

# ***FIRELIGHT AT THE POND (KAS3727) - BYLAWS***

## **Amended August 20, 2011 SGM**

The following bylaws differ from the Standard Bylaws to the *Strata Property Act*, permitted by section 120 of the Act:

### **1. SECTIONS**

1.01 The owners of all the non-residential strata lots shall form a separate section within the strata corporation consisting of all the non-residential strata lots in the strata plan (the "Commercial Section"):

1.02 The owners of all residential strata lots shall form a separate section within the strata corporation consisting of all the residential strata lots in the strata plan (the "Residential Section").

### **2. DUTIES OF OWNERS**

2.01 An owner, tenant, occupant or visitor shall:

- a) permit the strata corporation and its agents, at all reasonable times on 48 hours written notice, which notice will include the date and approximate time of entry and reason for entry, except in the case of emergency, when no notice is required, to enter his strata lot for the purpose of inspecting the same and maintaining, repairing or renewing the common property and common assets of the strata corporation, or for the purpose of ensuring that the bylaws and rules and regulations of the strata corporation and the separate sections are being observed and performed;
- b) repair and maintain his strata lot, excluding windows and doors, and areas allocated to his exclusive use (which shall include limited common property), and keep them in a state of good repair, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws;
- c) not use a strata lot, the common property or common assets in a way that:
  - i) causes a nuisance or hazard to another person,
  - ii) causes unreasonable noise,
  - iii) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
  - iv) is illegal, or
  - v) 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.

- d) not do, or omit to do, whether deliberately or accidentally, any act which would result in a claim being made on the insurance policy of either the strata corporation or a separate section;
- e) within 2 weeks of becoming an owner, notify the strata corporation of the owner's name, strata lot and mailing address outside the strata plan, if any;
- f) if a tenant and requested by the strata corporation, inform the strata corporation of his or her name;
- g) comply strictly with these bylaws, with particular regard but not limited to the prohibitions in Bylaw 15, and all other bylaws of the strata corporation, and with rules and regulations adopted by the strata corporation or either of the separate sections applicable to such owner from time to time;
- h) 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. DUTIES OF STRATA CORPORATION**

3.01 The strata corporation shall:

- a) except as provided in the *Strata Property Act* or where such repair, management and maintenance is the responsibility of a separate section as provided in these bylaws, repair, manage and maintain the common property (that has not been designated as limited common property) and common assets of the strata corporation, including the structure of any building that is appurtenant to more than one section, for the benefit of the owners in the strata corporation; and
- b) on the written request of an owner or mortgagee of a strata lot, produce to him or a person authorized in writing by him the insurance policies effected by the strata corporation and the receipts for the last premiums.

### **4. DUTIES OF SEPARATE SECTIONS OF THE STRATA CORPORATION**

4.01 Each separate section of the strata corporation shall repair, manage and maintain for the benefit of all members of that separate section:

- a) the common property and common assets appurtenant only to that separate section, including the structure of any buildings that are appurtenant only to that separate section, as may reasonably be considered to be intended for the exclusive use of that section;

- b) the limited common property appurtenant only to that separate section; and
- c) a strata lot contained within that separate section where the section comprises a building appurtenant only to that section.

4.02 Each separate section of the strata corporation shall be entitled to restrict the use and access to the common property appurtenant to that separate section by the owners of the other section.

4.03 Without limiting the generality of the foregoing, the Commercial Section shall not have access to or use the outdoor hot tubs and outdoor fireplaces.

## **5. POWERS OF SEPARATE SECTIONS OF THE STRATA CORPORATION**

5.01 Each separate section of the strata corporation may:

- a) make an agreement with any owner or occupier of a strata lot within the separate section for the provision of amenities or services by it to the strata lot or to the owners or occupiers thereof; and
- b) in accordance with the provisions set out in section 76 of the *Strata Property Act*, grant to an owner within the separate section the right to short term exclusive use and enjoyment of common property appurtenant to the separate section or special privileges in respect thereof.

5.02 Any resolutions passed by the strata corporation, the council or the executive council of a separate section shall clearly state the particular strata lots or common property or limited common property to which such resolution applies and resolutions made by the executive of a separate section shall apply only to the strata lots within, and limited common property appurtenant to and common property to be controlled, managed or administered by that separate section.

