

CONSOLIDATED VANIER COURT BYLAWS

Approved at SGM held on Monday, 26 January 2015, as amended at AGM held on Tuesday, 20 February 2018, as amended at AGM held on Tuesday, 5 February 2019, as amended at SGM held on Tuesday, 21 September 2021, as amended at AGM held on Tuesday, 1 March 2022, as amended at AGM held on Monday, 27 February 2023

and

Bylaw 2(c) registered on June 12, 1989 setting out an occupancy age restriction

Extracts from the *Strata Property Act* [SBC 1998] CHAPTER 43 . . .

119 (1) The strata corporation must have bylaws.

(2) The bylaws may provide for the control, management, maintenance, use and enjoyment of the strata lots, common property and common assets of the strata corporation and for the administration of the strata corporation.

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(7) Once a rule has been ratified under subsection (6), it is effective until it is repealed, replaced or altered, without the need for further ratification.

**The Owners, Strata Plan VR 255
Vanier Court**

All previously registered bylaws are repealed, and replaced with the following bylaws, with the exception that bylaw 2(c) registered on June 12, 1989 setting out an occupancy age restriction is still in force and effect.

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THE OWNERS STRATA PLAN VR 255 - VANIER COURT BYLAWS

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Preamble

These bylaws bind the strata corporation and the owners, tenants and occupants to the same extent as if the bylaws had been signed by the strata corporation and each owner, tenant and occupant and contained covenants on the part of the strata corporation with each owner, tenant and occupant and on the part of each owner, tenant and occupant with every other owner, tenant and occupant and with the strata corporation to observe and perform their provisions.

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 for which the strata fees are payable. If an owner fails to pay strata fees at the required time, the strata corporation may charge interest at the rate of the greater of either 10% per annum compounded annually, or the maximum rate per annum compounded annually as set by the **Strata Property Regulation**, and, additionally, the owner may be fined \$25.00 for each month the strata fees remain unpaid.

(2) A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy. If an owner fails to pay a special levy at the required time, the strata corporation may charge interest at the rate of the greater of either 10% per annum compounded annually or the maximum rate per annum compounded annually as set by the **Strata Property Regulation**, and, in addition, the owner may be fined \$50.00 for each month the special levy remains unpaid.

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) Where an owner must repair, add, or alter the electrical system or the water or waste water systems, or have attachments made to any of these systems in the owner's strata lot, the owner shall apply to the Strata Council for its written permission except where common minor repairs are required. The owner shall also obtain the requisite building and trade permits from the City of Vancouver.
 - (3) The strata council shall require the strata lot owner to provide proof of any necessary building permits, and electrical and plumbing trade permits. The council reserves the right to require, or have an owner provide, specified professional supervision or inspection, or both, of approved alterations, additions or attachments to the electrical system or the water or waste water systems in the Owner's strata lot. The council may include specified supervision or inspection as a requirement of its approval.
 - (4) The Strata Council shall require strata lot owners to ensure that any repairs, additions, and alterations of or attachments to the electrical

system or the water or waste water systems in a strata lot are carried out by qualified, licensed tradespersons who shall have obtained the requisite trade permits from the City of Vancouver.

(5) An owner who replaces or installs new carpeting and/or hard-surfaced or soft-surfaced flooring in their strata lot shall install sound dampening material under that flooring, which at the time of installation meets the Vancouver Building Bylaw sound transmission requirements.

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, common property or common asset is intended as shown expressly or by necessary implication on or by the strata plan.
- (2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the **Strata Property Act (Act)**.
- (3) 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, or to their strata lot by the owner's act, neglect 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 expenses are not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, and for the purposes of bylaws 3(1) and 3(2), 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.
- (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 in an aquarium up to 136 litres (30 gallons) in size;
 - (b) up to two (2) caged birds;
 - (c) up to three (3) dogs; or three (3) cats; or an aggregate number of dogs and cats not exceeding three (3) in total.

(5) An owner, tenant or occupant must apply to the council to register a pet (a "Permitted Pet") with the council within 30 days of the pet residing on a strata lot (or the passage of this bylaw) and by providing, in writing, the name of the Permitted Pet, breed, colour and markings, together with the name, strata lot number and telephone number of the pet owner.

(6) An owner, tenant, occupant or visitor must ensure that all pets are leashed by means of a leash not exceeding or extending beyond 1 metre (39 inches) in length or otherwise secured (caged, crated or carried) when on the common property or on land that is a common asset. The owner is responsible for the immediate clean-up of any pet vomit, urine and excrement that occurs on common property or on land that is a common asset.

(7) An owner, tenant, occupant must not keep a pet which 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 which, in the opinion of council, is a nuisance or has caused or is causing an unreasonable interference with the use and enjoyment by residents 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.

(8) An owner, tenant or occupant shall not feed any birds, including but not limited to pigeons or seagulls, or any wild animals, including but not limited to squirrels, from a strata lot or from anywhere on common property or on land that is a common asset.

(9) An owner, tenant or occupant shall ensure that any refuse, other than ordinary household garbage placed in the building's dumpster, belonging to him/her is removed from common property, or from land that is a common asset at the owner's own expense.

(10) An owner, tenant or occupant shall leave the laundry room clean and ready to be used by the next person by:

- (a) cleaning the dryer and washer lint traps;
- (b) wiping down washers and dryers;
- (c) cleaning the sink; and
- (d) observing the rules posted in the laundry room.

An owner, tenant or occupant shall not permit the use of the laundry room facilities by a non-resident(s).

(11) An owner, tenant or occupant shall provide authorization in writing or by electronic transmission to the Property Manager or their designate on each occasion if he/she wishes the Property Manager or their designate to admit service personnel to their suite. Verbal permission is not sufficient.

(12) An owner, tenant or occupant shall endeavour to conserve the plumbing, heating and electrical systems of the building and damage to any of these systems caused by the wrongful act or neglect of an owner,

tenant, occupant or visitor shall be repaired by the strata corporation at the expense of the applicable owner.

