

BYLAWS

OWNERS, STRATA PLAN LMS-1725

GOVERNOR'S TOWER AND VILLAS

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ALL PRESENT AND FUTURE OWNERS OF STRATA LOTS IN STRATA PLAN LMS-1725 are prohibited from commencing legal proceedings against any of the following parties, or any of their insurers, successors, assigns, officers, directors, servants, agents, trustees or beneficiaries:

1. CONCORD PACIFIC GROUP INC. (formerly known as PACIFIC PLACE HOLDINGS LTD., CONCORD PACIFIC HOLDINGS LTD. and CONCORD PACIFIC DEVELOPMENTS LTD.), GOVERNOR=S TOWER LIMITED and CENTREVILLE CONSTRUCTION LTD.;
2. VICTOR TZAR KUO LI and FRANK JOHN SIXT;
3. DAVIDSON YUEN PARTNERS (a firm), JOHN B. DAVIDSON, DAVID H. SIMPSON, DAVIDSON YUEN SIMPSON ARCHITECTS (a firm), DAVID SIMPSON ARCHITECT INC., JOHN B. DAVIDSON ARCHITECT INC., RONALD YUEN, CALVIN CARNEGIE, ROBIN HALL, RAYMOND MURRAY, MILAN NOVACEK and PAUL SCHOUW;
4. RALPH P. MELLEMA and RALPH P. MELLEMA doing business as RALPH P. MELLEMA ENGINEERING LTD.;
5. NDL CONSULTANTS LTD., GREENLAND INDUSTRIES LTD. (formerly known as POON, WONG & ASSOCIATES INC. and J. POON & ASSOCIATES) and J. POON;
6. JMB CONSULTANTS (a firm) and JORGE BEJA doing business as JMB CONSULTANTS;
7. FREDERICK W. WELSH and FRED WELSH LTD.;
8. RICHARD RYAN doing business as INTERTECH GLAZING and as FLARE GLASS & ALUMINUM;
9. 1CITY OF VANCOUVER;
10. ELTEX ENTERPRISES (1990) LTD.;
11. 191766 HOLDINGS LTD. (formerly known as SEYMOUR BUILDING SYSTEMS LTD.);
12. AVALAR CAULKING SERVICES LTD.;
13. KIBAR CONTRACTORS LTD.;
14. PETER ROSS LIMITED and PETER ROSS;
15. INTER-PROVINCIAL INSPECTORS (1982) LTD.;
16. UNITED METALS LTD., UNITED METALS LTD. doing business as UNITED METALS A DIVISION OF DURASON HOLDINGS LTD., UNITED METALS (a firm) and DURASON HOLDINGS LTD.;
17. STEVEN MOSKALYK and INTERTEK TESTING SERVICES NA LTD.;
18. STAR MASONRY LTD.;

19. TREMCO LTD./TREMCO LTEE. (now known as TREMCO CANADA DIVISION, RPM CANADA);
20. W.R. SHIELDS CONTRACTORS LTD.;
21. 3RD BROS. INDUSTRIES INC. (formerly known as GEO. THIRD & SON LTD.);
22. BERKELEY ENGINEERING LTD. and GARY W. BERKELEY;

in relation to defects that have existed in any part of the building envelope of the condominium buildings up to the date on which the resolution is approved, unless the commencement of such proceedings is first approved by a 3/4 vote resolution of the Owners.

BYLAWS

OWNERS, STRATA PLAN LMS-1725

GOVERNOR'S TOWER AND VILLAS

Preamble

These bylaws bind the strata corporation and the owners, tenants and occupants to the same extent as if the bylaws had been signed by the strata corporation and each owner, tenant and occupant and contained covenants on the part of the strata corporation with each owner, tenant and occupant and on the part of each owner, tenant and occupant with every other owner, tenant and occupant and with the strata corporation to observe and perform their provisions.

