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Date: December 4, 2009

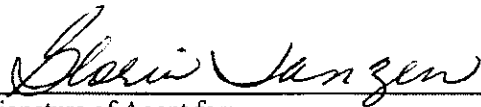
ABSTRACT REGISTRY  
10330

To: REGISTRAR  
LAND TITLE AND SURVEY AUTHORITY OF BC

Please receive herewith the following document for filing:

**FORM I (amendments to bylaws) for Strata Plan KAS599 pursuant to the Strata Property Act.**

Fee Payable: \$23.75



Signature of Agent for:

**OKANAGAN STRATA MANAGEMENT LTD.**  
**201 - 1475 Ellis Street**  
**Kelowna, B.C., V1Y 2A3**  
**Phone: (250) 868-3383**  
**FAX: (250) 861-4586**

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**Strata Property Act  
Form I  
AMENDMENTS TO BYLAWS  
(Section 128)**

The Owners, Strata Plan K599 certify that the attached amendments to the bylaws of the Strata Corporation were approved by a resolution passed in accordance with section 128 of the *Strata Property Act* at a general meeting held on November 12, 2009.

**MOTION:** "Be it resolved by a  $\frac{3}{4}$  Vote of the Owners of Strata Plan K599 to amend current bylaw 4 by the addition of bylaw 4(19) so that bylaw 4(19) reads as shown below;

**NEW BYLAW**

4(19) A maximum of 6 planters may be kept on limited common property balconies. Planters shall be no larger than 18" in width x18" in height x18" in length or 18" diameter and 24" tall."

**MOTION:** "Be it approved by  $\frac{3}{4}$  Vote of the Owners of Strata Plan K599 to repeal current bylaw 1 and replace it with new bylaw 1, so that bylaw 1 reads as shown below;

**CURRENT BYLAW**

**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. As per the Act, Regulations, and any amendments, failure to meet this requirement will result in an immediate fine of \$25 per month.

**NEW BYLAW**

**Payment of strata fees**

1. The strata Corporation's schedule for the payment of strata fees shall provide:
  - 1) For the purpose of the monthly strata fee that:
    - i. the strata fees are to be paid by an owner on or before the first of the month to which the strata fee relates; and
    - ii. shall be deemed to be the amount for each strata lot based on the approved annual budget from time to time, including any amendments, and calculated based on the unit entitlement formula
  - 2) For purposes of the special levy that;
    - i. the special levy shall be deemed to constitute a strata fee of the strata corporation for purposes of this bylaw;
    - ii. shall be deemed to be in the amount for each strata lot specified in a special resolution approved by a  $\frac{3}{4}$  vote of owners from time to time, including any amendments, and calculated based on the unit entitlement formula;
    - iii. shall be deemed to be due and payable on or before the date specified in a special resolution approved by a  $\frac{3}{4}$  vote of owners pursuant to s. 108. SPA.
  - 3) The strata corporation may charge an owner who is late paying his/her strata fees, (comprised of the monthly strata fee and any special levy) interest at the rate of 10% per annum or the maximum rate of interest stipulated in the Regulations to the Strata Property Act from time to time.

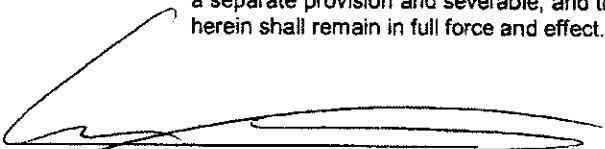
- 4) The interest payable on a late payment of strata fees is not a fine and shall form part of the strata fees for the purpose of s. 116 SPA
- 5) The strata corporation may charge interest and levy a fine for the late payment of strata fees.
- 6) A unit owner in default of the payment of common expenses, strata fees, special levies, interest, fines and any other amounts owing pursuant to the Strata Property Act (the "Arrears") shall reimburse the strata corporation and save it harmless against any and all costs and expenses required to collect such Arrears, including legal costs, comprised of fees, taxes disbursements and other related expenses, as between a solicitor and his own client or on a full indemnity basis.
- 7) For purposes of section 133(2) of the Strata Property Act, "reasonable costs of remedying the Contravention of the strata corporation's bylaws or rules" shall be interpreted to include, but not be limited to, legal costs, comprised of legal fees, taxes, disbursements and other related expenses, as between a solicitor and his own client or on a full indemnity basis.
- 8) Any legal costs or expenses incurred by the strata corporation to collect any Arrears shall be charged to that owner and shall be added to and become part of the assessment of that owner for the month next following the date on which the legal expenses are incurred, but not necessarily paid by the corporation, and shall become due and payable on the date of the payment of the monthly assessment.
- 9) Payment for Strata Fees will be in the form of 12 post-dated cheques or Pre-Authorized Debit (PAD) and must be received within 10 days of the distribution of the Minutes from the Annual General Meeting."

