

Bylaws of The Owners, Strata Corporation KAS3027

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

Payment of Strata Fees

1

1. An owner must pay strata fees on or before the first day of the month to which the strata fees relate, and must ensure that payments provided are in negotiable form with sufficient funds allocated to honour the payment. Cash payments are not accepted and receipts are not provided.
2. Special Levies must be paid when due.
3. If an owner fails to pay strata fees or a special levy when due, the Strata Corporation may charge interest at the rate of 10% per annum compounded annually, or may assess a fine of up to \$200.00 for every 7 days strata fees remain unpaid. Such fines may be assessed separately for each month's overdue or unpaid strata fees and any overdue or unpaid special levies in accordance with the process set out in the Strata Property Act.
4. If any payment made to the Strata Corporation by cheque or pre-authorized direct funds transfer is returned by an owner's bank due to insufficient funds, that owner may be fined up to \$200.00 for failing to honour a payment, and may also be assessed any bank charges incurred by the Strata Corporation as a cost of remedying a bylaw contravention.
5. When strata fees are changed at the Annual General Meeting, the change applies retroactively to those months of the fiscal year which have already passed or commenced between the end of the previous fiscal year, and the convening of the Annual General Meeting. For the purpose of determining whether or not an owner is in arrears of strata fee payments, any portion of the presently payable strata fees which represent an increase shall be due and payable upon approval of the budget, are not considered overdue until the first day of the calendar month which follows the distribution of the minutes of the Annual General Meeting, but are payable by the owner at the time that the budget is approved.
6. An owner in arrears of strata fees, and/or any special levies, including fines and interest on arrears must reimburse the Strata Corporation on demand and in full for the reasonable costs of collecting those arrears, including legal costs on a "solicitor and own client" basis, disbursements, expenses, taxes, filing and/or Court fees, all on a full indemnity basis.

Approved AGM Mar 29'14

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.
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 shall indemnify and save harmless the Strata Corporation from all costs and expenses incurred by or on behalf of the Strata Corporation for the maintenance, repair or replacement rendered necessary to common property, common assets or to any strata lot as a result of damage caused, or contributed to, by the acts or omissions

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of the owner, his visitors, servants, agents or tenants. In the event the Strata Corporation elects to claim for such costs or expenses under a policy of insurance and such claim is allowed by the insurance company, the owner shall be required to pay the deductible portion of such insurance claim. **Approved AGM Mar 22'08**

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,
 - (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. 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.
4. An owner, tenant or occupant may keep a reasonable number of pets on a strata lot provided they are:
 - (a) restrain their pets by leash or otherwise keep them under control at all times, in terms of activity and noise; and
 - (b) remove their pet's fecal matter on trails, pathways and all other common property. **Form Y – Jun 7'06**
5. **Parking**
 - (a) Parking on Common Property, streets, lanes or access routes of the Development is prohibited and any vehicle parked in a prohibited area will be removed at the cost of the vehicle owner/driver and the owner will be subject to fines under Section 23 of the Schedule of Standard Bylaws.
 - (b) Vehicles travelling on internal roads must not exceed the speed limit of twenty kilometers per hour. **Form Y – Jun 7'06**
6. **Recreational Vehicle** The use of snowmobiles, trail bikes, all terrain vehicles or any unlicensed motor vehicle is prohibited on the common property. **Form Y – Jun 7'06**
7. **Plants and Wildlife**
 - (a) Harm, damage, trapping or destruction of wildlife on the property is prohibited
 - (b) The cutting or removal of plants, trees or bushes on the private or common property is prohibited, without the prior written consent of the strata council.
 - (c) The use of animal, plant or insect poison on common property is prohibited without the prior written consent of the strata council. **Form Y – Jun 7'06**

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8. **Firearms** The discharge of projectiles of any kind (guns, bows and arrows, sling shots, etc) on the property is prohibited. ***Form Y – Jun 7'06***
9. **Decks, balconies and patios** Decks, balconies and patios must be kept in a clean, neat and tidy condition free of debris and must not be used for storage purposes. ***Form Y – Jun 7'06***
10. **Signs** Owners may not erect or post signs, billboards, placards, advertising or notices of any kind on the exterior of the building, on the common property or in a window that is visible from the exterior of the strata lot except "For Sale" signs which may only be located as directed by the council and except that Rental Manager's signs identifying and promoting the rental pool may be erected. This bylaw shall be interpreted in a manner consistent with elections legislation.

Amended March 25/2017

4 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.

5 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 a building;
 - (b) the exterior of a building;
 - (c) chimneys, stairs, balconies or other things attached to the exterior of a building;
 - (d) doors, windows or skylights, on the exterior of a building, or that front on the common property;
 - (e) fences, railings or similar structures that enclose a patio, balcony or yard;
 - (f) 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.
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. This section does not apply to a strata lot in a bare land strata plan.
4. Without limiting the generality of subsection (1) an owner must obtain the written approval of the strata corporation before installing hard surface flooring in a strata lot. Before granting approval, the strata council must be satisfied that a satisfactory sound installation underlay is to be installed. Additionally the owner must agree that furniture that is placed on hard surface floors must have felt pads or other like material affixed to the bottom of the furniture legs and, owners, tenants, occupants and visitors must not wear high heels or hard soled shoes on the hard surface floor.

Amended March 25/2017

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6 Obtain approval before altering common property

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.
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.

7 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 the reason for entry.

