (6) Failure to pay a special levy on the due date will result in a fine of \$100.00 for each contravention of bylaw 2(5).
- (7) Where an owner fails to pay a special levy in accordance with bylaw 2(5), outstanding special levies will be subject to an interest charge of 10% per annum, compounded annually.

General responsibility of residents

- 3 (1) No resident shall make noise in or about the strata lot or common area which, in the opinion of the Strata council, interferes with the enjoyment of the use of any common area by other residents of the Strata Corporation.
- (2) Noise shall be kept to a minimum level between the hours of 11 p.m. and 7 a.m.
- (3) Persons under the age of 16 are not permitted in the weight room and sauna areas unless accompanied by an adult or with special permission from the Strata Council (i.e., parents consent form).
- (4) Only propane or electric barbecues are to be used anywhere through the strata lot or common areas. Propane barbecues can only be stored and used in outdoor areas. Charcoal barbecues are prohibited.
- (5) No owner, resident or visitor shall be permitted to trespass on limited common property to which another owner is entitled exclusive use.
- (6) No resident or visitor shall hinder or restrict sidewalks, entrances, exits, halls, passageways, stairways and other parts of the common property. Hindrance and restriction includes the keeping of personal items and garbage.
- (7) A resident or visitor must not wear or use inline skates and skateboards or any other wheeled vehicle used for recreational purposes anywhere in the building.
- (8) There is no smoking permitted in all common areas as per Municipal Bylaws.

Visitors and Supervision

- 4 (1) Residents are responsible for the conduct of visitors including ensuring that noise is kept at a level that will not disturb the rights of others. This decision will be at the sole determination of a majority of the council.
- (2) Residents are responsible for the conduct of children residing in their strata lot, including ensuring that noise is kept a level, in the sole determination of a majority of the council, that will not disturb the quiet enjoyment of others.
- (3) Residents are responsible to assume liability for and properly supervise activities of children including, but not exhaustively, bicycling, skateboarding and hockey.

Building Security

- 5**
- (1) Residents must not admit anyone who phones on the intercom unless they are known to the resident.
 - (2) Residents are responsible for anyone they admit into the building.
 - (3) Residents entering or leaving the building must not admit anyone at the door unknown to them or who does not have specific business with them.
 - (4) Residents leaving the building must ensure that all doors and gates are securely closed and locked behind them.
 - (5) Residents are encouraged to report any suspicious activity within the building or on the property to the management, or to a member of Strata Council.

Pets

- 6**
- (1) A resident must not harbour exotic pets, including not exhaustively, snakes, reptiles, spiders, rodents (rats, mice, gerbils, guinea pigs, ferrets) without Strata Council approval.
 - (2) As per City of Vancouver bylaws, residents must not own, keep, harbour or possess more than 3 dogs at any one time in their strata lot.
 - (3) As per City of Vancouver bylaws, all dogs over the age of three (3) months must have a valid dog license.
 - (4) Within 30 days of a dog residing on a strata lot the resident must provide in writing the name of the dog, breed, colour and markings, current city license number, together with the name, strata lot number and telephone number of the pet owner.
 - (5) The new valid dog license number must be provided in writing no later than March 31 of each year.
 - (6) All pets must be controlled on a leash while on common property at Pendrell Mews.
 - (7) A resident must not keep a permitted pet which is a nuisance on a strata lot, on common property or on land that is a common asset. If a resident has a pet which is not a permitted pet, or if, in the opinion of council, the permitted pet is a nuisance or has caused or is causing an unreasonable interference with the use and enjoyment by residents or visitors of a strata lot, common property or common assets, the council may order such a pet be removed permanently from the strata lot, the common property, or common asset or all of them.
 - (8) A resident whose pet contravenes bylaw 6(7) will be subject to an immediate injunction application and the owner of the strata lot will be responsible for all expenses incurred by the Strata Corporation to obtain the injunction, including legal costs.

