

**FOUNTAINS OF GUILDFORD II**  
**THE OWNERS, STRATA PLAN LMS 85**

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**FOUNTAINS OF GUILDFORD II**  
**THE OWNERS, STRATA PLAN LMS 85**

**SCHEDULE OF BYLAWS**

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

**Payment of strata fees**

- 1 (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate;
- (2) If an owner is late in paying his or her strata fees, the owner must pay to the strata corporation interest on the late payment in the amount of 10% per annum, compounded annually, and calculated on a monthly basis commencing from the date the payment was due and continuing until the last day of the month in which it is paid.

**Repair and maintenance of property by owner**

- 2 (1) An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws;
- (2) An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws;

***Bylaw Amendment – Registered October 28, 2009 – BB1218612***

- (3) Repealed;

***End Amendment***

- (4) An owner shall indemnify and save harmless the Strata Corporation from the expense of any maintenance, repairs or replacement rendered necessary to the common property or to any strata lot by his/her act, neglect or carelessness or by that of any member of his/her family or their guests, servants, agents or tenants, but only to the extent that such expense is not met by the proceeds of insurance carried by the Strata Corporation;
- (5) The insurance policy deductible portion of any insurance claim against the Strata Corporation insurance policy shall be recoverable by the Strata Corporation from the strata lot owner from which the cause of the claim originated where the insurance claim is the result of an act, neglect or carelessness on the part of the strata lot owner, or any member of his/her family or their guests, servants, agents or tenants.

**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,
  - (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;
- <sup>1</sup>(2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act;
- (3) An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset;
  - (4) An owner, tenant or occupant 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) one caged bird (excepting pigeons);
    - (d) one domestic dog or one domestic cat, no taller than fourteen (14) inches measured from the ground to the top of the shoulder of the mature animal;
  - (5) An owner of a dog or cat shall attach a collar to the pet with a tag identifying the owner;
  - (6) An owner of a pet shall not permit the pet to urinate or defecate on the common property, and if any pet does urinate or defecate on the common property, the owner shall immediately and completely remove all of the pet's waste from the common and dispose of it in a waste container or by some other sanitary means;
  - (7) An owner, tenant or occupant whose guest or invitee brings an animal or pet onto the common property shall ensure that the guest or invitee complies with all requirements of

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<sup>1</sup> [SPA]

149(1) The strata corporation must obtain and maintain property insurance on

- (a) common property;
  - (b) common assets;
  - (c) buildings shown on the strata plan, and
  - (d) fixtures built or installed on a strata lot, if the fixtures are built or installed by the owner developer as part of the original construction on the strata lot.
- (2) For the purposes of subsection (1)(d), "fixtures has the meaning **set out in the regulations**.
- (3) Subsection (1)(d) does not apply to a bare land strata plan.
- (4) The property insurance must
- (a) be on the basis of full replacement value, and
  - (b) insure against major perils, as **set out in the regulations**, and any other perils specified in the bylaws.

these bylaws as they relate to animals and shall perform all of the duties and obligations with respect to that animal or pet as set out in these bylaws;