## **6. STRATA COUNCIL**

6.01 A council shall consist of not less than 4 or more than 7 persons, and each section shall be entitled to have not less than one representative on council. In respect of the executive for a section, if the section has fewer than 4 strata lots all the owners shall be on the executive.

6.02 Where a strata lot is owned by more than one person, only one owner of the strata lot shall be a member of the council at anyone time.

6.03 At each annual general meeting of the strata corporation all the members of the council shall retire from office and the strata corporation shall elect a new council. A retiring member of the council is eligible for re-election.

6.04 No person may stand for councilor or continue to be on council with respect to a strata lot if the strata corporation is entitled to register a lien against that strata lot under the *Strata Property Act*.

6.05 The only persons who may be a member of council are a registered owner of a strata lot, an individual representing a corporate owner or a tenant who has been assigned the landlord's right to stand for council.

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

6.07 After removing a council member the strata corporation must hold an election at the same meeting to replace the council member.

## **7. EXECUTIVE OF THE SEPARATE SECTIONS**

7.01 The powers and duties of a separate section shall, subject to any restriction imposed or any direction given at a general meeting of the separate section, be exercised and performed by the executive of the separate section and the members of the separate section may pursuant to these bylaws elect an executive, call and hold meetings and pass resolutions in the same manner as the strata corporation.

7.02 The owner-developer shall exercise the powers and duties of the executive of each separate section until an executive is elected by the owners within the separate section.

7.03 The executive of a separate section shall be elected at the first annual general meeting of the owners called by the owner-developer then thereafter at each general meeting of the separate section called by the executive.

7.04 The executive of each separate section shall be elected by the owners within that separate section and shall conduct its affairs in the same manner as the strata council is required to conduct its affairs pursuant to these Bylaws and the *Strata Property Act*. If a section comprises only one strata lot, the owners of that strata lot or their nominee shall be the executive of that section.

## **8. VACANCIES, QUORUM, ETC.**

8.01 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. 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.

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

8.03 Except where there is only one owner, a quorum of the council is two where the council consists of four or less persons, three where it consists of five or six persons and four where it consists of seven persons. Council members must be present in person at the council meeting to be counted in establishing quorum.

## **9. OFFICERS AND MEETINGS**

### **Officers**

9.01 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.

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

9.03 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.

9.04 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.

### **Calling Council Meetings**

9.05 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.

9.06 The notice does not have to be in writing.

9.07 A council meeting may be held on less than one week's notice if:

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- 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.

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

### **Council Meetings**

9.09 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.

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

9.11 Owners may not attend council meetings as observers unless council, in its sole discretion, agrees to permit owners to attend.

9.12 Despite Section 9.11, no observers may attend those portions of council meetings that deal with any of the following:

- a) bylaw contravention hearings under section 135 of the *Strata Property Act*;
- b) rental restriction bylaw exemption hearings under section 144 of the *Strata Property Act*;
- c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

### **Voting at Council Meetings**

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

9.14 Unless there are only 2 strata lots in the strata plan (or 2 strata lots in a section), if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.

9.15 The results of all votes at a council meeting must be recorded in the council meeting minutes.

### **Requisition of Council Hearing**

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

9.17 If a hearing is requested under Section 9.16, the council must hold a meeting to hear the applicant within one month of the request.

9.18 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.

### **Council to Inform owners of Minutes**

9.19 The council must inform owners of the minutes of all council meetings within a reasonable time after the meeting, whether or not the minutes have been approved.

## **10. COUNCIL POWERS**

10.01 The council may employ for and on behalf of the strata corporation agents and employees as it thinks proper for the control, management and administration of the common property, common facilities or other assets of the strata corporation, and the exercise and performance of the powers and duties of the strata corporation.

10.02 Subject to Sections 10.03 and 10.04 and to any restriction imposed or direction given at a general meeting, 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.

10.03 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 10.04 .

10.04 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.

10.05 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.

10.06 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.

10.07 Despite Section 10.06, 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.

10.08 A council member or member of the executive of a separate section 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 or executive.