- (9) A pet owner must ensure that a permitted pet is kept quiet, controlled and clean. Pets must be taken off common property to relieve themselves. If any pet urinates or defecates on common property or limited common property, the person responsible must immediately and completely remove the pet waste and dispose of it in a waste container or by some other sanitary means.
- (10) A strata lot owner must assume all liability for all actions by a permitted pet, regardless of whether the owner had knowledge, notice or forewarning of the likelihood of such action.
- (11) A resident or visitor must not feed birds, rodents or other wild animals from any strata lot, limited common property, common property or land that is a common asset. No bird feeders of any kind are permitted to be kept on balconies, strata lots, common property or land that is a common asset.
- (12) Residents are responsible for noise caused by their own or their visitors' pets within the strata lot.
- (13) A resident who contravenes any of bylaws 6(1) to 6(7) and 6(10) to 6(13) (inclusive) will be subject to a \$200.00 fine.
- (14) No resident is permitted to own or keep on the property a dog which is considered by the City of Vancouver as a dangerous animal i.e.,: pitbulls, pit-cross, etc.

Inform strata corporation

- 7 (1) An owner must notify the Strata Corporation within two weeks of becoming an owner, the owner's name and any occupants names, 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 the tenant's name and the strata lot which the tenant occupies..

Obtain approval before altering a strata lot

- 8 (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) patios, 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) those parts of the strata lot that the Strata Corporation must insure under section 149 of the *Act*.

- (g) Wiring, plumbing, piping, heating, air condition and other services that require the shut off of power or water.
- (2) The Strata Corporation must not unreasonably withhold its approval under bylaw 8(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 and to indemnify and hold harmless the Strata Corporation for any future costs in connection with the alterations. The owner and each subsequent owner of the strata lot receiving the benefit of the alteration shall be responsible for all present and future maintenance, repair and replacement; increase in insurance, and any damage suffered or cost incurred by the Strata Corporation in excess of any proceeds received and paid to the Strata Corporation from an insurance policy as a result, directly or indirectly of the alteration.
- (3) An owner intending to apply to the Strata Corporation for permission to alter a strata lot must submit, in writing, detailed plans and written description of the intended alteration.
- (4) An owner must obtain all applicable permits, licenses and approvals from the appropriate governmental and professional authorities and provide copies to the strata council.

Obtain approval before altering common property

- 9 (1) An owner must obtain the written approval of the Strata Corporation before making or authorizing an alteration to common property, including limited common property or common assets.
- (2) An owner, as part of its application to the Strata Corporation for permission to alter common property, limited common property or common assets must:
 - (a) submit, in writing, detailed plans and description of the intended alterations;
 - (b) obtain all applicable permits, licenses and approvals from the appropriate governmental authorities and provide copies to the strata council;
 - (c) obtain the consent of the owners by written approval of the Strata Corporation under bylaw 9(1).
- (3) The Strata Corporation may require, as a condition of its approval, that the owner, in writing, to certain terms and conditions, including, not exhaustively, the following:
 - (a) that alterations to be done in accordance with the design of plans approved by the strata council or its duly authorized representatives;
 - (b) that the standard of work and materials be not less than that of the existing structures;
 - (c) that all work and materials necessary for the alteration be at the sole expense of the owner;