- (8) No owner, tenant or occupant whose guest or invitee brings an animal or pet onto the common property shall ensure that the guest or invitee complies with all requirements of these bylaws as they relate to animals and shall perform all of the duties and obligations with respect to that animal or pet as set out in these bylaws;
- (9) The strata council may, from time to time on behalf of the strata corporation, enact such rules with respect to the keeping of pets as the strata council, acting reasonably, deems necessary or desirable, provided that, in the event of any conflict between these bylaws and any such rule, the provisions of these bylaws will prevail;
- (10) If any owner, tenant or occupant violates any provision of these bylaws or if the strata council on reasonable grounds considers a pet to be a nuisance the strata council may, by written notice to such owner, tenant or occupant cause such owner, tenant or occupant to have the pet removed from the strata lot within thirty days of receiving such notice;
- (11) An owner, tenant or occupant must not:
  - (a) use a strata lot for any purpose which involves undue traffic or noise in or about the strata lot or common property between the hours of 10:30 p.m. and 7:00 a.m. or that encourages loitering by persons in or about the strata lot or common property;
  - (b) make, cause or produce undue noise, smell, vibration or glare in or about any strata lot or common property or do anything which will interfere unreasonably with any other owner, tenant or occupant;
  - (c) use any musical instrument, amplifier, sound reproduction equipment or other device within or about any strata lot, the common property or any limited common property such that it causes a disturbance or interferes with the comfort of any other owner, tenant or occupant;
  - (d) obstruct or use the sidewalks, walkways, passages and driveways of the common property for any purpose other than ingress or egress from the strata lots or parking areas within the common property of the strata plan;
  - (e) leave on the common property or any limited common property, any shopping cart or any other item designated from time to time by the strata council;
  - (f) use a barbecue, hibachi or other like cooking device on a balcony, deck or patio unless such barbecue, hibachi or cooking device is powered by propane, natural gas or electricity and such propane, natural gas or electricity powered barbecues, hibachis and other light cooking devices shall not be used except in accordance with rules made by the strata corporation from time to time;

- (g) shake any mops or dusters of any kind, nor throw any refuse, out of the windows or doors or from the balcony of a strata lot;
- (h) do anything that will increase the risk of fire or the rate of insurance on the building or any part thereof;
- (i) permit a condition to exist within a strata lot which will result in the waste or excessive consumption of the building's domestic water supply or heated water;
- (j) allow a strata lot to become unsanitary or a source of odour;
- (k) feed pigeons, gulls, squirrels, rodents or other animals from a strata lot or anywhere on or in close proximity to the common property or any limited common property, but this shall not apply to a pet permitted to be kept in a strata lot pursuant to these bylaws and the rules made hereunder, which pet shall be fed only in a strata lot;
- (l) install any window coverings, visible from the exterior of his strata lot, which are different in size or colour from those of the original building specifications;
- (m) hang or display any laundry, washing, clothing, bedding or other articles from windows, balconies or other parts of the building so that they are visible from the outside of the building;
- (n) use or install in or about a strata lot any shades, awnings, window or balcony guards or screens, ventilators, supplementary heating or air conditioning devices, except those installations approved in writing by the council;
- (o) erect on or fasten to the strata lot, the common property or any limited common property any television or radio receiver, antenna or similar structure or appurtenance thereto;
- (p) place any signs, billboards, notices or other advertising matter of any kind on, or visible from, the exterior of a strata lot;
- (q) place any indoor-outdoor carpeting on any deck, patio or balcony, or place any items on any deck, patio or the balcony except free-standing, self-contained planter boxes, barbecues, summer furniture and accessories nor install any hanging plants or baskets or other hanging items within three feet of a balcony railing line; and
- (r) give any keys, combinations, security cards or other means of access to the building, the parking garage or common areas to any person other than an employee, contractor, occupant or guest of the strata lot permitted by these bylaws.

#### **Inform strata corporation**

- 4 (1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of

the owner's name, strata lot number and mailing address outside the strata plan, if any;

- (2) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

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

- 5 (1) An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves any of the following:
- (a) the structure of a building;
  - (b) the exterior of a building;
  - (c) chimneys, stairs, balconies or other things attached to the exterior of a building;
  - (d) doors, windows or skylights (including the casings, the frames and the sills of such doors, windows and skylights) on the exterior of a building, or that front on the common property (ie. including, for example, adding security devices to the entrance door to a strata lot);
  - (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) <sup>2</sup>those parts of the strata lot which the strata corporation must insure under section 149 of the Act;
- (2) The strata corporation must not unreasonably withhold its approval under subsection (1), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration;
- (3) This section does not apply to a strata lot in a bare land strata plan;

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<sup>2</sup> [SPA]

149(1) The strata corporation must obtain and maintain property insurance on

- (a) common property;
- (b) common assets;
- (c) buildings shown on the strata plan, and
- (d) fixtures built or installed on a strata lot, if the fixtures are built or installed by the owner developer as part of the original construction on the strata lot.