(13) Bicycles are not permitted to be wheeled in the hallways or lobbies of the building; however, they may be carried through the hallways or lobbies to the strata lots.

(14) An owner, tenant, occupant or visitor shall not make, cause, allow or permit noise in or about any strata lot, the common property or on land that is a common asset that is a nuisance or unreasonably interferes with the use and enjoyment of the strata lot, or the common property by another resident, including but not limited to:

(a) the noise resulting from a gathering of one or more persons at any time, where one or more human voice is raised beyond the level of ordinary conversation,

(b) the sound of a radio, television, player or other sound playback device, public address system, or any other music or voice amplification equipment, musical instrument, whether recorded or live, whether amplified or not,

(c) the sound of a barking dog or the cry of an animal or bird,

(d) the noise resulting from construction except during the hours and days as stated below:

Monday to Friday: 8:00 a.m. to 8:00 p.m.

Saturday: 10:00 a.m. to 6:00 p.m.

(15) An owner, tenant or occupant shall not hang or permit anyone else to hang clothing, bedding, laundry or washing in or about a strata lot where it is visible from the exterior of the building or hang such items anywhere on common property or on land that is a common asset.

(16) An owner, tenant or occupant shall not do any action or neglect to do an action which will or could increase the risk of fire or the premium of the strata corporation's fire insurance, and/or will or could increase the risk of liability and other insured perils, or the premium of the strata corporation's liability and other perils insurance.

(17) An owner, tenant or occupant shall not place or allow to be placed on a patio, deck or balcony any plants, furniture or any other item(s) which may exceed the recommended 15 kilograms per 0.09 square metre (40 pounds per square foot) load limit of the patio, deck or balcony. Notwithstanding the generality of the foregoing, no single plant container on a patio, deck or balcony shall exceed 0.23 cubic metre or 226 litres (8 cubic feet) in total size. Plant containers must be spaced at least 50.8 cm (20 inches) apart to avoid the maximum load limits being exceeded.

(18) An owner, tenant or occupant shall not do or permit anything to be done that may cause damage to trees, plants, bushes, flowers or lawns or that may prevent growth or interfere with the cutting or watering of the lawns or the maintenance of the grounds generally.

(19) An owner, tenant or occupant shall ensure that all flower baskets and boxes, including hanging ones, are contained within a deck or balcony as follows:

- a. No balcony railing mounting devices are to be visible from the exterior of the building;
- b. Flower boxes are not to be mounted higher than the top of the metal balcony railing or pony wall and shall be stained or painted the same colour as the railing or pony wall;
- c. All boxes, pots, baskets, etc. must be hung or suspended within the confines of the deck or balcony and not over or outside of the balcony railing or deck pony wall.

(20) No one shall water plants or clean their patio, deck or balcony so that the water excessively overflows on to another patio, deck, balcony or an entranceway.

(21) An owner, tenant or occupant shall not shake mops, dusters or mats of any kind out of a window, on and/or off a patio, deck or balcony; or throw anything out of a window or off a patio, deck or balcony.

(22) An owner, tenant or occupant shall not erect, place, allow, keep or display signs, billboards, advertising material or other notices or displays of any kind in a strata lot so as to be visible from outside the strata lot, or anywhere on common property or anywhere on land that is a common asset unless they have received the prior written consent of the council.

(23) No owner, tenant or occupant shall obstruct or permit to be obstructed the sidewalks, walkways, passages, driveways or parking areas located on common property or on land that is a common asset.

(24) An owner, tenant or occupant shall not use the recreational or other facilities except in accordance with these bylaws and rules. Violating the bylaws or rules may result in the person being denied the use of the recreational or other facilities.

(25) An owner, tenant or occupant shall not allow the area around their strata lot to be untidy or unsanitary. If the owner of the strata lot in question fails to clean up the area around their strata lot after being given written notice to do so by council, the council may order the removal of any rubbish, the clean-up of the area and charge any expense so incurred to the owner.

(26) An owner, tenant or occupant shall not leave property (personal or otherwise), including bicycles, on the common property or on land that is a common asset except in areas authorized for that specific purposes. Where a safety issue exists, the personal property may be relocated by the strata corporation at the expense of the owner, tenant or occupant.

(27) An owner, tenant or occupant shall not permit:

- a) the accumulation of combustible materials in any part of a hallway, exit, ventilation shaft, crawl or ceiling space in common property or on land that is a common asset, or

b) the accumulation of combustibles in or around a strata lot, or

c) storage of combustibles in service rooms.

(28) An owner, tenant or occupant:

a) may store a small supply of wood and/or flammable fuel not greater than 5 litres, normally used in fireplaces or outdoor barbecues, in a strata lot.

b) except where otherwise provided in paragraphs (a) and (c), shall not store combustible, flammable or offensive substances in their strata lot, common property or land that is a common asset.

c) may be permitted to store firewood for wood-burning fireplaces in those common property areas as permitted by an exclusive use resolution between the Strata Corporation and that strata lot owner.

d) except where otherwise provided in paragraph (a), shall not permit propane storage in a strata lot or in common property.

(29) No one shall smoke anywhere on common property and on land that is a common asset, except on those patios, decks and balconies directly attached to or accessible from a strata lot.

(30) The owner(s) of each strata lot is/are allotted common area keys including the first two (2) front lobby keys for one-bedroom owners and the first three (3) front lobby keys for two-bedroom owners. Additional keys will be provided for a Five (\$5.00) Dollars administration fee for each replacement key. The administration fee shall not be charged when the strata corporation re-keys the common area keys except for replacement keys to common property governed by exclusive-use agreements.

(31) Consistent with the City of Vancouver Bylaws, no owner, tenant or occupant may discharge or cause to be discharged any forbidden substance into any drain or storm sewer on the property.

