

BYLAWS – VR2465 – WINDSOR GARDENS

Date: February 2008

Preamble

- a) This amended “Schedule of Standard Bylaws” of the Strata Property Act shall be the governing bylaws of the Strata Corporation VR2465. Articles in *bold italics* are the amendments to the “Schedule of Standard Bylaws”.
- b) The Fiscal Year of the Strata Corporation VR2465 shall be the calendar year January 1st to December 31st.
- c) Should any section of the bylaws specific to the Strata Corporation VR2465 be deemed to be unenforceable by a court of competent jurisdiction, then for the purpose of enforcement of the bylaws each paragraph and/or sub paragraph of each section shall be deemed a separate provision and severable and the balance of the provisions in each section shall remain in full force an effect.

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

Payment of strata fees – *AMENDED*

1 (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate.

(2) All payments to the Strata Corporation with respect to a strata lot will be applied first to fines and penalties, second to outstanding special levies and third to strata fees. Unpaid fines and levies will automatically be subtracted from any payments that may be submitted. Resulting unpaid strata fees may result in a lien being applied against an errant strata lot. (Amended Feb. 2008)

(3) When a strata lot's strata fees are in arrears in excess of three months, a lien will be registered on the strata lot for all outstanding strata fees,

(a) The cost of registering the lien will be charged back to the owner as a “penalty” and,

(b) Owner's whose accounts are in excess of three months arrears may not run for election to the Strata Council and may not nominate another owner for election to the Strata Council. (Amended Feb. 2008)

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.

Use of property - AMENDED

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,

(i) An owner, tenant, occupant, or visitor in the strata lot shall not cause or permit to be caused, undue noise, most particularly between the hours of 11pm and 7am. All residents are entitled to quiet enjoyment of their strata lots.

(ii) More than one complaint of undue noise in a strata lot may result in fines assessed against the owners and/or tenants responsible for the disturbance per incident at the sole discretion of the Strata Council. (Amended Feb. 2008)

- (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.

(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 housed in a reasonable sized aquarium;
- (b) a reasonable number of small caged mammals;
- (c) up to 2 caged birds;
- (d) one dog or one cat.

(e) no illegal pets allowed. (Amended Feb. 2008)

(f) no exotic pets are allowed without the prior written consent of the Strata Corporation. (Amended Feb. 2008)

(5) An owner tenant or occupant must not leave or store personal items (including garbage) in common hallways, walkways, lobbies, parking stalls and other areas of the common property at any time. (Amended Feb. 2008)

(6) Window coverings are to be white or of a similar neutral colour. (Amended Feb. 2008)

(7) Signage in windows other than reasonably sized alarm company stickers is prohibited. (Amended Feb. 2008)

(8) Christmas lights shall not be attached to the building, but ay be strung over the balcony. Christmas lights must be removed no later than January 15th of the New Year. (Amended Feb. 2008)

(9) Exterior Balconies shall remain free of all items except for barbeques and potted plants. No furniture storage is allowed except patio furniture approved by the Strata Council. (Amended Feb. 2008)

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 – AMENDED

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, on the exterior of a building, or that front on the common property;
- (e) fences, railings or similar structures that enclose a patio, balcony or yard;
- (f) common property located within the boundaries of a strata lot;
- (g) those parts of the strata lot which the Strata Corporation must insure under section 149 of the Act.

(h) Any fixed flooring material. (Amended Feb. 2008)

(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 *and it may require specific materials to be used. (Amended Feb. 2008)*

~~(3) This section does not apply to a strata lot in a bare land strata plan. (Rescinded Feb 2008)~~

Obtain approval before altering common property

6 (1) An owner must obtain the written approval of the Strata Corporation before making an alteration to common property, including limited common property, or common assets.

(2) The Strata Corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

Permit entry to strata lot

7 (1) An owner, tenant, occupant or visitor must allow a person authorized by the Strata Corporation to enter the strata lot

(a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and

(b) at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the Strata Corporation to repair and maintain under these bylaws or insure under section 149 of the Act *and for the purpose of ensuring that the bylaws of VR2465 are being observed. (Amended Feb. 2008)*

(2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.

Occupancy - AMENDED Feb. 2008

A1 (1) The maximum number of persons residing in a strata lot shall not at any time exceed three (3) for a one bedroom unit, four (4) for a two bedroom unit.

Hard Surface Flooring – AMENDED Feb. 2008

B1 (1) No strata lot shall alter its flooring from carpet to any hard surface flooring without receiving written approval from Strata Council.

(2) Owners of strata lots seeking approval shall request such changes in writing and provide physical samples of the materials proposed to be installed.

(3) Permission shall be withheld, if, in the opinion of the Strata Council, the underlay and materials do not provide sufficient sound transmission mitigation.

(4) Failure to comply with this bylaw will result in an immediate order to remove any unauthorized flooring and to replace with carpet and appropriate underlay.

(5) Ground floor suites are exempt from this bylaw.

(6) In recognition that the Windsor Gardens was not designed with hard surface floors and it was not accordingly designed to mitigate the increased noise such floors allow to be transmitted, and irrespective of whether approval was granted for hard surface flooring to be installed or not, any strata lot with hard surface flooring that has a noise complaint levied against (with regard to foot traffic) it by an adjacent strata lot located directly beneath it shall be required to take immediate action to eliminate the source of the disturbance. If the noise is not resolved to the satisfaction of the complainant strata lot, the offending strata lot shall, within 7 days:

(a) Cover at least 75% of the hard surface flooring with area rugs (and an approved sound mitigation underlay if deemed necessary by the Strata Council). Kitchens and bathrooms shall be exempt from this rule and shall not be used in the calculation of flooring area to be covered.

