

WEDGEWOOD PARK

STRATA PLAN – NW307

BYLAWS

Registered: December 31, 2002
Amended: December 22, 2008
Amended: January 18, 2011

Registration #: BT475699
Registration #: BB1034605
Registration #: BB1738078

**WEDGEWOOD PARK,
THE OWNERS, STRATA PLAN NW 307**

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WEDGEWOOD PARK, THE OWNERS,
STRATA PLAN NW 307

STRATA PROPERTY ACT

Definitions and Interpretation

Definitions and interpretation

1 (1) In this Act:

"approving officer" means an appropriate approving officer appointed under the *Land Title Act*;

"assessed value" means the value assessed under the *Assessment Act*;

"bare land strata plan" means

- (a) a strata plan on which the boundaries of the strata lots are defined on a horizontal plane by reference to survey markers and not by reference to the floors, walls or ceilings of a building, or
- (b) any other strata plan defined by regulation to be a bare land strata plan;

"bylaw" means a bylaw of a strata corporation;

"common asset" means

- 49. personal property held by or on behalf of a strata corporation, and
- 50. land held in the name of or on behalf of a strata corporation, that is
 - (i) not shown on the strata plan, or
 - (ii) shown as a strata lot on the strata plan;

"common expenses" means expenses

- (a) relating to the common property and common assets of the strata corporation, or
- (b) required to meet any other purpose or obligation of the strata corporation;

"common property" means

- (a) that part of the land and buildings shown on a strata plan that is not part of a strata lot, and
- (b) pipes, wires, cables, chutes, ducts and other facilities for the passage or provision of water, sewage, drainage, gas, oil, electricity, telephone, radio, television, garbage, heating and cooling systems, or other similar services, if they are located
 - (i) within a floor, wall or ceiling that forms a boundary
 - (A) between a strata lot and another strata lot;
 - (B) between a strata lot and the common property, or
 - (C) between a strata lot or common property and another parcel of land,
or
 - (ii) wholly or partially within a strata lot, if they are capable of being and intended to be used in connection with the enjoyment of another strata lot or the common property;

"contingency reserve fund" means a fund for common expenses that usually occur less often than once a year or that do not usually occur, as set out in section 92(b);

"convey" and "conveyance", when referring to the conveyance of a strata lot to a purchaser, means any of the following in respect of which an application to the land title office has been made to register:

- (a) a transfer of a freehold estate in the strata lot;
- (b) an agreement for sale of the strata lot;
- (c) an assignment of a purchaser's interest in an agreement for sale of the strata lot;
- (d) an assignment of a strata lot lease in a leasehold strata plan;

"eligible voters" means persons who may vote under sections 53 to 58;

"judgment" means a judgment of a court, and includes costs awarded in respect of the judgment;

"landlord" means an owner who rents a strata lot to a tenant and a tenant who rents a strata lot to a subtenant, but does not include a leasehold landlord in a leasehold strata plan as defined in section 199;

"limited common property" means common property designated for the exclusive use of the owners of one or more strata lots;

"majority vote" means a vote in favour of a resolution by more than $\frac{1}{A}$ of the votes cast by eligible voters who are present in person or by proxy at the time the vote is taken and who have not abstained from voting;

"occupant" means a person, other than an owner or tenant, who occupies a strata lot;

"operating fund" means a fund for common expenses that usually occur either once a year or more often than once a year, as set out in section 92(a);

"owner" means a person, including an owner developer, who is

- (a) a person shown in the register of a land title office as the owner of a freehold estate in a strata lot, whether entitled to it in the person's own right or in a representative capacity, or
- (b) if the strata lot is in a leasehold strata plan, as defined in section 199, a leasehold tenant as defined in that section,

unless there is

- (c) a registered agreement for sale, in which case it means the registered holder of the last registered agreement for sale, or
- (d) a registered life estate, in which case it means the tenant for life;

"owner developer" means

- (a) a person
 - (i) who, on the date that application is made to the registrar for deposit of the strata plan, is registered in the land title office as
 - (A) the owner of the freehold estate in the land shown on the strata plan, or
 - (B) in the case of a leasehold strata plan as defined in section 199, the lessee of the ground lease of the land, or

(ii) who acquires all the strata lots in the strata plan from the person referred to in subparagraph (i), and

(b) a person who acquires all the interest of a person who is an owner developer under paragraph (a) in more than 50% of the strata lots in a strata plan;

"phased strata plan" means a strata plan that is deposited in successive phases under Part 13;

"purchaser" means a person, other than an owner developer, who enters into an agreement to purchase a strata lot or to acquire a strata lot lease in a leasehold strata plan as defined in section 199, but to whom the strata lot or strata lot lease has not yet been conveyed or assigned;