Unless otherwise stated, all terms have the meanings prescribed in the *Strata Property Act*, S.B.C. 1998, c. 43. (the "Act") For the purposes of these bylaws, "residents" means collectively, owners, tenants and occupants and "a resident" means collectively, an owner, a tenant and an occupant.

The schedule of Standard Bylaws to the Strata Act does not apply to the Strata Corporation.

Duties of Owners, Tenants, Occupants and Visitors

1. Compliance with bylaws and rules

- 1.1 All residents and visitors must comply strictly with the bylaws and rules of the strata corporation adopted from time to time.

2. Payment of strata fees and special levies

- 2.1 An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- 2.2 An owner must provide the strata corporation or its agent with twelve consecutive monthly post-dated cheques for Strata fees for the fiscal year of the strata corporation, dated as the first date of every month or, if applicable, written authorization for monthly automatic debit from the owner's bank account.
- 2.3 Failure by an owner to submit twelve (12) monthly, post-dated strata fee cheques or written authorization for automatic debit in accordance with bylaw 2.3 is a contravention of bylaw 2.2 and the strata corporation may a fine of up to \$200 for each contravention. Each dishonoured cheque or dishonoured automatic debit may be subject to a fine of up to \$200 and the relevant bank charges for administration costs.

- 2.4 Any owner in arrears for strata fees (10) days after the due date may be assessed a late penalty 10% per annum, compounded annually.
- 2.5 A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy.
- 2.6 Failure to pay a special levy on the due date is subject to penalties as noted in by-law 2.4.

3. Repair and maintenance of property by owner

- 3.1 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.
- 3.2 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.

4. Use of property

- 4.1 A resident 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.
- 4.2 A resident 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.
- 4.3 An owner is responsible for any damage caused by occupants, tenants or visitors to the owner's strata lot.

4.4 An owner shall indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered necessary to the common property, limited common property, common assets or to any strata lot by the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, and for the purposes of bylaws 4.1, 4.2 and 4.3, any insurance deductible paid or payable by the strata corporation shall be considered an expense not covered by the proceeds received by the strata corporation as insurance coverage and will be charged to the owner.

5. Pets and animals

- 5.1 A resident or visitor must not keep any pets on a strata lot or common property or on land that is a common asset except in accordance with these bylaws.
- 5.2 A resident 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.
- 5.3 A resident must not keep more than a total of three dogs and/or cats on a strata lot.
- 5.4 A resident must not keep a pet that is a nuisance, on a strata lot, on common property or on land that is a common asset. If a resident has a pet which is a nuisance or has caused or is causing an unreasonable interference with the use and enjoyment by residents or visitors of a strata lot, common property or common assets, the council may order such pet to be removed permanently from the strata lot, the common property or common asset or all of them, after discussion with owner. The owner of the strata lot will be responsible for all expenses incurred by the strata corporation in consideration of this by-law.
- 5.5 A pet owner must ensure that a pet is kept quiet, controlled and clean. Any excrement on common property or on land that is a common asset must be immediately disposed of by the pet owner.
- 5.6 A strata lot owner must assume all liability for all actions by a pet, regardless of whether the owner had knowledge, notice or forewarning of the likelihood of such action.
- 5.7 A resident or visitor must not feed birds, rodents or other wild animals from any strata lot, limited common property, common property or land that is a common asset. No bird feeders of any kind are permitted to be kept on balconies, strata lots, common property or land that is a common asset.

6. Inform strata corporation

- 6.1 An owner must notify the strata corporation:
- a. within two weeks of becoming an owner, the owner's name and any occupants' names, strata lot number and mailing address outside the strata plan, if any; and
 - b. the tenants' name and strata lot number,

- c. within two weeks of renting a strata lot, or within one month of these bylaws becoming effective, the landlord must give the strata corporation a copy of Form K – Notice of Tenants' Responsibilities signed by the tenant, in accordance with section 146 of the Act.

7. Obtain approval before altering a strata lot

7.1 An owner must obtain the written approval of the strata corporation with detailed plans and written description of the intended alterations before making or authorizing 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. patios, 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; and
- h. wiring, plumbing, piping, heating air conditioning and other services.