- (d) that the owner from time to time of the strata lot receiving the benefit of an alteration of the common property, limited common property or common asset must, for as long as he or she remains an owner, be responsible for all present and future maintenance, repairs and replacements, increases in insurance, and any damage suffered or cost incurred by the Strata Corporation as a result, directly or indirectly, of the alterations to common property, limited common property or common assets;
 - (e) that the owner and any subsequent owner on title who receives the benefit of such alteration, must with respect only to the claims or demands arising during the time that they shall have been owner, indemnify and hold harmless the Strata Corporation, its council members, employees and agents from any and all claims and demands whatsoever arising out of or in any manner attributable to the alteration. Any costs or expenses incurred by the Strata Corporation as the result of such claim or demand will be the responsibility of the owner from time to time of the strata lot who has benefited from the alteration and the said costs or expenses incurred must be charged to that owner and shall be added to and become part of the strata fees of that owner for the month and next following the date upon which the cost or expenses are incurred, but not necessarily paid by the Strata Corporation and shall become due and payable on the due date of payment of monthly strata fees.
- (4) An owner who has altered common property, limited common property or common assets prior to the passage of these bylaws shall be subject to their content and intent to the extent that any damage suffered or costs incurred by the Strata Corporation as a result, directly or indirectly, of the alteration, must be borne by the owner who has benefited from the alteration.
- (5) An owner who, subsequent to the passage of bylaws 9(1) to 9(3) inclusive, alters common property or limited common property without adhering strictly to these bylaws, must restore, at the owner's sole expense, the common property, limited common property or common assets, as the case may be, to its condition prior to the alteration. If the owner refuses or neglects to restore the alteration to its original condition, the Strata Corporation may conduct the restoration, at the expense of the owner who altered the common property, limited common property or common asset. The cost of such alteration will be added to and become part of the strata fees of that owner for the month next following the date on which the cost was incurred and will become due and payable on the due date of payment of monthly strata fees.
- (6) Without limiting the generality of bylaws 9(1) to 9(5), bylaws 9(1) to 9(5) apply to balcony enclosures and:
 - (a) No strata lot owner shall construct, build or erect a balcony enclosure or any other structure on the balcony of the owner's strata lot without first submitting to the Strata Council for written approval, a detailed plan of the enclosure or structure which plan shall be based on specifications, i.e., dimensions of the structure or enclosure and the materials to be used, as provided by the Strata Council, and the Strata Council shall not unreasonably withhold approval to construct the balcony enclosure or

balcony. The balcony enclosure or structure to be constructed by a strata lot owner must conform with all municipal building code and bylaw requirements. In the event that a building permit is required, the strata lot owner shall apply for and obtain the building permit and provide a copy of the permit to the Strata Council, prior to the owner undertaking construction of the enclosure or the structure.

- (b) Any window coverings placed on the balcony enclosures shall consist of vertical or horizontal blinds in a colour approved by the Strata Council.
- (c) All balcony enclosures and structures constructed prior to or subsequent to the enactment of this bylaw shall be maintained and repaired by each existing strata lot owner and by any subsequent owner or purchaser of the strata lot and each balcony enclosure or structure shall be deemed to be part of the limited common property designated for the use and benefit of that strata lot.
- (d) No enclosures will be approved until the stack of balconies has been repaired.

Renovations/alterations

- 10**
- (1) An owner must give the council one working days' prior notice of the scheduled arrival of tradesperson or delivery of materials. Tradespersons must be licenses and bonded.
 - (2) A resident must not permit any construction debris, materials or packaging to be deposited in the Strata Corporation's disposal containers.
 - (3) An owner must ensure that the delivery of any construction materials is through the parking lot and if in an elevator, the owner must ensure the elevator is protected with proper wall pads. An owner must not permit any renovations/alterations materials to be delivered through the main entrance.
 - (4) A resident must be responsible to ensure:
 - (a) drop cloths/plastic are installed and removed daily between the elevators and the strata lot as well as between other doors to protect common areas from any spillage or drippings;
 - (b) stairs, lobbies and paths through the parking areas are regularly cleaned (and vacuumed at the request of the council) and the residential corridor thoroughly vacuumed daily.
 - (5) An owner performing or contracting with others to perform renovations or alterations will be responsible, financially and otherwise, for ensuring that any and all required permits and licenses are obtained.
 - (6) An owner must ensure that the renovations shall be performed between the hours of 8 AM to 8PM Monday to Friday and 10AM to 6PM Saturday, Sunday and statutory holidays.

- (7) An owner in contravention of bylaws 10(1) to 10(7) (inclusive) shall be subject to a fine of \$100 for each contravention, as well as be responsible for any clean up or repair costs.