(2) For the purposes of subsection (1)(d), "fixtures has the meaning **set out in the regulations**.

(3) Subsection (1)(d) does not apply to a bare land strata plan.

(4) The property insurance must

- (a) be on the basis of full replacement value, and
- (b) insure against major perils, as **set out in the regulations**, and any other perils specified in the bylaws.

- (4) An owner, tenant or occupant must not do any act, nor alter a strata lot, in any manner, which in the opinion of the council will alter the exterior appearance of the building.

**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 and to provide, at the request of the strata corporation, evidence of appropriate insurance coverage 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 the Act; and
- (ii) to ensure compliance with the Act and these 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**

***Bylaw Amendment – Registered October 28, 2009 – BB1218612***

**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;
- (b) common property that has not been designated as limited common property;
- (c) limited common property, but the duty to repair and maintain it is restricted to:
- (i) repair and maintenance that in the ordinary course of events occurs less often than once a year, and



- (ii) the following, no matter how often the repair or maintenance ordinarily occurs:
  - (A) the structure of a building;
  - (B) the exterior of a building;
  - (C) chimneys, stairs, balconies and other things attached to the exterior of a building;
  - (D) doors, windows and skylights on the exterior of a building or that front on the common property;
  - (E) fences, railings and similar structures that enclose patios, balconies and yards;
- (d) a strata lot in a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to:
  - (i) the structure of a building;
  - (ii) the exterior of a building;
  - (iii) chimneys, stairs, balconies and other things attached to the exterior of a building,
  - (iv) doors, windows and skylights on the exterior of a building or that front on the common property; and
  - (v) fences, railings and similar structures that enclose patios, balconies and yards.

***End Amendment***

### **Division 3 - Council**

#### **Council size**

- 9 (1) Subject to subsection (2), the council must have at least 3 and not more than 7 members;
- (2) If the strata plan has fewer than 4 strata lots or the strata corporation has fewer than 4 owners, all the owners are on the council.

#### **Council members' terms**

- 10 (1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected;
- (2) A person whose term as council member is ending is eligible for re-election.

#### **Removing council member**

- 11 (1) Unless all the owners are on the council, the strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members;
- (2) After removing a council member, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term;
- (3) No person may stand for council or continue to be on council with respect to a strata lot if the strata corporation entitled to register a lien against that strata lot under the Act.

### **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, a secretary and a treasurer;
- (2) A person may hold more than one office at a time, other than the offices of president and vice president;
- (3) The vice president has the powers and duties of the president:
- (a) while the president is absent or is unwilling or unable to act, or
  - (b) for the remainder of the president's term if the president ceases to hold office;
- (4) If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

### **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) 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.

### **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) 1, if the council consists of one member,
  - (b) 2, if the council consists of 2, 3 or 4 members,
  - (c) 3, if the council consists of 5 or 6 members, and
  - (d) 4, if the council consists of 7 members;
- (2) Council members must be present in person at the council meeting to be counted in establishing quorum.

### **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) No person other than a member of the council shall be entitled to attend a meeting of the council unless authorized by a resolution of the council. In the course of a meeting of the council, any person or person; (other than members of the council) may be excluded from such meeting by a resolution of the council;
- (4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:

- (a) <sup>3</sup>bylaw contravention hearings under section 135 of the Act;
- (b) <sup>4</sup>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) Unless there are only 2 strata lots in the strata plan, if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote;

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<sup>3</sup> [SPA]

- 135 (1) The strata corporation must not
- (a) impose a fine against a person,
  - (b) require a person to pay the costs of remedying a contravention, or
  - (c) deny a person the use of a recreational facility for a contravention of a bylaw unless the strata corporation has,
    - (d) received a complaint about the contravention,
    - (e) give the owner or tenant the particulars of the complaint, in writing, and a reasonable opportunity to answer the complaint, including a **hearing** if requested by the owner or tenant, and
    - (f) if the person is a tenant, given notice of the complaint to the person's landlord and to the owner.
- (2) The strata corporation must, as soon as feasible, give notice in writing of a decision on a matter referred to in subsection (1)(a), (b) or (c) to the persons referred to in subsection (1)(e) and (f).
- (3) Once a strata corporation has complied with this section in respect of a contravention of a bylaw or rule, it may impose a fine or other penalty for a continuing contravention of that bylaw or rule without further compliance with this section.

