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STRATA PROPERTY ACT

Definitions and Interpretation

Definitions and interpretation

1 (1) In this Act:

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

“**assessed value**” means the value assessed under the *Assessment Act*;

“**bare land strata plan**” means

(a) a strata plan on which the boundaries of the strata lots are defined on a horizontal plane by reference to survey markers and not by reference to the floors, walls or ceilings of a building, or

(b) any other strata plan defined by regulation to be a bare land strata plan;

“**bylaw**” means a bylaw of a strata corporation;

“**common asset**” means

(a) personal property held by or on behalf of a strata corporation, and

(b) land held in the name of or on behalf of a strata corporation, that is

(i) not shown on the strata plan, or

(ii) shown as a strata lot on the strata plan;

“**common expenses**” means expenses

(a) relating to the common property and common assets of the strata corporation,
or

(b) required to meet any other purpose or obligation of the strata corporation;

“common property” means

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

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

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

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

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

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

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

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

“majority vote” means a vote in favour of a resolution by more than $\frac{1}{2}$ of the votes cast by eligible voters who are present in person or by proxy at the time the vote is taken and who have not abstained from voting;

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

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

“owner” means a person, including an owner developer, who is

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

unless there is

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

“owner developer” means

- (a) a person
 - (i) who, on the date that application is made to the registrar for deposit of the strata plan, is registered in the land title office as
 - (A) the owner of the freehold estate in the land shown on the strata plan, or

(B) in the case of a leasehold strata plan as defined in section 199,
the lessee of the ground lease of the land, or

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

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

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

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

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

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

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

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

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

“Standard Bylaws” means the bylaws set out in the Schedule of Standard Bylaws;

“strata corporation” means a strata corporation established under section 2;

“strata lot” means a lot shown on a strata plan;

“sue” means the act of bringing any kind of court proceeding;

“suit” means any kind of court proceeding;

“superintendent” means the Superintendent of Real Estate;

“Supreme Court” means the Supreme Court of British Columbia;

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

“3/4 vote” means a vote in favour of a resolution by at least $\frac{3}{4}$ of the votes cast by eligible voters who are present in person or by proxy at the time the vote is taken and who have not abstained from voting;

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

SCHEDULE OF STANDARD BYLAWS

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

Payment of strata fees

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

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

- 3 (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that:
 - (a) causes a nuisance or hazard to another person,
 - (b) causes unreasonable noise,
 - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
 - (d) is illegal, or
 - (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan;
- ¹(2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot

¹ [SPA]

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

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

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) one dog or one cat.

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) ²those parts of the strata lot which the strata corporation must insure under section 149 of the Act;

(2) The strata corporation must not unreasonably withhold its approval under subsection (1), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration;

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

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

² [SPA]

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

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

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

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

(4) The property insurance must

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

(b) ³at 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,

³ [SPA]

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

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

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

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

(4) The property insurance must

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

- (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.

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) ⁴bylaw contravention hearings under section 135 of the Act;

⁴ [SPA]

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

- (b) ⁵rental 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

⁵ [SPA]

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

- (b) delegates the general authority to make expenditures in accordance with subsection (3);
- (3) A delegation of a general authority to make expenditures must:
 - (a) set a maximum amount that may be spent, and
 - (b) indicate the purposes for which, or the conditions under which, the money may be spent;
- (4) The council may not delegate its powers to determine, based on the facts of a particular case, not del case:
 - (a) whether a person has contravened a bylaw or rule,
 - (b) whether a person should be fined, and the amount of the fine, or
 - (c) whether a person should be denied access to a recreational facility.

Spending restrictions

- 21 (1) A person may not spend the strata corporation's money unless the person has been delegated the power to do so in accordance with these bylaws;
- (2) Despite subsection (1), a council member may spend the strata corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.

Limitation on liability of council member

- 22 (1) A council member who acts honestly and in good faith is not personally liable because of anything done or omitted in the exercise or intended exercise of any power or the performance or intended performance of any duty of the council;
- (2) Subsection (1) does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

Division 4 - Enforcement of Bylaws and Rules

Maximum fine

- 23 The strata corporation may fine an owner or tenant a maximum of:
 - (a) \$50 for each contravention of a bylaw, and
 - (b) \$10 for each contravention of a rule.

Continuing contravention

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

Division 5 - Annual and Special General Meetings

Person to chair meeting

- 25 (1) Annual and special general meetings must be chaired by the president of the council;
- (2) If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council;
- (3) If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons who are present at the meeting.