Permit entry to strata lot

- 11** (1) An resident or visitor must allow a person authorized by the strata corporation to enter the strata lot or limited common property
- (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage,
 - (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*,
- (2) The notice referred to in subsection 11 (1)(b)(i) must include the date and approximate time of entry, and the reason for entry.

Repair and Maintenance of Property by Owner

- 12** (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

- 13** (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 the other persons to use and enjoy the common property, common assets or another strata lot;
 - (d) is illegal, or;
 - (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.

- (2) 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) An owner is responsible for any damage caused by occupants, tenants or visitors to the owner's strata lot.
- (4) 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 to any strata lot by the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, and for the purposes of bylaws 13(1), 13(2) and 13(3), any insurance deductible paid or payable by the Strata Corporation shall be considered an expense not covered by the proceeds received by the Strata Corporation as insurance coverage and will be charged to the owner.

Division 2 – Powers and Duties of Strata Corporation

Repair and maintenance of property by Strata Corporation

- 14** (1) 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 a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to
 - (i) the structure of a building,
 - (ii) the exterior of a building,
 - (iii) chimneys, stairs, balconies and other things attached to the exterior of a building,
 - (iv) doors, windows and skylights on the exterior of a building or that front on the common property, and
 - (v) fences, railings and similar structures that enclose patios, balconies and yards.

Division 3 — Council

Council size

- 15** (1) The council must have at least 5 and not more than 7 members.

Council eligibility

- 16** (1) The spouse of an owner may stand for council.
- (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.
- (3) No person may stand for council or continue to be on council with respect to a strata lot if there are amounts owing to the Strata Corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest of the costs, including the legal costs, of remedying a contravention of the bylaws or rule for which the owner is responsible under section 131 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) The Strata Corporation may, by a resolution passed by a two-thirds (2/3) vote at an annual or special general meeting, remove one or more council members. The Strata Corporation must pass a separate resolution for each council member to be

removed. In this bylaw 18(1), a 2/3 (two-thirds) vote means a vote in favour of a resolution by at least 2/3 of the votes cast by eligible voters who are present in person or by proxy at the time the vote is taken and who have not abstained from voting.

- (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. If no one has chosen to run the remaining members of the council may appoint a replacement council member for the remainder of the term.
- (3) If the Strata Corporation removes all of the council members, the Strata Corporation must hold an election at the same annual or special general meeting to replace the council members for the remainder of the term up to, at least, the minimum number of council members required by bylaw of the Strata Corporation for the remainder of the term.
- (4) A replacement council member appointed pursuant to bylaws 18(2) may be appointed from any person eligible to sit on the council.

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 section 19(2) 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) Duties of Council Members
 - (a) President will chair each Council;
 - (b) Vice President will chair meetings in the absence of the President;
 - (c) Treasurer will review all accounts of the corporation reported by the management company/resident manager or caretaker and report to

Council any discrepancies and ensure any corrections required are completed. This officer will recommend investment opportunities to improve revenue for the corporation. The Treasurer also must review and sign off within 5 (five) working days all invoices received at 1500 Pendrell;

- (d) Secretary will review all correspondence to the corporation and ensure the minutes of the meetings of the Council are accurate and concise;
 - (e) the President and/or Vice President will liaise with the property management company and report on all his/her/their actions to Council.
- (3) All council members have equal authority and are equally responsible to the owners of LMS-1491. No one council member has the authority to enter into an agreement, contract or business with an owner/resident on behalf of LMS-1491.
- (4) No person may hold more than one office at a time.
- (5) The vice president has the powers and duties of the president
- (a) while the president is absent or is unwilling or unable to act;
 - (b) if the president is removed, or;
 - (c) for the remainder of the president's term if the president ceases to hold office.
- (6) The strata council may vote to remove an officer by a majority vote.
- (7) If an officer other than the president is removed, resigns, is unwilling or unable to act, the council members may elect 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 in bylaw 21(1) does not have to be in writing.
- (3) A council meeting may be held on less than one week's notice if
- (a) all council members consent in advance of the meeting, or
 - (b) the meeting is required to deal with an emergency situation, and all council members either
 - (i) consent in advance of the meeting, or
 - (ii) are unavailable to provide consent after reasonable attempts to contact them.

