

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

### **Payment of strata fees**

- 1 (1) An owner must pay strata fees either on July 1<sup>st</sup> for a period of twelve (12) months, or on July 1<sup>st</sup> and January 1<sup>st</sup> for a period of six (6) months. If budget approves increase in strata fees, adjusted strata fees to be made up at January billing or at time of sale of property.
- (2) Strata fee payments must take the form of one of the following options:
  - (a) prepaid in advance, or
  - (b) paid by a series of post-dated cheques, or
  - (c) paid by direct electronic funds transfer (DEFT).
- (3) Failure to pay strata fees on time shall be cause for a minimum fine of \$25.00 per month, which may be increased in size or frequency to the limits set out in Bylaws 23 & 24.
- (4) Overdue strata fees shall bear interest at a rate of ten percent (10%) per annum compounded annually from the due date for the payment of the strata fees until the overdue strata fees are paid in full.
- (5) At the end of a three (3) month period of non-payment, a Form G lien may be placed on the title of the Strata Lot involved, at the owner's expense, for the total amount of monies due.
- (6) In reference to Section 171(4) of the Strata Property Act, the Strata Council may, at its discretion, proceed under the Small Claims Act against an owner or other person to collect money owing to the Strata Corporation, including money owing as a fine."

### **Repair and maintenance of property by owner**

- 2 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) and is specifically responsible for the following:
  - to maintain the landscaping on the Strata Lot in good condition, and keep the same well groomed and free of weeds;
  - to repair and maintain every building and structure located on the Strata Lot, including windows and doors.

### **Use of property**

- 3 (1) An owner, tenant, occupant or visitor must not use a Strata Lot, the common

property or common assets in a way that

- (a) causes a nuisance or hazard to another person,
- (b) causes unreasonable noise, particularly between the hours of 11:00 P.M. and 7:00 A.M.,
- (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another Strata Lot,
- (d) is illegal,
- (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.
- (f) tends to increase the risk of fire or the rate of fire insurance premiums or any other insurance premiums.

(2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property or common assets.

(3) An owner shall not construct any building on the Strata Lot that does not conform to the provisions of any Statutory Building Scheme affecting the Strata Lot and registered in the Kamloops Land Title Office pursuant to Section 216 of the Land Title Act.

(4) An owner must promptly carry out all work that may be ordered by any competent public or legal authority in respect of the Strata Lot and any building or structure thereon, and pay all rates, taxes, charges, out goings and assessments that may be payable in respect of the Strata Lot and all buildings and structures located thereon.

#### **Inform strata corporation**

4 (1) Within 2 weeks of becoming an owner, an owner must inform the Strata Corporation of the owner's name, telephone number, 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 and telephone number.

(3) An owner must provide the Strata Council with a copy of a Strata Property Act Form K (Notice of Tenant's Responsibilities), signed by the tenant, within two (2) weeks of renting a Strata Lot.

#### **Obtain approval before altering a strata lot**

5 (1) An owner must obtain the written approval of the Strata Council, by submitting a form available from a Strata Council member, 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 including, without limitation:
  - (i) alterations to the roof, exterior walls, gutters, and down-pipes;
  - (ii) the installation of a satellite television receiving device which, if approved, must conform with Section 21 of the Statutory Building Scheme;
  - (iii) the installation of permanent exterior shutters, awnings, or blinds;
  - (iv) the placement, attachment or plugging in of any object, appliance, or article of furniture, not intended or suitable for outside use, on a patio or balcony;
- (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, trellises or similar structures that enclose a patio, balcony or yard;
- (f) grounds and landscaping including, without limitation:
  - (i) the removal, destruction of trees and shrubs;
  - (ii) the placement, installation or construction of any building addition, structure, storage shed, or equipment.

(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) Any alteration or addition made by an owner without such approval may be restored or removed by the Council or its duly appointed representative, and any cost incurred by the Strata Corporation as a result thereof shall forthwith be paid by such owner to the Strata Corporation. Failure to pay such costs to the Strata Corporation in a timely manner shall be cause for the imposition of fines, to the limits set out in Bylaws 23 & 24.

#### **Obtain approval before altering common property**

- 6 (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.