<sup>4</sup> [SPA]

- 144 (1) An owner may apply to the strata corporation for an exemption from a bylaw that prohibits or limits rentals on the grounds that the bylaw causes hardship to the owner.
- (2) The application must be in writing and must state
- (a) the reason the owner thinks an extension should be made, and
  - (b) whether the owner wishes a **hearing**.
- (3) If the owner wishes a hearing, the strata corporation must hear the owner or the owner's agent within 3 weeks after the date the application is given to the strata corporation.
- (4) An exemption is allowed if the strata corporation does not give its decision in writing to the owner
- (a) within one week after the hearing, or
  - (b) if no hearing is requested, within 2 weeks after the application is given to the strata corporation.
- (5) An exemption granted by the strata corporation may be for a limited time.
- (6) The strata corporation must not unreasonably refuse to grant an extension.

- (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 inform owners of the minutes of all council meetings within 2 weeks of the meeting, whether or not the minutes have been approved.

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

- 20 (1) Subject to subsections (2) to (4), the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation;
- (2) The council may delegate its spending powers or duties, but only by a resolution that:
- (a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
  - (b) delegates the general authority to make expenditures in accordance with subsection (3);
- (3) A delegation of a general authority to make expenditures must:
- (a) set a maximum amount that may be spent, and
  - (b) indicate the purposes for which, or the conditions under which, the money may be spent;
- (4) The council may not delegate its powers to determine, based on the facts of a particular case:
- (a) whether a person has contravened a bylaw or rule,
  - (b) whether a person should be fined, and the amount of the fine, or
  - (c) whether a person should be denied access to a recreational facility.

#### **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), 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.

#### **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 judgment against the strata corporation.

#### **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 corporation may impose a fine on an owner or tenant for a continuing contravention of a bylaw or rule every 7 days;

(3) Each owner and tenant is responsible for payment, without invoice, of any money (other than strata fees, but including special levies) owing to the strata corporation as provided for in the Act or these bylaws, and if the owner or tenant fails to pay any money so owing within 15 days after the date such money becomes due, the owner or tenant will, after having been given written notice of the default and been provided with a reasonable opportunity to answer the complaint (including a hearing if requested), be assessed and pay a fine of \$10.00, and if such default continues for a further 15 days, an additional fine of \$25.00 will be levied against and paid by the owner or tenant, as the case may be, and for each additional month such default continues, an additional fine of \$25.00 will be levied against and paid by the owner or tenant;

(4) Additional assessments, fees, fines authorized by these bylaws, banking charges, filing costs, legal expenses, interest charges and any other expenses incurred by either the strata corporation to enforce these bylaws, as they may be amended from time to time, or any rule which may be established from time to time by the council pursuant to the Act or these bylaws, shall become part of the fee/assessment of the owner responsible and shall become due and payable on the first day of the month next following, except that any amount owing in respect of a fine or the cost of remedying the contravention of a bylaw will be calculated as a separate component of such fee/assessment and the strata corporation may not register a lien against such separate component.

##### **Continuing contravention**

**24** (1) If an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than 7 days, a fine may be imposed every 7 days;

(2) Any fraction or violation of these Bylaws or any rules established pursuant to these Bylaws or on the part of an Owner, his employees, agents, invitees or tenants may be corrected, remedied or cured by the Strata Corporation and any costs or expenses expended or incurred by the Strata Corporation in correcting, remedying or curing such infraction or violation, shall be charged to such Owner and shall be added to and become part of the strata fee of such Owner for the month next following the date when such costs

or expenses are expended or incurred (but not necessarily paid) by the Strata Corporation and shall become due and payable on the date of payment of such monthly strata fee;

- (3) The strata Corporation may recover from an Owner by an action for debt in any Court of competent jurisdiction any sum of money which the Strata Corporation is required to expend as a result of any act or omission by the Owner, his servants, agents, invitees, or tenants, which violates these Bylaws or any Rules established pursuant to these Bylaws, and there shall be added to any amount found due, all costs of such action including costs as between solicitor and client. Nothing herein shall be deemed to limit any right of any Owner to bring an action or proceeding for the enforcement and protection of his rights and the exercise of his remedies.

