

Schedule "D"
Proposed Bylaws

Bylaws of The Owners, Strata Plan EPS _____

A. Definitions: Where used in these bylaws, unless the context otherwise requires, each of the words and phrases set out herein will have the meanings as set out in these bylaws and the *Strata Property Act*.

DIVISION 1 – DUTIES OF OWNERS, TENANTS, OCCUPANTS AND VISITORS

1. Payment of strata fees

1.1 An owner must pay strata fees on or before the first day of the month to which the strata fees relate.

2. Repair and maintenance of property by owner

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

2.2 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.

2.3 An owner shall promptly carry out all work that may be ordered by any competent public or local authority in respect of their strata lot.

3. Use of property

3.1 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,
- (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,
- (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.

3.2 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 *Strata Property Act*.

3.3 An owner, tenant or occupant is responsible to pay to the strata corporation the cost of any insurance deductible paid by the strata corporation if the loss or damage that gave rise to the insurance claim was caused by the negligence of the owner, tenant, occupant or visitor of the strata plan.

4. Pets

4.1 An owner, tenant or occupant must not keep any pets on a strata lot other than the following:

- (a) a reasonable number of fish or other small aquarium animals;
- (b) a reasonable number of small, caged mammals;

- (c) up to 2 caged birds;
- (d) a combination of dog(s) and cat(s) not to exceed 3 at any time.

4.2 Pets, which by definition are described as exotic, are prohibited (such as snakes, poisonous spiders, scorpions, non-domestic mammals, reptiles, amphibians, and birds or unregulated wildlife).

4.3 Pets must be kept indoors between the hours of 11:00 pm and 5:00 am and not permitted to roam freely.

4.4 Exterior kennels are not permitted.

4.5 A pet shall not cause a nuisance to any owner, tenant or occupant.

4.6 No vicious dogs are permitted within the strata development. For the purposes of this bylaw, a vicious dog means the following: any dog that has killed or injured any person or animal, or any dog that aggressively harasses or pursues any person or animal, or any dog primarily or in part owned for the purpose of dog fighting or is trained for dog fighting .

4.7 An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset. Any litter deposited by the animal must be removed forthwith from the strata lot or the common property by the owner.

4.8 If the council receives a complaint about a pet, a bylaw enforcement hearing will be held in accordance with the provisions of the *Strata Property Act*. At the end of the hearing, the council may take no action, fine the owner, require the person to pay the costs of remedying the contravention, or order the immediate removal of the pet from the strata lot, in which case, the pet will be immediately removed. The owner of the pet will be advised about the outcome of the hearing in writing.

4.9 The council shall have the right, in its sole discretion, to vary the restrictions contained in the pet bylaws and grant specific permissions to an owner, provided that:

- (a) the permission is granted in writing and specifies the manner in which the pet bylaw has been varied and the conditions which the council may apply to the special permission;
- (b) 75% of the members of council have agreed to grant the permission;
- (c) the council may not vary the provisions of bylaw 4.8 if it receives a complaint about the pet; and
- (d) the permission terminates on the earlier of the death of the pet or the sale of the strata lot by the owner to a third party.

5. Inform strata corporation

5.1 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.

5.2 On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

6. Obtain approval before altering a strata lot

6.1 An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves any of the following:

- (a) the structure of a building;
- (b) the exterior of a building;
- (c) chimneys, stairs, balconies or other things attached to the exterior of the building;

- (d) doors or windows 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.

7. Obtain approval before altering common property

7.1 An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.

7.2 The strata corporation may withhold its consent to any alteration to the common property without reason unless it is made by an owner who has benefit of such common property by designation of limited common property in which case the strata corporation may not unreasonably withhold its consent to such alteration.

7.3 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.

8. Permit entry to strata lot

8.1 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,
 - (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 *Strata Property Act*, or
 - (ii) to ensure compliance with the *Strata Property Act* and the bylaws.

8.2 The notice referred to in section 8.1(b) must include the date and approximate time of entry, and the reason for entry.