#### **Permit entry to strata lot**

- 7 (1) An owner, tenant, occupant or visitor must allow a person authorized by the Strata Corporation to enter the Strata Lot
- (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and



- (b) at a reasonable time, on 48 hours' written notice,
  - (i) to inspect, repair or maintain common property, common assets and any portions of a Strata Lot that are the responsibility of the Strata Corporation to repair and maintain under these bylaws or insure under section 149 of the Act, or
  - (ii) to ensure compliance with the Act and bylaws.

(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**

### **Repair and maintenance of property by strata corporation**

- 8 The Strata Corporation must repair and maintain all of the following:
- (a) common assets of the Strata Corporation; and
  - (b) common property.

## **Division 3 - Council**

### **Council size**

- 9 The Council must have at least 3 and not more than 7 members.

### **Council members' terms**

- 10 (1) The term of office of a Council member ends at the end of the annual general meeting at which a replacement is elected.
- (2) A person whose term as Council member is ending is eligible for reelection.
- (3) The spouse of an owner, as defined in the Strata Property Act Regulations, is eligible to serve on Council.
- (4) An owner or spouse may not be elected to Council, or continue to stand on Council, if the Strata Corporation is entitled to register a lien against the owner's Strata Lot under Section 116(1) of the Act.

### **Removing council member**

- 11 (1) 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.

### **Replacing council member**

- 12** (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.

### **Officers**

- 13** (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, and a secretary and/or 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.

### **Calling council meetings**

- 14** (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 quorum of Council members consent in advance of the meeting.

### **Requisition of council hearing**

- 15 (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.

### **Quorum of council**

- 16 (1) A quorum of the Council is
- (a) 2, if the Council consists of 3 or 4 members,
  - (b) 3, if the Council consists of 5 or 6 members, and
  - (c) 4, if the Council consists of 7 members.
- (2) Council members must be present in person at the Council meeting to be counted in establishing quorum.

### **Council meetings**

- 17 (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, upon written request.
- (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.

### **Voting at council meetings**



- 18 (1) At Council meetings, decisions must be made by a majority of Council members present in person at the meeting.
- (2) 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.

#### **Council to inform owners of minutes**

- 19 The Council must distribute Council meeting minutes to each owner who has requested, in writing, to be included on the distribution list. Such minutes must be distributed within 2 weeks following a Council meeting, whether or not the minutes have been approved, and the expense shall be the responsibility of the Strata Corporation.

#### **Delegation of council's powers and duties**

- 20 (1) Subject to subsection (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) delegated the authority to make an expenditure of a specific amount for a specific purpose, or
  - (b) delegated 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.

#### **Spending restrictions**

- 21 (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), Council members 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.

(3) The Council may not authorize non-budgeted expenditures from the operating fund which, in total with all other non-budgeted expenses during a fiscal year, exceeds two thousand dollars (\$2,000).

#### **Limitation on liability of council member**

22 (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 judgement against the Strata Corporation.

(3) The Strata Corporation must obtain and maintain errors and omissions insurance for the Strata Council, in an amount not less than \$2,000,000.

#### **Division 4 - Enforcement of Bylaws and Rules**

##### **Maximum fine**

23 (1) The Strata Corporation may fine an owner or tenant a maximum of  
(a) \$200 for each contravention of a bylaw, and  
(b) \$50 for each contravention of a rule.

(2) The Strata Council must not  
(a) impose a fine against a person, or  
(b) require a person to pay the costs of remedying a contravention, for a contravention of a bylaw or rule unless the Strata Corporation has  
(c) received a complaint,  
(d) given the owner or tenant the particulars of the complaint, in writing, and a reasonable opportunity to answer the complaint, including a hearing if requested, and  
(e) if the person is a tenant, given notice of the complaint to the person's landlord and to the owner.

##### **Continuing contravention**





- 24 If an activity or lack of activity that constitutes a contravention of a bylaw or rule continues for longer than seven (7) days, a fine may be imposed for the initial contravention and for each subsequent seven (7) day period during which the contravention of the bylaw or rule continues.

### **Division 5 - Annual and Special General Meetings**

#### **Person to chair meeting**

- 25 (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 eligible voters present in person or by proxy from among those persons who are present at the meeting.

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

- 26 (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.

#### **Voting**

- 27 (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) 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.