7.2 The strata corporation must not unreasonably withhold its approval under bylaw 7.1, 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 and to indemnify and hold harmless the strata corporation for any future costs in connection with the alteration.

8. Obtain approval before altering common property

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

8.2 An owner, as part of its application to the strata corporation for permission to alter common property, limited common property or common assets, must:

- a. submit, in writing, detailed plans and description of the intended alteration;
- b. obtain all applicable permits, licences and approvals from the appropriate governmental authorities and provide copies to the strata council;

- 8.3 The strata corporation may require, as a condition of its approval, that the owner agree, in writing, to certain terms and conditions, including, not exhaustively, the following:
- a. that alterations be done in accordance with the design or plans approved by the strata council or its duly authorized representatives;
 - b. that the standard of work and materials be not less than that of the existing structures;
 - c. that all work and materials necessary for the alteration be at the sole expense of the owner;
 - d. that the owner from time to time of the strata lot receiving the benefit of an alteration to common property, limited common property or common assets must, for so long as he or she remains an owner, be responsible for all present and future maintenance, repairs and replacements, increases in insurance, and any damage suffered or cost incurred by the strata corporation as a result, directly or indirectly, of the alterations to common property, limited common property or common assets;
 - e. that the owner and any subsequent owner on title who receives the benefit of such alteration, must, with respect only to claims or demands arising during the time that they shall have been owner, indemnify and hold harmless the strata corporation, its council members, employees and agents from any and all claims and demands whatsoever arising out of or in any manner attributable to the alteration. Any costs or expenses incurred by the strata corporation as the result of such claim or demand will be the responsibility of the owner from time to time of the strata lot who has benefited from the alteration and the said costs or expenses incurred must be charged to that owner and shall be added to and become part of the strata fees of that owner for the month next following the date upon which the cost or expenses are incurred, but not necessarily paid by the strata corporation, and shall become due and payable on the due date of payment of monthly strata fees.
- 8.4 An owner who has altered common property, limited common property or common assets prior to the passage of these bylaws shall be subject to their content and intent to the extent that any damages suffered or costs incurred by the strata corporation as a result, directly or indirectly, of the alteration, must be borne by the owner who has benefited from the alteration.
- 8.5 An owner who, subsequent to the passage of bylaws 8.1 to 8.3 inclusive, alters common property or limited common property without adhering strictly to these bylaws, must restore, at the owner's sole expense, the common property, limited common property or common assets, as the case may be, to its condition prior to the alteration. If the owner refuses or neglects to restore the alteration to its original condition, the strata corporation may conduct the restoration, at the expense of the owner who altered the common property or limited common property. The cost of such alteration shall be added to and become part of the strata fees of that owner for the month next following the date on which the cost was incurred and will become due and payable on the due date of payment of monthly strata fees.

9. Major Renovations/alterations

- 9.1 An owner must give the council two working days' prior notice of the scheduled arrival of tradespersons or delivery of materials. Tradespersons must be licensed and bonded. Inadequate notice or work by unlicensed or unbonded tradespersons for major alterations may result in the levy of fines.
- 9.2 A resident must not permit any construction debris, materials or packaging to be deposited in the strata corporation's disposal containers.
- 9.3 A resident must be responsible to ensure:
- (a) drop cloths are installed and removed daily between the elevators and the strata lot as well as between other doors to protect common areas from any spillage or dripping; and
 - (b) stairs, lobbies and paths through the parking areas are regularly and thoroughly cleaned.
- 9.4 An owner must ensure that the hours of work are restricted to 8:00 a.m. to 8:00 p.m., Monday through Friday, and 10:00 a.m. to 6:00 p.m., Saturdays, Sundays and statutory holidays.
- 9.5 An owner in contravention of any of bylaws 9.1 to 9.4 (inclusive) shall be subject to fines pursuant to Bylaw 27 as well as be responsible for any clean up or repair costs.
- 9.6 An owner or the owner's representative must be in attendance for all major renovations/alterations. The determination of major shall be at the discretion of the council.