DIVISION 2 – POWERS AND DUTIES OF STRATA CORPORATION

9. Repair and maintenance of property by strata corporation

9.1 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) retaining walls and chain link fencing which commence on common property and is an asset of the strata corporation, but may extend, in whole or in part, into a strata lot, except any portion thereof forming part of an improvement within a strata lot;
- (d) all landscaping maintenance on the common property;
- (e) all maintenance and snow removal from internal roads and sidewalks, if any.

10. Repair and maintenance of limited common property

10.1 The strata corporation will govern and control the repair and maintenance of limited common property, but the duty to repair and maintain it is restricted to repair and maintenance that in the ordinary course of events occurs less often than once a year. All costs associated with the repair and maintenance of limited common property will be apportioned solely to the strata lot owner or owners having benefit of such limited common property.

DIVISION 3 – ELECTRONIC NOTICE AND MEETINGS AUTHORIZED

11. Notices

11.1 Any notice required to be given in accordance with these bylaws or the *Strata Property Act*, may be given personally, by mail or by electronic means to such person entitled to notice at such mail address or electronic address as appears on the records of the strata corporation.

11.2 The accidental omission to give notice of a meeting to, or the non-receipt of a notice by, any of the persons entitled to receive notice does not invalidate proceedings at that meeting.

12. Meetings

12.1 Any council, executive, annual or special meeting may be conducted by means of electronic or other communication facilities, or

12.2 a council member, executive member, or owner, as the case may be, who is unable to attend at a meeting may participate in the meeting by means of electronic or other communication facilities.

12.3 If a meeting is held by electronic means, members are deemed to be present in person.

12.4 The following apply in relation to a meeting referred to in bylaw 12.1 or 12.2:

(a) the meeting must be conducted in accordance with the applicable procedure bylaw;

(b) the facilities must enable the meeting's participants to hear, or watch and hear, each other.

DIVISION 4 - COUNCIL

13. Council size

13.1 The council must have at least 3 and not more than 7 members; provided, however, that is the strata corporation has fewer than 4 owners, all owners are on the council.

14. Council members' terms

14.1 The term of an office of a council member ends at the end of the annual general meeting at which a replacement is elected.

14.2 A person whose term as council member is ending is eligible for reelection.

15. Removing council member

15.1 Unless all owners are on the council, the strata corporation, may, by a resolution passed by a majority vote at an annual or special meeting, remove one or more council members.

15.2 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

16.1 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 term.

16.2 A replacement council member may be appointed from any person eligible to sit on the council.

16.3 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.

16.4 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 *Strata Property Act*, the regulations and the bylaws respecting the calling and holding of meetings.

17. **Officers**

17.1 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.

17.2 A person may hold more than one office at a time, other than the offices of president and vice-president.

17.3 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.

17.4 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**

18.1 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.

18.2 The notice does not have to be in writing.

18.3 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.

18.4 The council must inform owners about a council meeting as soon as possible after the meeting has been called.

19. **Requisition of council hearing**

19.1 By application in writing, stating the reason for the request, an owner or tenant may request a hearing at a council meeting.

19.2 If a hearing is requested under section 19.1, the council must hold a meeting to hear the applicant within 2 weeks of the request.

19.3 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**

20.1 A quorum of the council is

- (a) 2, if the council consists of 2, 3, or 4 members,
- (b) 3, if the council consists of 5 or 6 members, and
- (c) 4, if the council consists of 7 members.

- (d) Council members must be present in person at the council meeting to be counted in establishing quorum.

21. Council Meetings

21.1 Owners may attend council meetings as observers.

21.2 Despite section 21.1, 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) 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

22.1 At council meetings, decisions must be made by a majority of council members present in person at the meeting.

22.2 If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.

22.3 The results of all votes at a council meeting must be recorded in the council meeting minutes, along with the names of the council members moving and seconding any resolutions, and the names of any dissenting or abstaining council members.

23. Council to inform owners of minutes

23.1 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

24.1 Subject to sections 24.2 to 24.4, 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.

24.2 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 section 24.3.

24.3 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.

