



Logan Lane Strata Corporation (BCS 1419)

BYLAWS AND RULES

Unless otherwise stated, all terms have the meanings prescribed in the *Strata Property Act*, S.B.C. 1998, c. 43 (the “Act”). The Schedule of Standard Bylaws to the Act does not apply to the strata corporation.

Bylaws provide for the administration of a strata corporation and for control of management, maintenance, use and enjoyment of strata lots. The common property and the common assets require a 3/4 majority vote at the general meeting.

Rules address the use, safety, and condition of the common property, not strata lots. Rules require 50% plus one vote at the general meeting in the year in which the rule is adopted by council. Such rules need only be ratified once.

This version is current as of 1 December 2015

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Duties of Owners, Tenants, Occupants and Visitors

1. Compliance with bylaws and rules

1.1 All owners, tenants, occupants and visitors must comply strictly with the bylaws and rules of the strata corporation adopted from time to time and any orders, bylaws or rules of The University of British Columbia applicable to leasehold strata lots.

2. Payment of strata fees and special levies

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

2.2 Where an owner fails to pay strata fees in accordance with bylaw 2.1, outstanding strata fees will be subject to an interest charge of 10% per annum, compounded annually until paid. In addition to interest, failure to pay strata fees on the due date will result in a fine of \$100.00 for each contravention of bylaw 2.1.

2.3 An owner must provide the strata corporation or its agent with twelve (12) consecutive, monthly post-dated cheques for strata fees for the fiscal year of the strata corporation, dated as of the first day of each month or, if applicable, written authorization for monthly automatic debit from the owner's bank account.

2.4 Failure by an owner to submit twelve (12) monthly, post-dated strata fee cheques or written authorization for automatic debit in accordance with bylaw 2.3 is a contravention of bylaw 2.3 and the strata corporation will levy a fine of \$1 00.00 for each contravention. Each dishonoured cheque or dishonoured automatic debit will be subject to a fine of \$100.00 and an administration charge of \$30.00.

2.5 A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy.

- 2.6 Failure to pay a special levy on the due date will result in a fine of \$200.00 for each contravention of bylaw 2.5.
- 2.7 Where an owner fails to pay a special levy in accordance with bylaw 2.5, outstanding special levies will be subject to an interest charge of 10% per annum, compounded annually until paid.

3. Repair and maintenance of property by owner

- 3.1 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.
- 3.2 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.

4. Use of property

- 4.1 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 injurious to the reputation of the strata corporation,
 - (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; or
 - (f) is in contravention of any rule, order or bylaw of the University of British Columbia applicable to a strata lot.

- 4.2 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.
- 4.3 An owner is responsible for any damage caused to the owner's strata lot by occupants, tenants or visitors.
- 4.4 An owner shall indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered necessary to the common property, limited common property, common assets or to any strata lot by the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, any insurance deductible paid or payable by the strata corporation shall be considered an expense not covered by the proceeds received by the strata corporation as insurance coverage and will be charged to the strata lot owner.

5. Pets and animals

- 5.1 An owner, tenant, occupant or visitor must not keep any pets on a strata lot or common property or on land that is a common asset except in accordance with these bylaws.
- 5.2 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.
- 5.3 An owner, tenant, occupant must not keep a pet 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) two dogs or two cats or one dog and one cat.
- 5.4 An owner, tenant or occupant must not harbour exotic pets, including not exhaustively, snakes, reptiles, spiders or large members of the cat family.
- 5.5 An owner, tenant or occupant must not harbour a vicious dog on a strata lot or common property, including limited common property. For the purposes of this Bylaw 5.5, "vicious dog" means:
- (a) any dog that has killed or injured (i) any person; or (ii) another animal while running at large; or
 - (b) any dog that aggressively harasses or pursues another person or animal while running at large; or
 - (c) any dog primarily owned or owned in part for the purpose of dog fighting or is trained for dog fighting; or
 - (d) a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier or any dog of mixed breeding that includes any of these breeds; or any dog that has the appearance and physical characteristics predominately conforming to these standards for any of the above breeds, as established by the Canadian Kennel Club, the American Kennel Club or the United Kennel Club, as determined by a veterinarian licensed to practice in the Province of British Columbia.
- 5.6 An owner, tenant, occupant or visitor must not feed birds, rodents or other wild animals from any strata lot, limited common property, common property or land that is a common asset. No bird feeders of any kind are permitted to be kept on balconies, roof decks, strata lots, common property or land that is a common asset.
- 5.7 An owner, tenant or occupant must not keep a pet that is a nuisance on a strata lot, on common property or on land that is a common asset. If an owner, tenant or occupant has a pet that is a nuisance or has caused