**MOTION:** "Be it approved by ¾ Vote of the Owners of Strata Plan K599 to add "Division 7 – Severability", and bylaw 44 as shown below;

**NEW BYLAW**

**Division 7 - Severability**

- 44 Should any portion of these bylaws be deemed unenforceable by any court of competent jurisdiction, then for the purposes of interpretation and enforcement of the bylaws, each paragraph, sub-paragraph or clause hereof shall be deemed a separate provision and severable, and the balance of the provisions contained herein shall remain in full force and effect."



Signature of Council Member



Signature of Second Council Member

\* Section 128(3) of the Act provides that an Amendment to Bylaws must be filed in the land title office within 60 days of the amendment being approved.

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LB114521

Date: Sept. 24, 2007

ABSTRACT REGISTRY  
10330

THE REGISTRAR  
Kamloops/Nelson Land Title Office  
114 - 455 Columbia Street  
Kamloops, B.C.  
V2C 6K4

Please receive herewith the following document(s) for filing:

Form I (amendments to bylaws) pursuant to the Strata Property Act

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ABSTRACT REGISTRY SERVICES LTD.  
202 - 239 Victoria Street  
Kamloops, B.C., V2C 2A1  
(250) 372-0746

Client Okanagan Strata Management

Strata Plan # K599

**Strata Property Act  
Form 1  
AMENDMENTS TO BYLAWS  
(Section 128)**

The Owners, Strata Plan K599 certify that the following or attached amendments to the bylaws and rules of the Strata Corporation were approved by a resolution passed in accordance with section 128 of the *Strata Property Act* at an Annual General Meeting held on August 31, 2007.

**Bylaw Amendment** - Be it resolved by a  $\frac{3}{4}$  vote by the owners of K599, that all existing Bylaws of Strata Corporation K599 be repealed and be replaced with the Proposed Bylaws supplied.

  
\_\_\_\_\_  
Signature of Council Member

  
\_\_\_\_\_  
Signature of Second Council Member

\* Section 128(3) of the Act provides that an Amendment to Bylaws must be filed in the land title office within 60 days of the amendment being approved.

**KELOWNA SHORES  
STRATA CORPORATION K599 BYLAWS  
(Approved on August 31, 2007)**

**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. As per the Act, Regulations, and any amendments, failure to meet this requirement will result in an immediate fine of \$25 per month.
- (2) Subject to Section 107, 10% per annum will be charged in interest to an owner's account when late in paying his or her strata fees. The interest payable on a late payment of strata fees in accordance with Section 107 is not a fine, and forms part of the strata fees for the purposes of Section 116.

**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) The strata lot owner must repair and maintain all of the following
- (a) doors, windows and skylights on the exterior of the building or that front on the common property;
  - (b) structures that enclose balconies and patios.

**Bylaws relating to sale of strata lot**

- 3 (1) Subject to Section 122, the display and posting of all "for sale" and/or "for rent" signage is restricted to on the "For Sale" board provided by the Strata Corporation on the property. The seller is responsible for providing his/her own insert for this board and for removing this insert within one week of the sale or removal from the market of the unit.
- (2) Subject to Section 122, open houses are not restricted.

**Use of property**

- 4 (1) The building shall
- (a) be advertised as an adult oriented building. Persons under the age of 19 years of age may reside in the building for a maximum of 60 consecutive days, but in any event, may not be seen to be a full time resident, in the opinion of the Strata Council.
  - (b) be used exclusively as a private dwelling home for one family of not more than (4) four persons.
  - (c) not be used for commercial or professional purposes, or contrary to any Government or Municipal Rules or Ordinances, or is injurious to the reputation of the building or its owners.
- 2) 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.