24.4 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

25.1 A person may not spend the strata corporation's money unless the person has been delegated the power to do so in accordance with these bylaws.

25.2 Despite section 25.1, 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

26.1 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.

26.2 Section 26.1 does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

DIVISION 5 - ENFORCEMENT OF BYLAWS AND RULES

27. Maximum Fine

27.1 The strata corporation may fine an owner or an owner on behalf of that owner's tenant's contravention, a maximum of

- (a) \$200.00 for each contravention of a bylaw, and
- (b) \$50.00 for each contravention of a rule.

28. Continuing contravention

28.1 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 6 - ANNUAL AND SPECIAL GENERAL MEETINGS

29. Person to chair meeting

29.1 Annual and special general meetings must be chaired by the president of the council.

29.2 If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.

29.3 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

30.1 Owners may appoint a tenant or occupant of a strata lot to act as the owner's proxy for any reason.

30.2 Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.

30.3 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.

30.4 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

31.1 At an annual or special general meeting, voting cards must be issued to eligible voters.

31.2 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.

31.3 If a precise count is requested, the chair must decide whether it will be show of voting cards or by roll call, secret ballot or some other method.

31.4 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.

31.5 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. **Order of business**

32.1 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 *Strata Property Act*;
- (j) report on insurance coverage in accordance with section 154 of the *Strata Property Act*, if the meeting is an annual general meeting;
- (k) approve the budget for the coming year in accordance with section 103 of the *Strata Property 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 *Strata Property Act*;
- (m) elect a council, if the meeting is an annual general meeting;
- (n) terminate the meeting.

DIVISION 7 – EXPENSES

33. **Common expenses**

33.1 “Common expenses” means the total of all expenses incurred or to be incurred by the strata corporation in controlling, managing and administering, operating, repairing, maintaining and replacing the common property, common facilities and other assets of the strata corporation.

33.2 An owner’s contribution to the operating fund for common expenses and the contingency reserve fund will be calculated by unit entitlement.

DIVISION 8 - VOLUNTARY DISPUTE RESOLUTION

34. Voluntary dispute resolution

34.1 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 *Strata Property Act*, the regulations, the bylaws or the rules.

34.2 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.

34.3 The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

DIVISION 9 – GENERAL PROHIBITIONS

35. An owner shall not:

- (a) dispose of any material in, nor infill, any gulley, ditch, channel or vale;
- (b) permit the escape of water from their strata lot to another strata lot, except through storm drainage corridors, constructed for the specific purpose of funneling water safely through the strata plan;
- (c) install commercial displays or signage which is visible from the exterior of their strata lots without the prior consent of the strata council, which may be withheld without reason. One real estate 'for sale' sign with a panel of no larger than 3 feet by 3 feet is permitted per strata lot;
- (d) permit, store, erect, or hang over or cause to be erected or to remain outside any window, door or deck or any other part of a strata lot or on the common property, clothes lines, recreational or athletic equipment, including bicycles, barriers, or partitions. Awnings, shades and screens are permitted providing they match the 'earth tone' colours of the strata plan, and do not unreasonably block the view from neighbouring strata lots;
- (e) use patios or balconies for general storage purposes or allow such areas to become untidy or unsightly;
- (f) do anything or permit any thing to be done in their strata lot or on the common property or fail to do any act or thing which will or would tend to increase the risk of fire or the rate of fire insurance premiums with respect thereto or which would render invalid any insurance maintained by the strata corporation;
- (g) permit any member of their household, guests or visitors to trespass on the part of the strata plan which another owner is entitled to exclusive use;
- (h) park on the common property, other than on common property designated as "Visitor Parking" and in garages and on driveways on strata lots;