### **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 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**

- 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) If there are only 2 strata lots in the strata plan, subsection (5) does not apply;
- (7) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.
- (8) An owner who is otherwise an eligible voter may not exercise his or her vote for a strata lot, except on matters requiring an unanimous vote, if the strata corporation is entitled to register a lien against that strata lot.

### Order of business

28 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) <sup>5</sup>ratify any new rules made by the strata corporation under section 125 of the Act;

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<sup>5</sup> [SPA]

- 125 (1) The strata corporation may make rules governing the use, safety and condition of the common property and common assets.
- (2) A rule is not enforceable to the same extent that a bylaw is not enforceable under section 121(1).
- (3) All rules, including those posted on signs, must be set out in a written document that is capable of being photocopied.
- (4) The strata corporation must inform owners and tenants of any new rules as soon as feasible.
- (5) If a rule conflicts with a bylaw of the strata corporation, the bylaw prevails.
- (6) A rule ceases to have effect at the first annual general meeting held after it is made, unless the rule is ratified by a resolution passed by a majority vote
- (a) at that annual general meeting, or
  - (b) at a special general meeting held before that annual general meeting.
- (7) Once a rule has been ratified under subsection (6), it is effective until it is repealed, replaced or altered, without the need for further ratification.



- (j) <sup>6</sup> report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
- (k) <sup>7</sup> approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
- (l) <sup>8</sup> 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.

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<sup>6</sup> [SPA]

154 The strata corporation must

- (a) review annually the adequacy of the strata corporation's insurance, and
- (b) report on the insurance coverage at each annual general meeting.

<sup>7</sup> [SPA]

103 (1) The strata corporation must prepare a budget for the coming fiscal year for approval by a resolution to be passed by a majority vote at each annual general meeting.

- (2) The proposed budget must be distributed with the notice of the annual general meeting under section 45 and must be accompanied by a financial statement.
- (3) The budget and financial statement
  - (a) must contain the information **required by the regulations**, and
  - (b) may be in the form **set out in the regulations**.
- (4) The proposed budget may be amended by a majority vote at the annual general meeting before the budget itself is put to a vote.

<sup>8</sup> [SPA]

45 (1) The strata corporation must give at least 2 weeks' written notice of an annual or special general meeting to all of the following:

- (a) every owner, whether or not a notice must also be sent to the owner's mortgagee or tenant;
  - (b) every mortgagee who has given the strata corporation a Mortgagee's Request for Notification under section 60;
  - (c) every tenant who has been assigned a landlord's right to vote under section 147 or 148, if the strata corporation has received notice of the assignment.
- (2) A person who has a right to be notified under this section may, in writing, waive the right and may, in writing, revoke a waiver.
  - (3) The notice of the annual or special general meeting must include a description of the matters that will be voted on at the meeting, including the proposed wording of any resolution requiring a  $\frac{3}{4}$  vote or unanimous vote.
  - (4) If the meeting is an annual general meeting, the notice must include the budget and financial statement referred to in section 103.
  - (5) A vote at an annual or special general meeting may proceed despite the lack of notice as required by this section, if all persons entitled to receive notice waive, in writing, their right to notice.
  - (6) If 2 or more persons share one vote with respect to a strata lot, all of them must consent to the waiver of notice under subsection (5).

## **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 - Marketing Activities by Owner Developer**

### **Display lot**

- 30** Repealed.

## **Division 8 – Miscellaneous Matters**

### **Small Claims actions**

- 31** Notwithstanding any provision of the Act, the strata corporation may proceed under the Small Claims Act (British Columbia) against an owner or other person to collect money owing to the strata corporation, including money owing as a fine, without requiring authorization by a resolution passed by a 3/4 vote.

