

STRATA PLAN VR 2443 - CAMBRIDGE GARDENS

BYLAWS

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**Updated at the February 27, 2020
Annual General Meeting**

STRATA PLAN VR 2443 - CAMBRIDGE GARDENS

BYLAWS

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Information required and collected as a result of these bylaws follow the provisions of the *Personal Information Protection Act* (PIPA); Division 9 – Privacy Policy. The guide to the *Act* can be viewed electronically at <http://www.msar.gov.bc.ca/privacyaccess/Privacy/GuidePIPA.htm>.

STRATA PLAN VR 2443 - CAMBRIDGE GARDENS

BYLAWS

TABLE OF CONTENTS

Division 1 – Duties of Owners, Tenants, Occupants and Visitors.....	5
1 - Payment of Strata Fees.....	5
2 - Interest on Late Payment.....	5
3 - Repair and Maintenance of Property by Owners	5
4 - Use of Property	5
5 - Pets.....	9
6 - Inform Strata Corporation	10
7 - Obtain Approval Before Altering a Strata Lot	10
8 - Obtain Approval Before Altering Common Property	11
9 - Permit Entry to Strata Lot	11
Division 2 – Powers and Duties of Strata Corporation.....	12
10 - Repair and Maintenance of Property by Strata Corporation.....	12
Division 3 - Council	13
11 - Council Size.....	13
12 - Council Members’ Terms	13
13 - Removing a Council Member	13
14 - Replacing a Council Member.....	13
15 - Officers.....	14
16 - Quorum of Council.....	14
17 - Calling Council Meetings.....	14
18 - Council Meetings	15
19 - Voting at Council Meetings	15
20 - Council to Inform Owners of Minutes	16
21 - Delegation of Council’s Powers and Duties	16
22 - Spending Restrictions.....	17
23 - Limitation on Liability of Council Member.....	17
24 - Fiscal Year of Strata Corporation.....	18
25 - User Fees.....	18
26 - Requisition of Council Hearing	18
Division 4 – Enforcement of Bylaws and Rules	19
27 - Maximum Fine.....	19
28 - Continuing Contravention of Bylaws or Rules.....	19
29 - Owner Liable for Legal Costs	19
30 - Small Claims Actions	19
Division 5 – Voluntary Dispute Resolution	19
31 - Voluntary Dispute Resolution.....	19
Division 6 – Annual General and Special General Meetings.....	20
32 - Meeting Requirements	20
33 - Special General Meeting Called by Voters	20
34 - Special General Meeting Called by Strata Corporation	21
35 - Notice Requirements for Annual or Special General Meeting	21

STRATA PLAN VR 2443 - CAMBRIDGE GARDENS

BYLAWS

36 - Person to Chair the Annual or Special General meeting	21
37 - Voting at an Annual General Meeting and a Special General Meeting	22
Division 7 - Insurance.....	23
38 - Insurance.....	23
Division 8 - Miscellaneous	24
39 - Ingress and Egress	24
40 - Sale of Strata Lots	24
41 - Fees Payable for Records	24
42 - Access to Buildings – Keys and Access Cards.....	25
43 - Security.....	25
44 - Recreation Facility – Pool, Jacuzzi, & Sauna.....	26
45 - Guest Suite	27
46 - Social Room	28
47 - Parking	29
48 - Moving and Service Calls.....	29
49 - Storage Lockers.....	31
50 - Severability	31
Division 9 – Privacy Policy	31
51 - Personal Information Protection Act	31
Division 10 – Definitions.....	32
52 - Definitions.....	32

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

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

1 - Payment of Strata Fees

- (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate. The strata corporation encourages the automatic withdrawal payment method.

2 - Interest on Late Payment

- (1) The strata corporation may charge interest at the rate of ten (10%) per cent per annum, compounded annually, on all late assessments.
- (2) The strata corporation may charge interest at the rate of ten (10%) per cent per annum, compounded annually, on all late special levies.
- (3) The strata corporation may charge interest at the rate of ten (10%) per cent per annum, compounded annually, on all late payment of bylaw fines.

3 - Repair and Maintenance of Property by Owners

- (1) An owner must repair and maintain the owner's strata lot including any changes from its original condition, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (2) An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (3) An owner must maintain, repair and replace any additions or alterations made to his/her strata lot, the common property or limited common property. The strata council may require proper drawings and engineering certification prior to giving approval; such to be prepared at the cost of the owner seeking approval.

4 - Use of Property

- (1) An owner, tenant, occupant, or visitor must not use a strata lot, the common property or common assets contrary to any of the following bylaws:
 - (a) in a way that causes a nuisance or hazard to another person
 - (b) in a way that causes unreasonable noise; noise is to be kept to a minimum between the hours of 10:00 p.m. and 8:00 a.m. on

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- weekdays and 11:00 p.m. and 9:00 a.m. on weekends and statutory holiday's.
- (c) in a way that unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot, and no owner, tenant or occupant shall annoy, harass or disturb any other owner, tenant, occupant, visitor or invitee
 - (d) in a way that is illegal or is contrary to any statute, ordinance, bylaw or regulation of any governmental authority whether Federal, Provincial or Municipal
 - (e) in a way that 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
 - (f) in a way that will increase the risk of fire or increase the rate of fire insurance
 - (g) in any way use the plumbing or electrical system for any purpose other than those for which they were constructed
- (2) In addition, owners, tenants and occupants shall comply with the following bylaws relating to the use and enjoyment of strata lots, limited common property and common property:
- (a) owners, tenants, occupants or visitors shall not cause or produce any unacceptable smell, vibration or glare in or about any strata lot or the common property
 - (b) owners, tenants, occupants or visitors shall not use a waterbed or water filled furniture in any strata lot unless the same has been approved by the strata council and they provide proof of appropriate insurance
 - (c) owners, tenants, occupants or visitors shall not shake any mops, rags or rugs from any window, door, balcony or patio and no dirt, rubbish or litter of any kind shall be swept from or thrown from any window, door, balcony or patio
 - (d) owners, tenants, occupants and visitors shall not feed wild birds from windows or balconies or in any area that is in close proximity to other strata lots. Birds may be fed from the ground floor strata lot patios, provided that the resulting debris is contained within the strata lot patio
 - (e) owners, tenants, occupants and visitors shall not store or permit to be stored in or about their strata lot or the common property any flammable, explosive or hazardous materials other than one certified propane cylinder on their balcony or patio
 - (f) owners, tenants and occupants shall use their strata lot as a family residence only