10.09 Section 10.08 does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

## **11. COUNCIL DUTIES**

11.01 The executive of each separate section shall keep, in one location, or in the possession of one person and shall make available on request to an owner within the separate section or a person authorized by him all records required under the *Strata Property Act* and regulations thereto to be kept by the strata corporation that are relevant to the business and operation of the separate section.

11.02 All acts done in good faith by the council are, notwithstanding it is afterwards discovered that there was some defect in the appointment or continuance in office of a member of the council, as valid as if the member had been duly appointed or had duly continued in office.

11.03 All acts done in good faith by the executive of a separate section are, notwithstanding it is afterwards discovered that there was some defect in the appointment or continuance in office of a member of the executive of that separate section, as valid as if the member had been duly appointed or had duly continued in office.



## **12. GENERAL MEETINGS**

### **Person to chair meeting**

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

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

12.03 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.

### **Participation by other than eligible voters**

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

12.05 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.

12.06 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.

### **Voting**

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

12.08 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.

12.09 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.

12.10 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.

12.11 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.

12.12 If there are only 2 strata lots in the strata plan, Section 12.11 does not apply.

12.13 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.

12.14 Except in cases where, under the *Strata Property Act*, a unanimous resolution is required, an owner is not entitled to vote at a general meeting if the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the *Strata Property Act*.

12.15 Where owners are entitled to successive interests in a strata lot, the owner entitled to the first interest is alone entitled to vote, whether on a show of hands or a poll.

12.16 An owner who is a trustee is entitled to exercise the vote for the strata lot in respect of which he is trustee. The persons beneficially interested may not vote.

### **Order of business**

12.17 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.

### **Electronic Attendance at Meetings**

- 12.18 a) A person who is eligible to vote may attend an annual or special general meeting by electronic means so long as the person and the other participants can communicate with each other, and in accordance with any Rules established by the Strata Corporation.
- b) If an annual or special general meeting is held by electronic means with a person, the person is deemed to be present in person for the purposes of the meeting.

**Approved Aug 20'11 AGM**

### **13. COMMON EXPENSES**

13.01 The strata lot owners' contributions to the common expenses of the strata corporation shall be levied in accordance with this bylaw.

13.02 The contribution by an owner of a strata lot within a separate section to the expenses common to that separate section shall be levied in accordance with this bylaw.

13.03 Common expenses shall be apportioned between the sections and to individual strata lots in the following manner:

- a) common expenses attributable to a separate section shall be allocated to that separate section and, subject to Section 13.06, shall be borne by the owners of the strata lots within that separate section in the proportion that the unit entitlement of such strata lot bears to the aggregate unit entitlement of all strata lots within that separate section; and
- b) common expenses not attributable to a separate section shall be allocated to all strata lots in the strata corporation and shall be borne by the owners in proportion to the unit entitlement of their strata lot or as otherwise set out in the current budget of the strata corporation provided that the Commercial Section shall not be allocated any common expenses attributable to the ski storage locker, outdoor hot tubs or outdoor fireplaces and related amenities and such other common facilities to which the Commercial Section does not have access or use.

13.04 Unless otherwise determined by the executives of each section, acting reasonably, the following common expenses shall be allocated between the separate sections as follows:

- a) expenses relating to the common areas in each separate section (such as storage areas, entrances, elevators, lobbies, utility rooms and other common areas in each section) will be for the account of the owners of strata lots in each respective section;
- b) the cost of insurance placed by the strata corporation will be apportioned between the sections on the basis of the unit entitlement of the strata lots in each section.

13.05 Where the strata plan includes limited common property, expenses attributable to the limited common property which would not have been expended if the area had not been designated as limited common property shall be borne by the owners of the strata lots entitled to use the limited common property in the proportion that the unit entitlement of such strata lot bears to the aggregate unit entitlement of all strata lots whose owners are entitled to use the limited common property to which the contribution relates.