"registrar" means a registrar of titles as defined in the *Land Title Act*, and includes a deputy registrar or acting registrar under that Act;

"regulations" means regulations made by the Lieutenant Governor in Council under section 292;

"residential strata lot" means a strata lot designed or intended to be used primarily as a residence;

"rule" means a rule of a strata corporation made under section 125 or 197;

"section", when used in reference to a strata corporation, means a section of the strata corporation created under section 192 or 193;

"Standard Bylaws" means the bylaws set out in the Schedule of Standard Bylaws;

"strata corporation" means a strata corporation established under section 2;

"strata lot" means a lot shown on a strata plan;

"sue" means the act of bringing any kind of court proceeding;

"suit" means any kind of court proceeding;

"superintendent" means the Superintendent of Real Estate;

"Supreme Court" means the Supreme Court of British Columbia;

""tenant" means a person who rents all or part of a strata lot, and includes a subtenant but does not include a leasehold tenant in a leasehold strata plan as defined in section 199 or a tenant for life under a registered life estate;

"3/4 vote" means a vote in favour of a resolution by at least % of the votes cast by eligible voters who are present in person or by proxy at the time the vote is taken and who have not abstained from voting;

"unanimous vote" means a vote in favour of a resolution by all the votes of all the eligible voters.

**WEDGEWOOD PARK,
THE OWNERS, STRATA PLAN NW 307**

**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;
- (3) 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;
- (4) 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, where the insurance claim originated within a strata lot;
- (5) The insurance policy deductible portion of any insurance claim against the Strata Corporation insurance policy shall be recoverable by the Strata Corporation from a strata lot owner 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;
- 1(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; **Bylaw Amendment - Registered January 18, 2011 - BB1738078**
- (3) An owner, tenant or occupant must not keep any pets on a strata lot or common property other than one or more of the following:
- (a) a reasonable number of fish or other small aquarium animals in an aquarium of no more than 25 imperial gallons;
 - (b) two small caged mammals;
 - (c) up to 2 caged birds;
 - (d) one domestic spayed or neutered cat;
 - (e) dogs are not permitted, with the exception of registered guide dogs **End Amendment**
- (4) An owner, tenant or occupant that keeps a pet in a Strata lot, either permanently or temporarily, shall register that pet with the Strata Council by providing to the Strata Council written notice, signed by the owner, tenant or occupant, setting out a description of the pet including breed, colour, name of the pet and telephone number of the owner of the pet;
- (5) 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 the pet's waste from the common property and dispose of it in a waste container or by some other sanitary means;

1 [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.

- (6) 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 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;
- (7) No owner, tenant or occupant shall permit its pet to interfere with any other person, pet or object, or permit its pet to disturb any other owner, tenant or occupant;
- (8) 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;
- (9) If any Owner, tenant or occupant violates any provision of these bylaws or if the Strata Council on reasonable ground 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;
- (10) 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;
 - (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 or other birds, 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 other than a neutral tone colour ie. white, ivory, beige;
- (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, summer furniture and accessories nor install any hanging plants or baskets or other hanging items outside 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) 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;
- (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 [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.

- (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

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 (including 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;
 - (E) fences, railings and similar structures that enclose patios, balconies and yards;

(d) a strata lot, 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 (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, and
- (v) fences, railings and similar structures that enclose patios, balconies and yards.

Division 3 - Council

Council size

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

Council members' terms

10 (1) The term of office of a council member ends at the end of the annual general meeting at which 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) 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 is 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) 2, if the council consists of 3 or 4 members,

- (b) 3, if the council consists of 5 or 6 members, and
- (c) 4, if the council consists of 7 members;

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

Council meetings

- 17** (1) At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other;
- (2) If a council meeting is held by electronic means, council members are deemed to be present in person;
- (3) Owners may attend council meetings as observers;
- (4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:
- (a) bylaw contravention hearings under section 135 of the Act;

3 [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 or rule unless the strata corporation has,
 - (d) received a complaint about the contravention,
 - (e) given the owner or tenant the particulars of the complaint, in writing, and a reasonable opportunity to answer the complaint, including a **hearing** if requested 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.

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

Voting at council meetings

- 18** (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting;
- (2) If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote;
 - (3) The results of all votes at a council meeting must be recorded in the council meeting minutes.

Council to inform owners of minutes

- 19** The council must 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

4 [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.

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

Division 5 - Annual and Special General Meetings

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) 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;

D [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.

6 [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.

7 [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.

- (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.

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.

