

Schedule of 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.

2. Repair and Maintenance of Property by Owner

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. (Ref. Div. 2 #12)
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. (Ref. Div. 2 #12)
3. An owner shall be responsible for all expenses incurred by the Corporation related to the failure of a hot water tank in their unit unless the hot water tank is not more than four years beyond the expiry of its' warrantee.

3. Use of Property

1. An owner, tenant, occupant 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 including the use of laundry equipment, dishwashers or vacuum cleaners between the hours of 10:00 p.m. and 8:00 a.m.,
 - C) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - D) is illegal, 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. An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure

under section 149 of the act;

3. No owner shall erect, place or allow, keep or display signs, billboards, advertising material or other notices or displays of any kind on the common property, or in and about any strata lot, with the exception of a "Real Estate Sign" placed on the outside common property. Signs must be removed promptly after a unit is sold.
4. An Owner, tenant, occupant or visitor must not:
 - A) use a barbeque, hibachi, or other like cooking device on a balcony or deck;
 - B) shake any mops or dusters of any kind, nor throw any refuse, out of the windows or doors from the deck of any strata lot;
 - C) do anything that will increase the risk of fire or the rate of insurance on the building or any part thereof;
 - D) permit a condition to exist within a strata lot which will result in the waste or excessive consumption of the buildings water supply;
 - E) allow a strata lot to become unsanitary or a source of odour;
 - F) feed pigeons, gulls, squirrels, rodents or other animals from a strata lot or anywhere on or in close proximity to the common property or any limited common property;
 - G) install any window covering, visible from the exterior of the strata lot which are not of a neutral colour tone;
 - H) install any sun blinds on enclosed balconies that are not black in colour;
 - I) hang or display any laundry, washing, clothing, bedding or decorative lighting from windows, balconies, decks or other parts of the building so that they are visible from the outside of the building;
 - J) use or install in or about a strata lot any awnings, window or balcony guards or screens, ventilators, supplementary heating or air conditioning devices, except those installations approved in writing by the council;
 - K) erect on or fasten to a strata lot, the common property or any limited common property, any television or radio receiver, antenna or similar structure or appurtenance thereto, except those installations approved in writing by council;
 - L) hang or install any hanging plants or baskets or other hanging items on the outside of a balcony railing line; except those installations approved in writing by the council;
 - M) install or display exterior Christmas lights or decorations visible from street prior to November 15th annually. No lights or decorations to be turned on until December 1st and removed no later than January 31st annually;
 - N) conduct or hold individual garage sales; unless approved in writing by council;

- O) install or use waterbeds or any other type of water filled furniture;
- P) use natural Christmas trees, and all ornaments and decorations must be of fireproof material;
- Q) conduct a home business of any kind that involves undue traffic or noise in or about the strata lot or common property at any time of the day.

4. Pet Restrictions

1. An owner shall not keep or allow to be kept, any dogs or cats, or any other animal, reptile, bird or fowl, within a strata lot or on common property.

5. Adult Oriented

1. Inasmuch as Strata 901 is adult oriented, having provided no facilities such as playgrounds or special rooms for children, no one under the age of eighteen shall be permitted to become a resident of this building. This does not prohibit any owner from having children under the age of eighteen, as house guests for short periods, under special conditions. (Children are those under 18 years of age.)

6. Single Family Usage

1. A strata lot shall be used solely as a single family dwelling. Occupancy of any unit shall not exceed four persons.

7. Rental Restrictions

1. Subject to the provisions of this bylaw, all strata lots shall be owner-occupied and rentals, tenancies or licences of occupancy of any sort whatsoever are absolutely prohibited, with the following considerations and exceptions:
 - A) where cases of undue physical or financial hardship of a personal nature arise, the owner may make a written request to the council for permission to rent a strata lot for a limited period of time, and where the council has been provided with evidence that undue hardship will result if limited rental approval is not given, the council shall not unreasonably withhold permission for limited rental;
 - B) this bylaw does not apply to any unit rented before this bylaw was passed;
 - C) this bylaw does not apply to prevent the rental of a strata lot to a member of the "family" of an owner, meaning:
 - i. the spouse of the owner;
 - ii. a parent or child of the owner; or
 - iii. a parent or child of the spouse of the owner,

Where "spouse of the owner" includes an individual who has lived and co-habitated with the owner, for a period of at least two years at the relevant time, in a marriage-like relationship, including a marriage-like relationship between persons of the same gender;
D) the strata corporation is entitled to impose a fine of up to \$500.00 for a contravention of this bylaw, and may impose such a fine for a continuing contravention every seven days.