or is causing an unreasonable interference with the use and enjoyment by owners, tenants, occupants or visitors of a strata lot, common property or common assets, the council may order such pet to be removed permanently from the strata lot, the common property or common asset or all of them within 30 days of such notice.

- 5.8 An owner, tenant or occupant whose pet contravenes bylaw 5.7 will be subject to an immediate injunction application and the owner of the strata lot will be responsible for all expenses incurred by the strata corporation to obtain the injunction, including legal costs.
- 5.9 A pet owner must ensure that a pet is kept quiet, controlled and clean. Any excrement on common property or on land that is a common asset must be immediately disposed of by the pet owner.
- 5.10 A strata lot owner must assume all liability for all actions by a pet, regardless of whether the owner had knowledge, notice or forewarning of the likelihood of such action.
- 5.11 An owner, tenant, occupant or visitor must not feed birds, rodents or other wild animals from any strata lot, limited common property, common property or land that is a common asset. No bird feeders of any kind are permitted to be kept on balconies, roof decks, strata lots, common property or land that is a common asset.
- 5.12 An owner, tenant or occupant contravening any of bylaws 5.1 to 5.11 will be subject to a \$100.00 fine.

6. Inform strata corporation

- 6.1 Within two weeks of becoming an owner, an owner must notify the strata corporation of the owner's name and any occupants' names, strata lot number and mailing address outside the strata plan, if any.
- 6.2 On request by the strata corporation, a tenant must inform the strata corporation of the tenant's name and the strata lot which the tenant occupies.

7. Obtain approval before altering a strata lot

7.1 An owner must obtain the written approval of the strata corporation before making or authorizing an alteration to a strata lot that involves any of the following:

- (a) the structure of a building;
- (b) the exterior of a building, including without limitation, painting of the exterior or attaching sunscreens or greenhouses to the exterior;
- (c) patios, 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; and
- (h) wiring, plumbing, piping, heating, air conditioning and other services.

7.2 The strata corporation must not unreasonably withhold its approval under bylaw 7.1, but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration and to indemnify and hold harmless the strata corporation for any future costs in connection with the alteration.

7.3 An owner intending to apply to the strata corporation for permission to alter a strata lot must submit, in writing, detailed plans and written description of the intended alteration. and all building permits.

8. Obtain approval before altering common property

- 8.1 An owner must obtain the written approval of the strata corporation and The University of British Columbia before making or authorizing an alteration to common property, including limited common property or common assets.
- 8.2 An owner, as part of its application to the strata corporation for permission to alter common property, limited common property or common assets, must:
- (a) submit, in writing, detailed plans and description of the intended alteration;
 - (b) obtain all applicable permits, licences and approvals from the appropriate governmental authorities and provide copies to the strata council; and
 - (c) obtain the consent of the owners by written approval of the strata council under bylaw 8.1.
- 8.3 The strata corporation may require, as a condition of its approval, that the owner agree, in writing, to certain terms and conditions, including, not exhaustively, the following:
- (a) that alterations be done in accordance with the design or plans approved by the strata council or its duly authorized representatives;
 - (b) that the standard of work and materials be not less than that of the existing structures;
 - (c) that all work and materials necessary for the alteration be at the sole expense of the owner;
 - (d) that the owner from time to time of the strata lot receiving the benefit of an alteration to common property, limited common property or common assets must, for so long as he or she remains an owner,

be responsible for all present and future maintenance, repairs and replacements, increases in insurance, and any damage suffered or cost incurred by the strata corporation as a result, directly or indirectly, of the alterations to common property, limited common property or common assets;

- (e) that the owner and any subsequent owner who receives the benefit of such alteration, must, with respect only to claims or demands arising during the time that they shall have been owner, indemnify and hold harmless the strata corporation, its council members, employees and agents from any and all claims and demands whatsoever arising out of or in any manner attributable to the alteration. Any costs or expenses incurred by the strata corporation as the result of such claim or demand will be the responsibility of the owner from time to time of the strata lot who has benefited from the alteration and the said costs or expenses incurred must be charged to that owner and shall be added to and become part of the strata fees of that owner for the month next following the date upon which the cost or expenses are incurred, but not necessarily paid by the strata corporation, and shall become due and payable on the due date of payment of monthly strata fees.