Division 2 -- Powers and Duties of Strata Corporation

8 Repair and maintenance of property by Strata Corporation

The strata corporation must repair and maintain all of the following:

- (a) common assets of the strata corporation;
- (b) common property that has not been designated as limited common property;
- (c) limited common property, but the duty to repair and maintain it is restricted to
 - (i) repair and maintenance that in the ordinary course of events occurs less often than once a year, and
 - (ii) the following, no matter how often the repair or maintenance ordinarily occurs:
 - (A) the structure of a building;
 - (B) the exterior of a building;
 - (C) chimneys, stairs, balconies and other things attached to the exterior of a building;
 - (D) doors, windows and skylights, on the exterior of a building or that front on the common property;
 - (E) fences, railings and similar structures that enclose patios, balconies and yards;
- (d) a strata lot in a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to
 - (i) the structure of a building,

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- (ii) the exterior of a building,
 - (iii) chimneys, stairs, balconies and other things attached to the exterior of a building,
 - (iv) doors, windows and skylights on the exterior of a building or that front on the common property, and
 - (v) fences, railings and similar structures that enclose patios, balconies and yards.
- (e) parts of a strata lot designated as 'part' of a strata lot and marked 'deck' , but the duty to repair and maintained is restricted to:
- (i) the surface of the interior walls and floor of the deck;
 - (ii) the structure of the deck, including railings, floors, walls, and ceiling, if any.
- 8A** (1) The strata corporation is authorized to enter into bulk contracts for the provision of services to be provided to some or all individual strata lots including but not limited to:
- (a) cable television;
 - (b) internet; and
 - (c) telephone.
- Amended March 25/2017***

Division 3 -- Council

9 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.

10 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 reelection.
3. to (5) [Repealed 1999-21-51.]

11 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.

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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.

12 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.

13 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.

14 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.

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

15 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.

16 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.

17 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.

18 Voting at council meetings

1. At council meetings, decisions must be made by a 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.

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19 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.

20 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.

21 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.

22 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

23 Maximum fine

1. The strata corporation may fine an owner or tenant a maximum of

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- (a) \$200 for each contravention of a bylaw, and
- (b) \$50 for each contravention of a rule.

Amended March 25/2017

24 Continuing contravention

- 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 5 -- Annual and Special General Meetings

25 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.

26 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.

27 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.

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8. Annual and Special General meetings may allow attendance by electronic means, so long as the electronic means permits all persons participating in the meeting to communicate with each other during the meeting. **Approved AGM Mar 22'08**
9. (a) A quorum for an annual or special general meeting shall be 1/3 of the strata corporation's eligible votes, present in person or by proxy,

(b) If within one-half (1/2) hour from the time appointed for an annual or special general meeting a quorum is not present, the meeting stands adjourned to one (1) hour after the original time scheduled for the meeting on that same day but, if at that time to which the meeting is adjourned a quorum described in subsection (1) is not present, the eligible voters present, in person or by proxy, constitute a quorum.

Approved AGM Mar 22'08

28 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

29 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.

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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 -- Privacy

Privacy

- 30 (1) The strata corporation is authorized to install 25 video surveillance cameras which will operate 24 hours per day, seven days per week in public areas and hallways including the parkade entrances on levels 1 and 2, south elevator entrance on level 2, hallways on levels 1-6, ski locker room, Club Snowbird, and the gym for the purpose of recording the activities of owners, tenants, occupants, visitors and members of the general public in order to identify and provide evidence in relation to persons who may be responsible for causing damage or loss or committing bylaw breaches or criminal activities.
- (2) Signs indicating the presence and purpose of video surveillance cameras will be posted in all areas subject to video surveillance.
- (3) The video surveillance recordings will be maintained on a central recording system which is password protected and which is located in the Server Room in the Administration Building which room is locked and alarmed.
- (4) The video surveillance recordings will be retained for 60 days after which they will be overwritten except where the council decides to preserve recordings from a specific incident or series of incidents and that decision, including the length of time that the recordings will be preserved, is recorded in the council meeting minutes or the recording contains information relevant to a matter as described in subsection (1), in which case the recording will be retained until the matter is resolved and all appeal periods, if applicable, have expired.
- (5) The video recordings may be accessed or disclosed only under the following circumstances:
 - (a) access by Silver Star Security, IT personnel, the strata council and the property manager;
 - (b) pursuant to a Court order, warrant or equivalent authorization in accordance with the terms of the authorizing document;
 - (c) to any person, as determined by majority vote of the council, if, the disclosure is consistent with the purpose as set out in subsection (1);
 - (d) to a resident or visitor who may only request access to view a video recording which contains images of the person making the request provided that

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permission of any other person(s) present in the recording is obtained and provided that the request is presented within 21 days of the image being recorded, in which case, the recording will be retained for 21 days in order to permit viewing, unless a longer time period has been agreed between the person requesting the viewing and the council; and

- (e) to any person, as determined by majority vote of the council, if, the disclosure is in the best interest of the strata corporation or any resident or visitor or is permitted by law.
- (6) In installing and/or maintaining the video surveillance system described herein, the strata corporation makes no representation or guarantees that the system will be fully operational at all times. The strata corporation is not responsible or liable to any resident or visitor in any capacity (including a failure to maintain, repair, replace, locate or monitor the system, whether arising from negligence or otherwise) for personal security or personal property in any area monitored by the system.

Amended March 25/2017

END OF BYLAWS