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (g) owners, tenants and occupants shall not conduct any business or commercial activity from their strata lot which results in clients, customers or members of the public attending at their residence
- (h) owners, tenants and occupants shall not install or permit to be installed any radio, telephone or television antennae or receiving dish on the exterior of the building
- (i) owners, tenants, occupants and visitors shall not display any sign, banner, poster or other material save and except as permitted under Federal or Provincial Election laws
- (j) owners, tenants, occupants and visitors shall not hang clothing or bedding of any kind from a balcony, patio, window or door so as to be visible from the exterior of the strata corporation building
- (k) owners, tenants, occupants and visitors shall not leave personal property in or about the common property areas. Items left on the common property are at risk of the owner and may be removed by the strata council without notice. This does not apply to limited common property designated for the exclusive use of the owner.
- (l) skateboards, bicycles, two wheeled scooters, roller blades or similar devices shall not be used or operated on the common property
- (m) owners, tenants, occupants and visitors shall not use barbecues in or about any strata lot or the common property other than those powered by propane or electricity. The use of natural gas is forbidden. Owners must show great care and consideration when using their barbecue so as not to disturb or inconvenience other owners, tenants or occupants
- (n) owners, tenants, occupants and visitors shall not smoke anywhere on the interior common property
- (o) owners, tenants, occupants and visitors shall store bicycles or similar articles in their storage locker or the rental bike locker
- (p) owners, tenants or occupants shall be permitted to change their window coverings but must replace them with window covers of the same colour matching the strata corporations colour theme
- (q) owners, tenants or occupants shall not tint any glass
- (r) no hanging baskets shall be installed within three feet of a balcony railing and nothing other than seasonal decorations shall be placed on the railings
- (s) owners, tenants and occupants shall not use their balcony or patio for the storage of anything other than patio furniture, barbecues and flower boxes or planters. In no case shall they store freezers, bicycles or other goods and chattels in this area

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (t) no awnings, shades, screens or similar items shall be hung from or attached to the exterior of the buildings without the prior written consent of the strata council
 - (u) balcony enclosures are not permitted
 - (v) no owner, tenant or occupant shall repair, attempt to repair or tamper with any common property without the consent of the strata council
 - (w) no material substances, especially burning material such as cigarettes or matches, shall be permitted to fall from any window, doorway, balcony or other part of a strata lot or the common property. Proper disposal is required.
 - (x) owners, tenants and occupants shall ensure that stereos, radios, televisions and musical instruments are not played in a manner that would annoy or disturb other residents in the buildings
 - (y) due to an increase of fire hazard, only artificial Christmas trees shall be used in a strata lot or on the common property
 - (z) owners, tenants, occupants and visitors will not swim, wade or throw refuse into the fountains
 - (aa) all garbage refuse must be securely sealed before placing into the garbage chutes. All cardboard refuse must be flattened and placed in the 'Cardboard Only' recycling bin
 - (bb) owners, tenants and occupants are responsible to clean his or her spilled refuse, garbage and litter immediately upon occurrence
 - (cc) owners, tenants, occupants are responsible for the removal construction debris, materials or packaging. Materials resulting from construction or alterations to strata lots are not permitted to use the strata property garbage collection and recycle bins
- (3) Owners, tenants, occupants or visitors must not cause damage 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 *Strata Property Act*, other than reasonable wear and tear.
- (4) Owners are responsible for the acts of their tenants and any other persons they admit to the strata corporation property.
- (5) An owner, tenant or occupant must not enter into a license or an agreement for the use of all or part of a strata lot for temporary accommodation purposes. Without limiting the generality of the foregoing, a strata lot must not be used for short-term accommodation purposes, such as a bed-and-breakfast, lodging house, hotel, home exchange, time share or vacation rental, whether arranged privately or

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

through an agency or website, such as, but not limited to, Airbnb, VRBO or High Street Accommodations.

- (6) Maximum Fines for Short Term Rentals
- (a) In this section, VACATION, TRAVEL OR TEMPORARY ACCOMMODATION ("VTTA") is defined as a rental shorter than the minimum rental period required by these bylaws or by municipal bylaw, or that is not a residential tenancy as described in the Residential Tenancy Act, or is a form of tenancy that does not comply with that Act, or is a mere licence of property use only, or is in breach of the City of Vancouver Short Term Rental Accommodation Bylaw.
 - (b) VTTAs are prohibited in the Strata Corporation.
 - (c) Pursuant to s. 7.1 *Strata Property Act* Regulations, coming into force November 30, 2018 (OIC 418-2018) the Strata Corporation, on sufficient evidence that a Short-Term Rental has occurred, considered on a balance of probabilities, may fine the responsible strata lot owner, \$1,000 for every contravention of this bylaw. Infractions may occur more often than once every 24 hours, and every person found illegally to be residing in a Strata Lot will be considered an individual contravention of this bylaw and subject to the \$1,000 fine for each contravention.
 - (d) Council may commence legal proceedings to collect fines levied for contraventions of this bylaw.
 - (e) The Strata Corporation may claim the costs of remedying contraventions of this bylaw pursuant to s. 133 SPA.
- (7) An owner, tenant, occupant or visitor must not grow any cannabis plants within a strata lot or on any limited common property, common property or land that is a common asset.

