

# **Strata Plan L.M.S. 101**

## **Strata Corporation 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.
- (2) An owner is not entitled to vote at any general meeting unless all contributions in respect of his strata lot have been paid.
- (3) If an owner fails to pay strata fees at the required time, a late of \$50.00 will be charged within 5 days, plus interest at the rate of 10% per annum compounded annually. The late fee charge will also apply to special levy payments not paid within 5 days of the due date(s). [February 2017]

#### **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.

#### **General Use of Property**

- 3 (1) An owner or occupant 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 right 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 the strata plan
- (2) No business may be conducted in or around any unit which brings foot or vehicular traffic into the complex without written permission from the Strata Council. After a warning in writing, the owner of any unit in which such business exists will be subject to a fine or \$200.00 per week for each week the business continues to operate in the unit.

- (3) An owner or occupant 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) An owner or occupant must not hang laundry on the limited common property or common property or in a strata lot in a manner which would permit it to be visible from outside the strata lot.
- (5) An owner or occupant must not fasten television or radio antennas or similar appurtenances to the outside of any unit except in connection with a common television cable system authorized by the council.
- (6) An owner or occupant must not leave toys, bicycles or other objects on the common property.
- (7) An owner or occupant must not place signs, advertising matter, or notices of any kind on the limited common property or the common property or in a strata lot if it is visible from outside of the strata lot. For sale signs must be restricted to display on the post allowed for that purpose only, situated at the entry to the property.

#### **Fire and Safety**

- 4 (1) No owner may do anything or permit anything to be done on his strata lot, the limited common property or the common property which may increase the risk of fire or the rate of fire insurance premiums or other insurance premiums.
- (2) Owners must try to conserve the plumbing system and the electrical system of their lot, and any damage to these systems caused by the wrongful act or neglect of an owner, occupant, or guest will be repaired at the expense of the owner.
- (3) No owner may permit a condition to exist within a lot which results in excessive consumption of domestic water supply.
- (4) Owners must ensure units are adequately heated during cold weather.

#### **Household Garbage**

- 5 (1) Owners or occupants must properly wrap household garbage and deposit in the containers provided for that purpose.
- (2) Owners or occupants must remove any materials other than ordinary household garbage at their own expense. This includes large items such as furniture, barbecues, and the like.
- (3) Nothing is to be left on the ground in or around the garbage enclosure. The City of Burnaby does not collect anything left outside the bins.
- (4) Cardboard boxes are to be torn up or flattened and put in the cardboard recycling bins or taken to the recycling depot.

- (5) The bins must not be overfilled so that their tops do not close completely.
- (6) The blue boxes are clearly labelled as to what can go in them. Owners or occupants are responsible for matching recyclable items with the proper blue boxes. When in doubt about any item, put it in a green bin.
- (7) Blue boxes must not be overfilled. If a box is full either
  - (a) hold the material until after the blue boxes have been emptied, or
  - (b) throw the material into a green bin.
- (8) Owners or occupants shall not compost on common property or adjacent to common property in green belts.

### **Keeping Pets**

- 6 (1) Owners are permitted to keep pets in their strata lots with these exceptions:
  - (a) Exotic animals or creatures which may cause offense to other owners, including dangerous breeds, are not permitted.
  - (b) Pets are not permitted in a strata lot where their number could cause a health hazard or other inconvenience to the occupants or other owners.
- (2) Dogs when on common property must be controlled on a leash of six feet or less, and owners are required to immediately clean up after them at all times when on common or limited common property.
- (3) Owners may feed birds from their limited common property. However, if undesirable scavenger birds or gulls are attracted to the feeding, or if the birds being fed make a mess in the area or otherwise cause inconvenience or discomfort to owners in the complex, the offending owner will be asked to desist.
- (4) Any owner who keeps a pet which proves to be a nuisance, whether on the strata lot or on common property, will be ordered in writing by the Strata Council to control the pet to eliminate the nuisance. If the owner fails to control the pet after that warning, the Strata Council will, in writing, order the removal of the animal permanently from LMS 101. If the owner fails to comply within seven days of receiving the written order, the owner will be fined according to Bylaw 31, during the time that the offending pet continues to occupy the premises.
- (5) All visitors of owners or tenants must be informed of the rules concerning pets and the owners/tenants are responsible for the enforcement of these rules.

### **Parking and Driving Vehicles**

- 7 (1) Vehicles must be driven at less than 15 kilometers per hour on the common property.
- (2) Only automobiles, vans,  $\frac{3}{4}$  or  $\frac{1}{2}$  ton trucks may be parked in designated stalls on common property. All other vehicles are prohibited.
- (3) Unlicensed, uninsured, or inoperative vehicles are at no time authorized on common property.
- (4) Vehicle or equipment maintenance, repairs, restoration, etc. may not be conducted on common

property.