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

Requisition of council hearing

- 22 (1) By application in writing, an owner or resident may request a hearing at the council meeting stating the reasons for the request.
- (2) Except for a hearing pursuant to section 144 of the Act, if a hearing is requested under bylaw 22(1), the council must hold a meeting to hear the applicant within one (1) month of the date of receipt by the council of the application.
- (3) If the purpose of the hearing is to seek a decision

Quorum of council

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

Council meetings

- 24 (1) The council may meet together for the conduct of business, adjourn and otherwise regulate its meetings as it sees fit.
- (2) If a council meeting is held via teleconference, council members are deemed to be present in person.
- (3) Owners and spouses of owners may attend council meetings as observers.
- (4) Despite bylaw 24(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 the business of the corporation.

Voting at council meetings

- 25 (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- (2) If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.

- (3) The outcome of all votes at a council meeting must be recorded in the council meeting minutes.

Council to inform owners of minutes

- 26 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

- 27 (1) Subject to bylaws 27(2), 27(3) and 27(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 bylaw 27(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.
- (5) Significant decision cannot be made without consulting with a minimum of three (3) other council members.

Spending restrictions

- 28 (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.

Limitation on liability of council member

- 29 (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) Bylaw 29(1) does not affect a council member's liability, as an owner, for a judgment against the Strata Corporation.
- (3) All acts done in good faith by the council are, even if it is afterwards discovered that there was some defect in the appointment or continuance in office of a member of council as valid as if the council member had been duly appointed or had duly continued in office.

Division 4 — Enforcement of Bylaws and Rules

Fines

- 30** (1) Except where specifically stated to be otherwise in these bylaws the Strata Corporation may fine an owner or tenant:
- (a) \$200 for each contravention of a bylaw, and;
 - (b) \$50 for each contravention of a rule.
- (2) The council must, if it determines in its discretion that a resident is in repeated contravention of any bylaws or rules of the Strata Corporation, levy fines and the fines so levied shall be immediately added to the strata fees for the strata lot and shall be due and payable together with the strata fees for the strata lot in the next month following such contravention.

Continuing contravention

- 31** (1) Except where specifically stated to be otherwise in these bylaws, 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 — Marketing Activities by Owners and Occupants

Sale of a strata lot

- 32** (1) Real estate signs must not be displayed in a strata lot or on the common property except in the location designated by the strata corporation for real estate signs.

Insurance

33 Insuring against major perils

- (1) The strata corporation must insure against major perils, as set out in regulation 9.1(2), including, without limitation, earthquakes.

Storage

34 Storage lockers and bicycle storage

- (1) A resident must store bicycles and tricycles only in basement parking areas, bicycle racks and storage lockers.

- (2) A resident must not store any hazardous or flammable materials in storage lockers.
- (3) All items must be stored in lockers. Any items left in the open in storage areas will be removed.
- (4) Common property is not to be used by any owner, resident or tenant for storage purposes.

Parking

- 35**
- (1) A resident must not store unlicensed or uninsured vehicles on the common, limited common property or on land that is a common asset.
 - (2) A resident storing a vehicle must provide proof of insurance to the Strata Corporation on the commencement date of the storage. A copy of the current storage insurance must be displayed on the dash of the stored vehicle at all times.
 - (3) An owner must not sell, lease or license parking stalls to any person other than an owner or occupant.
 - (4) Owners must park only in those stalls registered to them at the land titles office.
 - (5) A resident or visitor must not permit a vehicle to be parked or left unattended in a manner that interferes with parking stalls, access lanes or no parking zones.
 - (6) A resident or visitor must not use any parking area as a work area for carpentry, renovations, repairs (including, but not exhaustively, sawing, drilling, and the use of any adhesive or hardening compounds) or work on vehicles involving any automotive fluids or paints, motor tune ups or mechanical repairs.
 - (7) A resident or visitor operating a vehicle in the parking areas must activate the vehicle's headlights and not exceed 10 km/hour.
 - (8) All parking space must be kept clean. Oil leaking from vehicles must be cleaned up upon notice from the Resident Manager or Council. After seven (7) days non-compliance a resident will be assessed cost of cleanup.
 - (9) There is to be no storage of any items in parking stalls and general parking area except as allowed by Strata Council (e.g. bicycle storage).
 - (10) Between the hours of 9:00 a.m. and 10:00 p.m. visitor parking is limited to three (3) hours. Vehicles parked overnight in visitor parking must be removed by 9:00 a.m.