(32) An owner of a one –bedroom strata lot must not install an in-suite washing machine and clothes dryer in the owner's strata lot without the written approval of the strata corporation. An owner of a one-bedroom strata lot may request approval for the installation and use of an in-suite washing machine and clothes dryer in the owner's strata lot by applying, in writing or by electronic transmission, to the Strata Corporation in care of the Property Manager. The application must meet all of the following criteria:

(33) The washing machine shall, at a minimum, be a low water usage, low sudsing, front loading unit with a maximum spin cycle of 1600 rpm or less and with vibration isolation.

(34) No venting shall be installed. No venting shall be installed through the common exterior wall or through the bathroom exhaust system.

(35) In-suite plumbing for a washing machine shall include readily accessible ball-cock shut-off valves located on the side of the laundry equipment and not behind the equipment, water hammer arrestors and stainless steel braid washing machine hoses instead of rubber hoses.

(36) Where an owner has a dishwasher and/or a washing machine installed in their strata lot, the owner shall ensure that the appliances are connected by stainless steel braid hoses to the water supply connections.

(37) Owners and tenants shall remove from the property and dispose of their heavy goods, or construction and/or renovation materials (such as dry wall, lumber, doors, plumbing fixtures, etc.) by, or under the direction of the responsible owner, tenant or occupant and at the owner's or tenant's own expense.

(38) No one, except as authorized by the Strata Council, shall walk on the building's roof area that is not protected by decking.

(39) Strata lots and enclosed balconies, decks and patios may have window coverings, which, when viewed from the exterior, must be white or neutral in colour;

(40) Where balconies, decks or patios are enclosed, the strata lot's existing sliding glass doors and windows shall remain and not be altered or removed without Strata Council's written permission;

(41) No moves of heavy goods, furniture and construction material deliveries, etc. shall be made through the building front door and lobby except with the prior written approval of Council.

(42) In order to maintain building security, owners and tenants shall ensure that all open entrance doors, including garage doors, must be attended at all times by the respective strata lot owner, tenant or their representative during moving in and out, renovations and deliveries.

(43) All household moves and deliveries and removals shall be begun and completed between the hours of 8:00 am and 8:00 pm. The elevator must not be locked off between 4:30 pm to 8:00 am. No moves in or out, or deliveries or removals shall be made on Saturday and Sunday without prior arrangements with Council or the Property Manager or their designate.

(44) Strata lot construction, where Council or designate has approved in writing the alteration of a strata lot, may only be carried out during the hours and days as stated below:

- i. Monday to Friday: 8:00 a.m. to 8:00 p.m.
- ii. Saturday: 10:00 a.m. to 6:00 p.m.

Construction is not permitted on Sundays or statutory holidays.

(45) Upon entering or exiting a garage, owners, tenants and occupants shall wait for the building's garage door to close before proceeding away from the garage door.

(46) Owners, tenants and occupants are prohibited from using, or allowing to be used, all or part of a strata lot as a vacation, travel or temporary accommodation in exchange for any form of remuneration. The strata corporation may fine an owner or tenant a maximum of \$1,000 for each contravention of this bylaw, and in the case of a continuing contravention, a fine may be imposed daily. [adopted February 5, 2019]

(47) Owners shall not rent their strata lot for a period less than six (6) consecutive months except when the tenancy agreement is terminated earlier than its expiry date, and or as permitted by resolution of Council in writing. [adopted February 27, 2023]

Notification of new ownership

- 4** (1) Within 14 days of becoming an owner of a strata lot, the new owner must inform the strata corporation of the owner's name, any occupants' names, strata lot number and mailing address outside the strata plan, if any.

Obtaining approval before altering a strata lot

- 5** (1) An owner must obtain the written approval of the Strata Council before making or authorizing an alteration to a strata lot that involves any of the following:

- (a) the structure of the building;
- (b) the exterior of the building;
- (c) patios, chimneys, stairs, balconies or other things attached to the exterior of the building;
- (d) doors, windows or skylights on the exterior of the building, or that front on common property or land that is a common asset;
- (e) fences, railings or similar structures that enclose a patio, balcony, deck or yard;
- (f) common property located within the boundaries of a strata lot; and
- (g) interior ceilings, walls and floors of a strata lot;

(2) Strata Council must not unreasonably withhold its approval under subsection (1), and shall require as a condition of its approval that the owner agree, in writing, to take responsibilities 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.

(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.

(4) Strata council shall not make or authorize an alteration to a strata lot that involves any of the following:

- (a) the application of foil, or opaque or translucent material on the glazing of doors, windows or skylights on the exterior of the building, or that front on common property or land that is a common asset; and
- (b) the application of non-clear ultra-violet (UV) filtering material on the glazing of doors, windows or skylights on the exterior of the building, or that front on common property or land that is a common asset.

Obtaining approval before altering common property

- 6 (1) An owner must obtain the written approval of Strata Council before making or authorizing an alteration to common property or common assets.
- (2) An owner, as part of their application to the strata corporation for permission to alter common property or common assets, must:
- (a) submit in writing, detailed plans and description of the intended alteration, and
 - (b) obtain all applicable assessments, permits, licenses and approvals from the appropriate government authorities and provide copies to the Strata Council or their designate.
- (3) Strata Council shall require as a condition of its approval that the owner agree, in writing to take responsibility for any expenses relating to the alteration, addition or attachment.