5 - Pets

- (1) Owners, tenants, occupants and visitors shall not keep pets of any kind in or about a strata lot or the common property other than:
- (a) a reasonable number of aquarium fish
 - (b) a reasonable number of small mammals such as gerbils and hamsters
 - (c) up to two (2) caged birds
 - (d) not more than two (2) neutered or spayed domestic house cats

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (e) not more than one (1) neutered or spayed domestic dog
 - (f) pets are not to exceed 50 pounds in weight or 2 feet in height from ground to shoulder
- (2) All pets must be either carried or on a leash while on the common property.
 - (3) Owners, tenants, occupants and visitors must not permit access to the strata property any animal which has a known tendency or disposition to attack without provocation. Full or mixed Pit Bull Terrier breeds are not permitted full or part time residency at any time.
 - (4) Owners, tenants and occupants shall be responsible for the immediate clean up of any excrement left by their pet on the common property and must dispose of the same in an appropriate manner.
 - (5) Pet owners are responsible for any damage done to the common property by their pet.
 - (6) Should the strata council receive a complaint about a permitted pet and determine that the complaint is justified, they shall give the pet's owner a warning letter. Should further complaint be received, the strata council may, in its sole discretion, find that the pet is a nuisance and require that it be permanently removed from the strata corporation on seven (7) days written notice. Examples of what would constitute a nuisance are unacceptable odour or noise, damage to the common property, or aggressive behaviour by a pet toward other residents.

6 - Inform Strata Corporation

- (1) Within two (2) weeks of becoming an owner, an owner must inform the strata corporation of the owners' name, strata lot number and mailing address outside the strata plan, if any.
- (2) At least ten (10) days prior to a rental tenant taking residency, all owners, or property management firms or the proposed tenant must provide the strata council with a fully completed Form K. The Form K must provide the name(s) of all tenants or occupants, home telephone number, employer information, work phone number and an emergency contact.

7 - Obtain Approval Before Altering a Strata Lot

- (1) Owners must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves the following:

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (a) the structure of a building
 - (b) the exterior of a building
 - (c) stairs, balconies or other things attached to the exterior of the building
 - (d) doors or windows on the exterior of a building, or that front on the common property
 - (e) installation of hardwood and laminate floors is permitted and must include installation of the highest quality sound underlay available at the time of installation. Owners are also required to take additional measures for reducing noise transmission, such as installation of area rugs
 - (f) fences, railings or similar structures that enclose a patio, balcony or yard
 - (g) common property located within the boundaries of a strata lot
 - (h) those parts of the strata lot which the strata corporation must insure under section 149 of the *Strata Property Act*
 - (i) renovations must be scheduled between the hours of 8 a.m. and 6 p.m. Monday through Friday
- (2) The strata corporation may require that the owner provide detailed plans and specifications and may also require certification of a structural engineer if such is appropriate, prior to giving or denying their consent. The strata corporation must not unreasonably withhold its approval under subsection (1), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration. The owner shall indemnify and save harmless the strata corporation from all costs relating to the alteration now and in the future.

8 - Obtain Approval Before Altering Common Property

- (1) An owner must obtain approval of the strata corporation by a three-quarter (3/4) vote before making any significant alteration to common property, including limited common property, or common assets.
- (2) The strata council may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

9 - Permit Entry to Strata Lot

- (1) Owners, tenants, occupants or visitors must allow a person authorized by the strata corporation to enter the strata lot:
 - (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (b) at a reasonable time, on 48 hours written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the *Strata Property Act*
 - (c) at a reasonable time, on 48 hours written notice, to ensure compliance with the *Strata Properties Act*, the Strata Properties Regulations, and the strata corporations bylaws and rules
- (2) The notice referred to in subsection (1) (b) and (c) must include the date and approximate time of entry, and the reason for entry.

Division 2 – Powers and Duties of Strata Corporation

10 - Repair and Maintenance of Property by Strata Corporation

- (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:
 - 1) repair and maintenance that in the ordinary course of events occurs less often than once a year, and
 - 2) the following, no matter how often the repair or maintenance ordinarily occurs:
 - (i) the structure of the building
 - (ii) the exterior of a building
 - (iii) stairs, balconies and other things attached to the exterior of a building
 - (iv) doors and windows on the exterior of a building or that front on the common property only if they leak and are causing damage to the building
 - (v) fences, railings and similar structures that enclose patios, balconies and yards
 - (d) a strata lot, but the duty to repair and maintain if it is restricted to:
 - 1) the structure of the building
 - 2) the exterior of the building
 - 3) stairs, balconies and other things attached to the exterior of the building
 - 4) doors, windows, on the exterior of a building or that front on the common property, and

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- 5) fences, railings and similar structures that enclose patios, balconies and yards

Division 3 - Council

11 - Council Size

- (1) The strata council shall consist of not less than three (3) or more than seven (7) members.

12 - Council Members' Terms

- (1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- (2) A person whose term as council member is ending is eligible for re-election.
- (3) The spouse or common-law spouse of a registered owner and a residents immediate family member of a registered owner, i.e., adult son, daughter, mother or father, brother or sister, may also stand for election to the strata council provided that no more than one resident of a strata lot sits on the council at any one time.
- (4) An owner may not stand for election to the strata council or continue to sit on the strata council if they are in arrears in the payment of any assessments or special levies for a period of sixty (60) days and the strata corporation is in a position to file a lien on his or her strata lot under section 116 of the *Strata Property Act*.

13 - Removing a Council Member

- (1) The strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members.
- (2) After removing a council member, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.

14 - Replacing a Council Member

- (1) If a council member resigns or is unwilling or unable to act for a period of two (2) or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (2) A replacement council member may be appointed from any person eligible to sit on council.
- (3) If all the members of the council resign or are unwilling or unable to act for a period of two (2) or more months, persons holding at least twenty-five (25%) per cent of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the *Strata Property Act*, the regulations and the bylaws respecting the calling and holding of meetings.