Moving

36 Moving in/out procedures

- (1) An owner must conform and ensure that any tenants conform to the Move in/out bylaws and rules established by council from time to time.

- (2) A resident or must provide notice to the Strata Corporation of all moving arrangements at least 48 hours before the moving date. All moves must take place between 8:00 a.m. and 8:00 p.m., Monday through Friday and 10:00 am to 6:00 pm on Saturdays, Sundays and statutory holidays.
- (3) A resident using the elevator during a move must ensure that the Elevator service key is used to control the elevator and the doors not jammed open in any manner. A \$25 refundable deposit is required for the elevator key.
- (4) A resident must ensure that lobby doors and gates are not left open, ajar or unattended and that furniture is not left piled in the lobby area.
- (5) A resident must ensure that all common areas are left damage free, clean and all hallways and lobby areas vacuumed immediately upon completion of the move.
- (6) All new residents must pay a non-refundable move in fee of \$100, 48 hours prior to moving in.
- (7) A resident contravening the moving bylaws and rules will be subject to a fine of \$100.

Appearance of the strata lots

37 Cleanliness

- (1) A resident must not allow a strata lot to become unsanitary or untidy. Rubbish, dust, garbage, boxes, packing cases and other similar refuse must not be thrown, piled or stored in the strata lot or on common property. Any expenses incurred by the Strata Corporation to remove such refuse will be charged to the strata lot owner.
- (2) A resident must ensure that ordinary household refuse and garbage is securely wrapped and placed in the containers provided for that purpose, recyclable material is kept in designated areas and material other than recyclable or ordinary household refuse and garbage is removed appropriately.

Rentals

38 Residential Rentals

- (1) The number of strata lots within the Strata Corporation that may be leased at any one time is limited to 15% or 15 units. This bylaw 38(1) is included here for convenience only. This bylaw limiting the number of strata lots which may be rented to 15 or 15% was filed in the Land Title Office on January 10, 1997 under registration number BL010330. It remains in force from January 10, 1997 and has not been amended, repealed or replaced since that date.
- (2) An owner wishing to lease a strata lot must apply in writing to the council for permission to rent before entering into a tenancy agreement
- (3) If the number of strata lots leased at the time an owner applies for permission to lease has reached the limit stated in bylaw 38(1), excluding exempt strata lots pursuant to sections 143 and 144 of the Act and section 17(15) of the Regulations, the council must refuse permission and notify the owner of the same in writing as soon as possible stating that the limit has been reached or exceeded, as the case may be. If the owner wishes, they may be placed on a waiting list to be administered by the council based on the date of the request for permission to rent. Owner's places on the waiting list will expire 90 days after the date of the request. If a rental spot becomes available the first owner on the list will be offered the rental. The owner will have 90 days to lease the lot.
- (4) If the limit in bylaw 38(1) has not been reached at the time the owner applies for permission to lease a strata lot, excluding exempt strata lots pursuant to sections 143 and 144 of the act and section 17(15) of the Regulations, the council shall grant permission and notify the owner of the same in writing as soon as possible.
- (5) An owner receiving permission to lease a strata lot must exercise the permission to lease within 90 days from the date that the council granted same, otherwise the permission expires. During the 90 days immediately following the grant of permission, the strata lot shall be deemed leased for the purposes of the limit stated in bylaw 38(1).
- (6) Prior to possession of a strata lot by a tenant, an owner must deliver to the tenant the current bylaws and rules of the Strata Corporation and a Notice of Tenant's Responsibilities in Form K.
- (7) Within two weeks of renting a strata lot, the landlord must give the Strata Corporation a copy of the Form K - Notice of Tenant's Responsibilities signed by the tenant, in accordance with section 146 of the Act.
- (8) Where an owner leases a strata lot in contravention of bylaws 38(1), 38(2) or 38(3), the owner shall be subject to a fine of \$500.00 and the Strata Corporation shall take all necessary steps to terminate the lease or tenancy, including but not limited to, seeking a declaration or Court injunction to enforce the bylaw. Any legal costs incurred by the Strata Corporation in enforcing the rental restriction bylaws shall be the responsibility of the contravening owner and shall be recoverable from the owner or a solicitor and own client basis by the Strata Corporation.