10. Permit entry to strata lot

- 10.1 A resident or visitor must allow a person authorized by the strata corporation to enter the strata lot or limited common property
- a. in an emergency, without notice, to ensure safety or to prevent significant loss or damage;
 - b. at a reasonable time, on 48 hours' written notice, including date, approximate time and the reason for entry,
 - i) to inspect, repair, renew, replace or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair, replace, renew and maintain under these bylaws or the Act or to insure under section 149 of the Act;
- 10.2 If forced entry to a strata lot is required due to required emergency access and the inability to contact the owner of the strata lot, the owner shall be responsible for all costs of forced entry incurred by the strata corporation.

Powers and Duties of Strata Corporation

11. Repair and maintenance of property by Strata Corporation

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

- (a) common assets of the strata corporation;
- (b) common property that has not been designated as limited common property;
- (c) 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) patios, chimneys, stairs, balconies and other things attached to the exterior of a building;
 - (D) doors and windows on the exterior of a building or that front on the common property;
 - (E) fences, railings and similar structures that enclose patios;
- (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,
 - (iv) doors and windows on the exterior of a building or that front on the common property;
 - (v) fences, railings and similar structures that enclose patios, balconies and yards.

Council

12. Council size

12.1 The council must have at least 3 and not more than 7 members.

13. Council eligibility

- 13.1 The spouse of an owner may stand for council.
- 13.2 Where a strata is owned by more than one person, or the spouse of an owner stands for council, only one representative of the strata lot shall be a member of the council at any one time.
- 13.3 No person may stand for council 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 section 116 (1) of the Act.
- 13.4 No person may stand for council or continue to be on council with respect to a strata lot if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules.
- 13.5 No person may stand for council or continue to be on council with respect to a strata lot if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules for which the owner is responsible under section 131 of the Act.

14. Council members' terms

- 14.1 The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- 14.2 A person whose term as council member is ending is eligible for re-election.

15. Removing council member

- 15.1 The strata corporation may, by a resolution passed by a majority vote at a special general meeting, remove one or more council members. The strata corporation must pass a separate resolution for each council member to be removed.
- 15.2 After removing a council member, the strata corporation may hold an election at the same special general meeting to replace the council member for the remainder of the term or the remaining members of the council may appoint a replacement council member for the remainder of the term.
- 15.3 If the strata corporation removes all of the council members, the strata corporation must hold an election at the same special general meeting to replace the council members for the remainder of the term up to, at least, the minimum number of council members required by bylaw of the strata corporation for the remainder of the term.
- 15.4 The council may appoint the remaining council members necessary to achieve a quorum for the strata corporation, even if the absence of the members being replaced leaves the council without a quorum.

15.5 A replacement council member appointed pursuant to bylaws 15.2 and 15.4 may be appointed from any person eligible to sit on the council.

16. Replacing council member

16.1 If a council member resigns or is unwilling or unable to act, for a period of 2 or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.

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

16.3 The council may appoint a council member under bylaw 16.2 even if the absence of the member being replaced leaves the council without a quorum.

16.4 If all the members of the council resign or are unwilling or unable to act, 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.

17. Officers

17.1 At the first meeting of the council held after each annual general meeting of the strata corporation, the council must elect, from among its members, a president, a vice president, and a financial officer.

17.2 A person may not hold more than one office at a time.

17.3 The vice president has the powers and duties of the president

- a. while the president is absent or is unwilling or unable to act,
- b. for the remainder of the president's term if the president ceases to hold office.

17.4 The strata council may vote to remove an officer.

17.5 If an officer other than the president is removed or ceases to hold office, the council members may elect a replacement officer from among themselves for the remainder of the term.

18. Calling council meetings

18.1 Any council member may call a council meeting by giving the other council members at least one week's notice of the meeting, specifying the reason for calling the meeting.