13.06 Common expenses attributable to a separate section shall be apportioned by the executive of that separate section in the following manner:

- a) common expenses except electricity shall be allocated to all strata lots in the separate section and shall be borne by the owners in that section in the proportion that the unit entitlement of each such strata lot bears to the aggregate unit entitlement of all strata lots in that section or as otherwise set out in the current budget of that separate section. If a strata lot requires a utility service or other common expense not supplied to all lots the cost shall not be a common expense and if this utility is not separately metered or billed so as to measure the use thereof by the strata lot the cost of such utility shall be apportioned and charged to the strata lot by the executive of the separate section, based on the unit entitlement of the strata lot; and
- b) the cost to each owner of a strata lot of the electrical power supplied to it if not separately metered for that strata lot shall be borne by the owners in the proportion that the unit entitlement of their strata lot bears to the aggregate unit entitlement of all strata lots in that section.

13.07 A person may not incur an expenditure on behalf of the strata corporation unless that person has been delegated that power in accordance with these bylaws.

13.08 Despite Section 13.07 a council member may, in an emergency, incur an unapproved expenditure on behalf of the strata corporation, 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 to a building or other common property, up to a maximum of \$2,500 (allocated proportionately to the appropriate section as applicable).

#### **14. CORPORATE COMMON SEAL**

14.01 The strata corporation shall have a common seal, which shall not be used except by authority of the council previously given and in the presence of the members of the strata council or at least one member of it, who shall sign every instrument to which the seal is affixed. Where there is only one member of the strata corporation, his signature is sufficient for the purpose of this section, and, if the only member is a corporation, the signature of its appointed representative on the strata council shall be sufficient for the purpose of this section.

#### **15. PROHIBITIONS**

15.01 An owner shall not make or cause to be made any structural alteration to his strata lot, or paint, decorate, or add to or remove any structure from the exterior of the building or the strata lot or add to or alter the wiring, plumbing, piping, or other services on his strata lot, or within any bearing or party wall or the common property (the "Alteration") without first obtaining the written consent of the separate section to which his strata lot belongs if such Alteration is appurtenant to the common property, common assets or limited common property of that separate section, or from the strata corporation if such Alteration is appurtenant to the common property, common assets or limited common property of the strata corporation.

15.02 Notwithstanding Section 15.01, the owners of strata lot(s) may from time to time and at any time make such changes, additions, improvements, alterations, enlargements, decorations, subtractions from, rearrangements of and subdivisions (collectively called the "Improvements") of the interior of such strata lots which they in their sole discretion may consider necessary or desirable, but which do not affect any structural or supporting members of the building, including, without limiting the generality of the foregoing but subject to these bylaws, the right to use the same for whatever lawful purpose or purposes which such owners deem necessary or desirable, so long as the owner of the strata lot in question shall not interfere with other strata lot owners more than is reasonably necessary in the conduct of such Improvements.

15.03 All future bylaws and rules of the strata corporation shall be consistent with the operation of the development in accordance with a rental management agreement, so they will not impair, interfere with or adversely affect such an operation.

15.04 Smoking is prohibited on the common property within a building (although permitted in exterior areas of limited common property such as patios and balconies).

- 15.05
- (a) An owner, tenant or occupant may keep a reasonable number of pets;
  - (b) all animals must be leashed or otherwise firmly and completely secured when on the common property or on land that is a common asset;

- (c) the use a patio or balcony area for the keeping of pets or storage of pet facilities or litter boxes or other waste is prohibited;
- (d) owners are prohibited from allowing pets to urinate and defecate on a balcony, patio area or any trails, pathways or other common property and should that happen, owners must immediately and completely remove any such offending waste from the common property or the patio or balcony of a strata lot and clean such common property, balcony or patio areas and dispose of the offending waste in a waste container or by other sanitary means.
- (e) owners are prohibited from keeping unsafe or nuisance pets within a strata lot and must comply with an order of the strata council to remove a pet permanently from the strata lot within 7 days of notice from the strata council that the pet is considered unsafe or a nuisance, such notice to be provided with reasons following receipt of a complaint about the pet, the sending or delivery of notice of the complaint to the offending pet's apparent owner, and the opportunity for the pet's owner to make written representations to the strata council within 5 days of receipt of the notice;
- (f) owners are prohibited from allowing a pet to damage the common property and owners must pay the cost of repair of any damage caused to the common property by their pets.