8.4 An owner who has altered common property, limited common property or common assets prior to the passage of these bylaws shall be subject to their content and intent to the extent that any damages suffered or costs incurred by the strata corporation as a result, directly or indirectly, of the alteration, must be borne by the owner who has benefited from the alteration.

8.5 An owner who, subsequent to the passage of bylaws 8.1 to 8.3 inclusive, alters common property or limited common property without adhering strictly to these bylaws, must restore, at the owner's sole expense, the common property, limited common property or common assets, as the case may be, to its condition prior to the alteration. If the owner refuses or neglects to restore the alteration to its original condition, the strata corpora-

tion may conduct the restoration, at the expense of the owner who altered the common property or limited common property. The cost of such alteration shall be added to and become part of the strata fees of that owner for the month next following the date on which the cost was incurred and will become due and payable on the due date of payment of monthly strata fees.

9. Renovations/alterations

9.1 Tradespersons must be licensed and bonded. Inadequate notice or work by unlicensed or unbonded tradespersons will result in the levy of fines.

9.2 An owner, tenant or occupant must not permit any construction debris, materials or packaging to be deposited in the strata corporation's disposal containers.

9.3 An owner must ensure that the hours of work are restricted to 8:00 a.m. to 5:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m., Saturdays, Sundays and statutory holidays. To perform renovations/alterations on statutory holidays, an owner must apply for permission in writing to the council at least five business days before the holiday date.

9.4 An owner must be in attendance for all significant renovations/alterations, the determination of significant shall be in the discretion of the council.

9.5 An owner performing or contracting with others to perform renovations or alterations will be responsible, financially and otherwise, for ensuring that any and all required permits and licences are obtained.

9.6 An owner in contravention of any of bylaws 9.1 to 10. 5 (inclusive) shall be subject to a fine of \$100.00 for each contravention, as well as be responsible for any clean up or repair costs.

10. Permit entry to strata lot

10.1 An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot or limited common property

- (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage;
- (b) at a reasonable time, on 48 hours' written notice, to inspect, repair, renew, replace or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair, replace, renew and maintain under these bylaws or the Act or to insure under section 149 of the Act.

10.2 The notice referred to in bylaw 1 0.1 (b) must include the date and approximate time of entry, and the reason for entry.

Powers and Duties of Strata Corporation

11. Repair and maintenance of property by strata corporation

11.1 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 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 common property; E. fences, railings and similar structures that enclose patios, balconies and yards;
- (d) a strata lot, but the duty to repair and maintain it is restricted to

- (i) the structure of a building,
- (ii) the exterior of a building,
- (iii) chimneys, stairs 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 common property, and
- (v) fences, railings and similar structures that enclose patios, balconies and yards.

11.2 For greater certainty, an owner is responsible for the day-to-day repair and maintenance of limited common property decks, patios, terraces and balconies.

Council

12. Council size

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

13. Council eligibility

13.1 An owner or the spouse of an owner may stand for council, but not both.

13.2 No person may stand for councilor 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) of the Act.

13.3 No person may stand for councilor continue to be on council with respect to a strata lot if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules.

14. Council members' terms

- 14.1 The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- 14.2 A person whose term as council member is ending is eligible for reelection.

15. Removing council member

- 15.1 The strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members. The strata corporation must pass a separate resolution for each council member to be removed.
- 15.2 After removing a council member, the strata corporation may hold an election at the same annual or special general meeting to replace the council member for the remainder of the term or the remaining members of the council may appoint a replacement council member for the remainder of the term.
- 15.3 If the strata corporation removes all of the council members, the strata corporation must hold an election at the same annual or special general meeting to replace the council members for the remainder of the term up to, at least, the minimum number of council members required by bylaw of the strata corporation for the remainder of the term.
- 15.4 The council may appoint the remaining council members necessary to achieve a quorum for the strata corporation, even if the absence of the members being replaced leaves the council without a quorum.
- 15.5 A replacement council member appointed pursuant to bylaws 15.2 and 15.4 may be appointed from any person eligible to sit on the council.