- (3) Interior common property, hallways and the parkade shall not be used at any time for recreational purposes.
- (4) Quiet times are to be observed between the hours of 11pm and 9am.
- (5) No restrictions or hindrances shall be caused to sidewalks, entrances, exits, passages or other parts of the common property.
- (6) 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 that the Strata Corporation must repair and maintain under these bylaws or insure under Section 149 of the Act.
- (7) 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) up to two caged birds;
- (8) Waterfowl shall not be fed from any strata lot, limited common property, common property or the beach.
- (9) Only natural gas or electric barbecues permitted. Everything should be done to reduce the fire hazards and nothing should be brought or stored on a strata lot or common property which will in any way increase or tend to increase the risk of fire or the rate of fire insurance or any other insurance policy held by the Strata Corporation, or which may invalidate any insurance policy.
- (10) Nothing shall be thrown out or be permitted to fall out of any window, door, balcony, stairway, passage or other part of the strata lot or common property.
- (11) Power disconnections by the power company must not be allowed to happen. If there is a disconnection, any damage due to this is the responsibility of the unit owner.
- (12) Mops or dusters of any kind shall not be shaken from any window, door, stairway, passage or other part of the common property.
- (13) No owner or tenant shall allow the area around his/her premises to become untidy or unsanitary. The Council shall be at liberty to remove any rubbish or cleanup the common property or limited common property in close proximity to any owner's property or premises to its satisfaction and charge the expense of clean up to the owner.
- (14) Household refuse and garbage shall be packed in heavy duty plastic bags, properly tied or taped closed, and placed in the garbage container. Any material, other than ordinary household refuse and garbage, shall be removed by the owner or resident of the strata lot.
- (15) No television or radio antenna or similar appliances, with the exception of Satellite Dishes no larger than 18 inches, thereto shall be erected or fastened to any unit except in connection with a common television cable system as authorized by Strata Council.
- (16) No laundry, washing, clothing, bedding or other articles shall be hang or displayed from windows, balconies or other parts of the building so that they are visible from the outside of the building.
- (17) The use of automatic sprinklers is prohibited within, or on any area that is strata lot or limited common property.

### **Cars and Other Vehicles**

- 5
  - (1) A resident shall use the parking space, which has been specifically assigned to his/her strata lot.
  - (2) The parking space assigned to a strata lot shall not be assigned, rented or leased to a non-resident and where an owner assigns, leases or rents a parking space to another resident it shall be
  - (3) No major repairs or adjustments shall be made to any vehicle on the premises.
  - (4) No vehicles with a rating in excess of 1/2ton shall be brought to or parked on the premises without written permission of the Strata Council, except in the course of delivery to or removal from the premises.
  - (5) Vehicles parked in driveways, designated areas, and other areas of the common property not authorized for parking, will be towed away at the risk and expense of the owner of the vehicle.
  - (6) All bicycles not kept in your unit or storage area, must be kept in the bicycle compound or in the secure parking area within your own parking stall and not get in the way of others. Recreation vehicles, boats or trailers of any kind may not be kept stored, placed or parked on any part of the common property, or any parking facility thereon.
  - (7) Each owner or tenant is responsible for the clean up of oil spills in their assigned parking stall(s).

The cost of clean up, if not attended to within (10) ten days of notice to that effect, shall be borne by the owner or tenant. (Parking stalls are not to be used for any type of storage of any kind of items other than vehicles.)

(8) All vehicles in parking areas must have appropriate insurance and owners must be prepared to provide proof of this insurance to council.

(9) All rental parking stalls shall revert to the responsibility of the strata council and allocated to the next owner on the parking stall waiting list when either

- (a) the unit owner ceases to pay for the rental stall, or
- (b) the renter of the stall sells their unit.

### Security

- 6 (1) All owners and residents are responsible for the security of the building and no owner, tenant, guest or visitor shall provide entry to the building to any individual(s) who are not known to them.  
(2) Garage door openers are not to be left in vehicles parked in the underground parkade.