8 [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 % 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).
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 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 the containers provided by the strata corporation for that purpose; all garbage shall be bagged and tied before so depositing and 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) Bicycles are not permitted in elevators, hallways or any other common areas. No bicycles are to be kept on balconies or patios; instead, they shall be stored within the owner's designated storage locker or such other area as may be prescribed by the council. All bicycles must enter or exit the building by way of the vehicle entry to the parking garage only;

- (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 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 the case of emergency;

Bylaw Amendment - Registered January 18, 2011 - BB1738078

- (c) rent or lease the parking space assigned to their strata lot or permit non residents of the building regular use of the assigned parking space. An owner, tenant or occupant may only use one other parking stall other than their original assignment and must have and supply to the Strata Corporation the written permission of that Owner. Said Owner must vacate the parking stall immediately upon request of the assigned Owner.

End Amendment

- (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;

Bylaw Amendment — Registered December 22, 2008 — BB1034605

- (f) leave garage door remote control devices in their vehicle at any time;

End Amendment

- (5) 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

Bylaw Amendment - Registered January 16, 2007 - BB455233

- 36** (1) Owners including Owners with tenancies moving into Wedgewood Park, NW 307 will be assessed a non-refundable move-in fee of \$200.00 to offset wear and tear to common property. This fee will be assessed to the strata lot concerned and become due and payable with the next month's monthly maintenance assessment;

- (2) Owners and Owners with tenancies moving into Wedgewood Park shall notify the Strata Corporation at least seventy-two (72) hours prior to the move;
- (3) Any damage beyond normal wear and tear will be repaired by the Strata Corporation and the cost assessed to that Owner's strata lot, also becoming due and payable with the next month's monthly maintenance assessment.

End Amendment

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. 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 ³A vote at an annual or special general meeting if the personal property has a market value of more than \$1,000.

Adult occupancy

- 39 No owner, tenant or occupant of a strata lot shall permit any person under the age of nineteen (19) years to ordinarily reside in such strata lot.

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 either of the following events occur:
 - (i) the tenant vacates the strata lot and the owner takes occupancy of the strata lot; or
 - (ii) the strata lot is sold by the owner;
- (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** Notwithstanding section 48(3) of the Act, if within ¹/_A 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 ^V/_i 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.

Persons permitted on council

- 42** ¹⁰As permitted by section 28(2) of the Act, a person other than an owner, an individual representing a corporate owner and a tenant maybe 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

9[SPA]

48(3) Unless otherwise provided in the bylaws, if within ^X/_A 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 ^V/_% hour from the time appointed for the meeting, the eligible voters present in person or by proxy constitute a quorum.

10[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.

(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 \$5,000.00;
- (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 \$2,000.00 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.

Hard surface floors

- 44** An owner of a strata lot who has or installs hard floor surfaces such as hardwood floors or tile in a strata lot must take all reasonable steps to satisfy noise complaints from neighbours, including without limitation, ensuring that no less than 60% of such hard floor surfaces, excepting only kitchens, bathrooms and entry areas, are covered with area rugs or carpet and avoiding walking on such flooring with hard shoes.

Bylaw Amendment - Registered December 22, 2008 - BB1034605

User fees

- 45** A fee of \$25.00/day will be charged for private, scheduled use of the Social Room.

End Amendment

Bylaw Amendment - Registered December 22, 2008 - BB 1034605

High security entrance door keys

- 46** Purchasers should be aware that each Owner, upon purchase of their strata lot, should receive from the previous Owner, two high security entrance door keys. If two high security keys are not received the purchasing Owner must advise the Strata Council, who will issue a second key at a cost of \$100.00. Replacement of a lost or damaged key can be obtained through Strata Council at a cost of \$100.00. Additional keys will be limited to one, per strata lot, and may be obtained through the Strata Council upon receipt of a \$100.00 refundable deposit.

End Amendment

Bylaw Amendment - Registered January 18, 2011 - BB1738078

Recreation room

- 47** The Recreation Room is available for use by all residents/owners, however, all guests of residents/owners must be accompanied at all times by the resident/owner of the strata lot. The strata lot resident and/or owner will be responsible for all actions of their guest(s) and for costs incurred by the Strata Corporation to rectify any damage caused to this common property area or assets and for any fine that may be applied due to Rule or Bylaw violation.

End Amendment

Bylaw Amendment - Registered January 18, 2011 - BB1738078

Smoke detector

- 48** Each strata lot must be equipped, at the Owner's expense, with a minimum of one functioning smoke detector at all times. Inspection for compliance will be conducted annually at the time of routine fire safety equipment inspection.

End Amendment