

KAS 1128
"Glenmore Fountain
Estates"
Consolidated Bylaws
January 24, 2019

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

Payment of strata fees

- 1 The strata Corporation's schedule for the payment of strata fees shall provide:
- a) 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
 - b) 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

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
 - c) 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
 - d) The strata corporation may charge interest and levy a fine for the late payment of strata fees
 - e) 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.

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.

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.

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.

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 who is absent or non-resident for longer than 2 months must ensure that a Council Member has details of emergency contact information.

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.
- (2) An Owner, Tenant, Occupant or Visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a Strata Lot which the Strata Corporation must repair and maintain under these Bylaws or insure under section 149 of the Act.
- (3) An Owner, Tenant, Occupant or Visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset.
- (4) An Owner, Tenant or Occupant must not keep any pets on a Strata Lot other than one or more of the following:
- (a) a reasonable number of fish or other small aquarium animals;
 - (b) a reasonable number of small caged mammals;
 - (c) up to 2 caged birds;
 - (d) 2 dogs, or 2 cats, or one dog and one cat.
- (5) An owner, tenant or occupant must ensure that drapes, curtains, blinds and other window coverings, which are visible from the exterior of the unit, must be white, off-white, or any shade in the neutral tones of beige through to dark brown. If the owner is unsure of the permissible colour, a sample should be submitted to council for approval. If prior approval is not obtained, council reserves the right to order the window coverings removed.
- 3.2 Marijuana cultivation and/or production within a condominium development is understood to have the potential to cause disturbing odors, mould proliferation and/or other risks and insurability concerns. Therefore, cultivation (growing) of marijuana plants, and/or processing or production of marijuana products is prohibited within the bounds of the strata plan; except that legally permissible, small scale preparation of marijuana for personal use or consumption which does not include cultivation and complies with the bylaws is permitted, provided that preparation does not cause damage to property, insurable risk or any disturbance whatsoever. It is the responsibility of the residents to ensure that such issues are strictly avoided. Notwithstanding the foregoing or any other bylaw or rule of the Strata Corporation and despite any legalization or decriminalization; no marijuana plants may be cultivated or grown with the strata plan.

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 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) An Owner wishing to make alterations to Common Property or Limited Common Property must adhere to the "Building Guidelines" as set out in the "KAS1128 Rules".

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.
(3) Upon the sale of a Strata Lot, the Owner will be required to repair any damage caused to the unit. An inspection will be carried out by Council before a Strata Manager will be authorized to issue a Form B.

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.
- (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 on the exterior of a building or that front on the common property;
 - (E) fences, railings and similar structures that enclose patios, balconies and yards;
- (d) a Strata Lot in a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to
 - (i) the structure of a building,
 - (ii) the exterior of a building,
 - (iii) chimneys, stairs, balconies and other things attached to the exterior of a building,
 - (iv) doors, windows and skylights on the exterior of a building or that front on the common property, and
 - (v) fences, railings and similar structures that enclose patios, balconies and yards.
- (e) (i) The Strata Corporation shall obtain an independent appraisal of the property from a qualified appraiser on an annual basis for the purposes of determining full replacement value pursuant to s.149(4)(a), SPA
- (ii) For purposes of Section 149(4)(b), SPA the Strata Corporation shall obtain adequate insurance on an annual basis to cover other perils, including:
 - a. earthquake insurance; and
 - b. Director's and Officers Liability Insurance for a minimum amount of \$ 2,000,000.

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) No Owner shall stand for Council, or continue to be on Council if the Owner is in arrears in an amount of \$50 or more than 90 days for any one of the following:
 - (a) Strata Fees;
 - (b) A Special Levy;
 - (c) A reimbursement of the cost of work referred to in section 85 of the Strata Property Act, or;
 - (d) The Strata Lot's share of a judgment against the Strata Corporation.
 - (3) 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, have been assigned a landlord's right to stand on council;
 - (d) spouse of an Owner who is not registered on title;
 - (e) family member of an Owner residing in the strata lot in the Strata Corporation;
 - (f) partner to a registered Owner provided that the partner and the registered Owner are cohabiting in a relationship tantamount to marriage whether of the same sex or not.

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 reelection.

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) 2, if the Council consists of 2, 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;
 - (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
 - (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.

If a proposed expenditure has not been put forward for approval in the budget or at an Annual or Special General Meeting, the Strata Corporation may only make the expenditure in accordance with this bylaw. Subject to subsection 98(3), SPA, the expenditure may be made 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 \$8,000.00.