### Correspondence

- 7 All enquiries, comments or complaints from owners, tenants, guests or any other person to the Strata Council concerning matters of a non-emergency nature shall be communicated in writing. All correspondence shall be dated and signed. Correspondence will be discussed at the next regular council meeting.

### Inform Strata Corporation

- 8 (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) In the event that the owner's mailing address or telephone number changes, the strata corporation must be notified within 2 weeks.  
(3) On request by the Strata Corporation, a tenant must inform the Strata Corporation of his or her name.  
(4) The Form K must be completed in full and delivered to the strata corporation within 2 weeks of tenant residency. Written notice must be given to the strata corporation at least 72 hours in advance of any moving activity.

### Obtain approval before altering a strata lot

- 9 (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.  
(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) All drapes must be lined with white or off-white liners. Where blinds or shades are used they must be white or off-white in colour.



**Obtain approval before altering common property**

- 10 (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 shall require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration. The owner must notify future owners that they will inherit the responsibility.

**Permit entry to strata lot**

- 11 (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 24 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.
- (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.

**Rentals**

- 12 (1) No more than a maximum of 3 strata lots within Kelowna Shores shall be leased or rented on a full time basis. Only owners who have purchased from the original developer will be allowed to rent on a full time basis, as well as the two units currently being rented (being 107 & 311). These units will have rental status until sold or the present owner move back in, after which they shall cease to be a full time rental unit, and can thereafter only be rented on a winter rental basis.
- (2) Any owner wishing to lease or rent his/her strata lot on a winter rental basis shall apply to the Strata Council.
- (3) Council will notify the owner in writing if the rental is approved.
- (4) A winter rental must be between September 1 and April 30, of any given year.
- (5) A unit may not be sold as a rental unit.
- (6) If an owner wishes to re-rent to a new tenant, they must re-apply to the Strata Council.

**Recreational Facilities**

- 13 (1) All residents, be they owners, tenants or visitors are responsible for their actions and the actions of their guests, visitors, invitees be agents when using the recreational facilities. These facilities include the swimming pool and Jacuzzi and any other area that may be so designated from time to time by the Strata Council.
- (2) All residents, be they owner or tenant, and any guest or visitor shall strictly obey the posted regulations pertaining to the use, safety and enjoyment of any recreational facility. Any person(s) violating said regulations may, at the discretion of the Strata Council, have their privileges withdrawn and be liable for a fine in accordance with the Bylaws. The Strata Council may reinstate privileges for use of these areas.

**Division 2 – Powers and Duties of Strata Corporation****Repair and maintenance of property by Strata Corporation**

- 14 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;

### **Division 3 – Council**

#### **Council size**

- 15 Subject to Section 29, strata council shall consist of a minimum of 3 members and a maximum of 5 members.

#### **Eligibility for council**

- 16 (1) The only persons who may be council members are the following:  
    (a) owners;  
    (b) individuals representing corporate owners;  
    (c) tenants who, under section 147 or 148 of the Act, have been assigned a landlord's right to stand for council;  
(2) Subject to Section 28, no person may stand for council or continue to be on council with respect to a strata lot if the strata corporation is entitled to register a lien against that strata lot under Section 116 (1).

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

- 17 (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**

- 18 (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**

- 19 (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**

- 20 (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. The positions of Secretary and Treasurer may be assigned to the management company.

- (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

- 21 (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

- 22 (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

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

### Council meetings

- 24 (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 with acceptance of written request that has been received at least 36 hours in advance of the meeting. Council reserves the right to restrict attendance but must not unreasonably withhold permission. For the purpose of this section, an observer is defined as an owner, tenant, or other person who has business with the strata corporation. An observer does not take an active part in the meeting unless council invites the observer to take part in the proceedings.
- (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**

- 25** (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**

- 26** 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**

- 27** (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**

- 28** (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**

- 29** (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.

### **Insurance**

- 30** (a) For the purposes of Section 156, the insurance trustee shall be the strata council and/or as designated, in writing, by council.

(b) No owner shall commence or proceed with an insurance claim that may affect the common insurance or result in a claim on the common insurance policy held by the Strata Corporation, without first obtaining the written consent of the Strata Council. Any and all personal insurance claims must be reported to Council, even if the claim is not anticipated to affect the common insurance policy.