15.06 Owners are prohibited from shaking mops or dusters from windows or doors or from balconies, and prohibited from throwing refuse out of windows, doors or from balconies.

15.07 Owners are prohibited from feeding wild animals or birds from any strata lot or on the common property.

15.08 Owners are prohibited from failing to remove ordinary household refuse and garbage from each strata lot on a regular basis and from failing to properly dispose of same at the owner's cost at an authorized refuse collection point.

15.09 Owners are prohibited from installing or changing window coverings and shades except where the part of such installation or replacement window coverings and shades that are visible from the exterior of the building are kept in a coordinated tone to match the colour scheme approved by the strata corporation .

15.10 Owners are prohibited from using a barbeque that uses barbeque coals, except where a common barbeque pit is provided on the common property. Owners are further prohibited from using or storing a barbeque on their patio or balcony, provided that first floor Residential Unit Owners and occupants and Commercial Unit Owners and occupants are permitted to use and store a barbeque on their patio or balcony.

15.11 Owners are prohibited from undertaking any activities or keeping any goods in a strata lot or elsewhere within the development likely to increase the risk of fire or to increase the insurance premiums for the development.

15.12 In order to minimize noise transfer between strata lots, no hard surfaced floors may be installed on floor areas directly over another strata lot without the prior written consent of the strata council. For the purposes of this bylaw, hard surfaced floors means any non-resilient surface such as hardwood, plastic laminate, ceramic tile, stone and the like.

15.13 An Owner, tenant or occupant of a strata lot is only entitled to the use of a parking stall located in the underground parkade.

15.14 An Owner, tenant or occupant must use parking stalls only for parking of licensed and insured motor vehicles, trailers, motorcycles or bicycles, and not for the parking of any other type of vehicles or the storage of any other item, unless otherwise approved in writing by the council.

15.15 An Owner, tenant or occupant shall not:

- (a) carry out any oil changes, major repairs or adjustments to motor vehicles or other mechanical equipment on common property or on any limited common property, except in the case of emergency;
- (b) rent or lease his or her assigned parking space to, or otherwise permit that parking space to be regularly used by, anyone who is not a resident of the development; and
- (c) park a motor vehicle of any kind on the common access roads in the development.

15.16 Owners are prohibited from installing or using a hot tub on their patio or balcony, provided that first floor Residential Unit Owners and occupants are permitted to install and use a hot tub on their patio or balcony.

## **16. PROMOTION**

16.01 During the time that the owner-developer of the strata corporation is the owner or lessee of any strata lot, it shall have the right to:

- a) maintain any strata lot or strata lots, whether owned or leased by it, as display suites and to carry on any marketing and sales functions within such strata lots and within any area of the common property of the development including the recreational facilities for the purposes of promotional marketing and sales within all phases of this development and other developments of the owner-developer;
- b) erect and maintain promotional marketing and sales signage on the common property of the development for the purposes of promotional marketing and sales within all phases of this development and other developments of the owner-developer;
- c) to locate construction trailers on the common property during the construction of any phase of the development;
- d) have access to any and all parts of the common property and common facilities for the above purposes and for showing strata lots, the common property and the common facilities to prospective purchasers and realtors,

in each case as may be reasonably determined by the owner-developer in order to enable or assist it in marketing or selling any strata lot within the development or in any other development of the owner-developer. The owner-developer shall act reasonably in



exercising its rights under this Bylaw 16. This Bylaw 16 may not be directly or indirectly modified, amended, rescinded or varied in any way except by a unanimous resolution.

## **17. BUILDING EXTERIOR**

17.01 Notwithstanding anything else in these bylaws, any decision which involves any addition or change to the appearance of the exterior of the building (including, without limitation, the colour, design, quality and proportion of the finishing treatment of the building exterior or any portion of the building exterior) shall require:

- a) prior approval by special resolution of the strata corporation;
- b) prior approval by at least 50% of the owners of the strata lots in the Commercial Section present and entitled to vote; and
- c) compliance with all applicable restrictions imposed by lawful authorities, including pursuant to any encumbrance registered against the common property.