15 - Officers

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

16 - Quorum of Council

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

17 - Calling Council Meetings

- (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.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (2) The notice does not have to be in writing.
- (3) A council meeting may be held on less than one week's notice if:
 - (a) all council members consent in advance of the meeting, or
 - (b) the meeting is required to deal with an emergency situation, and all council members either:
 - (i) consent in advance of the meeting, or
 - (ii) are unavailable to provide consent after reasonable attempts to contact them
- (4) The council must inform owners about a council meeting as soon as possible after the meeting has been called.

18 - Council Meetings

- (1) At the option of the council, council meetings may be held by electronic means, including conference telephone calls, so long as all council members and other participants can communicate with each other.
- (2) If a council meeting is held by electronic means, council members are deemed to be present in person.
- (3) Owners may attend council meetings as observers.
- (4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:
 - (a) bylaw contravention hearings under section 135 of the *Strata Property Act*
 - (b) rental restriction bylaw exemption hearings under section 144 of the *Strata Property Act*
 - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individuals privacy

19 - Voting at Council Meetings

- (1) Decisions, at council meetings, 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 results of all votes at a council meeting must be recorded in the council meeting minutes.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

20 - Council to Inform Owners of Minutes

- (1) The council must inform resident owners of the minutes of all council meetings within two (2) weeks of the meeting, whether or not the minutes have been approved.
- (2) The council must inform owners' management firms of the minutes of all council meetings within two (2) weeks of the meeting, whether or not the minutes have been approved. It will be the responsibility of the owners' management firm to distribute the minutes.
- (3) The strata council will retain a copy of the minutes for each absentee owners, where no management firm exists. Absentee owners must arrange with the strata corporation a method of receiving strata council minutes. Absentee owners are responsible for the mailing or delivery costs of receiving strata council minutes.

21 - Delegation of Council's Powers and Duties

- (1) Subject to subsections (2) through (4), the council may by resolution delegate some or all of its powers to one or more council members or persons who are not members of the council, and may revoke the delegation.
- (2) The council may delegate its spending powers or duties, but only by a resolution that:
 - (a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
 - (b) delegates the general authority to make expenditures in accordance with subsection (3)
- (3) A delegation of a general authority to make expenditures must:
 - (a) set a maximum amount that may be spent, and
 - (b) indicate the purposes for which, or the conditions under which, the money may be spent
- (4) The council may not delegate its powers to determine, based on the facts of a particular case:
 - (a) whether a person has contravened a bylaw or rule
 - (b) whether a person should be fined, and the amount of the fine, or
 - (c) whether a person should be denied access to recreational facilities
- (5) No member of the strata council shall act unilaterally except in the case of an emergency.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

22 - Spending Restrictions

- (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) Pursuant to section 98 of the *Strata Properties Act*, the strata council may not make an expenditure that is not provided for in the budget or approved by a three-quarters (3/4) vote unless the annual amount of such expenditure is less than ten thousand (\$10,000.00) dollars and such has been approved by a majority resolution of the strata council.
- (3) Notwithstanding subsections (1) and (2) the strata council may spend the strata corporation's money to repair or replace common property or common assets if repair or replacement is required immediately to ensure safety or prevent significant loss or damage.

23 - Limitation on Liability of Council Member

- (1) A council member who acts honestly and in good faith and within the limits of his or her authority is not personally liable because of anything done or omitted in the exercise or intended exercise of power or the performance or intended performance of any duty of the council.
- (2) Subsection (1) does not affect a council member's liability, as an owner, for any judgment against the strata corporation.
- (3) Provided the council member has acted honestly and in good faith and within the limits of his or her authority, the strata corporation shall indemnify the council member for their legal costs in responding to a claim of wrongdoing on a solicitor and own client basis.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

24 - Fiscal Year of Strata Corporation

- (1) The fiscal year of the strata corporation shall be January 1st to December 31st.

25 - User Fees

- (1) The strata council may charge the following user fees:
 - (a) \$50.00 a month for rental of additional strata corporation owned underground parking stall(s), if available
 - (b) \$200.00 security deposit for rental of the resident guest suite
 - (c) *[Repealed – February 27th, 2009 AGM]*
 - (d) \$5.00 per day parking fee for rental of the resident guest suite
 - (e) *[Repealed – February 27th, 2009 AGM]*
 - (f) \$75.00 per new fob and \$25.00 for purchase of a replacement fob. The fee will be refunded when the fob is returned. The number of the fob returned must match the record held in the strata office
 - (g) \$200.00 non refundable move-in fee
 - (h) \$300.00 refundable move-in damage deposit. The damage deposit will be returned in full following successful inspection by the caretaker
 - (i) \$300.00 refundable move-out damage deposit. The damage deposit will be returned in full following successful inspection by the caretaker
 - (j) \$100.00 security deposit for rental of the social - meeting room. The security deposit can be used as rent payment of the social - meeting room or returned in full if rent is paid in full
 - (k) \$50.00 per day to use the social - meeting room
 - (l) \$35.00 guest suite or social - meeting room cleaning fee; applied if either premise is left in an unacceptable condition. Fee will be deducted from the security deposit
 - (m) Bike stall rentals are available at a cost of \$5.00 per month. Only one bicycle may be stored in a bike stall

26 - Requisition of Council Hearing

- (1) By application in writing, stating the reason for the request, an owner or tenant may request a hearing at a council meeting.
- (2) If a hearing is requested under subsection (1), the council must hold a meeting to hear the applicant within one (1) month of the request.
- (3) If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within one (1) week of the hearing.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

Division 4 – Enforcement of Bylaws and Rules

27 - Maximum Fine

- (1) At the discretion of the strata council the strata corporation may fine an owner or tenant a maximum of:
 - (a) up to \$200.00 for each contravention of a bylaw (save and except for a rental bylaw), and
 - (b) up to \$50.00, in the discretion of the strata council, for each contravention of a rule
 - (c) up to \$500.00 for a breach of the Rental Restriction bylaws

28 - Continuing Contravention of Bylaws or Rules

- (1) If an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than seven (7) days, a fine may be imposed every seven (7) days.