- (9) An owner may continue to lease his or her strata lot until the earlier of the date such owner moves back into the strata lot to take occupancy and the date the strata lot is sold by the owner to a third party.

Division 6 — Annual and Special General Meetings

Quorum of meeting

- 39** (1) If within 1/2 hour from the time appointed for an annual or special general meeting, a quorum is not present, the meeting stands adjourned for a further 1/2 hour on the same day at the same place. If within a further 1/2 hour from the time of the adjournment, a quorum is not present, the eligible voters, present in person or by proxy, constitute a quorum.

This bylaw 39(1) is an alternative to section 48(3) of the Act. This bylaw does not apply to a meeting demanded pursuant to section 43 of the Act and failure to obtain a quorum for a meeting demanded pursuant to section 43 terminates and does not adjourn that meeting.

Person to chair meeting

- 40** (1) The president of the council must chair annual and special general meetings.
- (2) If the president of the council is unwilling or unable to act, the vice president of the council must chair the meeting.
- (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 people eligible to vote who are present at the meeting.

Participation of other than eligible voters

- 41** (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 may not participate in the discussion at the meeting.
- (3) Persons who are not eligible to vote must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

Voting

- 42** (1) Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if the Strata Corporation is entitled to register a lien against the that strata lot under section 116(1) of the act.
- (2) Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if there are amounts owing to the Strata Corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties,

interest of the costs, including the legal costs, of remedying a contravention of the bylaws or rule.

- (3) Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if there are amounts owing to the Strata Corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest of the costs, including the legal costs, for which the owner is responsible under section 131 of the Act
- (4) At an annual or special general meeting, voting cards must be issued to eligible voters.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) Despite anything in bylaws 42(1) to 42(8) inclusive, an election of council or removal of a council member must be held by secret ballot, if an eligible voter requests the secret ballot.
- (10) Proxy voting is allowed as long as the proxy is in writing and signed. The Strata Corporation's manager and employees are not permitted to hold proxies for owners under any circumstances. (Act, Sect. 56)

Order of Business

- 43** (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 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

Small Claims Court Proceedings

Authorization to proceed

- 44** (1) The strata corporation may proceed under the Small Claims Act, without further authorization by the owners, to recover from an owner or other person, by an action in debt in Small Claims Court, the money owing to the strata corporation, including money owing as administration fees, bank charges, fines, penalties, interest or the costs, including legal costs of remedying a contravention of the bylaws or rules and to recover money which the strata corporation is required to expend as a result of the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owners family.

Miscellaneous

- 45** (1) A resident must not permit any person to play in the garden areas, on common property or on land that is a common asset, unless such common property or common asset is a playground or roof deck.
- (2) A resident or visitor must not use common property electrical outlets with the exception of parking area outlets used while vacuuming a vehicle.
- (3) Subject to bylaw 32(1), a resident or owner must not erect or display or permit to be erected or displayed any signs, fences, billboards, placards, advertising, notices or other pictures of any kind on the common property or in a strata lot, unless authorized by the council. This shall include exterior painting and the addition of wood, ironwork, concrete or other materials.