18.2 The notice in bylaw 18.1 does not have to be in writing.

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

- a. the meeting is required, 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.

19. Requisition of council hearing

19.1 By application in writing, a resident may request a hearing at a council meeting stating the reasons for the request.

19.2 Except for a hearing pursuant too section 144 of the Act, if a hearing is requested under bylaw 19.1, the applicant must forward a request to the agent at least 7 days prior to the next council meeting.

19.3 If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within one week of the date of the hearing.

20. Quorum of council

20.1 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.

20.2 Council members must be present in person at the council meeting to be counted in establishing quorum.

21. Council meetings

21.1 The council may meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit.

21.2 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.

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

22. Voting at council meetings

- 22.1 At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- 22.2 If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- 22.3 The results of all votes at a council meeting must be recorded in the council meeting minutes.

23. Council to inform owners of minutes

- 23.1 The council must circulate to the owners the minutes of all council meetings, with the exception of in camera meetings, within 2 weeks of the meeting, whether or not the minutes have been approved.

24. Delegation of council's powers and duties

- 24.1 Subject to bylaws 24.2, 24.3 and 24.4, the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.
- 24.2 The council may delegate its spending powers or duties, but only by a resolution that
 - a. delegates the authority to make an expenditure of a specific amount for a specific purpose, or
 - b. delegates the general authority to make expenditures in accordance with bylaw 24.3.
- 24.3 A delegation of a general authority to make expenditures must
 - a. set a maximum amount that may be spent, and
 - b. indicate the purposes for which, or the conditions under which, the money may be spent.
- 24.4 The council may not delegate its powers to determine, based on the facts of a particular case,
 - a. whether a person has contravened a bylaw or rule,
 - b. whether a person should be fined, and the amount of the fine,
 - c. whether a person should be denied access to a recreational facility

25. Spending restrictions

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

25.2 The strata council shall have the authority to spend from the operating fund, on an unapproved expenditure, if the expenditure together with all other unapproved expenditures in the same fiscal year is less than \$10,000.

26. Limitation on liability of council member

26.1 A council member who acts honestly and in good faith is not personally liable because of anything done or omitted in the exercise or intended exercise of any power or the performance or intended performance of any duty of the council.

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

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

Enforcement of Bylaws and Rules

27. Fines

27.1 Except where specifically stated to be otherwise in these bylaws, the strata corporation may fine an owner or tenant:

a. Up to \$200 for each contravention of a bylaw, and

b. Up to \$50 for each contravention of a rule.

a. The council must, if it determines in its discretion that a resident is in repeated contravention of any bylaws or rules of the strata corporation, levy fines and the fines so levied shall be immediately added to the strata fees for the strata lot and shall be due and payable together with the strata fees for the strata lot in the next month following such contravention.

b. Except where specifically stated to be otherwise in these bylaws, 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.

Annual and Special General Meetings

28. Quorum of meeting

28.1 If within ¼ hour from the time appointed for an annual or special general meeting, a quorum is not present, the meeting stands adjourned for a further ¼ hour, and the persons entitled to vote who are present constitute a quorum.

This bylaw 28.1 is an alternative to section 48 (3) of the Act. This bylaw does not apply to a meeting demanded pursuant to section 48 of the Act and failure to obtain a quorum for a meeting demanded pursuant to section 43 terminates, and does not adjourn, that meeting.

29. Person to chair meeting

- 29.1 The president of the council or in the absence of the president, the vice president shall be the chairman of all general meetings, or they may appoint a chairman if so agreed by a majority of the owners presents.