16. Replacing council member

- 16.1 If a council member resigns or is unwilling or unable to act, the remaining members of the council may appoint a replacement council member for the remainder of the term.
- 16.2 A replacement council member may be appointed from any person eligible to sit on the council.
- 16.3 The council may appoint a council member under bylaw 16.2 even if the absence of the member being replaced leaves the council without a quorum.
- 16.4 If all the members of the council resign or are unwilling or unable to act, 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.

17. Officers

- 17.1 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.
- 17.2 A person may hold more than one office at a time, other than the offices of president and vice president.
- 17.3 The vice president has the powers and duties of the president
- (a) while the president is absent or is unwilling or unable to act,
 - (b) if the president is removed, or
 - (c) for the remainder of the president's term if the president ceases to hold office.
- 17.4 The strata council may vote to remove an officer.

17.5 If an officer other than the president is removed, resigns, is unwilling or unable to act, the council members may elect a replacement officer from among themselves for the remainder of the term.

18. Calling council meetings

18.1 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.

18.2 The notice in bylaw 18.1 does not have to be in writing.

18.3 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.

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

19. Requisition of council hearing

19.1 By application in writing, an owner or tenant may request a hearing at a council meeting stating the reasons for the request.

19.2 Except for a hearing pursuant to section 144 of the Act, if a hearing is requested under bylaw 19.1, the council must hold a meeting to hear the applicant within one (1) month of the date of receipt by the council of the application.

19.3 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 date of the hearing.

20. Quorum of council

20.1 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.

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

21. Council meetings

21.1 The council may meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit.

21.2 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.

21.3 If a council meeting is held by electronic means, council members are deemed to be present in person.

21.4 Owners and spouses of owners may attend council meetings as observers,

21.5 Despite bylaw 21.4, 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.

22. Voting at council meetings

- 22.1 At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- 22.2 If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- 22.3 The results of all votes at a council meeting must be recorded in the council meeting minutes.

23. Council to inform owners of minutes

- 23.1 The council must circulate to or post for owners the minutes of all council meetings within 2 weeks of the meeting, whether or not the minutes have been approved.

24. Delegation of council's powers and duties

- 24.1 Subject to bylaws 24.2, 24.3 and 24.4, 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.
- 24.2 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 bylaw 24.3.
- 24.3 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.

24.4 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.

25. Spending restrictions

25.1 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.

25.2 Despite bylaw 25.1, 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.

25.3 A strata council shall not, except in emergencies, authorize, without authorization by a 3/4 vote resolution of the strata corporation, an expenditure exceeding \$5,000.00 which was not set out in the annual budget of the corporation and approved by the owners at a general meeting.

26. Limitation on liability of council member

26.1 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.

26.2 Bylaw 26.1 does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

26.3 All acts done in good faith by the council are, even if it is afterwards discovered that there was some defect in the appointment or continuance in office of a member of council, as valid as if the council member had been duly appointed or had duly continued in office.

Enforcement of Bylaws and Rules

27. Fines

27.1 Except where specifically stated to be otherwise in these bylaws, the strata corporation may fine an owner or tenant:

- (a) \$100.00 for each contravention of a bylaw, and
- (b) \$50.00 for each contravention of a rule.

27.2 The council must, if it determines in its discretion that an owner, tenant or occupant is in repeated contravention of any bylaws or rules of the strata corporation, levy fines and the fines so levied shall be immediately added to the strata fees for the strata lot and shall be due and payable together with the strata fees for the strata lot in the next month following such contravention.

28. Continuing contravention

28.1 Except where specifically stated to be otherwise in these bylaws, 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.