## **18. CANOPIES SIGNAGE AND DISPLAY**

18.01 Owner or tenant of the strata lot comprising the Commercial Section will be permitted to install canopies, signs or awnings within and attach the same to the common property around the outside perimeter of the commercial strata lot on the condition that the plans for such canopies, signs or awnings (i) have received the written approval of the owner-developer, if installation of the awnings is intended to commence within six months after substantial completion of the development, and thereafter the executive of the Commercial Section and the strata council, (ii) have received any approvals required from Regional District of North Okanagan, and (iii) depict canopies, signs or awnings which are in keeping with the balance of the development in terms of design, quality, proportion and colour. Any awning installed as aforesaid will be maintained in good condition on an ongoing basis and the responsibility for such maintenance will be solely for the account of the commercial strata lot owner who installs such awning.

18.02 All canopies, signs or awnings installed within and attached to the common property around the outside perimeter of strata lot in the Commercial Section will be operated, maintained, repaired and replaced at the sole expense and risk of the owner or tenant that has installed same and such owner or tenant shall take out and maintain insurance for such canopies, signs or awnings as a reasonable owner or tenant displaying similar signage would obtain.

18.03 Except for the owner-developer, no owners of a strata lot in any section shall be permitted to display signs advertising the sale of a strata lot in a window or on a balcony or patio, nor on any of the common property.

## **19. USE OF THE COMMERCIAL STRATA LOTS AND COMMON PROPERTY**

19.01 The strata corporation confirms that:

- a) the owners of strata lots in the Commercial Section shall be entitled to place on the common property advertising signage, illuminated or not, as may be permitted under the applicable zoning by-laws in effect from time to time of the local government having jurisdiction or under the laws of the applicable provincial and federal authorities; provided however that no signage is permitted on canopies;
- b) the strata corporation will do no act, nor pass any by-law or rule or regulation which would have the effect of prohibiting, preventing or impairing the owners of the strata lots in the Commercial Section from fully utilizing those strata lots for commercial purposes in accordance with the applicable zoning by-laws and rules and regulations in effect from time to time of the local government having jurisdiction or the applicable provincial and federal authorities;
- c) the strata corporation will not pass any by-laws or rules or regulations which prohibit, prevent or impair the owners of the strata lots in the Commercial Section from leasing, sub-leasing, granting a license, entering into any lease, sub-lease or license arrangement with respect to the use of the strata lots in the Commercial Section;
- d) any amendment to this by-law may only be made with the unanimous resolution of the owners of the strata lots in the Commercial Section;
- e) despite the above, no strata lots in the Commercial Section may be used for the business of the rental or sale of obscene or pornographic videos or other such forms of cinematography, nor for businesses likely to cause unreasonable noise or other grave inconveniences or disturbances to the residential owners. Any amendment to this subsection (e) of this by-law will require both the majority resolution of the Residential Section and the unanimous resolution of the Commercial Section.

19.02 **WITH RESPECT TO THE USE OF THE HOT TUBS:**

- a) All individuals must take a shower before entering the hot tubs, with no exceptions;
- b) All persons using the hot tubs do so at their own risk. The strata corporation or management are not liable for any accident, injury, loss or damage, however caused;
- c) The hot tubs are for the private use of residents and their visitors only. Visitors must be accompanied by a resident when using the facility;
- d) No drinks or food allowed in the hot tubs. No glass or ceramic glasses and dishes are allowed within 15 feet of hot tubs;