29 - Owner Liable for Legal Costs

- (1) Should the strata corporation be required to undertake any legal action or arbitration, or seek legal advice with respect to a breach by an owner, tenant or occupant of any strata lot of the *Strata Property Act*, the Strata Property Regulations, the bylaws or rules or any amendments thereto, then the owner of the strata lot shall be responsible for and shall pay all of the strata corporation's legal costs incurred on a solicitor and owner client basis.

30 - Small Claims Actions

- (1) Notwithstanding the terms and conditions of the *Strata Property Act* the strata council may commence and proceed with a small claim action against an owner without the necessity of first obtaining the consent of the owners by a three-quarter (3/4) vote.

Division 5 – Voluntary Dispute Resolution

31 - Voluntary Dispute Resolution

- (1) A dispute among owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if:
 - (a) all the parties to the dispute consent, and
 - (b) the dispute involves the *Act*, the regulations, the bylaws or the rules
- (2) A dispute resolution committee consists of:

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (a) one owner or tenant of the strata corporation nominated by each of the disputing parties and one owner or tenant chosen to chair the committee by the persons nominated by the disputing parties, or
 - (b) any member of persons consented to, or chosen by a method that is consented to, by all the disputing parties
- (3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

Division 6 – Annual General and Special General Meetings

32 - Meeting Requirements

- (1) Annual General Meetings will be held once in a year and no later than two (2) months after the strata corporation's fiscal year end.
- (2) The strata corporation may hold a special general meeting at any time after giving notice in accordance with section 45 of the *Strata Property Act*.
- (3) Notwithstanding section 48(3) of the Act, if within 15 minutes from the time appointed for an annual or special general meeting a quorum is not present, the meeting shall be terminated if the meeting was convened upon the requisition of owners, but in any other case, the eligible voters, present in person or by proxy, constitute a quorum.

33 - Special General Meeting Called by Voters

- (1) Persons holding at least twenty-five (25%) per cent of the strata corporation's votes may, by written demand, require that the strata corporation hold a special general meeting to consider a resolution or other matter specified in the demand.
- (2) The demand must be signed by each of the persons making it.
- (3) The strata corporation must hold the special general meeting within four (4) weeks after the demand is given to the strata corporation.
- (4) The president of the council may call the special general meeting without holding a council meeting.
- (8) At the special general meeting, the resolution or any other matter specified in the demand is the first item on the agenda and must be dealt with before consideration of any other matter about which notice has been given.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (9) If a special general meeting is not held within the four (4) week time period, the persons making the demand may themselves hold a special general meeting by complying with the provisions of the *Strata Property Act*, the regulations and the bylaws respecting the calling and holding of special general meetings.

34 - Special General Meeting Called by Strata Corporation

- (1) The strata corporation may hold a special general meeting at any time after giving notice in accordance with section 45 of the *Strata Property Act*.

35 - Notice Requirements for Annual or Special General Meeting

- (1) The strata corporation must give at least two (2) weeks written notice of an annual or special general meeting to all of the following:
- (a) every owner, whether or not a notice must also be sent to the owner's mortgagee or tenant
 - (b) every mortgagee who has given the strata corporation a Mortgagee's Request for Notification under section 60
 - (c) every tenant who has been assigned a landlords right to vote under section 147 or 148, if the strata corporation has received notice of the assignment
- (2) A person who has a right to be notified under this section may, in writing, waive the right and may, in writing, revoke a waiver.
- (3) The notice of the annual or special general meeting must include a description of the matters that will be voted on at the meeting, including the proposed wording of any resolution requiring a $\frac{3}{4}$ vote or unanimous vote.
- (4) If the meeting is an annual general meeting, the notice must include the budget and financial statement referred to in section 103.
- (5) A vote at an annual or special general meeting may proceed despite the lack of notice as required by this section, if all persons entitled to receive notice waive, in writing, their right to notice.
- (6) If 2 or more persons share one vote with respect to a strata lot, all of them must consent to the waiver of notice under subsection (5).

36 - Person to Chair the Annual or Special General meeting

- (1) Annual general meetings must be chaired by the president of the council.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (2) If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice-president of the council.
- (3) If neither the president or the vice-president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons who are present at the meeting.

37 - Voting at an Annual General Meeting and a Special General Meeting

- (1) At an annual or special general meeting, matters are decided by majority vote unless a different voting threshold is required or permitted by the *Act* or the regulations.
- (2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
- (3) If a precise count is requested, the chair must decide whether it will be by show of voting cards, roll call, secret ballot or some other method.
- (4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.
- (5) If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable to or unwilling to vote, the vice-president may break the tie by casting a second, deciding vote.
- (6) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.
- (7) No owner may vote at an annual or special general meeting, except in cases of a unanimous vote, where the strata corporation is entitled to file a lien on his or her strata lot under section 118 of the *Strata Property Act* for non-payment of assessments or a special levy.
- (8) The outcome of all elections to the strata council shall be announced by the chair including the number of votes cast for each candidate.
- (9) Only one (1) vote per strata lot is permitted.
- (10) Individuals appointed as proxy holders for an owner is not required to be an owner.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (11) The maximum number of proxies that can be assigned to an individual owner prior to an annual or special general meeting will be limited to five (5), with the exception of the council president, who acts as the default proxy holder and can hold an unlimited number of proxies.