30. Participation by other than eligible voters

- 30.1 Tenants and occupants may attend annual and special general meetings.
- 30.2 Persons who are not eligible to vote, may not participate in the discussion at a meeting, unless permitted to do so by the chair of the meeting.
- 30.3 Persons who are not eligible to vote, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

31. Voting

- 31.1 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if the strata corporation is entitled to register a lien against that strata lot under section 116 (1) of the Act.
- 31.2 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs. Including the legal costs, of remedying a contravention of the bylaws or rules.
- 31.3 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs including the legal costs, of remedying a contravention of the bylaws or rules, including legal costs, for which the owner is responsible under section 131 of the Act.
- 31.2 At an annual or special general meeting, voting cards must be issued to eligible voters the chair must decide whether voting will be by a show of voting cards, or by roll call, secret ballot or some other method.
- 31.3 The outcome of each vote, must be announced by the chair and recorded in the minutes of the meeting.
- 31.4 If a precise count is requested by an eligible voter, the outcome of the vote including the number of votes for and against and the number of abstentions must be announced by the chair and recorded in the minutes.
- 31.5 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.

31.6 Despite anything in bylaws 31.1 to 31.5 (inclusive), an election of council or removal of a council member must be held by secret ballot, if the secret ballot is requested by an eligible voter, and approved by a majority vote.

32. Electronic attendance at meetings

32.1 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

32.2 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.

33. Order of business

33.1 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 since the previous annual general meeting, 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.

33.2 If a majority of eligible voters agree, the agenda may be modified.

Small Claims Court Proceedings

34. Authorization to proceed

- 34.1 The strata corporation may proceed under the Small Claims Act, without further authorization by the owners, to recover from an owner, or other person, by an action in debt in Small Claims Court, money owing to the strata corporation, including money owing as administration fees, bank charged, fines, penalties, interest or the costs, including legal costs, of remedying a contravention of the bylaws or rules and to recover money which the strata corporation is required to expend as a result of the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family.

Marketing Activities by Owners and Occupants

35. Sale of a strata lot

- 35.1 Real estate signs must not be displayed in a strata lot or on the common property except in the location designated by the strata corporation for real estate signs.

Parking

36. Parking

- 36.1 An owner must not sell, lease or licence parking stalls to any person other than an owner or occupant.
- 36.2 A resident must park only in the parking stall assigned to the resident.
- 36.3 A resident or visitor must not permit a vehicle to be parked or left unattended in a manner that interferes with parking stalls, access lanes or no parking zones.
- 36.4 Any resident's vehicle parked in violation of bylaw 36.3 will be subject to removal by a towing company authorized by council, and all costs associated with such removal will be charged to the owner of the strata lot.
- 36.5 A resident or visitor operating a vehicle in the parking areas must activate the vehicle's headlights and not exceed 10 km/hour.
- 36.6 A resident must wash a vehicle in the location designated for vehicle washing only. Once washing is completed, the resident must hose down excess water from the washing area and remove all dirt and refuse.
- 36.7 A resident shall not store any articles in the parking area.
- 36.8 A resident or owner must not store unlicensed or uninsured vehicles on the common, limited common property or on land that is a common asset. *(Oct. 4/2004)*

Moving

37. Moving in/out procedures

- 37.1 An owner must confirm and ensure that any tenants conform to the Move In and Move Out rules established by council from time to time.
- 37.2 A resident must provide notice to the strata corporation of all moving arrangements at least 48 hours before the moving date. All moves must take place between 9:00 a.m. and 8:00 p.m., Monday through Friday and 10:00 a.m. to 6:00 p.m. on Saturdays, Sundays and statutory holidays.
- 37.3 A resident using the elevator during a move must ensure that the ELEVATOR SERVICE KEY is used to control the elevator and the doors not jammed open in any manner.
- 37.4 A resident must ensure that all common areas are left damage free and clean.
- 37.5 A move in fee of \$200.00 will be charged to all residents.

Appearance of strata lots

38. Cleanliness

- 38.1 A resident must ensure that ordinary household refuse and garbage is securely wrapped and placed in the containers provided for that purpose, recyclable material is kept in designated areas and material other than recyclable or ordinary household refuse and garbage is removed appropriately.