Annual and Special General Meetings

29. Quorum of meeting

29.1 If within 1/2 hour from the time appointed for an annual or special general meeting, a quorum is not present, the meeting stands adjourned for a further 1/2 hour on the same day and at the same place. If within a further 1/2 hour from the time of the adjournment, a quorum is not present, the eligible voters, present in person or by proxy, constitute a quorum. This bylaw 29.1 is an alternative to section 48(3) of the Act. This bylaw does not apply to a meeting demanded pursuant to section 43 of the Act and failure to obtain a quorum for a meeting demanded pursuant to section 43 terminates, and does not adjourn, that meeting.

30. Person to chair meeting

30.1 Annual and special general meetings must be chaired by the president of the council.

30.2 If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.

30.3 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.

31. Participation by other than eligible voters

31.1 Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.

31.2 Persons who are not eligible to vote may participate in the discussion at a meeting, but only if permitted to do so by the chair of the meeting.

31.3 Tenants who are not eligible to vote, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

32. Voting

- 32.1 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the Act.
- 32.2 Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules.
- 32.3 At an annual or special general meeting, voting cards must be issued to eligible voters.
- 32.4 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.
- 32.5 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.
- 32.6 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.
- 32.7 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.
- 32.8 Despite anything in bylaws 32.1 to 32.7 (inclusive), an election of councilor removal of a council member must be held by secret ballot, if the secret ballot is requested by an eligible voter.

33. Electronic attendance at meetings

- 33.1 A person who is eligible to vote may attend an annual or special general meeting by electronic means so long as the person and the other participants can communicate with each other.
- 33.2 If an annual or special general meeting is held by electronic means with a person, the person is deemed to be present in person for the purposes of the meeting.

34. Order of business

- 34.1 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.

Voluntary Dispute Resolution

35. Voluntary dispute resolution

- 35.1 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.
- 35.2 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.
- 35.3 The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

Small Claims Court Proceedings

36. Authorization to proceed

36.1 The strata corporation may proceed under the Small Claims Act, without further authorization by the owners, to recover from an owner or other person, by an action in debt in Small Claims Court, money owing to the strata corporation, including money owing as administration fees, bank charges, fines, penalties, interest or the costs, including legal costs, of remedying a contravention of the bylaws or rules and to recover money which the strata corporation is required to expend as a result of the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family.

Liability of Owners and Insurance Deductible

37 Strict Liability

37.1 In addition to the obligations and liabilities imposed by Bylaw 4.4, an owner is strictly liable to the strata corporation and to other owners and occupants for any damage to common property, limited common property, common assets or to any strata lot, and more specifically the insurance deductible in each case, as a result of:

- (a) any of the following items located in the owner's strata lot:
 - (i) dishwasher;
 - (ii) refrigerator with ice/water dispensing capabilities;
 - (iii) garburator;
 - (iv) hot water tank;
 - (v) washing machine;
 - (vi) radiant heating system, including boiler;

- (vii) toilets, sinks, bathtubs and, where located wholly within the strata lot and accessible to the owner, plumbing pipes, fixtures and hoses;
- (viii) fireplaces;
- (ix) hot tubs;
- (x) anything introduced into the strata lot by the owner;

(b) any alterations or additions to the strata lot, the limited common property or the common property made by the owner or by prior owner(s) of the strata lot;

(c) any of the following areas of limited common property that an owner is required to maintain and repair:

- (i) damage arising from a blocked drain on a deck, balcony or patio forming part of the strata lot or designated as limited common property for the owner's strata lot

(d) any pets residing in or visiting at the owner's strata lot.

37.2 An owner shall indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered necessary to the common property, limited common property, common assets or to any strata lot arising from Bylaw 4.4 above, but only to the extent that such expense (the insurance deductible) is not reimbursed from the proceeds received by operation of any insurance policy held by the strata corporation. In such circumstances, any insurance deductible paid or payable by the strata corporation shall be considered an expense not covered by the proceeds received by the strata corporation as insurance coverage and will be charged to the owner.

37.3 Any insurance deductible charged to an owner shall be added to and become part of the yearly strata fee of that owner.

37.4 Bylaws 37.1, 37.2 and 37.3 do not in any way limit the strata corporation's ability to rely upon section 158(2) of the Strata Property Act.

Marketing Activities by Owners and Occupants

38. Sale of a strata lot

- 38.1 Real estate signs must not be displayed in a strata lot or on the common property except in the location designated by the strata corporation for real estate signs.