Participation by other than eligible voters

- 26 (1) Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote;
- (2) Persons who are not eligible to vote, including tenants and occupants, may participate in the discussion at the meeting, but only if permitted to do so by the chair of the meeting;
- (3) Persons who are not eligible to vote, including tenants and occupants, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

Voting

- 27 (1) At an annual or special general meeting, voting cards must be issued to eligible voters;
- (2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count;
- (3) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method;
- (4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting;
- (5) If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote;
- (6) If there are only 2 strata lots in the strata plan, subsection (5) does not apply;
- (7) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.

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) ⁶ratify any new rules made by the strata corporation under section 125 of the Act;
- (j) ⁷report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
- (k) ⁸approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;

⁶ [SPA]

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

⁷ [SPA]

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

⁸ [SPA]

- 103 (1) The strata corporation must prepare a budget for the coming fiscal year for approval by a resolution to be passed by a majority vote at each annual general meeting.
- (2) The proposed budget must be distributed with the notice of the annual general meeting under section 45 and must be accompanied by a financial statement.
 - (3) The budget and financial statement
 - (a) must contain the information required by the regulations, and
 - (b) may be in the form set out in the regulations.
 - (4) The proposed budget may be amended by a majority vote at the annual general meeting before the budget itself is put to a vote.

- (l) ⁹deal 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 only 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.

⁹ [SPA]

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

Division 7 - Marketing Activities by Owner Developer

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.

BY-LAWS FOR

STRATA CORPORATION LMS2068

SURREY, B.C.

These Bylaws are added to

~~"PART 5 OF THE BRITISH COLUMBIA
CONDOMINIUM ACT"~~ (attached hereto)

*schedule of
Standard Bylaws of
the Strata
Property Act.*

and are referred to by SECTIONS and SUBSECTIONS

of the above ACT

96 SEP 26 12 03

BK305505

LAND TITLE OFFICE

FORM 9

NOTIFICATION OF CHANGE OF BYLAWS

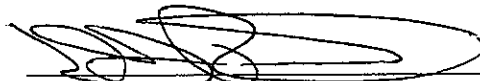
(Section 26(3)(4) 28(2))

The Owners, Strata Plan LMS 2068 (a Strata Corporation) hereby certifies that by special resolution duly passed on the 24th day of September, 1996, the bylaws of Part 5 of the *Condominium Act*, as they applied to the said strata corporation, were added to, amended or repealed as follows:

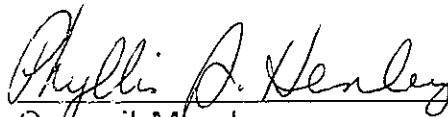
Add the violation bylaws as attached;

Add the liability bylaw as attached.

The Common Seal of The Owners, Strata Plan LMS 2068 was hereunto affixed the 24th day of September, 1996 in the presence of:



Council Member

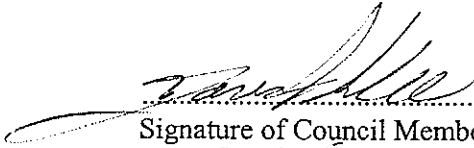


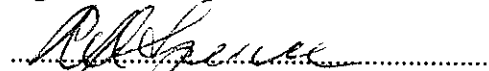
Council Member

Strata Property Act
FORM I
AMENDMENT TO BYLAWS
(Section 128)

The Owners, Strata Plan LMS 2068 certify that the following or 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 an annual or special general meeting held on February 13, 2003.

The Owners of Glenwood Gate, The Owners, Strata Plan LMS 2068 approve the adoption of Bylaw #31 – Security as per Schedule “A” attached.


.....
Signature of Council Member


.....
Signature of Second Council Member (not required if council consists of only one member)

(SIGNATURE REQUIRED IN BLACK INK)

* 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.