Rentals

39. Residential Rentals

- 39.1 Prior to possession of a strata lot by a tenant, an owner must deliver to the tenant the current bylaws and rules of the strata corporation and a Notice of Tenant's Responsibilities in Form K, a signed copy of which must be forwarded to the strata corporation within two weeks time as per bylaw 6.1
- 39.2 A tenant is defined as someone who normally resides at the strata lot, and is noted on the required Form K – Tenants Undertaking as opposed to a property management firm.
- 39.3 Strata Lots shall not be rented for a period of less than 1 month to take effect April 1, 2010.

40. Miscellaneous

- 40.1 A resident or visitor must not smoke on common property.

- 40.2 A resident or visitor must not hinder or restrict sidewalks, entrances, exits, halls, passageways, stairways and other parts of the common property. Hindrance and restriction includes the keeping of personal items and garbage.
- 40.3 A resident or owner must not erect or display or permit to be erected or displayed any signs, fences, billboards, placards, advertising, notices or other fixtures of any kind on the common property or in a strata lot, unless authorized by the council with the exception of real estate signs subject to bylaw 35.1.
- 40.4 A resident may post notices on the designated bulletin board, subject to being removed by the council if deemed inappropriate.
- 40.5 A resident must ensure that drapes or blinds visible from the outside of the building are cream or white in colour.
- 40.6 A resident must not tint or alter the glass in any way on the windows that are visible from the outside of the building.
- 40.7 An owner must not throw items over the balconies or out of window to the street or common areas below. e.g. cigarettes, papers, cans, bottles etc.
- 40.8 A resident must not store any hazardous or flammable materials in storage lockers or parking stalls.
- 40.9 Pursuant to Regulation 6.7 (1), of the Strata Property Act, the financial information for the notice or Annual General Meeting required under subsection (c) to (e), may be provided to the owners in summary form.
- 40.10 Any owner, resident or occupant who uses profane, abusive or threatening language or engages in abusive or threatening behaviour that is directed towards the building staff, the strata agent, a member of the strata council or any tradesperson working at LMS-1725, shall be assessed a fine for each offence, in accordance with the bylaws of the strata corporation.

41. Workshop

- 41.1 When necessary, wearing protective clothing, gloves and goggles is recommended. *(Oct. 4/2004)*
- 41.2 Use and handling of flammable fuels (petroleum – based products) such as gasoline, propane, butane or the use of equipment with an open flame is prohibited. *(Oct. 4/2004)*
- 41.3 All users must clean up after each visit. *(Oct. 4/2004)*
- 41.4 Locker use is limited to a one (1) week period. The strata corporation has the right to remove locks after one (1) week period. *(Oct. 4/2004)*

42. Illegal Use of Strata Lot Prohibited

- 42.1 The owner of a strata lot shall not permit it to be used for any purpose that is prohibited by any law, regulation or bylaw, whether federal, provincial or municipal; or in any way that contravenes these bylaws or the rules of the strata corporation, or which, in the opinion of the strata council acting reasonably, is injurious to the good reputation of the strata corporation. Without in any way limiting the generality of the foregoing, this includes producing or trafficking, or both, any controlled substances within the meaning of the Controlled Drugs and Substances Act.
- 42.2 Where a strata lot is rented in accordance with Bylaw 39.1 – Residential Rentals, it is the responsibility of the strata lot owner to be in contact with the tenant and ensure that the strata lot is inspected on a regular basis, and in any event no less than once every six (6) months, to ensure that there is no illegal activity taking place within the strata lot as described in Bylaw 42 (1), and upon request of the strata council to provide written confirmation to the strata council that the inspection took place.
- 42.3 Where a strata lot is used in a manner prohibited by this bylaw, the strata corporation may also charge back to, or sue to recover from, the owner of the strata lot all costs resulting from any loss, liability or damage to other strata lots in the strata corporation and their contents, owners and occupants, and/or to the common property or common assets of the strata corporation, whether or not the owner is or was aware of such prohibited use of the strata lot.
- 42.4 Where a strata lot is used in a manner prohibited by this bylaw, the owner of the strata lot may be fined up to \$200. For so long as the contravention continues, the owner may be fined every seven days.