Insurance

39. Insuring against major perils

- 39.1 The strata corporation must insure against major perils, as set out in regulation 9.1(2), including, without limitation, earthquakes.

Rentals, Parking, and Miscellaneous

40. Residential rentals

- 40.1 No owner may enter into a rental of any portion of a strata lot commencing August 17, 2005 unless:
- (a) the tenant must work or study on the UBC campus; or
 - (b) the owner must have failed, after using best efforts for a reasonable period of time, to rent to a tenant who works or studies at UBC campus.

- 40.2 Prior to possession of a strata lot by a tenant, an owner must deliver to the tenant the current bylaws and rules of the strata corporation and a Notice of Tenant's Responsibilities in Form K.
- 40.3 Within two weeks of renting a strata lot, the landlord must give the strata corporation a copy of the Form K - Notice of Tenant's Responsibilities signed by the tenant, in accordance with section 146 of the Act.

41. Parking

- 41.1 An owner, tenant or occupant must not store unlicensed or uninsured vehicles on common property, including limited common property or on land that is a common asset.
- 41.2 An owner, tenant or occupant storing a vehicle must provide proof of valid insurance to the strata corporation on the commencement date of the storage and on request thereafter.
- 41.3 An owner, tenant, occupant or visitor must not permit a vehicle to be parked or left unattended in a manner that interferes with parking stalls, access lanes or no parking zones.
- 41.4 Any vehicle parked in violation of bylaw 41.3 will be subject to removal by a towing company authorized by council, and all costs associated with such removal will be charged to the owner of the strata lot.
- 41.5 An owner, tenant, occupant or visitor must not use any parking area as a work area for carpentry, renovations, repairs (including, but not exhaustively, sawing, drilling and the use of any adhesive or hardening compounds) or work on vehicles involving any automotive fluids or paints, motor tune ups or mechanical repairs.
- 41.6 An owner, tenant, occupant or visitor operating a vehicle in the parking areas must not exceed 15 km/hour.
- 41.7 Vehicles dripping oil or gasoline will be prohibited from parking until re-

paired. Owners, tenants or occupants of vehicles causing oil stains upon notification by strata council, clean up all drippings, and on failure to do so after seven (7) days notice, the owner will be assessed a minimum of \$100.00 for the costs of clean up.

- 41.8 An owner, tenant or occupant must not park on any part of the common property, including limited common property, any of the following: any recreational vehicle, including without limitation, any motorhome, house trailer, camper, tent trailer, or fifthwheel, boat, trailer, all terrain vehicle, truck or agricultural implement or other vehicle that exceeds 18 feet in length.
- 41.9 No owner, tenant or occupant shall store any material in the parking stalls without the written permission of the strata council. Any materials left in parking stalls will be removed and disposed of by the strata corporation.
- 41.10 The strata corporation shall be responsible for the repair and maintenance, including power washing, of the parking area and parking stalls (the "Parking Garage").
- 41.11 Owners, tenants and occupants must remove their vehicles at the strata council's request from the parking garage in order to facilitate the repair and maintenance, including power washing, of the Parking Garage.
- 41.12 Any vehicle parked in violation of Bylaw 41.11, will be subject to removal by a towing company authorized by the strata council and all costs associated with such removal shall be charged to the owner of the strata lot.

42. Miscellaneous

- 42.1 An owner, tenant, occupant or visitor must not hinder or restrict sidewalks, entrances, exits, halls, passageways, stairways and other parts of the common property. Hindrance and restriction includes the keeping of personal items and garbage.
- 42.2 An owner, tenant or occupant must not permit any person to play or loiter in the garden areas, on common property or on land that is a common

asset, unless such common property or common asset is a playground.