- (5) Parking on roadways is prohibited.
- (6) Vehicles must not park in front of any unit where the vehicle is parallel to the garage door or where any wheels are on the LMS 101 roadway.
- (7) For the purposes of these parking bylaws, parking is defined as a vehicle not in motion and unattended for a period of more than ten (10) minutes.
- (8) Loading and unloading of recreational vehicles, boats, trailers, canoes and moving vehicles is permitted for reasonable periods of time, but only if the vehicle does not interfere with normal complex traffic or fire lanes.
- (9) Parking within the complex's car wash is prohibited at all times unless the vehicle is being washed.
- (10) Strata lot owners are responsible to ensure that their visitors and guests are aware of and comply with the parking bylaws and rules.
- (11) Breaches of these rules are subject to:
  - (a) fines assessed against the applicable strata lot, under bylaw 31, and
  - (b) the offending vehicle being removed from the property at the owner's expense.

### **Inform Strata Corporation**

- 8** 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.

### **Obtain Approval Before Altering A Strata Lot**

- 9** (1) An owner must obtain the written approval of the Strata Corporation before making an alteration to a strata lot that involves any of the following:
  - (a) the structure of a building;
  - (b) the exterior of a building;
  - (c) chimneys, stairs, balconies or other things attached to the exterior of a building;
  - (d) doors, windows or skylights, on the exterior of a building, or that front on the common property;
  - (e) fences, railings or similar structures that enclose a patio, balcony or yard;
  - (f) common property located within the boundaries of a strata lot;
  - (g) those parts of the strata lot which the Strata Corporation must insure under section 149 of The Act.
- (2) The Strata Corporation must not unreasonably withhold its approval under subsection (1), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

### **Obtain Approval Before Altering Common Property**

- 10** (1) An owner must obtain the written approval of the Strata Corporation before making an

- alteration to common property, including limited common property, or common assets.
- (1)(a) Installation of decks and/or patios is an alteration to limited common property and MUST be approved by the strata council prior to installation. Failure to do so will result in the removal of the unauthorized alteration at the owner(s)' expense.
  - (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.

### **Obtain Approval Before Renting Out a Strata Lot**

- 11**
- (1) Up to five strata lots may be rented at one time subject to Part 8 of the Strata Property Act.
  - (2) An owner who receives permission to rent a strata lot must provide the Strata Council with a Form K - Notice of Tenants Responsibilities in accordance with the Strata Property Regulations. Failure to provide a Form K will be cause for a \$100.00 per month fine against the owner of the strata lot for each month or portion for which the Form K has not been delivered to the strata council or the management company.
  - (3) If the Strata Council gives an owner permission to rent a strata lot, the owner must exercise that right within 60 days of the date of council approval.
  - (4) If an owner rents a strata lot without the approval of the Strata Council, the council may levy a fine of \$250.00 against the owner for each week, or portion, during which the invalid rental or lease occurs, and may take any necessary action to terminate the tenancy or lease agreement on behalf of the strata lot.
  - (5) At the time of sale or transfer of ownership of any rented strata lot, permissions to rent will terminate automatically.
  - (6) All rentals must be in the form of a lease for a period of at least 1 Year with a copy of the lease agreement submitted to Council along with the tenant information, Form K, and owner's contact information within two weeks of the lease agreement being in effect.

### **Permit Entry to Strata Lot**

- 12**
- (1) An owner, tenant, occupant or visitor must allow a person authorized by the Strata Corporation to enter the strata lot
    - (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and,
    - (b) at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets, and any portions of a strata lot that are the responsibility of the Strata Corporation to repair and maintain under these bylaws or insure under section 149 of The Act.
  - (2) The notice referred to in subsection (1)(b) must include the date and approximate time of entry, and the reason for entry.

## **Division 2: Powers and Duties of Strata Corporation**

## **Repair and Maintenance of Property by Strata Corporation**

**13** The Strata Corporation must repair and maintain all of the following:

- (1) common assets of the Strata Corporation;
- (2) common property that has not been designated as limited common property;
- (3) limited common property, but the duty to repair and maintain it is restricted to
  - (a) repair and maintenance that in the ordinary course of events occurs less often than once a year, and
  - (b) the following, no matter how often the repair or maintenance ordinarily occurs:
    - (i) the structure of a building
    - (ii) the exterior of a building
    - (iii) chimneys, stairs, balconies and other things attached to the exterior of a building
    - (iv) doors, windows or skylights on the exterior of a building or that front on the common property
    - (v) fences, railings and similar structures that enclose patios, balconies and yards
- (4) a strata lot, but the duty to repair and maintain it is restricted to
  - (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, and
  - (e) fences, railings and similar structures that enclose patios, balconies and yards

## **Insurance and Payments for Repairs**

### **14 INSURANCE**

- (1) The owner will be responsible for any insurance deductible portion of a claim if the owner is responsible for the loss or damage that gave rise to the Strata Corporation claim. If the loss or damage is less than the insurance deductible, the amount will be deemed the owner's responsibility if the cause is under the responsibility of the owner.
- (2) Any claims that the owner is deemed responsible for, may result in the owner of the Strata Lot being sued in a British Columbia court for the insurance deductible.
- (3) Owners and tenants are advised to obtain a Tenant's or Condominium Homeowner's insurance policy for their personal belongings and liability to ensure that their policy carries a "loss assessment" coverage should the Strata Corporation deductible be charged back to the owner responsible.