Alterations, additions or attachments to a strata lot or common property

- 7 (1) An owner who receives approval shall be liable for all costs connected with the alteration, addition or attachment, including the cost of repairing and maintaining the alteration, addition or attachment and the cost of repairing and maintaining the common property or a strata lot if such repair is required as a result of the alteration, addition or attachment. An owner who receives approval shall be required by the council to sign an *Assumption of Liability Agreement*.
- (2) The owner shall ensure that the applicable assessments, building and trade permits are obtained prior to commencing the work, and shall acknowledge that the obtaining of such assessments and permits, licenses and approvals from the appropriate government authorities is a condition of the council's approval and that the owner shall provide copies of same to council or their designate.
- (3) An owner must comply with the Vancouver Building By-law, which includes British Columbia Building Code established by the British Columbia Building Code Regulation, any applicable provincial laws or regulations, and any applicable municipal or regional district bylaws when altering, repairing, or renovating any part of the owner's strata lot or the common property.
- (4) Owners who undertake alterations, additions or attachments in accordance with these bylaws, and subsequent owners, are responsible for all costs relating to:
- (a) the maintenance and repair of the alterations, additions or attachments, and
 - (b) the effects on all adjacent strata lots or common property, and
 - (c) the effects of rain and weathering, staining, discoloration.
- (5) Strata Council may maintain, repair, or remove alterations, additions or attachments to common property if in the opinion of the council:

- (a) the alterations, additions or attachments are not maintained or repaired, or
- (b) the alterations, additions or attachments are damaged.

All costs incurred in the maintenance, repair, and/or removal will be charged to the owner of the strata lot and are the strata lot owner's responsibility.

(6) On the sale of a strata lot, owners must include all obligations and costs that may be applied relating to alterations, additions or attachments in any agreement of sale. If the subsequent owner refuses to sign an *Assumption of Liability Agreement* with the strata corporation the alteration, addition or attachment shall be removed by Strata Council and the cost of the removal shall be charged to the new owner.

(7) To remove an approved alteration, addition or attachment, an owner must negotiate the terms of removal with the Strata Council.

(8) Strata Council reserves the right to require, or have an owner provide, specified professional supervision or inspection, or both, of approved alterations, additions or attachments. Strata Council may include specified supervision or inspection as a requirement of its approval.

(9) Any alteration, addition or attachment to a strata lot (as set out in section 5), and to common property that has not received the prior written approval of Strata Council must be removed at the owner's expense if Strata Council orders that the alteration, addition or attachment be removed.

Permitting entry to a strata lot

- 8** (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,
 - (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 ensure under section 149 of the *Act*, or to ensure a resident's compliance with these bylaws and with the rules of the strata corporation.
- (2) The notice referred to in subsection (1)(b) must include the date and approximate time of entry, and the reason for entry.
- (3) If an owner, tenant, occupant or resident wishes the strata corporation's Property Manager or their designate to admit service personnel into, or to permit deliveries into or pick-ups out of their strata lot, the owner, tenant, occupant or resident must provide authorization in writing or by electronic transmission to the strata corporation's Property Manager or their designate for each occasion or for multiple occasions. Verbal permission is not sufficient.

(4) If forced entry to a strata lot is required due for emergency access and the inability to contact the owner of the strata lot, the owner shall be responsible for all costs of forced entry incurred by the strata corporation. When a forced entry to a strata lot occurs, Council shall secure the strata lot after a forced entry made pursuant to this subsection.

Division 2 – Powers and Duties of the Strata Corporation

Repair and maintenance of property by the strata corporation

- 9 (1) The strata corporation must repair and maintain all of the following:
- (a) common assets of the strata corporation;
 - (b) common property; and
 - (c) a strata lot, but the duty to repair and maintain is restricted to
 - (i) the structure of the building,
 - (ii) the exterior of the building,
 - (iii) patios, chimneys, stairs, balconies and other things attached to the exterior of the building,
 - (iv) doors, windows and skylights on the exterior of the building or that front on the common property, and
 - (v) fences, railings and similar structures that enclose patios, balconies, decks or yards.

Division 3 – Strata Council

Council size and membership

- 10 (1) In section 10, 'spouse' is defined by the **Family Law Act** [SBC 2011] Chapter 25, section 3, as amended.
- (2) Strata Council shall have at least 5 and not more than 7 members.
- (3) An owner, an eligible tenant, or the 'spouse' of an owner or eligible tenant, but not a former spouse unless the former spouse is an owner or an eligible tenant, may stand and be elected for council.
- (4) No owner, eligible tenant, or 'spouse' of an owner or eligible tenant may stand for election to Strata Council if the strata corporation is entitled to register a lien against that strata lot under section 116 of the **Strata Property Act**.
- (5) An owner, eligible tenant or the 'spouse' of an owner or eligible tenant who is elected or appointed a member of Strata Council shall cease to be a member of Strata Council if and when the strata corporation is entitled to register a lien against their strata lot under section 116 of the Strata Property Act and or at the point in time when any amount specified in subsection 116(1) and or any 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, and those amounts are more than 2 months in arrears. [amended March 1, 2022]

Council members' terms

- 11** (1) The term of office of a newly-elected council member commences at the end of the annual general meeting at which the new council is elected. 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 members

- 12** (1) The strata corporation, by a resolution passed by a majority vote at an annual or special general meeting, may remove one or more council members.
- (2) After removing a council member, the strata corporation shall hold an election at the same Annual or Special General Meeting to replace the council member for the remainder of the term.

Replacing council members

- 13** (1) If a council member resigns or is unwilling or unable to act for a period of 2 or more consecutive monthly meetings, 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 amongst any owner or tenant eligible for election to 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 consecutive months, persons, eligible to vote at Annual and Special General Meetings, holding at least 20% of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the **Strata Property Act**, specifically the regulations and the bylaws respecting the calling and holding of meetings.

Officers of Strata Council

- 14** (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) Council officers shall carry out their duties and responsibilities as required by the bylaws and/or as directed by strata council.

