

# Bylaws of The Owners, Strata Corporation KAS3358

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# Bylaws of The Owners, Strata Corporation KAS3358

## 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.
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 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:
  - (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 – Dec 7'07*
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 – Dec 7'07*

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6. **Recreational Vehicle** The use of snowmobiles, trail bikes, all terrain vehicles or any unlicensed motor vehicle is prohibited on common property. *Form Y – Dec 7'07*
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 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 – Dec 7'07*
8. **Firearms** The discharge of projectiles of any kind (guns, bows and arrows, sling shots, etc.) on the property is prohibited. *Form Y – Dec 7'07*
9. **Deck, 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 – Dec 7'07*

### 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.

### 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.

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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,
  - (ii) the exterior of a building,
  - (iii) chimneys, stairs, balconies and other things attached to the exterior of a building,

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- (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.

### 8ii) Insurance Deductibles

1. 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, limited common property, common assets, or to any strata lot, as a result of damage caused, or contributed to, by the acts or omissions of an owner, their visitors, servants, agents, tenants, or a member of the owner's family. In such circumstances, and for the purposes of this bylaw, any insurance deductible paid, or amounts less than the deductible payable by the strata corporation, will be required to be payable by the owner to the Strata Corporation.

Approved AGM March 20'10

## 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.
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.

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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.
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.

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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.

### **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.

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### **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
  - (a) \$50 for each contravention of a bylaw, and
  - (b) \$10 for each contravention of a rule.

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### **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. An owner of a strata lot will not be entitled to vote at a general meeting, except on matters requiring a unanimous vote if the Strata Corporation is entitled to register a lien against that strata lot under section 116 of the Strata Property Act.

Approved AGM March 20'10

### 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

### 28ii) Quorum Requirements

1. 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, 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-half (1/2) hour after the original time scheduled for the meeting on that same day and, if at that time to which the meeting is adjourned a quorum is not present, the eligible voters present, in person or by proxy, constitute a quorum.

Approved AGM March 20'10

### 28iii) Electronic Attendance at Meetings

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1. Attendance by persons at an Annual or Special General Meeting may be by telephone or by other electronic method if such method permits all persons participating in the meeting to communicate with each other orally and/or in writing during the meeting.

Approved AGM March 20'10

### 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.
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 -- Marketing Activities by Owner Developer

#### 30 Display lot

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.
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.
3. The Developer will be permitted to use the Common Property to market the Strata Lots. **Form Y – Dec 7'07**

#### 31 Signs No signs will be permitted except for:

- (a) the Developers' signs relating to marketing and naming the Development;
- (b) the Rental Manager's signs identifying and promoting rental of the strata lots; and
- (c) one for sale sign on a strata lot not to exceed 2 feet by 3 feet.

**Form Y – Dec 7'07**

#### 32 Small Claims Actions

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.

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### Division 8 -- Construction of an Improvement on a Strata Lot

#### 33 Construction of a Dwelling

- (1) Before constructing a dwelling on a lot an Owner must pay a construction deposit in the amount of \$5,000 to the Strata Corporation which will be held in trust by the Property Management Company.
- (2) Deductions from the Construction Deposit – The Strata Council may, at any time authorize the Property Manager to deduct money owing to the Strata Corporation for cost related to but not limited to road repairs, curb repairs, light standard repairs, clean up.
- (3) The Owner must provide a copy of the building permit to the Strata Corporation or Property manager prior to starting construction,
  - a) The Owner must complete construction of the exterior of the dwelling within eighteen(18) months from the day on which the building permit was issued.
  - b) The Owner must complete the installation of the driveway and landscaping within eighteen (18) months from the day on which the building permit was issued.
- (4) There will be a administration fee of \$200 payable to the Property Management Company which will be payable at the time of the construction deposit.
- (5) During Construction an Owner Must:
  - a) Keep dust to a minimum by adequately watering disturbed soils,
  - b) Each day before 8:00 pm, remove any soil or other debris deposited on a roadway
  - c) Keep the workplace orderly and safe,
  - d) Promptly;
    - i) report to the Strata Corporation or Property manager any damage done to common property, a common asses or any other strata lot as a result of the construction, and
    - ii) repair that damage at the Owner's Expense
  - e) No Owner, tenant, occupant or visitor may carry out construction work before 7:00 am or after 8:00 pm.
- (6) The construction deposit or portion thereof will be returned to the Owner on receipt by the Strata Corporation or Property Manager of a copy of the occupancy permit and upon completion of a satisfactory inspection.

*Approved SGM May 14'08*

**END OF BYLAWS**