## Division 3: Council

### Council Size

17 The Council must have at least 3 and not more than 7 members.

### Council Members' Terms

18 (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

19 (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.

(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

20 (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 15% 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.

### Calling Council Meetings

22 (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**

- 23**
- (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**

- 24**
- (1) A quorum of the council is;
    - (a) 2, if the council consists of 3 or 4 members,
    - (b) 3, if the council consists of 5 or 6 members, and
    - (c) 4, if the council consists of 7 members.
  - (2) Council members must be present in person at the council meeting to be counted in establishing quorum.

### **Council Meetings**

- 25**
- (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) Avonlea council meetings are open to any owner that wishes to attend a meeting. The Owner will attend as an observer only and cannot participate in any way. The owner must provide our Property Manager with 7 days advanced notice of their intention to attend a council meeting. Should an observer attempt to participate in the meeting they may be asked to leave the meeting immediately. Disruption of a strata council meeting by an observer will not be tolerated and could be subject to fines as per the Strata Corporation bylaws. [February, 2017]
  - (4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following;
    - (a) Bylaw contravention hearings under section 135 of The Act,
    - (b) rental restriction bylaws 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 the individual's privacy.

### **Voting at Council Meetings**

- 26**
- (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.



- (2) If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- (3) The results of all votes at a council meeting must be recorded in the council meeting minutes.

### **Council to Inform Owners of Minutes**

- 27** 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**

- 28** (1) Subject to subsections (2) to (4), the council may delegate some or all of its powers and duties one or more council members or persons who are not members of the council, and may revoke the delegation.
- (2) The council may delegate its spending powers or duties, but only by a resolution that
    - (a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
    - (b) delegates the general authority to make expenditures in accordance with subsection (3).
  - (3) A delegation of a general authority to make expenditures must
    - (a) set a maximum amount that may be spent, and
    - (b) indicate the purposes for which, or the conditions under which, the money may be spent.
  - (4) The council may not delegate its powers to determine, based on the facts of a particular case,
    - (a) whether a person has contravened a bylaw or rule
    - (b) whether a person should be fined and the amount of the fine.

### **Spending Restrictions**

- 29** (1) A person may not spend the Strata Corporation's money unless the person has been delegated the power to do so.
- (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**

- 30** (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 judgement against the Strata Corporation.

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

### **Maximum Fine**

- 31** The Strata Corporation may fine an owner or tenant a maximum of
- (1) \$200 for each contravention of a bylaw, and
  - (2) \$10 for each contravention of a rule

### **Continuing Contravention**

- 32** If an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption for longer than 30 days, a fine may be imposed every 30 days.

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

### **Person to Chair Meeting**

- 33**
- (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**

- 34**
- (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**

- 35**
- (1) At an annual or special general meeting, voting cards must be issued to eligible voters.
  - (2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
  - (3) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.
  - (4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.

- (5) If there is a tie vote at an annual or special general meeting, the president, or if the president is absent or unable or unwilling to vote, the vice-president may break the tie by casting a second, deciding vote.
- (6) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.

### **Order of Business**

**36** The order of business at annual and special general meetings is as follows:

- (1) Certify proxies and corporate representatives and issue voting cards.
- (2) Determine that there is a quorum.
- (3) Elect a person to chair the meeting, if necessary.
- (4) Present to the meeting proof of notice of meeting or waiver of notice.
- (5) Approve the agenda.
- (6) Approve minutes from the last annual meeting and from any subsequent special general meetings.
- (7) Deal with unfinished business.
- (8) 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.
- (9) Ratify any new rules made by the Strata Corporation under Section 125 of The Act.
- (10) Report on insurance coverage in accordance with Section 154 of The Act, if the meeting is an annual general meeting.
- (11) Approve the budget for the coming year in accordance with Section 103 of The Act, if the meeting is an annual general meeting.
- (12) Deal with new business, including any matters about which notice has been given under Section 45 of The Act.
- (13) Elect a council, if the meeting is an annual general meeting.
- (14) End the meeting.

## **Division 6: Voluntary Dispute Resolution**

### **Voluntary Dispute Resolution**

- 37**
- (1) A dispute among owners, tenants, the Strata Corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if:
    - (a) all the parties to the dispute consent, and
    - (b) the dispute involves The Act, the regulations, the bylaws or the rules.
  - (2) A dispute resolution committee consists of:
    - (a) one owner or tenant of the Strata Corporation nominated by each of the disputing parties and one owner or tenant chosen to chair the committee by the persons nominated by the disputing parties, or
    - (b) any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties.
  - (3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.