### **Electronic attendance at meetings**

- 32** Attendance by persons at an annual or special general meeting may be by telephone or other electronic method if such method permits all persons participating in the meeting to communicate with each other during the meeting.

### **Use of patios and balconies**

- 33** An owner, tenant or occupant of a strata lot shall not place planters or other such items or equipment within any part of the limited common property designated on the strata plan exclusively for the use of such owner unless, in the opinion of the council, such planters,

items or equipment are in keeping with the balance of the development in terms of design, quality, proportion and colour. Any such planters, items or equipment will be maintained in good and tidy condition on an ongoing basis and the responsibility for such maintenance will be solely for the account of the owner, tenant or occupant entitled to the use of the limited common property on which they are placed.

### **Garbage disposal**

- 34 An owner, tenant or occupant shall remove ordinary household refuse and garbage from his strata lot and deposit it in secure containers with lids designated for that purpose and place them curbside for pick-up on the morning of the designated pick-up day each week. The owner, tenant or occupant shall remove any materials other than ordinary household refuse and garbage from the strata plan property at his expense.

### **Bicycles, storage and parking**

- 35 (1) No bicycles are to be kept on balconies or patios; instead, they shall be stored within the owner's strata lot or such other area as may be prescribed by the council;
- (2) Any owner, tenant or occupant that leaves any item anywhere on or in the common property or on any limited common property does so at his own risk, subject to any claim that may properly be made under any insurance policy maintained by the strata corporation by anyone that is an insured under that policy;
- (3) An owner, tenant or occupant must use parking stalls only for the parking of licensed and insured motor vehicles, motorcycles or bicycles, and not for the parking of any other type of vehicle or the storage of any other item, unless otherwise approved in writing by the council;
- (4) An owner, tenant or occupant shall provide the strata council with the vehicle licence plate identification of the vehicle of any owner, tenant or occupant that is to be parked in an exterior parking space and any visitors vehicle license plate identification when a visitor will occupy the space in excess of three (3) days;
- (5) An owner, tenant or occupant shall not:
- (a) use any parking space in the building or on the common property or on any limited common property, except the parking space which has been specifically assigned to his strata lot, a parking space leased by the owner or, when specifically agreed with another owner, the parking space assigned to the strata lot of that other owner;
  - (b) 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 case of emergency;

- (c) rent or lease the parking space assigned by the strata corporation to his strata lot to or otherwise permit that parking space to be regularly used by anyone that is not a resident of the building;
  - (d) park any vehicle in a manner which will reduce the width of the garage roadway or ramp or any roadway on the common property or on any limited common property; and
  - (e) use any part of the common property (other than established storage rooms or lockers) for storage, without the written consent of the council;
- (6) An owner, tenant or occupant must promptly and at its own expense clean up any oil or other substance which spills or leaks onto the common property.

#### **Move in/Move out**

- 36 (1) The strata corporation may regulate the times and manner in which any person moves into or out of strata lots and may require that such moves be co-ordinated with the Strata Council at least 7 days in advance of such moves, or such lesser period as the council may, in its sole discretion, permit, provided that if an owner or tenant carries out any move into or out of a strata lot otherwise than in accordance with such prior arrangements made with the Strata Council, the owner or tenant will be subject to a fine of \$100.00, such fine to be paid on or before the due date of the next monthly strata fees;
- (2) An owner or tenant must notify the strata corporation four (4) days in advance of the date and time that the owner or tenant will be moving into or out of the strata lot.

#### **Selling of strata lots**

- 37 (1) An owner of a strata lot, when selling his strata lot, will not permit "For Sale" signs to be placed on or about the common property except on the signage board located adjacent to the entrance to the building which is designated for such purpose;
- (2) An owner of a strata lot, when selling a strata lot, will not hold or permit to be held, any public open house except in the manner prescribed by the council. One open house for agents will be allowed per listing. Unless the council otherwise prescribes, all showings must be by appointment only.