- (3) The roles and responsibilities for following Council officers are:
- (a) President - to ensure that the strata corporation's management and maintenance are carried out as directed by Council, to chair all meetings of council and meetings of owners, and to be an ex-officio member of all strata corporation and council committees;
 - (b) Vice-President - to ensure that the President is assisted in their duties and responsibilities when so delegated by the President or by Council, and, in the President's absence, to chair all meetings of council and owners;
 - (c) Secretary - to ensure the maintenance of all such corporate records as required by the appropriate subsections of the Strata Property Act Part 4 Division 2 Section 35 including the preparation of minutes of all meetings of council and of owners; and
 - (d) Treasurer - to ensure the maintenance of the books of account and other such records as required by the appropriate subsections of the *Strata Property Act* Part 4 Division 2 Section 35 and for preparation and presentation of financial reports to council and to the owners.
- (4) At any subsequent meeting of council, the council shall elect or appoint to fill any vacancy in the offices of President and Vice-President and may elect or appoint to fill such other vacant offices.
- (5) A person may hold more than one office at a time. No person can hold both offices of President and Vice President.
- (6) The Vice President has the powers and duties of the President while the President is absent or is unwilling or unable to act or for the remainder of the President's term if the President ceases to hold office.
- (7) Council may resolve to remove a person from their office, and, except in the case of a president, appoint a replacement officer for the remainder of the term.
- (8) A person is no longer eligible for re-election to an office upon holding the same office for **five** consecutive years unless **one** subsequent year has elapsed since last holding that same office.

Calling council meetings

- 15** (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 shall be in writing and given to the council members by hand, by mail or by electronic transmission.
- (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 either
 - (i) all council members consent in advance of the meeting, or

(ii) some council members are unavailable to provide consent after reasonable attempts have been made to contact them.

(4) The council shall inform owners about a council meeting as soon as feasible after the meeting has been called.

Requisition of council hearing

16 (1) By application in writing stating the reason for the request, an owner or eligible tenant under Section 147 of the Act 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

17 (1) A quorum of the council is

(a) 3, if the council consists of 5 members, and

(b) 4, if the council consists of 6 or 7 members.

(2) Council members must be present in person or by electronic means at the council meeting to be counted in establishing quorum. [amended March 21, 2022]

Council meetings

18 (1) Council meetings may be held by teleconferencing, so long as all council members and other participants can communicate with each other.

(2) Owners, tenants and occupants may attend council meetings as observers. Such owners, 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) Despite subsection (2), 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;

at which time the council by resolution shall go *in camera*.

(4) Owners and eligible tenants shall leave the meeting if requested to do by the chair at the meeting.

Voting at council meetings

- 19** (1) At council meetings, decisions must be made by a majority of council members present in person or by e-mail at the meeting.
- (2) If there is a tie vote at a council meeting, the chair 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.
- (4) Council members shall comply with the conflict of interest and accountability provisions of sections 32 and 33 of the **Strata Property Act**.

Council to inform owners of minutes

- 20** 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.

Delegation of council's powers and duties

- 21** (1) Subject to subsections (2) to (6), the council by resolution may:
- (a) delegate some or all of its powers and duties to one or more council officers, members or persons who are not members of the council, and may revoke such delegation; and
 - (b) establish such standing, *ad hoc*, and other committees of council as it sees fit and may delegate some of its responsibilities to such committees, and may revoke such delegations.
- (2) All committee memberships shall expire at the close of the following Annual General Meeting.
- (3) Strata 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 (5).
- (4) 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.
- (5) Strata 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 recreational or other facilities.

(6) All cheques drawn on any account of the strata corporation shall, except where the property manager had been appointed and authorized to make expenditures, be signed by at least two members of the Strata Council and all cheques or other negotiable instruments for the credit of any such account may be endorsed by any one member of the Strata Council.

Spending restrictions

22 (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), Strata Council 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.

(3) Strata Council may spend the strata corporation's money for common expenses as set out in the annual budget approved or amended by the Owners at an annual or special general meeting.

(4) Strata Council, by resolution, may delegate spending authority to a council officer, a committee chair or its property manager and, where council does so delegate, shall set out the spending limits or ranges.

(5) Strata Council, by resolution, may make an expenditure not put forward for approval in the operating budget, or at an annual or special general meeting, if the expenditure does not increase the total budget amount beyond the total budget amount approved at the Annual General Meeting unless approved at a subsequent special general meeting.

(6) Strata Council, for expenditures greater than \$5,000 which are funded by the annual operating budget, shall obtain at least two (2) quotations and choose one quotation as providing the best overall benefit, before Strata Council, by resolution, spends the strata corporation's money unless the supplier previously has been engaged by Strata Council and provided the best overall benefit. [amended February 20, 2018]

(7) Except as otherwise provided by the ***Strata Property Act***, expenditures to be funded from the Contingency Reserve Fund shall be approved by the Owners.

(a) Strata Council, for those projects whose expenditures are to be funded from the Contingency Reserve Fund and are estimated to cost more than \$20,000, shall first obtain at least three (3) quotations. [amended February 20, 2018]

(b) Strata Council, for projects whose expenditures are estimated to cost more than \$100,000, shall engage a consultant to design the project and create its scope of work, tender the project, and manage the successful contractor. [amended February 20, 2018]

(c) Strata Council shall present the consultant cost when required by paragraph 7(b), and the project, its scope of work and its estimated cost to the Owners at an annual or special general meeting for the Owners' approval, by resolution, for Strata Council to proceed with the project and to spend the strata corporation's money.

(d) Strata Council, by majority decision and by executing a written agreement, shall engage the successful contractor as determined by tender.

Limitation on liability of council member

23 (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 Strata Council.

(2) Subsection (1) does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

Council members' standard of care

24 In exercising the powers and performing the duties of the strata corporation, each council member must

- (a) act honestly and in good faith with a view to the best interests of the strata corporation, and
- (b) exercise the care, diligence and skill of a reasonably prudent person in comparable circumstances.

Division 4 – Enforcement of Bylaws and Rules

Maximum fine

25 Unless otherwise provided for in the bylaws, the strata corporation may fine an owner or tenant a maximum of:

- (a) \$200 for each contravention of a bylaw; and
- (b) \$50 for each contravention of a rule.

Continuing contravention

26 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.

Division 5 – Annual and Special General Meetings

Quorum

27 (1) The quorum for an annual or special general meeting is the eligible voters holding one-third (1/3) of the strata corporation's votes, present in person or by proxy.