(7) No part of this bylaw shall be interpreted to limit the Strata Council's power with respect to enforcing bylaw 3(1)(b).

Security, insurance and garage entry/exit – AMENDED Feb. 2008

C1 (1) All vehicles must:

(a) stop before turning the corner inside the garage upon entry and

(b) before entering the lane upon exit from the garage; the driver of the vehicle must remain stopped and observe the full closing of the parking gate behind them before proceeding to park or enter the lane.

(2) No Owner, Tenant or Visitor may leave a garage door key or electronic opener unattended anywhere within the garage including, but not limited to, a locked vehicle.

(3) All building common access keys and garage parking gate remote controls, if lost or stolen, shall be reported to the Strata Corporation immediately.

(4) No one should leave open, prop open, or otherwise render insecure any outside entrance or fire exit door.

(5) Only vehicles with current registration and insurance in force shall be allowed in the parking areas, except with special permission of the Strata Council. Parking of vehicles other than those owned or leased by the resident or their house guests is prohibited.

(6) Occupants shall park their vehicle(s) only in spaces assigned to them by the Strata Corporation.

Rentals – AMENDED Feb. 2008

D1 (1) Subject to the Strata Property Act, of British Columbia, the number of strata lots within Strata Plan VR2465 that may be leased at any one time is restricted to NINE (9) rental units. An owner leasing in breach of this bylaw must immediately give his/her tenant notice to vacate in accordance with the legislation and/or common law of the Province of British Columbia governing residential tenancies, and shall be fined \$500 per week for each week the owner is in breach of this bylaw.

(2) An owner who leases his strata lot shall provide to the Strata Corporation a completed copy of the standard form prescribed by the Strata Property Act for the undertaking of a tenancy (forms are available from the Strata Corporation's property manager). Failure to provide the completed form within 10 days of the commencement of a tenancy shall be cause for a \$50 fine against the owner in addition to any other fines the might be levied under this bylaw.

(3) For the purpose of enforcement of this bylaw a tenant shall be defined to include:

- (a) any person owning less than 50% of the shares which carry the right to vote.***
- (b) any person owning less than 40% undivided registered or beneficial interest in the strata lot.***

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 or 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 and windows 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** (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.

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.

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

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) 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;
- (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) 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.

(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 – *AMENDED*

23 The Strata Corporation may fine an owner or tenant up to the maximum amount set out in the Strata Property Act.

These currently are:

- (a) **\$200** for each contravention of a bylaw, and
- (b) **\$50** for each contravention of a rule. (*Amended Feb. 2008*)

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.

Notice of contravention - *AMENDED Feb. 2008*

A4 (1) A notice of contravention shall be sent out in each case that a bylaw infraction is reported to the Strata Council and/or the Strata Corporation's strata property manager. The notice shall include:

- (a) the date and approximate time of the contravention*
- (b) any other pertinent details of the contravention*

(2) If the tenant, occupant and/or owner has not responded to the notice within 30 days of the notice of contravention being issued, the Strata Council shall be held to have given reasonable time to respond to the notice and may, at its discretion, issue a fines in accordance with these bylaws without any further notice.

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.

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;
- (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.

Quorum at an Annual General Meeting – AMENDED Feb. 2008

A5 (1) If after ½ hour from the appointed time of the Annual or Special General Meeting a quorum is not present, the eligible voters present in person or by proxy shall constitute a quorum.

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 - RESCINDED~~

~~Display lot~~

~~30 (1) An owner developer who has an unsold strata lot may carry on sales functions that relate to its sale, including the posting of signs.~~

~~(2) An owner developer may use a strata lot, that the owner developer owns or rents, as a display lot for the sale of other strata lots in the strata plan. (Rescinded Feb. 2008)~~

RULES FOR WINDSOR GARDENS VR2465

Hard Surface Flooring

1. Further to existing bylaws, no strata lot shall alter its flooring from carpet to any hard surface flooring without receiving written approval from Strata Council. Owners of Strata Lots seeking approval shall request such changes in writing and provide physical samples of the materials proposed to be installed. Permission shall be withheld, if, in the opinion of the Strata Council the underlay and materials do not provide sufficient sound transmission mitigation. Failure to comply with this rule may result in a fine(s) in addition to an order to remove any unauthorized flooring and replacement of carpet and underlay. Ground floor suites are exempt from this rule.
2. In recognition that the Windsor Gardens was not designed with hard surface floors and it was not accordingly designed to mitigate the increased noise such floors allow to be transmitted, and irrespective of whether approval was granted for hard surface flooring to be installed or not, any Strata Lot with hard surface flooring that has a noise complaint levied against it by an adjacent Strata Lot located directly beneath it shall be required to take immediate action to eliminate the source of the disturbance. If the noise is not resolved to the satisfaction of the complainant Strata Lot, the offending Strata Lot shall immediately:

Cover at least 75% of the hard surface flooring with area rugs (and an approved sound mitigation underlay if deemed necessary by the Strata Council). Kitchens and bathrooms shall be exempt from this rule and shall not be used in the calculation of flooring area to be covered.

Failure to comply with this rule may result in the levying of a fine(s).

3. Neither of these rules limits the measures that Strata Council may take to remedy non-compliance with existing bylaws related to flooring changes.

Garage Entry/Exit

4. All vehicles must stop before turning the corner inside the garage upon entry and before entering the lane upon exit from the garage; the driver of the vehicle must remain stopped and observe the full closing of the parking gate behind them before proceeding to park or enter the lane. A fine shall be levied for each contravention of any Strata Lot owner's, tenant's or visitor's failure to comply with this rule.
5. No Owner, Tenant or Visitor may leave a garage door key or electronic opener in anywhere within the garage.