Division 8 – Miscellaneous Matters

31. **Security**

- (1) Except as otherwise authorized by council, only registered owners shall be issued registered entrance keys, electronic gate controls and entry codes and shall be solely responsible for the safekeeping of same;
- (2) An owner will be responsible for the cost of re-keying all common area door locks if any of the keys registered to him/her are lost, or not returned to the Strata Corporation by him/herself, prior to any change of occupancy;
- (3) No owner, occupant, tenant or visitor shall leave open, or unlocked any outside entrance for the purpose of moving into or out of a strata lot unless they provide constant supervision of the entrance;
- (4) No owner, occupant, tenant or visitor shall permit any person, including tradespersons or delivery persons, to enter a building for any purpose unless that person is known to them or is identified to their satisfaction;
- (5) On receiving an enterphone call, the owner, occupant or tenant must verify who is at the entrance before admitting anyone into the building or underground parking facility;
- (6) No owner, occupant, tenant or visitor, without the express permission of council, is permitted in any part of the restricted common areas of the Strata Corporation, such as the roofs, electrical rooms, mechanical rooms or other locked rooms which do not form part of their strata lot;
- (7) Solicitation is not permitted anywhere in or about the property for any cause, except as required by the *Election Act* (Canada) and similar provincial legislation;
- (8) Garage door openers are not to be left in owners' vehicles. Owners who do so will be responsible for the costs associated with changing the security codes in the event of a theft of their door opener;
- (9) Owners, occupants, tenants and visitors must stop to wait for the gate to the underground parking to close prior to continuing when entering or leaving the underground parking area.

Liability Bylaw

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

Violation of Bylaws

1. (a) Any infraction or violation of these Bylaws or any Rules and Regulations established pursuant to these Bylaws on the part of an Owner, his employee, agents, invitees or tenants may be corrected, remedied or cured by the Strata Corporation and any costs or expenses expended or incurred by the Strata Corporation in correcting, remedying or curing such infraction or violation, shall be charged to such Owner and shall be added to and become part of the assessment of such Owner for the month next following the date when such costs or expenses are expended or incurred (but not necessarily paid) by the Strata Corporation and shall become due and payable on the date of payment of such monthly assessment.
- (b) The Strata Corporation may recover from an Owner by an action for debt in any Court of competent jurisdiction any sum of money which the Strata Corporation is required to expend as a result of any act or omission by the Owner, his servants, agents, invitees, or tenants, which violates these Bylaws or any Rules or Regulations established pursuant to these Bylaws, and there shall be added to any amount found due, all costs of such action including costs as between solicitor and client. Nothing herein shall be deemed to limit any right of any Owner to bring an action or proceeding for the enforcement and protection of his rights and the exercise of his remedies.

COUNCIL DUTIES

122. (2) The council will determine who will pay for the insurance deductible as follows:
- (f) all insurance deductibles will be paid by the Strata Corporation where it is deemed by the Strata Council the damage was not caused by negligence and/or wilful damage by the owner and his occupants and/or his guests.
 - (g) all insurance deductibles will be paid by the owner where it is deemed by the Strata Council the damage was caused by negligence and/or wilful damage by the owner and his occupants and/or his guests.

VIOLATION OF BYLAWS

127. (3) DISPUTES

Any disputes between strata unit owners are expected to be resolved by the individuals involved. However, if a dispute cannot amiably be resolved between strata members, the Chairperson of the Strata Corporation will be considered the mediator. Any issues regarding the Chairperson, will be mediated by the Vice-Chairperson.

PROHIBITIONS

131. An owners must not:

- (d) keep any animal or pet of any kind tied up outside his strata lot or in any outside structure (dog/cat runs, dog/cat houses) on his strata lot or the common property. When the animal becomes a nuisance to the Corporation (barking, howling, defecating)), the Council at their decision can order the animal removed. Owners are requested to clean up after their animals. Pets are expected to be of a reasonable size - not exceeding 14" - 16" at the shoulder;

An owners/occupants/guest must not:

- (e) use any paved common area as a play area (i.e. underground parking and paved common area driveways);
- (f) use the common room for any functions outside of strata functions (i.e. strata corporation meetings, strata corporation social functions);
- (g) use any portion of the underground parking area for storage or workshops (as per Notice of Violation issued May 27, 1996, Surrey Fire Department). The parking area is strictly for parking of cars only;
- (h) obstruct the underground sprinkler system at any times (as per Notice of Violation issued May 27, 1996, Surrey Fire Department);
- (i) obstruct any exits at any times (as per Notice of Violation issued May 27, 1996, Surrey Fire Department)
- (j) make any alterations and/or changes to the building/structure without written permission from the Strata Council and a permit from the City of Surrey (as per Notice of Violation issued May 27, 1996, Surrey Fire Department). refer to PART 5 OF THE BRITISH COLUMBIA CONDOMINIUM ACT, SECTION 115 (h). The permit must be applied for by the Strata Council.

*June 24/96 **

unattended.