(2) If at the time appointed for a general meeting, a quorum is not present, the meeting shall stand adjourned for a period of thirty minutes, whereupon the adjourned meeting shall be reconvened at the same place, and the persons present in person or by proxy and entitled to vote shall constitute a quorum.

This subsection does not apply to a meeting demanded pursuant to section 43 of the Act and failure to obtain a quorum for a meeting at the time appointed pursuant to section 43 terminates, and does not adjourn, that meeting. [amended September 21, 2021]

Electronic attendance at meetings

27.1 (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.

(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.

(3) Notwithstanding any other bylaw, a vote may not be conducted by secret ballot at an Annual or Special General Meeting held by electronic means.

(4) Notwithstanding any other bylaw, if the strata corporation elects to hold an Annual or Special General Meeting by electronic means, votes on a resolution at an electronic meeting may be cast by eligible voters using any one of the following voting methods:

(a) email to a designated email address during a designated voting window;

(b) show of voting cards if visual electronic communication is available;

(c) call of the roll;

(d) hand delivery of the ballots to a designated location; or

(e) any other electronic method that identifies votes of eligible voters.

[adopted September 21, 2021]

Person to chair meeting

28 (1) Annual and Special General Meetings shall be chaired by the President of Strata Council.

(2) If the President of Strata Council is unwilling or unable to act, the meeting shall be chaired by the Vice President of the Strata Council.

(3) Subject to subsection 4, if neither the President nor the Vice President of Strata Council chairs the meeting, a chair shall be elected by the eligible voters, present in person or by proxy, from among those eligible owners who are present at the meeting.

(4) Where a chair for a general meeting is not chosen by subsections 1 to 3, an individual other than eligible owner or tenant and who is not a resident as defined by bylaw subsection 40(2) may be elected chair by the eligible voters, present in person or by proxy, by majority vote.

Participation by other than eligible voters

29 (1) In addition to attendance by owners, 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, shall leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

Voting

30 (1) At an annual or special general meeting, voting cards shall 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 shall 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) Despite anything in this section, an election of council or any other vote shall be held by secret ballot if the secret ballot is requested by an eligible voter.

(6) An owner will not be entitled to vote at a general meeting except on matters requiring a unanimous vote if the strata corporation is entitled to register a lien against that strata lot under section 116 of the ***Strata Property Act***.

Order of business

31 The order of business at annual and special general meetings, except as otherwise amended by resolution of the eligible voters 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) in accordance with section 28, elect a chair of 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) conclude the meeting.

Division 6 – Voluntary Dispute Resolution

Voluntary dispute resolution

- 32** Owners, tenants, the strata corporation or any combination of them may choose voluntary dispute resolution either pursuant to the provisions provided under ***Civil Resolution Tribunal Act*** or the resolution process provided in bylaw 33.
- 33** (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 end the dispute voluntarily.

Division 7 - Movement In and Out of Strata Lots

- 34** (1) The owner of a strata lot must inform the Property Manager or their designate by notice in writing or by email whenever the owner of a strata lot, or a tenant or a resident of their strata lot is moving in or out of the building, or having furniture or other possessions delivered or removed through the common property.
- (2) For the purposes of this section, “furniture” means upholstered chairs and sofas/couches, beds and tables; “heavy goods” means ranges/stoves, refrigerators, washing machines, clothes dryers, dishwashers; “other possessions” includes all construction materials delivered or removed through the common property or land that is a common asset due to renovations and/or refurbishment of that strata lot.
- (3) Upon purchasing a strata lot, the owner shall be assessed a non-refundable \$200.00 fee by the strata corporation for the use of the common property and land that is a common asset while, upon selling their strata lot, moving out of the building. [amended September 21, 2021]
- (4) For all other moves in or out of the building, or having furniture, heavy goods or other possessions delivered or removed through the common property or land that is a common asset, the owner of the strata lot must ensure that all other bylaws and rules are complied with and that the protective padding is installed in the elevator during all moves in or out of the building, or having furniture, heavy goods or other possessions delivered or removed through the common property or land that is a common asset.
- (5) In order to maintain building security, any and all doors must not be left open without the owner or their representative being in attendance at all times during any moving in and moving out of the building, or having furniture, heavy goods or other possessions delivered or removed through the common property or land that is a common asset. Failure to comply with this bylaw will result in forfeiture of the entire damage deposit.
- (6) Where an owner, tenant, occupant, or resident requires the elevator to be on manual operation for their move in-out and or goods/furniture delivery/removal to/from an owner’s strata lot, the Property Manager or designate may lend the elevator manual operation key to the person. If the person loses the elevator key or damages the elevator manual operation keyed switch, replacement and or damage costs will be recovered as from the owner. [amended September 21, 2021]
- (7) Damage costs, not covered by a deposit, and additional costs may be deducted from any other monies owing to the strata lot owner, tenant

or occupant by the strata corporation or recovered from that strata lot owner by any other means by the strata corporation. [adopted September 21, 2021]

- (8) Upon renting their strata lot pursuant to the Residential Tenancy Act, the owner shall be assessed a non-refundable \$500.00 fee by the strata corporation for each use of the common property and land that is a common asset by their tenant, occupant, or resident renting their strata lot upon moving in-out and or goods/furniture deliveries/removals to/from their rented strata lot by their tenants, occupants, or residents. Damages are recoverable from the owner. [adopted February 27, 2023]