(c) Any loss or damage to the property or person of an owner or common property caused by an overflow or leakage of water from another unit will be the financial responsibility of the owner from which property this leak emanated.

(d) An owner shall indemnify and save harmless the Strata Council from the expense of any maintenance, repair 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 his/her or their guests, servants, agents or tenants

### **Unapproved expenditures**

- 31 Subject to Section 98, the council may make an 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 under this subsection in the same fiscal year, is less than or equal to \$3000.

### **Filing corporate liens and foreclosure**

- 32 The owners authorize the council as per Sections 116 and 117 or any other applicable sections to collect fees, fines, or special levies outstanding for a period of five months or five times the monthly contributions.

### **Strata Corporation may sue as representatives of all owners**

- 33 The strata corporation empowers the strata council, by way of a motion at a properly called council meeting, and with respect to Section 171, to initiate an action under the Small Claims Act against an owner or other person to collect money owing to the strata corporation, including money owing as a fine.

### **Acquisition and disposal of personal property by Strata Corporation**

- 34 Subject to Section 82, the strata corporation must obtain prior approval by a resolution passed by a 3/4 vote at an annual or special general meeting of an acquisition or disposal of personal property if the personal property has a market value of more than \$1000.

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

### **Maximum fine**

- 35 The maximum amount that the strata corporation may charge as a fine is \$200 for each contravention of a bylaw, and \$50 for each contravention of a rule. The frequency at which fines may be imposed for a continuing contravention of a bylaw or rule is once per every seven (7) days. Despite Section 7.1 of the Regulations, the maximum amount that the strata corporation may charge as a fine for the rental of a residential strata lot in contravention of a bylaw that prohibits or limits rentals is \$500 per month for each contravention of the bylaw.

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

### **Quorum for annual or special general meeting**

- 36 (1) Subject to Section 48, a quorum for an annual or special general meeting is eligible voters holding 1/3 of the strata corporation's votes, present in person or by proxy.

(2) Subject to Section 48, if within 30 minutes from the time appointed for an annual or special general meeting a quorum is not present, the meeting stands adjourned to the time and date, no later than one week later, assigned by strata council. If on the day to which the meeting is adjourned, a quorum, described in subsection (1) is not present within 30 minutes from the time appointed for the meeting, the eligible voters present in person or by proxy constitute a quorum.

### **Electronic attendance at meetings**

37 Subject to Section 49, a person who is permitted by the Act to attend an annual or special general meeting is permitted to attend by telephone or any other method, if the method permits all persons participating in the meeting to communicate with each other during the meeting.

### **Number of votes per strata lot**

38 (1) At an annual or special general meeting each strata lot has one vote.  
(2) Subject to Section 53, the vote for a strata lot may not be exercised, except on matters requiring a unanimous vote, if the strata corporation is entitled to register a lien against that strata lot.  
(3) Subject to Section 53, a vote for a strata lot may not be exercised, the strata lot's vote must not be considered for the purposes of determining a quorum in accordance with section 48 or for the purposes of Sections 43 (1), 46 (2) and 51 (3).

### **Person to chair meeting**

39 (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**

40 (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.  
(4) A person who has been deemed by the chair of the meeting to be acting in a contemptuous manner must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

### **Voting**

41 (1) At an annual or special general meeting, voting cards must be issued to eligible voters.  
(2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.  
(3) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.  
(4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.  
(5) If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote.  
(6) Despite anything in this section, an election of council or any other vote must be held by secret

ballot, if the secret ballot is requested by an eligible voter.

### **Order of business**

- 42** 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.

## **Division 6 – Voluntary Dispute Resolution**

### **Voluntary dispute resolution**

- 43** Subject to Section 124, and as a means of voluntary resolution of disputes among owners, tenants and the Strata Corporation or combination of them, the strata corporation agrees to provide, within 60 days, a suitable forum in which such a dispute may be resolved upon written request. Details of such a resolution must be reasonably acceptable by all parties involved. This does not apply to tenant versus tenant matters, or other matters that do not involve the strata corporation. This is not a mandatory process.