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** 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,
 - (c) \$500.00 for each contravention of the Rental Restriction Bylaw.

Continuing Contravention

- 24** (1) If an activity or lack of activity that constitutes a contravention of a Bylaw or Rule continues, without interruption, for longer than 7 days, a fine may be imposed every 7 days.
- (2) In accordance to Section 171 (4) of the Act, the Strata Corporation authorizes the Strata Council to undertake a Small Claims Action to collect money owing to the Strata Corporation, including Strata Fees, outstanding interest charges, and Fines, without prior approval of the Strata Corporation.

The Strata Corporation shall give notice of such plan of action to the relevant Owners Tenant and mortgage, if that mortgagee has provided to the Strata Council a Mortgagee's Request for notification (unexpired) on the prescribed form. The notice given by the Strata Council shall be in accordance with Sections 61 and 112(1) of the Act.

- (3)(a) A special resolution of the unit owners to bring a suit against an owner or other person to collect money owing to the strata corporation under the Small Claims Act, including money owing as a fine, is not required pursuant to this bylaw.
- (b) The strata council is hereby authorized in its sole discretion to authorize legal proceedings in Small Claims Court to collect money owing without the requirement for a further vote or approval of the unit owners at a general meeting, but that legal fees associated with the Small Claims action shall not exceed \$1,000.00.

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 discussions 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) If a quorum is not attained within fifteen minutes of the scheduled time of the Annual or Special General Meeting, those eligible voters in attendance at the meeting will be deemed a quorum and the meeting will proceed.

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.

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 - Rentals

- 30** The number of Strata Lots that may be rented will be limited to 3.
- 31** An Owner may not sign a lease for a Strata Lot for any term exceeding 36 months. An Owner must provide Strata Council with a Form K signed by the Tenant within 14 days of the beginning of the rental. The minimum rental period may not be less than 6 months. No short-term, holiday rentals will be allowed.
- (1) An Owner who wishes to lease or rent a Strata Lot must:
- (a) apply in writing to the strata corporation for permission to lease within the prescribed limit;
 - (b) prior to renting to a prospective tenant, comply with s.146 of SPA by giving the prospective tenant the current bylaws and rules and a Notice of Tenant's Responsibilities (Form K).
 - (c) provide the strata corporation with the signed Form K signed by the tenant within two weeks of renting all or part of the strata lot.
- 32** The Strata Council must then respond in writing to the Owner within 14 days of receiving the Owner's application to rent stating its decision to approve or reject the application to rent; deal with each application on a "first come, first serve" basis. Owners denied permission to rent may place their names on a waiting list or future consideration.

Where the Strata Council grants to an owner permission to lease his strata lot, the applicant must exercise such permission within ninety days (90) of approval of application.

- 33** An Owner who leases or rents a Strata Lot in contravention of these Bylaws may be subject to a fine in the discretion of the strata council in an amount not to exceed \$500.00 for each seven day period that the strata lot is rented in contravention of these bylaws.

The Strata Council may notify the Owners and the Tenant, in writing, that the rental of the Strata Lot contravenes these Bylaws and the Strata Council may take anyone or more of the following actions:

- (a) provide the Owner and the Tenant with a period of time the Strata Council considers reasonable to

terminate the rental agreement;

(b) fine the Owners;

(c) refer the matter to a Dispute Resolution Committee if the Owner consents, and

(d) apply to a court of competent jurisdiction for an injunction enjoining the Owner from renting or continuing to rent the Strata Lot, and for such other remedies as the Strata Council determines.

34 Sections 30 through 33 do not apply to a Strata Lot rented to a family member pursuant to section 142 of the Strata Property Act, SBC 1998, c 144, or for which the Strata Council has granted an exemption on the grounds that these Bylaws cause hardship to the Owner. "House sitting" to a maximum of 6 months will be considered an exemption and requires the permission of council.

35 A bylaw that limits rentals does not apply to a strata lot until the later of:

(a) one year after a tenant who is occupying the strata lot at the time the bylaw is passed ceases to occupy it as a tenant; and,

(b) one year after the bylaw is passed.

Severability

36 The provisions hereof shall be deemed independent and severable and the invalidity in whole or in part of any bylaw does not affect the validity of the remaining bylaws, which shall continue in full force and effect as if such invalid portion had never been included herein.