Division 7 - Insurance

38 - Insurance

- (1) The strata corporation must obtain and maintain property insurance on:
- (a) common property
 - (b) common assets
 - (c) buildings shown on the strata plan, and
 - (d) fixtures built or installed on a strata lot, if the fixtures are built or installed by the owner developer as part of the original construction on the strata lot.
- (2) The property insurance must:
- (a) be on the basis of full replacement value, and
 - (b) insure against major perils, as set out by the regulations, and any other perils specified in the bylaws
- (3) The strata corporation insurance policy will be deemed to include the owners as the named insured.
- (4) The strata corporation must maintain errors and omissions – ‘Officers & Directors’ liability insurance in an amount of not less than \$2,000,000.00.
- (4) Owners acknowledge that they are solely responsible for and must carry third party liability insurance for their strata lot and any excess insurance coverage for replacement value of all improvements made to the fixtures, fittings and finish of their strata lot from those installed by the developer and specifically acknowledge that such improvement may not be insured under the general strata corporation insurance.
- (5) Owners are solely responsible for any deductible on their own private insurance policy.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

Division 8 - Miscellaneous

39 - Ingress and Egress

- (1) Owners, tenants, occupants and visitors shall only use walkways, driveways and other means of ingress and egress for access to the strata corporation building and parking areas and shall ensure that such areas are kept free of obstruction at all times.
- (2) Visitor's parking in assigned visitor parking stalls must record their information in the visitor – parking log.
- (3) Vehicles are not permitted to remain overnight in the visitor stalls.
- (4) All motor vehicles shall be parked in designated parking stalls only.
- (5) Violations of the visitor parking bylaws may result in the strata council having the vehicle towed at the expense of the vehicles owner.

40 - Sale of Strata Lots

- (1) Owners shall notify the strata council prior to listing their strata lot for sale and shall provide it with the name, address and telephone numbers of the realtor, if applicable.
- (2) 'For Sale' signs are not permitted to be displayed on any of the common property or in strata lot windows.
- (3) Key lock boxes are not permitted.
- (4) Viewing of a for sale strata lot is restricted 'By Appointment Only'. Agents or owners must insure building security is maintained at all times.

41 - Fees Payable for Records

- (1) The strata corporation may charge a fee of twenty-five (\$.25) cents per page for copies of documents or records that are requested by an owner. In addition, they may charge the sum of fifteen (\$15.00) dollars for a Certificate of Payment, Form F, and thirty-five (\$35.00) dollars for a Certificate of the Strata Corporation, Form B. Should the permissible fees be increased by Regulation, the strata corporation may charge the higher amounts as set out in the Regulation.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

42 - Access to Buildings – Keys and Access Cards

- (1) The administration of fobs to the buildings will be under the supervision of the strata council.
- (2) Each strata lot is permitted to have one access fob for each permanent resident residing within the strata lot, and one extra for emergency access. Written permission from the strata council must be obtained prior to being authorized any additional access fobs.
- (3) Owners are liable for the cost of repair of damage to common property that results from loaning or providing a key or access fob.
- (4) Owners are encouraged to provide duplicate keys to the property manager or strata council to allow them access to the strata lot in case of emergency. Owners failing to do so are solely responsible for the costs of repairs resulting from forced entry into a strata lot in the event of an emergency.

43 - Security

- (1) Care must be taken when responding on the enterphone that the door lock is released only to identified persons, or that the caller otherwise has good reason to be admitted.
- (2) Delivery persons are not to be given access to the building. Owners must go to the entrance to receive deliveries or to escort deliveries to and from the strata lot and common property.
- (3) Residents are responsible for the conduct of people they admit onto the property.
- (4) Owners, tenants and occupants shall ensure that the entrance doors are closed securely after use, and that unidentified strangers do not follow them into the building.
- (5) Owners, tenants and occupants shall ensure that the entrance to the underground parking garage are closed securely after use, and that strangers do not follow them into the building.
- (6) Security doors must not be propped open any longer than is necessary during a move in or out, or delivery, and the doors must be secured immediately after the move or delivery is complete.
- (7) Propped open entrance doors must be continually supervised by a responsible person.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (8) The strata council reserves the exclusive right to control, limit and refuse access to the common property by peddlers, fund-raisers and sales persons.
- (9) Owners, tenants, occupants and visitors must report to a member of council, caretaker or police any suspicious persons in or around the strata corporation.
- (10) Owners, tenants and occupants must immediately report the loss of any security device (keys – access cards, etc.) to the strata council or caretaker.

44 - Recreation Facility – Pool, Jacuzzi, & Sauna

- (1) The recreation facility is for the sole use of resident owners, tenants, occupants and visitors and the rules of use displayed within the area must be followed.
- (2) Absentee owners who promote their strata property as rental property are not permitted use of the recreation facilities.
- (3) No person 12 years of age or younger are permitted in the recreation facility unless accompanied by an adult (19 years or older).
- (4) No person with skin disease, open wounds, inflamed eyes, cough, cold nasal or ear discharge, or communicable disease, shall use the recreation facility.
- (5) Pets are not permitted in any area of the recreation facility.
- (6) Guests are limited to two (2) guests per strata lot and must be accompanied by the owner of the strata lot.
- (7) Glassware and other breakable items are not permitted.
- (8) Swimwear must be worn at all times. Street clothes are not permitted.
- (9) No diving, boisterous behaviour, rough play or offensive or sexual activities are permitted.
- (10) Showers must be taken prior to using the facility.
- (11) Shampoo's, rinses, soap, tanning oils or body lotions must not be permitted to enter the pool or Jacuzzi.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (12) Recreation facility will be available for use from 6:00 a.m. to 11:00 p.m. except for periodic closures due to routine and special maintenance.
- (13) Owners, tenants and their guests use the recreation facility at their own risk. The strata corporation is not liable for any injury, loss, damage or death.
- (14) Owners are responsible for the actions of their guests. Owners will be held liable for any inappropriate activity which causes or results in harm to the normal operations of the facility or results in extra maintenance costs.
- (15) In addition to levying a fine, the strata corporation may, for a reasonable length of time, deny an owner, tenant, occupant or visitor the use of the recreation facility if the owner, tenant, occupant or visitor has contravened a bylaw or rule relating to the use of the recreation facility, guest suite or social – meeting room.