- 42.3 Subject to bylaw 38.1, an owner, tenant or occupant must not erect or display or permit to be erected or displayed any signs, fences, billboards, placards, advertising, notices or other fixtures of any kind on the common property or in a strata lot, unless authorized by council. This shall include exterior painting and the addition of wood, ironwork, concrete or other materials.
- 42.4 An owner, tenant, occupant or visitor must not shake rugs, carpets, mops or dusters of any kind from any balcony, window, stairway or other part of a strata lot or common property.
- 42.5 An owner, tenant or occupant must ensure that drapes or blinds visible from the outside of the building are cream or white in colour.
- 42.6 An owner, tenant or occupant must ensure that no air conditioning units, flags, or other articles are hung or displayed from windows, balconies or other parts of the building so that they are visible from the outside of any building.
- 42.7 An owner, tenant or occupant must not display or erect fixtures, poles, storage sheds and similar structures permanently or temporarily on limited common property, common property or land that is a common asset. Despite the foregoing, the placing of items on limited common property balconies, roof decks or patio areas shall be limited to free standing, self contained planter boxes or containers, summer furniture and accessories, and free-standing clothes drying racks.
- 42.8 An owner, tenant or occupant must keep limited common property designated for the exclusive use of a strata lot clear of snow, ice and slush.
- 42.9 An owner, tenant or occupant must ensure that any exterior fabric covering or sun umbrellas on terraces or balconies are made from sun umbrella fabric in the following colours only: black, Captain's Navy or Taupe. An

owner, tenant or occupant wanting to have any other colour must obtain the prior written approval of the strata corporation.

- 42.10 An owner, tenant or occupant must use only barbecues fuelled by propane, natural gas or electricity. An owner, tenant or occupant must not operate a barbecue in a manner which, in the opinion of the council, interferes with another owner's, tenant's or occupant's enjoyment of a strata lot or the common property, including limited common property. All barbecues must be kept, at minimum, 24 inches away from exterior walls. Owners are responsible for any damage to the building exterior caused by barbecues and the use of barbecues. An owner, tenant or occupant must not barbecue after 10:00 p.m.
- 42.11 An owner, tenant or occupant must take all steps to minimize fire hazards. An owner, tenant, occupant or visitor must not bring onto or store in a strata lot or on common property, including limited common property, anything that will increase or tend to increase the risk of fire or the rate of fire insurance or any other insurance held by the strata corporation or that would invalidate any insurance policy.
- 42.12 An owner, tenant or occupant must secure all household refuse and recycling material in suitable plastic bags or recycling containers. Owners, tenants and occupants must comply with the City of Vancouver and University of British Columbia's recycling programs, as applicable.
- 42.13 An owner, tenant or occupant must remove from a strata lot and the common property, including limited common property, at the owner's, tenant's or occupant's cost and expense, any waste material other than ordinary household refuse and normally-collected recycling materials.
- 42.14 An owner, tenant or occupant must not hang, attach or install any awning, shade, screen, smoke stack, satellite dish, radio or television antennae to

the common property, including limited common property or the exterior of a strata lot, without prior written consent of council.

- 42.15 An owner, tenant or occupant must not use a balcony, patio or roof deck for storage of bicycles, refrigerators, freezers, storage boxes or cleaning materials. Despite the foregoing, the placing of items on balconies, patios or roof decks shall be limited to free standing, self contained planter boxes or containers, barbecues, summer furniture and accessories.
- 42.16 An owner, tenant or occupant is responsible for anyone they admit to the common property, including without limitation, realtors, agents, contractors, servants, licensees and visitors.
- 42.17 Council shall form a security committee to establish guidelines for the security of the common property including establishment of a voluntary crime prevention program such as Block Watch.
- 42.18 An owner, tenant or occupant must not use inline skates and skateboards on the common property or in a strata lot.
- 42.19 An owner, tenant or occupant may post notices on the designated bulletin board, subject to being removed by the strata council if deemed inappropriate or posted for in excess of one (1) week.
- 42.20 An owner, tenant or occupant must not conduct a conversation or telephone call from any patio or balcony or in any way carry on any such activity which would disturb any other owner, tenant or occupant.
- 42.21 An owner, tenant or occupant must not dispose of residual water from cleaning of balcony decks or watering plants off the edge of the balcony or through the balcony drainage scupper.
- 42.22 (repealed)
- 42.23 An owner, tenant or occupant must not ignite firecrackers or fireworks in any strata lot or in the common property.
- 42.24 An owner, tenant or occupant must place pianos or organs against outside

walls only, never against inside adjoining walls. Hours of piano or organ playing should be between 10:00 a.m. and 9:00 p.m. daily.