Division 8 – Sauna, Recreation Room and Laundry Facilities

- 35** (1) The use of the sauna and recreation room facilities of the strata corporation is restricted to residents of Vanier Court and their visitors who accompany them.
- (2) The sauna shall only be used by reservation. The resident shall enter the time and date for which he or she is reserving the sauna on the notice board mounted on the wall of the entry hall to the sauna.
- (3) No one shall enter the sauna uninvited when it is being used by another resident. An “Occupied” sign shall be posted on the entry door to the Sauna facilities when they are in use.
- (4) Reservations are cancelled if the reserving party does not appear at the reserved time. Dress is at the discretion of the resident.
- (5) No one shall consume alcohol in the sauna.
- (6) The recreation room is available for use by owners, tenants and occupants and their guests. The room may be used for parties, meetings and similar activities of a non-profit and non-political nature, and for other temporary uses as the Strata Council may by resolution decide. In order to use the recreation room, owners, tenants and occupants must make a reservation through the Property Manager or their designate. Use for more than seven (7) consecutive days shall be pre-approved by the Strata Council. Owners, tenants or occupants and their guests shall abide by those rules established by the Strata Corporation regarding Recreation Room use.
- (7) Fires shall not be lit in the Recreation Room fireplace.
- (8) A deposit shall be required to rent the recreation room as set out in the Vanier Court Rules. The deposit will be refunded after the room has been satisfactorily cleaned and the key returned. A telephone will be provided for building entry use.
- (9) The laundry room and its facilities on the second floor are for the exclusive use by the residents of one-bedroom strata lots that do not have in-suite laundry facilities. The cost of leasing or replacing, repairing and

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maintaining the washing and drying equipment in the laundry room shall be borne by special levy(ies) against the owners of participating one-bedroom strata lots only and NOT against the owners of two-bedroom strata lots.

(10) An owner may apply to the Strata Council for the temporary short-term use of the laundry room facilities where that owner's own in-suite laundry facilities are inoperable.

Division 9 - Hot Tub Bylaw

36 (1) An owner, tenant or occupant of a strata lot shall not locate, place, attach or install or arrange for the location, placement, attachment or installation of a hot tub, including but not limited to a portable hot tub, on a patio, deck or balcony or anywhere else on common property, on land that is a common asset or in a strata lot.

(2) If a hot tub is located, placed, attached or installed on common property or on land that is a common asset, including but not limited to on a patio, deck or balcony, then the council may remove the hot tub and charge the cost of the removal to the owner of the applicable strata lot. A hot tub located in a strata lot must be removed by the owner upon the council's request to do so.

Division 10 – Motor Vehicle Parking

37 (1) Parking stalls are assigned to the following strata lots and their owners:

| <u>Unit No.</u> | <u>Strata Lot No.</u> | <u>Parking Stall No.</u> | <u>Unit No.</u> | <u>Strata Lot No.</u> | <u>Parking Stall No.</u> |
|-----------------|-----------------------|--------------------------|-----------------|-----------------------|--------------------------|
| 105 | 5 | 36 & 37 | 310 | 18 | 38 & 39 |
| 106 | 4 | 19 | 311 | 31 | 24 |
| 107 | 3 | 31 | 312 | 30 | 48 & 49 |
| 109 | 2 | 55 & 56 | 313 | 29 | 18 |
| 110 | 1 | 50 & 51 | 314 | 28 | 29 |
| 201 | 15 | 17 | 401 | 41 | 30 |
| 202 | 14 | 54 | 402 | 40 | 15 |
| 203 | 13 | 57 & 58 | 403 | 39 | 40 & 41 |
| 204 | 12 | 7 | 404 | 38 | 25 |

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| <u>Unit No.</u> | <u>Strata Lot No.</u> | <u>Parking Stall No.</u> | <u>Unit No.</u> | <u>Strata Lot No.</u> | <u>Parking Stall No.</u> |
|-----------------|-----------------------|--------------------------|-----------------|-----------------------|--------------------------|
| 205 | 11 | 59 & 60 | 405 | 37 | 68 & 69 |
| 206 | 10 | 3 | 406 | 36 | 26 |
| 207 | 9 | 11 | 407 | 35 | 21 |
| 208 | 8 | 12 | 408 | 34 | 22 |
| 209 | 7 | 4 | 409 | 33 | 27 |
| 210 | 6 | 44 & 45 | 410 | 32 | 67 & 74 |
| 211 | 17 | 52 & 53 | 411 | 45 | 23 |
| 214 | 16 | 33 | 412 | 44 | 42 & 43 |
| 301 | 27 | 32 | 413 | 43 | 5 |
| 302 | 26 | 20 | 414 | 42 | 6 |
| 303 | 25 | 46 & 47 | 515 | 49 | 16 |
| 304 | 24 | 28 | 516 | 50 | 1 |
| 305 | 23 | 65 & 66 | 517 | 51 | 72 & 73 |
| 306 | 22 | 13 | 518 | 52 | 9 |
| 307 | 21 | 8 | 519 | 46 | 2 |
| 308 | 20 | 10 | 520 | 47 | 70 & 71 |
| 309 | 19 | 14 | 521 | 48 | 34 & 35 |

(2) Strata Council shall designate visitor parking stalls from those parking stalls not assigned to owners by this bylaw.

(3) Owners shall not permit a motor vehicle greater than 5.0 metres (16.5 feet) in length to be parked in interior visitor parking stalls.

(4) Owners shall not lease or rent their assigned parking stall(s) to a non-resident.

(5) Owners, tenants and occupants shall not allow their assigned parking stall(s) to be used by or for motor vehicle parking by a non-resident and/or a visitor for a period of longer than twenty-eight (28) days, whether

continuously or intermittently, without the prior written consent of the council.

(6) Owners, tenants and occupants must notify Council and the Property Manager or their designate in writing or by electronic transmission when a non-resident's motor vehicle will occupy an Owner's assigned parking stall/s for a period greater than 3 consecutive days. The Owner, tenant and occupant must provide the owner's name of the motor vehicle and contact information, the year, make and model of the motor vehicle, its license plate number and proof of third party liability insurance.

(7) Only motor vehicles with current third party liability insurance in force shall be allowed in the underground parking areas.

(8) All strata lot owners are issued one (1) visitor parking pass which must be displayed on the dashboard of any vehicle parking in a visitor parking stall.

(9) Visitor parking is on a first come, first served basis. Resident parking by owners, tenants or occupants in the designated visitor parking stalls is limited to 20 minutes for loading and unloading purposes only.