8. Inform Strata Corporation

1. Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and mailing address outside the strata plan, if any.
2. On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

9. Obtain Approval before Altering a Strata Lot

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 the building;
 - B) the exterior of the building or it's appearance;
 - C) chimneys, stairs, balconies or other things attached to the exterior of the building;
 - D) doors, windows or skylights, on the exterior of the building, or that front on the common property;
 - E) fences, railings or similar structures that enclose a patio, balcony or yard;
 - F) common property located within the boundaries of a strata lot;
 - G) those parts of the strata lot which the strata corporation must insure under section 149 of the Act.
 - H) painting or staining of common property is strictly prohibited.
2. The strata corporation must not unreasonably withhold its approval under subsection (1), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.
3. An owner, tenant or occupant must not do any act, nor alter a strata lot, in any manner, which in the opinion of the council will alter the exterior appearance of the building.
4. In order to maintain the integrity of the building sound proofing, all replacement flooring and floor coverings shall be subject to prior approval of the council. Such approval shall not be unreasonably withheld provided that the noise and vibration suppressing capabilities of the proposed flooring meets or exceeds that of the flooring it is to

replace.

10. Obtain Approval before Altering Common Property

1. An owner must obtain written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.
2. The strata corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration and to provide, at the request of the strata corporation, evidence of appropriate insurance coverage relating to the alteration.

11. Permit Entry to Strata Lot

1. An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot
 - A) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
 - B) at a reasonable time, on 48 hours written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act.
2. The notice referred to in subsection (1)(b) must include the date and approximate time of entry, and reason for entry.

Division 2

Powers and duties of the Strata Corporation

12. Repair and Maintenance of Property by the 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
 - 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 the building;
 - b) the exterior of the building;
 - c) chimneys, stairs, balconies and other things attached to the exterior of the building;

- d) doors, windows and skylights on the exterior of a building or that front on the common property only if they leak and are causing damage to the building;
- e) fences, railings and similar structures that enclose patios and balconies.

Division 3 Council

13. Council Size

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

14. 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.

15. Removing Council Member

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

16. Replacing Council Member

1. If a council member resigns or is unwilling or unable to act for a period of 2 or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.
2. A replacement council member may be appointed from any person eligible to sit on the council.
3. The council may appoint a council member under this section even if the absence of the member being replaced leaves the council without a quorum.
4. If all the members of the council resign or are unwilling or unable to act for a period of 2 or more months, persons holding at least 25% of the strata corporation's votes may hold a special general meeting to elect a

new council by complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings.

17. 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 or unable to act, or
 - B) for the remainder of the president's term if the president ceases to hold office.
4. If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

18. 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.
2. The notice does not have to be in writing.
3. A council meeting may be held on less than one week's notice if
 - A) all council members consent in advance of the meeting, or
 - B) the meeting is required to deal with an emergency situation, and all council members either
 - i. consent in advance of the meeting, or
 - ii. are unavailable to provide consent after reasonable attempts to contact them.
4. The council must inform owners about a council meeting as soon as feasible after the meeting has been called.

19. 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 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 week of the hearing.

20. Quorum of Council

1. A quorum of the council is
 - A) 1, if the council consists of one member,
 - B) 2, if the council consists of 2, 3 or 4 members,
 - C) 3, if the council consists of 5 or 6 members, and
 - D) 4, if the council consists of 7 members.
2. Council members must be present in person at the council meeting to be counted in establishing quorum.

21. Council Meetings

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

22. Voting at Council Meetings

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

23. Council to inform Owners of Minutes

1. 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.