45 - Guest Suite

- (1) The guest suite is for the use of resident owners, tenants, occupants and their guests.
- (2) Absentee owners who promote their strata property as rental property are not permitted use of the guest suite.
- (3) *[Repealed – February 27, 2020 AGM]*
- (4) A \$200.00 refundable damage deposit and the total rent must be paid at the time of confirming the reservation.
- (5) Payment must be made by cheque. Cash payment is not accepted.
- (6) Each rental period is not to exceed seven (7) consecutive nights per owner.
- (7) No pets or animals are permitted in the guest suite.
- (8) Smoking is not permitted in the guest suite or on any other interior common areas of the strata corporation.
- (9) All guests are subject to the bylaws of the strata corporation. Any infractions will be levied to the owner and deducted from the damage deposit.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (10) In addition to levying a fine, the strata corporation may, for a reasonable length of time, deny an owner, tenant, occupant or visitor the use of the recreation facility if the owner, tenant, occupant or visitor has contravened a bylaw or rule relating to the use of the recreation facility, guest suite or social – meeting room.
- (11) Owners, tenants and their guests use the guest room at their own risk. The strata corporation is not liable for any injury, loss, damage or death.
- (12) Owners and guests are responsible to return items and furniture to the original position, turn off lights, fans, taps, and heat, etc.
- (13) If the suite requires additional cleaning, a \$35.00 cleaning fee will be deducted from the damage deposit.
- (14) Check in time is 2:00 p.m. and check out time is 11:00 a.m.
- (15) Cancellations must be provided at least two (2) days prior to the reservation start date. Late cancellations are subject to a charge equal to one (1) day rental fee and will be deducted from the damage deposit.

46 - Social Room

- (1) The social – meeting room is for the sole use of the resident owners, tenants, and occupants.
- (2) Absentee owners who promote their strata property as rental property are not permitted use of the social room.
- (3) The social – meeting room is available for rent by resident owners, tenants and occupants at a cost of fifty (\$50.00) dollars per day.
- (4) A \$100.00 refundable damage deposit and the total rent must be paid at the time of confirming the reservation.
- (5) Payment must be made by cheque. Cash payment is not accepted.
- (6) Cancellations must be provided at least two (2) days prior to the reservation start date. Late cancellations are subject to a \$25.00 charge and will be deducted from the damage deposit.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (7) Owners, tenants and occupant renters must ensure social - meeting room is left clean, garbage removed, chairs stacked and doors securely closed following termination of the rental agreement.
- (8) Security deposit will be returned upon successful inspection of the social room. If additional cleaning is required, a cost of \$35.00 will be deducted from the security deposit.
- (9) The social – meeting room is available free of charge for events held for the Strata Corporation at large.

47 - Parking

- (1) Defined parking stall(s) have been allocated through the strata lot property title. Surface parking is to be used by visitors only. Permission for 'short-term' use by an owner is with consent of the strata council.
- (2) No recreational vehicle of any type, utility trailers, boats, or commercial vehicles or vans in excess of 3700 Kilograms shall be parked on the common property.
- (3) No major repair work of any kind shall be done on any vehicle anywhere on the common property. Minor vehicle repair work must be performed in the underground garage.
- (4) Owners, tenants and occupants are not permitted to store or keep a derelict or unlicensed vehicle on the common property unless the unlicensed vehicle's owner has liability insurance on the vehicle and its storage is approved in writing by the strata council.
- (5) Owners of vehicles leaking gasoline, diesel or oil shall be responsible for cleaning up the leaked fluids and for restoring the parking lot surface if damaged.
- (6) Owners, tenants and occupants are permitted to rent out their assigned parking stalls only to other owners, tenants and occupants residing in the complex.
- (7) Owners, tenants and visitors must not unlawfully park or temporarily park a vehicle which blocks access to other parking spaces. Vehicles will be towed without notice, at the vehicle owner's expense.

48 - Moving and Service Calls

- (1) For scheduling purposes, the strata council shall be notified of all intended moves into or out of the buildings at least ten (10) business days in advance of the move.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (2) Protective padding must be hung in the elevator before a move in or move out occurs.
- (3) A non-refundable move in fee of \$200.00 must be paid at the time of purchasing a unit within the strata complex. This provides for one (1) move in and one (1) move out. A fee of \$100.00 must be paid for additional moves, (either in or out) for any owner / resident residing in the unit.
- (4) A refundable security deposit of \$300.00 must be paid at the time of scheduling a move in.
- (5) Only one (1) move in or move out will be scheduled per building location (North Tower, South Tower, East Terrace) per day.
- (6) A refundable security deposit of \$300.00 must be paid at the time of scheduling a move out.
- (7) All moves shall be limited to the hours of 8:00 a.m. to 6:00 p.m., seven days a week.
- (8) Two (2) working days notice is required for the delivery of items requiring the installation of the elevators protective padding.
- (9) All loading and unloading of moving or delivery trucks shall be done at the East gate entrance located on Long Life Place.
- (10) Owners, tenants and occupants and or previous owner, tenants and occupants will be held responsible to pay for damages occurring as a result of a move in or move out. The fine will not exceed the cost of the repair and will be deducted from the move-in, or move-out refundable security deposit.
- (11) Damages exceeding the cost of the security deposit will be billed directly to the owners, tenants or occupants.
- (12) Owners, tenants and occupants are solely responsible to pay for damages occurring as a result of a delivery. Strata Corporation will bill the owner the cost to repair the damage.
- (13) The strata property caretaker will perform an inspection following each move in or out and delivery, and report to the strata council if damages occurred.

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

49 - Storage Lockers

- (1) No part of strata property except areas designated by the strata corporation will be used for storage without the prior approval of the council.
- (2) Owners, tenants and occupants must not store any hazardous or flammable substances in the storage locker area.
- (3) Owners, tenants and occupants are responsible for providing a locking device to secure the storage unit assigned to their strata lot.