#### **Acquisition or disposition of personal property**

- 38 The strata corporation may purchase, lease or otherwise acquire personal property for the use or benefit of the owners and may sell or otherwise dispose of such personal property for any amount approved in the annual budget for the strata corporation, but otherwise only if approved by a resolution passed by a  $\frac{3}{4}$  vote at an annual or special general meeting if the personal property has a market value of more than \$1,000.

### **Adult occupancy**

- 39** The Owners of Fountains of Guildford II, Strata Plan LMS 85 wish to maintain their complex as “Adult Oriented” on the grounds that there are no common play facilities for children and due to safety hazards associated with the open pond area and roadways. Further, children residing in the complex may not be compatible with the majority of Owners.

Accordingly:

- (1) The exclusive use and occupation of the strata lots is restricted to persons over the age of sixteen (16) years. No person under the age of sixteen (16) years shall visit, reside in or occupy any strata lot for a period or periods of time totalling more than ninety (90) days during each calendar year, unless specific written permission has been granted by the Strata council;
- (2) It is expressly understood and agreed by the owners, that those owners of record at the time of passage of this bylaw, shall not be subject to the provisions of this bylaw should they wish to start a family or have their own children at a future time. This provision would affect owners who purchase a strata lot subsequent to the registration date of this bylaw;
- (3) In the case of extenuating or extra-ordinary circumstances where an owner finds themselves in circumstances reasonably out of the owner’s immediate control, the owner may appeal to the Strata Council providing all details of the extenuating or extra-ordinary circumstances. Council shall consider the appeal within twenty-one (21) days of receipt and shall advise the owner concerned in writing within the next seven (7) days following consideration of its decision in the matter. The Strata Council shall not unreasonably refuse the appeal. Council may, on appeal, authorize the exclusive use, occupation and enjoyment of a strata lot by a person under the age of sixteen (16) years in contravention of this bylaw for a period of more than ninety (90) days . At the expiry of such authorization granted in contravention of this bylaw, the exclusive use, occupation and enjoyment of the strata lot by the person under the age of sixteen (16) years shall cease and that person must vacate the strata lot. Failure to vacate the strata lot as set out above shall result in fines being levied against the subject strata lot as set out in clause (4);
- (4) An owner who allows the contravention of this bylaw, shall be assessed by and shall pay to the Strata Corporation a fine of twenty-five (\$25.00) dollars per day, each day that the bylaw is contravened. Fines levied under this bylaw shall be added to and become part of the next monthly strata fee of that owner.

### **Rental prohibition**

- 40** Subject to the provisions of this bylaw, all strata lots shall be owner-occupied and rentals, tenancies or licences of occupancy of any sort whatsoever are absolutely prohibited, with the following considerations and exceptions:

- (a) where cases of undue physical or financial hardship of a personal nature arise, the owner may make a written request to the council for permission to rent a strata lot for a limited period of time, and where the council has been provided with evidence that undue hardship will result if limited rental approval is not given, the council shall not unreasonably withhold permission for limited rental;
- (b) this bylaw does not apply to prevent the rental of a strata lot to a member of the “family” of an owner, meaning:
  - (i) the spouse of the owner;
  - (ii) a parent or child of the owner; or
  - (iii) a parent or child of the spouse of the owner,where “spouse of the owner” includes an individual who has lived and cohabitated 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;
- (c) where an owner has leased a strata lot to a tenant pursuant to a tenancy agreement entered into before this bylaw was passed, this bylaw does not apply to such strata lot until the later of:
  - (i) one year after the tenant who is occupying the strata lot at the time the bylaw is passed ceases to occupy the strata lot as a tenant; and
  - (ii) one year after the bylaw has been passed; and
- (d) the strata corporation is entitled to impose a fine of up to \$500 for a contravention of this bylaw, and may impose such fine for a continuing contravention every seven days.