- (4) A resident may post notices on the designated bulletin board, subject to being removed by the council if deemed inappropriate. All notices must be dated and signed.
 - (5) A resident or visitor must not shake rugs, carpets, mops or dusters of any kind or throw anything, including cigarette butts from any balcony, window, window, stairway or other part of a strata lot or common property. (October 4/2005)
 - (6) A resident or visitor must ensure that laundry, clothing, bedding or other articles shall not be hung from balconies so that they are visible from the outside of the building.
 - (7) Balconies are not to be used for storage purposes.
 - (8) A resident must not display or erect fixtures, poles, clotheslines, racks, storage sheds and similar structures permanently or temporarily on limited common property, common property or land that is a common asset.
 - (9) Live Xmas trees may be brought into a resident's suite during the Christmas season. In disposing of the Xmas tree, a resident must not heave it over the balcony but dispose of it at an appropriate off-site facility. The resident must also clean up any debris from halls, elevators, etc., resulting from such tree removal.
- 46**
- (1) A strata lot shall not be used for any purpose that is prohibited by any applicable law, regulation or bylaw, or, in the opinion of the strata council acting reasonably, is injurious to the reputation of the Strata Corporation or its owners. Without limiting the generality of the foregoing in any way, this specifically includes and applies to the use of a strata lot in whole or in part for the cultivation, harvesting, processing, manufacture, distribution or sale of marijuana or any product derived from or containing marijuana or any substances falling under the schedules of the Controlled Drugs and Substances Act.
 - (2) Where a strata lot is rented in accordance with the Strata Corporation Bylaw 38 – Residential Rentals, it is the responsibility of the strata lot owner to be in contact with the tenant and ensure that the strata lot is inspected on a regular basis, no less than once every three (3) months to ensure that there are no illegal activities taking place within the strata lot and upon request of the strata corporation provide written documentation to the strata corporation that the inspection took place.
 - (3) Where a strata lot is used in a manner prohibited by this bylaw, the Strata Corporation may also charge back to, or sue to recover from, the owner of the strata lot all costs resulting from any loss or damage to other strata lots in the strata corporation and their contents, owners and occupants, and/or to the common property or common assets of the Strata Corporation, whether or not the owner is or was aware of such prohibited use of the strata lot.
 - (4) Where a strata lot is used in a manner prohibited by this bylaw, the owner of the strata lot may be fined up to \$200. For so long as the contravention continues, the owner may be fined every seven days.

Insurance

- 47
- (1) An owner, tenant, occupant or visitor must not do, or omit to do, whether deliberately or negligently, any act that would result in costs being incurred by the Strata Corporation. Strata lot owners must carry current homeowners' insurance for all contents and betterments made to their strata lot.
 - (2) Strata lot owners must ensure that tenants occupying their strata lots must carry current tenant's insurance for all personal effects.
 - (3) An owner of a strata lot must indemnify and save harmless the strata corporation from the expenses of any maintenance, repair, or replacement required to the common property, limited common property, common assets, or to any strata lot by the owner's act, omission, negligence, or carelessness or by that of an owner's occupants, tenants, visitors, agents and, for commercial lot owners, their customers, clients, employees or agents. This holds to the extent that such expense is not reimbursed from the proceeds received via any insurance policy. Any insurance deductible paid to, or payable by, the strata corporation in such circumstances will be considered an expense not covered by the proceeds received by the strata corporation as insurance coverage, and will be charged to the owner.

Privacy Policy

- 48 Strata Plan LMS-1491 adheres to the *BC Personal Information Protection Act*. PIPA sets out how BC organizations, including corporations (including strata corporations), sole-proprietorships, partnerships, and non-profit organizations, may collect, use and disclose personal information about individuals.

Under PIPA:

- (1) The strata corporation may collect, from time to time, certain personal information of owners, tenants, and occupants including but not limited to:
 - (a) the name, home address, and home telephone and/or cell phone numbers of owners, tenants and occupants
 - (b) e-mail addresses
 - (c) banking information, in the case of owners, for payment of strata fees