- (i) use a driveway for any purpose other than ingress and egress or for the parking of an insured motor vehicle which does not exceed the dimensions of a private automobile, van or pickup;
- (j) permit vehicles of guests or invitees utilizing Visitor Parking to do so in excess of 72 hours. Vehicles of violators may be towed at the vehicle owner's expense. The strata corporation may, at its sole discretion, levy a fine not to exceed \$50.00/day against an owner who permits a guest or invitee to violate the Visitor Parking restriction;
- (k) park motor homes, campers, tent style or other portable cover type structures, trailers, boats or equipment on the common property or on a strata lot, other than in enclosed garages or other areas, if any, as specified by the strata council from time to time;
- (l) perform maintenance on any vehicle in such a manner that will cause nuisance or annoyance to other owners or occupiers;
- (m) obstruct or use the sidewalks, walkways, passages, driveways or the common property for any purpose other than that for which each was designed and as access to, or egress from, the strata lots and facilities within the common property;
- (n) keep or accumulate or permit to be kept or accumulated any debris, refuse, or waste or recyclable material upon the strata lot or the common property, except in proper disposal containers with affixed lids, which are stored on the strata lot in an area least visible to others;
- (o) use any instrument or device within a strata lot or upon the common property which in the opinion of the strata council causes disturbance or interferes with the comfort of other owners or occupiers;
- (p) place satellite dishes, solar panels, electronic or other equipment within a strata lot such that it impairs the visual site line of other occupants in the strata plan or creates reflected light or glare, visually disturbing to other occupants in the strata plan.

36. Smoking Restriction

36.1 Due to the irritation and known health risks of exposure to second-hand tobacco smoke, increased risk of fire and increased maintenance and cleaning costs, all forms of smoking are prohibited on the common property, including but not limited to:

- (a) on any part of the property that is a common element or exclusive use common element, including parking area, balconies, patios, and terraces; and
- (b) within 7.5m of any building entries, outdoor air intakes, and operable windows.

36.2 For the purposes of bylaw 36.1, the term "smoking" shall include the inhaling, exhaling, burning, or carrying of lighted tobacco, electronic or e-cigarettes, and marijuana products.

36.3 Bylaw 36.1 applies to all persons, including but not limited to owners, tenants, invitees, business invitees, occupants, and visitors. An owner or tenant is responsible for any and all parties who are admitted on the premises by the owner or tenant if such parties are in violation of the no-smoking bylaw, and such owner or tenant may be fined under this section.

36.4 For the purposes of bylaw 36.3, the term "business invitee" shall include but is not limited to any contractor, tradesperson, agent, household worker, or other person hired by an owner, a tenant or resident to provide a service or product.

36.5 Notice of the no-smoking bylaw shall be contained within all status certificates provided by the condominium corporation. Tenant lease documents must also contain this notice.

36.6 In the event there is suspicion of smoking in the aforementioned areas, residents may fill out a complaint form and submit it to the board for further investigation. The strata corporation may fine an owner or tenant if there is reasonable proof of a violation.

36.7 The strata corporation may fine owner or tenant for each contravention of the bylaw set out in this section to a maximum of \$200.00.

36.8 Any amendment to bylaws 36.1, 36.2 and 36.3 shall require the unanimous consent of the owners of all strata lots.

DIVISION 10 – SMALL CLAIMS

37. Small Claims Proceedings

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

DIVISION 11 - SEVERABILITY

38. Severability

38.1 Should any portion of these bylaws be deemed unenforceable by any court of competent jurisdiction, then for the purposes of interpretation and enforcement of the bylaws, each paragraph, sub-paragraph or clause hereof shall be deemed a separate provision and severable, and the balance of the provisions contained herein shall remain in full force and effect.

38.2 For the purposes of all bylaws, wherever the singular or masculine is used, it shall be construed as meaning the plural or feminine or body corporate where the context requires.

DIVISION 12 - MARKETING ACTIVITIES BY OWNER DEVELOPER

39. Display lot

39.1 An owner developer who has an unsold strata lot may carry on sales functions that relate to its sale, including the posting of signs.

39.2 An owner developer may use a strata lot, that the owner developer owns or rents, as a display lot for the sale of other strata lots in the strata plan.

39.3 An owner developer may use the common property including any common facilities for any purpose relating to sales functions of the strata lots for as long as the owner developer, or subsidiary thereof, retains a registered interest in any strata lot in the strata plan.