50 - Severability

- (1) For the purpose of interpretation of these bylaws and any amendments, additions or alterations to them, each heading, paragraph, and subparagraph shall be deemed to be a separate section with the intent that should an Arbitrator or Court of Competent Jurisdiction find that any such heading, paragraph or subparagraph of these bylaws or any amendments is void for uncertainty or is ultra vires the strata corporation or is, for any other reason, unenforceable, then such heading, paragraph or subparagraph shall be deemed to be severable and the remaining heading, paragraphs and severable subparagraphs of these bylaws shall be interpreted so as to be given the broadest meaning possible and such heading, paragraphs and subparagraphs shall remain in force and effect.

Division 9 – Privacy Policy

51 - Personal Information Protection Act

- (1) The purpose of the Personal Information Protection Act (PIPA) is to govern the means by which private sector organizations handle personal information in a manner that recognizes both the right of an individual to have his or her personal information protected and the need of organizations to collect, use or disclose personal information for purposes that are reasonable.
- (2) PIPA provides individuals the opportunity to request access to their own personal information, and will include provisions regarding the correction and care of personal information by organizations.
- (3) Personal information is collected:
 - (a) to identify owners and tenants residing in the strata corporation
 - (b) to determine eligibility for a tenancy
 - (c) to process payments

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

- (d) to respond to emergencies
 - (e) to comply with legal documentation requirements
- (4) Except where authorized by the law, the Strata Corporation will not collect, use or disclose owner, tenant or employee information unless consent has been provided.

Division 10 – Definitions

52 - Definitions

- (1) **Act** - the *Strata Property Act*
- (2) **Approving Officer** - an appropriate approving officer appointed under the *Land Title Act*
- (3) **Assessment Fee** - monthly maintenance fees
- (4) **Assessed Value** - the value assessed under the *Assessment Act*
- (5) **Balcony** - the Limited Common Property, which has been designated by the strata corporation for the exclusive use of the resident of the adjoining strata lot.
- (6) **Bylaw** - bylaw of the strata corporation
- (7) **Caretaker** - the person employed by the strata corporation to perform specified duties as determined by the strata corporation.
- (8) **Commercial or Profession Use** - a purpose activity or occupation for which money is earned.
- (9) **Common Asset** - (a) personal property held by or on behalf of a strata corporation, and (b) land held in the name of or on behalf of a strata corporation, that is (i) not shown on the strata plan, or (ii) shown as a strata lot on the strata plan.
- (10) **Common Expenses** - expenses (a) relating to the common property and common assets of the strata corporation or (b) required to meet any other purpose or obligation of the strata corporation.
- (11) **Common Property** - (a) that part of the land and buildings shown on a strata plan that is not part of a strata lot, and (b) pipes, wires, cables, chutes, ducts and other facilities for the passage or provision of

**STRATA PLAN VR 2443 CAMBRIDGE GARDENS
BYLAWS**

water, sewage, drainage, gas, oil, electricity, telephone, radio, television, garbage, heating and cooling systems, or other similar services, if they are located (i) within a floor, wall or ceiling that forms a boundary (A) between a strata lot and another strata lot, (B) between a strata lot and the common property, or (C) between a strata lot or common property and another parcel of land, or (ii) wholly or partially within a strata lot, if they are capable of being and intended to be used in connection with the enjoyment of another strata lot or the common property.

- (12) **Contingency Reserve Fund** - a fund for common expenses that usually occur less often than once a year or that do not usually occur, as set out in section 92 (b).
- (13) **Family & Family Members** - For the purposes of section 142 of the *Strata Property Act*, family and family member mean: (a) a spouse of the owner, (b) a parent or child of the owner, or, (c) a parent or child of the spouse of the owner.
- (14) **Landlord** - an owner who rents a strata lot to a tenant.
- (15) **Limited Common Property** - common property designated for the exclusive use of the owners of one or more strata lots.
- (16) **Majority Vote** - a vote in favour of a resolution by more than ½ 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.
- (17) **Occupant** - a person, other than an owner or tenant, who occupies a strata lot.
- (18) **Operating Fund** - a fund for common expenses that usually occur once a year.
- (19) **Owner** - person or persons registered in the land title office
- (20) **Patio** - the Limited Common Property, which has been designated by the strata corporation for the exclusive use of the resident of the adjoining strata lot.
- (21) **Recreation Facility** - that part of the common property which includes the swimming pool, sauna, Jacuzzi, and exercise equipment

STRATA PLAN VR 2443 CAMBRIDGE GARDENS BYLAWS

and also includes the social room and guest suite and the furnishings and other designated property therein.

- (22) **Rule** - a rule of a strata corporation made under section 125 or 197.
- (23) **Special Resolution** - a resolution passed at special general meeting or annual general meeting.
- (24) **$\frac{3}{4}$ Vote** - a vote in favour of a resolution by at least $\frac{3}{4}$ 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.
- (25) **Unanimous Vote** - a vote in favour of a resolution by all the votes of all the eligible voters
- (26) **Unit of Entitlement** - of a strata lot means the number indicated in the Schedule of Unit Entitlement established under section 246, that is used in calculations to determine the strata lot's share of (a) the common property and common assets, and (b) the common expenses and liabilities of the strata corporation.

– END –

- February 17, 2009 AGM
 - Bylaw 7 (1)(e) amended
 - Bylaw 25 (e) deleted
 - Bylaw 25 (f) amended
 - Bylaw 25 (m) added
 - Bylaw 25 (o) deleted
 - Bylaw 42 amended
- June 29, 2009 SGM
 - Bylaw 37(11) added
- June 9, 2011 SGM
 - Bylaw 32(3) added
- March 14, 2017 AGM
 - Bylaw 4(5) added
 - Bylaw 32(3) amended
- February 26, 2019 AGM
 - Bylaws 4(6) & 4(7) added
- February 27, 2020 AGM
 - Bylaw 45(3) deleted

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