(7) A vote for a Strata Lot may not be exercised, except on matters requiring a unanimous resolution, if the Strata Corporation is entitled to file a lien against that Strata Lot under Section 116(1) of the Act.

## **Order of business**

**28** The order of business at annual and special general meetings is as follows:

- (1) certify proxies and corporate representatives and issue voting cards;
- (2) determine that there is a quorum;
- (3) elect a person to chair the meeting, if necessary;
- (4) present to the meeting proof of notice of meeting or waiver of notice;
- (5) approve the agenda;
- (6) approve minutes from the last annual or special general meeting;
- (7) deal with unfinished business;
- (8) 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;
- (9) ratify any new rules made by the Strata Corporation under section 125 of the Act;
- (10) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
- (11) approve financial statements, and approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
- (12) deal with new business, including any matters about which notice has been given under section 45 of the Act;
- (13) elect a Council, if the meeting is an annual general meeting;
- (14) terminate the meeting.

## **Division 6 - Voluntary Dispute Resolution**

### **Voluntary dispute resolution**

- 29** (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 - Insurance**

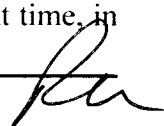
#### **Insurance**

- 30 An owner must take out and maintain at all times insurance for the buildings, structures and other insurable improvements on the Strata Lot to their replacement value against fire and against other perils as are usually the subject of insurance in respect of similar properties. In the event of damage occurring to such buildings, structures and improvements by reason of fire or other perils insured against, an owner shall cause the proceeds of such insurance to be applied to the repair, replacement and reconstruction of the damaged buildings, structures and improvements and shall cause the necessary work to be carried out expeditiously.

### **Division 8 - General Bylaws**

#### **Rental restriction**

- 31 (1) The rental of Strata Lots within Strata Corporation KAS1797 is prohibited subject only to the provisions of Sections 142, 143 and 144 of the Strata Property Act. Short-term vacation or recreational leases or rentals are deemed commercial activities, and are strictly prohibited.
- (2) An application made by an owner requesting permission to rent or lease a Strata Lot under the provisions of Section 142 of the Act must be in writing, and may only relate to a member of the owner's family, where "family" and "family member" are defined in the Act Regulations:
- (a) A "family" or "family member" is:
    - (i) a spouse of the owner
    - (ii) a parent or child of the owner, or
    - (iii) a parent or child of the spouse of the owner.
  - (b) A "spouse of the owner" is defined as an individual who has lived and cohabited with the owner, for a period of at least two years at the relevant time, in



a marriage-like relationship, including a marriage-like relationship between persons of the same gender.

(3) An application made by an owner requesting permission to rent or lease a Strata Lot under the provisions of Section 144 of the Act must be in writing, must state the reasons for the request, must provide proof that the Strata Lot is listed for sale at a reasonable price, and must state whether the owner wishes a hearing.

(a) If an owner wishes a hearing, the Strata Council must hear the owner or the owner's agent within 3 weeks after the date the application is given to the Strata Council.

(b) An application is automatically approved if the Strata Council does not give its decision in writing to the owner within one week after the hearing or, if no hearing is requested, within 2 weeks after the application is given to the Strata Council.

(4) Where an owner is given approval to rent or lease a Strata Lot under this bylaw, prior to renting the Strata Lot the owner must furnish the tenant with a copy of the bylaws and rules, and a Strata Property Act Form K (Notice of Tenant's Responsibilities).

(5) Where an owner is given approval to rent or lease a Strata Lot under this bylaw, a completed Form K must be furnished to the Strata Council within 2 weeks of occupancy by the tenant, in accordance with Bylaw 4(3).

(6) The Strata Corporation shall maintain a list of Strata Lots rented or leased under this bylaw, and shall maintain a registry of all Form K's.

(7) Enforcement of sub-section (1) shall be by way of a fine of five hundred dollars (\$500.00), applied as frequently as dictated under Bylaw 24.

(8) An owner is subject to compliance with the bylaws and conformance with the conditions below, and may permit a person or persons to occupy the Strata Lot, (during such absence) in the capacity of caretaker, providing that

(a) written application is made to the Council, and approval of Council granted, in advance of occupancy;

(b) written notification be provided to the Council, specifying arrival and departure dates of the occupant;

(c) a Strata Property Act Form K (Notice of Tenant's Responsibilities), signed by the occupant, is submitted to Council within two (2) weeks of occupancy;

(d) a local emergency contact telephone number, and a forwarding address for the owner, are provided to Council;

(e) no rent monies are paid; and

(f) occupancy by the caretaker does not exceed one hundred & twenty (120) days in any twelve (12) month period.