### **Quorum for adjourned meeting**

- 41** <sup>9</sup>Notwithstanding section 48(3) of the Act, if within ½ hour from the time appointed for an annual or special general meeting a quorum is not present, the meeting shall be terminated if the meeting was convened upon the requisition of members; but in any other case, the meeting shall stand adjourned for a further ½ hour from the time appointed and, if within one hour from the time appointed a quorum is not present for the meeting, the eligible voters present in person or by proxy shall constitute a quorum.

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<sup>9</sup> [SPA]

48(3) Unless otherwise provided in the bylaws, if within ½ hour from the time appointed for an annual or special general meeting a quorum is not present, the meeting stands adjourned to the same day in the next week at the same place and time but, if on the day to which the meeting is adjourned a quorum described in subsection (2) is not present within ½ hour from the time appointed for the meeting, the eligible voters present in person or by proxy constitute a quorum.

### **Persons permitted on council**

- 42 <sup>10</sup>As permitted by section 28(2) of the Act, a person other than an owner, an individual representing a corporate owner and a tenant may be a member of the council provided such person falls within one of the following classes of persons:
- (a) a spouse, including a common law spouse, of an owner; and
  - (b) a professional advisor of an owner.

### **Limiting expenditures of council**

- 43 (1) Subject to subsection (3) below, if a proposed expenditure has not been approved in the budget or at an annual or special general meeting, the strata corporation may only make such expenditure out of the operating fund if the expenditure, together with all other unapproved expenditures, whether of the same type or not, that were made pursuant to this subsection (1) in the same fiscal year, is less than: \$5000.00;
- (2) If the strata corporation makes an expenditure under subsection (1) above, the strata corporation must inform owners as soon as feasible about any expenditure of more than \$2000.00 on any single item;
- (3) Notwithstanding subsection (1) above, the strata corporation can make an expenditure out of either the operating fund or the contingency reserve fund if there are reasonable grounds to believe that an immediate expenditure is necessary to ensure safety or to prevent significant loss or damage, whether physical, financial or otherwise.

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<sup>10</sup> [SPA]

28 (2) Despite subsection (1), the strata corporation may, by a bylaw passed at an annual or special general meeting held after the first annual general meeting, allow classes of persons, other than those referred to in subsection (1), to be council members.

***Bylaw Amendment – Registered May 23, 2019 – CA7516784***  
**Video Surveillance by the Strata Corporation**

- 44 The strata corporation may install and operate a video surveillance system on the common property and shall establish a policy in compliance with the Personal Information Protection Act for the operation of the system and the use and storage of information collected by it. Owners, tenants and occupants of the strata corporation are hereby deemed to have consented to the use, collection and disclosure of information recorded by the system so long as the same is done in accordance with the terms of the policy established pursuant to this bylaw. Such use, collection and disclosure shall include the investigation of serious breaches of the bylaws (as defined by the policy).

***End Amendment***

***Bylaw Amendment – Registered May 23, 2019 – CA7516782***  
**Video Surveillance by Strata Lot Owners**

- 45 (1) An owner, tenant or occupant must not operate a video surveillance system or security camera which captures activities outside of their strata lot unless:
- (a) they can establish, to the satisfaction of council, that:
    - (i) there is a need for such a system or a camera;
    - (ii) the system or camera does not and cannot (due to its location) capture activities on the common property (excluding the area immediately in front of their entry door and limited common property for the use of their strata lot) or within another strata lot;
  - (b) they receive the written permission of the council to install and operate the system or camera;
  - (c) the camera is located within a strata lot or on limited common property;
  - (d) they agree in writing to be responsible for the repair and maintenance of the camera and system and to repair any damage caused by the installation of the same.
- (2) Where permission is given under (1)(b) above:
- (a) the council shall, on notice given pursuant to these bylaws, have the right to inspect the system or camera and all images captured by it to ensure compliance with (1)(a)(ii) above;
  - (b) the owner, tenant or occupant shall indemnify and save harmless the strata corporation from all claims, demands, charges, expenses, damages and costs arising from the existence and operation of the system or camera;



- (c) it may be revoked where the council determines the continued operation of the camera or system interferes with the privacy rights of others, contravenes a law or is not in the best interests of the strata corporation as a whole.

***End Amendment***