24. Delegation of Council's Powers and Duties

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

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

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

26. Limitation on Liability of Council Member

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

Division 4 Enforcement of Bylaws and Rules

27. Maximum Fine

1. The strata corporation may fine an owner or tenant a maximum of
 - A) \$200 for each contravention of a bylaw, and
 - B) \$50 for each contravention of a rule.
 - C) \$500 for each contravention of the rental restriction bylaw (7.1)**CI)**

28. Continuing Contravention

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

Division 5 Annual and Special General Meetings

29. Person to Chair Meeting

1. Annual and special general meetings must be chaired by the president of the council.
2. If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
3. If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons who are present at the meeting.

30. Participation by Other Than Eligible Voters

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

31. Voting

1. At an annual or special general meeting, voting cards must be issued to eligible voters.
2. At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
3. If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.
4. The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.
5. If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote.

6. If there are only 2 strata lots in the strata plan, subsection (5) does not apply.
7. Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.

32. Proxy Limitation

1. An eligible voter attending a general meeting shall not hold more than 2 proxies on behalf of eligible voters, excluding the owner's vote.
2. If an owner attends a meeting holding more proxies than permitted pursuant to the above, then that owner, in addition to his own vote, shall only be entitled to vote 2 proxies and the remaining proxies shall be deemed ineligible votes for all purposes, including quorum.

33. Order of Business

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.

Division 6

Voluntary Dispute Resolution

34. 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
 - A) one owner or tenant of the strata corporation nominated by each of the disputing parties and one owner or tenant chosen to chair the committee by the persons nominated by the disputing parties, or
 - B) any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties.
3. The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

Division 7

Interpretation of the Strata Corporation Bylaws

35. Severability

1. For the purpose of interpretation of the strata corporation bylaws, each paragraph, sub-paragraph and section of all bylaws in force and effect from time to time shall be deemed to be a separate bylaw and should a court of competent jurisdiction or an arbitrator find any paragraph, sub-paragraph or section of any bylaw to be unenforceable then such paragraph, sub-paragraph or section shall be deemed to be severable and the remaining paragraph, sub-paragraph and sections shall be given the broadest interpretation possible and shall not be deemed to be void and unenforceable.

36. Small Claims Action

1. Notwithstanding any provisions of the Act, the strata corporation may proceed under the Small Claims Act (British Columbia) against an owner or other person to collect money owing to the strata corporation, including money owing as a fine, without requiring authorization by a resolution passed by a 3/4 vote.

37. Smoking Bylaw

1. Owners, tenants, occupants, and visitors shall not smoke in, on or about the common property, or limited common property. This prohibition shall include:

(a). The exterior portions of the strata corporation including;

i. the grounds,

ii. driveways and

iii. exterior balconies and patios whether they be limited common property or part of the adjoining strata lot unless said balconies or patios are enclosed in which case section (2) below shall apply.

(b). The interior of the building including;

i. the front lobby,

ii. hallways,

iii. elevators,

iv. corridors,

v. stairwells,

vi. laundry room,

vii. exercise room, and

viii. the underground parkade.

2. Owners, tenants, occupants, and visitors shall not smoke in, on or about the strata lot. The prohibition shall include:

(a). the interior of strata lots, and

(b). exterior balconies and patios if they are enclosed and are part of the strata lot.

3. For the purpose of these bylaws "smoking" shall include the inhaling, exhaling, burning, or carrying of any lighted cigarette, cigar, pipes,

narcotics or any similar product whose use generates smoke.

4. Any owner who sells a strata lot shall specifically disclose to all potential buyers and realtors that smoking is prohibited everywhere within the building, including the private units and private outdoor patios and balconies.
5. Any owner who rents, leases or otherwise allows someone other than the owner to reside within or occupy the strata lot, shall disclose to said persons prior to their residency or occupancy, that smoking is prohibited within all areas noted above, and shall be responsible for any breach of these bylaws by them.
6. Section (2) of this bylaw shall not apply to any owner, occupant or tenant who was a smoker and who ordinarily resided in a strata lot at the time of the enactment of this bylaw subject to the condition that said owners, occupants, and tenants must make all reasonable efforts to seal their strata lots to prevent smoke from infiltrating the interior common property spaces or other strata lots.