Rule #1: Landscaped Areas

(adopted by council on March 8, 2006; ratified by AGM on November 8, 2006)

Given the Interest of Owners in maintaining the integrity of landscape planting and maintenance, the following guidelines have been established by the Strata Corporation:

1. East Mall/Logan Lane/Eagles Drive/Community Park

The Strata Corporation under the direction of the Landscape Committee shall maintain garden areas fronting East Mall, Logan Lane, Eagles Drive and Community Park . No alterations to existing planting or additions to the planted areas shall be made without the express authority of the Landscape Committee.

2. Planting Areas Adjacent to Patios

All planting areas shall be maintained and planted by the Strata Corporation under the direction of the Landscape Committee. No alterations to existing planting or additions to the planted areas shall be made without the express authority of the Landscape Committee.

3. Limited Common Property Adjacent to Patios

The Strata Corporation under the direction of the Landscape Committee shall maintain the original plant material as specified on the approved landscape plan. Original plant material may be removed or altered by the owners with written consent from the Landscape Committee.

Owners wishing to add plant material to the Limited Common Property areas adjacent to patios may do so at their own expense and shall maintain the additional plant material. No plant material shall be introduced into the Limited Common Property areas that in any way will cause harm to the original plant material. In addition, owners should not add invasive plants

to the Limited Common Property areas without written consent from the Landscape Committee.

4. Owners' Responsibilities

Owners are responsible for the cost of repair and/or replacement of original plant material damaged by an owner by the application of this Rule.

Rule #2: Policies for Quieter Living

(first adopted by council on July 5, 2006; revised in 2007; ratified by AGM on November 6, 2007)

1. Noise between units

Please do not place pianos, speakers, etc. against shared walls. If you have hardwood floors, please be aware that noise transfer may be magnified between units. Area rugs can help absorb noise. If playing musical instruments, please keep windows closed.

2. Quiet Hours

The official policies of UBC and UEL mandate quiet hours after 11PM. We suggest 10PM-7:30AM as hours when neighbours would especially appreciate quiet. Please refrain from using garburators, dishwasher, vacuums, etc. during these hours. If you are planning renovations, please be aware that work hours are restricted to 7:30AM to 7PM, Monday through Friday, and 9AM to 5PM on Saturdays. No renovation work may be done on Sundays and statutory holidays unless specific relief is granted in advance by UBC Properties Trust.

3. Outdoor Noise

Outdoor noise (patios and park) can be disruptive. Please be conscious of evening noise. For disruptive noise past 11PM, please contact the RCMP at 604-224-1322.

4. Noise problems

If you receive a noise problem from a neighbour, please consider expressing your concerns directly. If the issue is not addressed adequately, or you are uncomfortable approaching a neighbour, please contact the property manager at 604-904-9595 or by e-mail.

Rule #3: Second-Hand Smoke Policy

Smoking on patios and balconies and the resulting second-hand smoke interferes unreasonably with the rights of neighbouring owners to enjoy a healthy environment. In consideration of the health hazard caused by second-hand smoke, and following sections 4.1(a), 4.1(c), and 4.1(f) of Strata Bylaw BCS 1419, and in further consideration of the 2008 amendment to the *Tobacco Control Act* of British Columbia and the no-smoking regulations of the University of British Columbia, the following Rule was adopted and ratified by the AGM on October 28, 2008:

1. Smoking Prohibitions

Smoking is prohibited in all common areas, including all of the parkade, on limited common property, including all balconies and patios, and within 6 meters of any door, entrance or window.

Rule #4: Realtor Signs

A realtor sign for a unit may be displayed only on the dedicated realtor sign post while the unit is offered for sale and must be removed no later than two weeks after the unit has been sold.

Rule #5: Election Signage

In consideration of the restriction imposed by Bylaw Section 42.3 on the replacement of signs, billboards, advertising and placards on common property and limited common property, the Strata Corporation grants permission to display political advertising posters during an election period for a federal, provincial or municipal election (including the University Neighbourhood Association) subject to limitations on location, duration and size.

- a) Political lawn signs may be placed next to an entry gate to a unit in such a way that it can be attributed clearly to that unit.
- b) Political lawn signs may be displayed commencing on the day the election is called, (the writ of the election is issued). Signs must be removed within one week after the election is held.
- c) The height and width of political lawn signs may not exceed one metre.