**Pets - Subject to Amendment of Building Scheme Section 22**



- 32 (1) An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secured when on common property, or when on, but outside the buildings of, a Strata Lot.
- (2) Pet owners must promptly clean up after their animals.
- (3) An owner, tenant or occupant must not keep any pets on a Strata Lot other than one or more of the following:
- (a) a reasonable number of fish or other small aquarium animals;
  - (b) a reasonable number of small caged mammals;
  - (c) up to 2 caged birds;
  - (d) two dogs;
  - (e) two cats.
- (4) As an exception to sub-section (3)(d), a visitor may bring a dog on a Strata Lot, providing that
- (a) the animal does not occupy the Strata Lot for a period in excess of twenty-one (21) days in the aggregate in any calendar year, and
  - (b) the visitor is in attendance while the animal is on the Strata Lot.

#### **Cleanliness & house-keeping - Subject to Amendment of Building Scheme Section 19**

- 33 (1) An owner, tenant, visitor or occupant shall not:
- (a) keep or accumulate, or permit to be kept or accumulated, any debris, scrap metal, car parts, refuse, or waste material upon a Strata Lot, or garage thereof;
  - (b) install tinfoil, cardboard, plastic, or flags in place of window coverings, in such a way as to be visible from the outside of a Strata Lot;
  - (c) deposit household refuse and garbage in other than proper containers as directed by the Council and the owner shall place such containers for collection or refuse as directed by the Council from time to time. Any materials other than ordinary household refuse and garbage shall be removed from the common property or the owner's Strata Lot at the expense of or by the individual owner;
  - (d) allow a Strata Lot to become untidy. The Council shall be at liberty to remove any rubbish or clean up an owner's Strata Lot to its satisfaction, and charge the expense to the owner.

#### **Signs - Subject to Amendment of Building Scheme Section 14.**

- 34 (1) Except for signage that is allowable under the Election Act, the placement of signs or placards anywhere on the common property, or where they are visible from outside a Strata Lot, is prohibited, except with Strata Council approval.
- (2) Real estate signs and unit for sale signs may not be placed anywhere within the complex, except on the common real estate sign board provided for that purpose.

### **Books of account**

- 35 The Strata Council must ensure that the Strata Corporation books of account are turned over to a professional accountant on an annual basis, for the preparation of "notice to reader" financial statements and an income tax return. This must be initiated within two months following the fiscal year end.

### **Christmas decorations**

- 36 Strata Lot Christmas lights and decorations must not be installed prior to November 1<sup>st</sup>, and must be removed by March 31<sup>st</sup>.

### **Marina**

- 37 (1) The boat moorage and boat launch facilities are for the use of strata lot owners. Boat moorage is for boats registered solely and exclusively to Strata Lot owners only, and proof of registered ownership must be provided upon request of the Strata Council.
- (2) All boats moored at the marina are moored at the owner's risk, and the Strata Corporation shall not be responsible for any loss sustained to and by any boat. If a boat breaks loose from moorage, and the owner cannot be found quickly, the Strata Council has the right to have a contractor remove the boat from the water and take it to a storage compound at the owner's expense.
- (3) Each boat owner is responsible for safe mooring of the owner's boat and for acquiring proper lines. Moorage lines shall be a minimum of 3/8 inch power braided nylon in good condition with shock absorbing bow and stern lines. If the boat owner is not sure about the proper securing procedure, the Strata Council should be consulted before the boat is placed in the water.
- (4) All boats approaching, leaving or otherwise using the docking areas shall do so in a cautious manner, in order to avoid damage to other craft and docks.
- (5) The Strata Council shall maintain a registry of assigned boat moorage, and a dated waiting list.
- (6) A person who has been assigned a boat slip within the marina shall not install, use or remove a boat lift within the assigned boat slip unless the person:
- (a) first obtains the approval of the strata council; and
  - (b) enters into an agreement with the strata corporation on terms and conditions approved by the strata council from time to time governing the installation, use removal and ownership of the boat lift.