- e) No smoking is permitted in and around the hot tubs;
- f) No boisterous behaviour, rough play or offensive activities permitted;
- g) After using the hot tubs users must dry off before leaving the area. Residents or visitors wearing wet bathing suits are not permitted in the building hallways and elevators;
- h) Swimwear must be worn at all times in the hot tubs;
- i) The strata corporation or a resident manager reserves the right to deny use of the hot tubs to anyone at anytime;
- j) Hot tubs and use of all areas around the hot tubs - the hours will be from 7:30 a.m. to 10:00 p.m except until 10:30 pm Fridays and Saturdays except for closures due to daily cleaning. The hot tubs are open during the regular ski season and closed during the spring, summer and fall season as determined by the strata council;
- k) No person having any apparent skin disease, sore or inflamed eyes, cough, cold, nasal or ear discharges, or any communicable disease shall be permitted to use the hot tubs;
- l) No inflatable items or toys shall be allowed in the hot tubs or hot tub areas except child's water wings;
- m) No one under the age of fourteen (14) years is permitted in the hot tubs unless accompanied by an adult 19 years or older. All children using the facilities will be completely toilet trained or using swimming diapers and those under the age of four (4) years are prohibited from using the hot tubs. The strata corporation may designate up to two hours per day that the hot tubs may be used by persons over the age of 19 years;
- n) Anyone using the hot tubs is advised that the recommended maximum stay should not exceed 15 minutes;
- o) No chemicals, shampoos or soaps are to be used in the hot tubs at any time;
- p) Persons with heart problems, diabetes, or those experiencing faintness or dizziness shall not use the hot tubs;
- q) No pets are allowed;
- r) Maximum two (2) guests per resident; and
- s) At no time is a stereo or other music system to be played loud enough to disturb the neighbouring strata lots or other residents using the hot tubs. If requested by a resident manager or a strata council member the music system is to be turned off.

## **20. ENFORCEMENT OF BYLAWS AND RULES Maximum fine**

20.01 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 (the Rules and Regulations).

### **Continuing contravention**

20.02 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.

### **Payment of Strata Fees**

20.03 An owner must pay strata fees on or before the first day of the month to which the strata fees relate. Interest on unpaid strata fees of 10% per annum compounded annually will be charged on all late strata fees and special levies.

### **Claim for Failing to Pay Strata Fees**

20.04 The strata council, on behalf of the strata corporation may, without the need to convene a meeting of owners, pursue a claim against an owner who has failed to pay strata fees, fines or special levies which remain unpaid for more than 90 days from the date due. Notice will be sent to such an owner with respect to such a claim at least two weeks before commencing an action or proceeding or filing a lien.

## **21. VOLUNTARY DISPUTE RESOLUTION**

### **Voluntary dispute resolution**

21.01 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.

21.02 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.

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

## **22. INTERPRETATION**

Any word or term used herein that is not otherwise defined shall have the same meaning ascribed to such word or term in the *Strata Property Act*, as amended.

## **23. OPERATION OF BUSINESS**

23.01 The strata corporation, the strata council and the owners of any of the strata lots shall not do any act or thing (including, without limitation, passing any bylaw, rule or regulation of the strata corporation) to restrict or impair the use or operation of any business located in any strata lot from being conducted in any manner permitted by the bylaws of the Regional District of North Okanagan and in accordance with all other applicable laws, regulations and permits.

23.02 The owners and occupiers of the commercial strata lots will use reasonable efforts to ensure that any business or undertaking carried on by them will not cause a nuisance or disturbance to any owner or occupier of any of the residential strata lots or any other commercial strata lots, having regard to the nature of the development as a whole.

23.03 This Bylaw 23 shall not be amended, modified, rescinded, repealed or replaced except by unanimous resolution of the owners of all of the strata lots.

## **24. OPERATION OF LODGES**

24.01 The owners of the strata lots acknowledge and agree that the development in which the strata lots are located is to be operated as a condominium- lodge project and that rights of the owners of the strata lots to the common property and common facilities are subject to a rental management system (the "Rental Management System") operated by a condominium manager (a "Rental Manager") engaged by Silver Star Holidays Ltd. to manage the condominium-lodge business for the benefit of the owners of the residential strata lots. The owners of the residential strata lots will not use or permit their strata lots to be used in any manner contrary to a Rental Management System of which they form a part.

24.02 A Rental Manager shall comply with all governmental and other regulatory statutes, laws, bylaws, rules, regulations, codes, ordinances and licensing requirements.

24.03 A Rental Manager shall comply and shall use reasonable efforts to cause its employees, agents, contractors and permittees and the guests of the Rental Management System to comply with all Bylaws and Rules and Regulations of the strata corporation, as long as such Bylaws and Rules and Regulations are of general application to all owners and occupiers of the residential strata lots or all strata lots and are generally consistent with and do not conflict with the operation of the development as a condominium-lodge in accordance with the standards contemplated in the Rental Management System.

## **END OF BYLAWS**