(10) Do not park in front of the garbage disposal bin.

(11) Parking by visitors in designated visitor parking stalls is limited to a period of 3 consecutive days, whether continuously or intermittently, in any seven day period commencing at Tuesday noon and ending on the subsequent Tuesday at noon. Where longer periods of time are required, owners, tenants and occupants shall seek alternative arrangements from Strata Council.

(12) All owners, tenants and occupants assigned a parking stall located on common property must register any motor vehicle/s using said assigned parking stall with the strata corporation.

(13) No one shall wash a motor vehicle on the common property except in the driveway entrances to the building. Vehicle washing must be done in a manner so that it will not cause a nuisance or annoyance to other residents.

(14) No repairs to motor vehicles shall be carried out on the common property or on land that is a common asset.

(15) When there is a safety issue and one of the parking bylaws is violated, the council may have the motor vehicle removed without any notice.

(16) Propane-powered vehicles or vehicles with propane storage tanks are prohibited from underground parking garages

(17) Owners, residents, and occupants are responsible for the cleaning up of all fluid leaks, and for the cost of any clean up required due to fluid leaks, from any motor vehicle parked in their assigned parking stall/s.

(18) Owners, tenants and occupants are not permitted to recharge their electric-drive motor vehicles in the parking garages without the express written permission of the Strata Council.

(19) Under no circumstances shall an Owner park or allow anyone else to park a car or leave a car unattended on any Vanier Court driveway except in designated visitor parking stalls. Strata Council will arrange to have the offending vehicles towed away without warning at the vehicle owner's cost.

(20) When arrangements have been made with Council or the Property Manager or their designate by an owner, tenant or occupant, deliveries or removals may be made via the upper garage door and delivery trucks may park in the east driveway during the time required for such deliveries or removals, as long as an access laneway is left open to allow cars to enter and exit the upper garage via the east driveway.

(21) When arrangements have been made with Council or the Property Manager or their designate, construction or maintenance trucks may park in the east driveway whilst carrying out work in or on the property, as long as an access laneway is left open to allow cars to enter and exit the upper garage via the east driveway.

(22) Arrangements will be made to have vehicles contravening these bylaws to be towed away at the vehicle owner's cost.

(23) In these bylaws, "motor vehicle" means a "motor vehicle" as defined by the provincial *Motor Vehicle Act*, and insured under the *Insurance (Vehicle) Act*.

Division 11 – Storage in Parking Stalls

38 (1) Motor vehicles may be stored in parking stalls. Bicycles may be stored against the back wall of the parking stall and a maximum of four motor vehicle tires per parking stall may be stored against the parking stall's back wall.

(2) An owner must not store or cause to be stored any other items in their assigned parking stall or in the parking garage including but not limited to boats, campers, windshield wiper or antifreeze liquid, paint, firewood or any other fuel, boxes, crates or cartons, or any other combustible or flammable item.

(3) The strata corporation shall conduct regular inspections of the parking garages to ensure the building is in compliance with the requirements of the Vancouver Fire Bylaw. Owners shall be advised if any items are found not to be in compliance, and such owner must remove such items forthwith. When there is a safety issue, the non-compliant items may be removed and relocated by the strata corporation at the owner's expense.

(4) Propane storage is not permitted in the underground parking garages.

Division 12 - Small Claims

39 Pursuant to section 171 of the *Strata Property Act*, the council, on behalf of the strata corporation, may commence proceedings under the *Small*

Claims Act against an owner or other person to collect money owing to the strata corporation without further authorization from the strata corporation. The council may commence the proceedings to collect monies owing to the strata corporation for any reason, including but not limited to monies owed by an owner or tenant for a fine or to recover the deductible portion of an insurance claim if the person is responsible for the loss or damage that gave rise to the claim. The council has full authority to negotiate a settlement or discontinue or dismiss the action.

Division 13 – Severability

- 40** (1) Should any portion of these bylaws be deemed unenforceable by any court of competent jurisdiction, then for the purposes of interpretation and enforcement of the bylaws, each paragraph, sub-paragraph or clause hereof shall be deemed a separate provision and severable, and the balance of the provisions contained herein shall remain in full force and effect.
- (2) For the purposes of all bylaws, wherever the singular or masculine is used, it shall be construed as meaning the plural or feminine or body corporate where the context requires. The terms “*resident*” or “*residents*” refer to those individuals residing in the building, whether as owners, tenants or other occupants.
- (3) For the purposes of all Bylaws, any person residing in a strata lot for more than twenty-eight (28) days shall be deemed to be a resident for the purposes of these bylaws.

Division 14 - Rental Restriction

(Division 14 is unenforceable – effective 24 November 2022)

Definitions

- ~~41~~ (1) In section 42, the following terms shall have the following meanings:
- ~~(a) “**Rental Consent**” means written consent from the Strata Corporation to rent a Strata Lot;~~
 - ~~(b) “**Rental Waiting List**” means a waiting list to be administered by the Strata Council in accordance with Bylaw 42(3);~~
 - ~~(c) “**Strata Plan**” means Strata Plan VR 255.~~

Rentals

- ~~42~~ (1) No more than one (1) Strata Lot may be rented at any one time. For so long as the Strata Corporation owns Strata Lot 14, the one (1) Rental Consent shall be granted to the Strata Corporation for Strata Lot 14, and, whether currently rented or not, Strata Lot 14 shall be deemed as being rented.
- (2) ~~Except with the Rental Consent, no Owner shall enter into a~~

~~tenancy agreement, rent, or lease a Strata Lot.~~

~~(3) At the time the Owner makes a written application to the Strata Corporation for Rental Consent:~~

~~(a) if the number of Strata Lots rented is at the limit stated in subsection 42(1), excluding exempt Strata Lots pursuant to sections 142, 143 and 144 of the Act, the Strata Corporation shall:~~

~~(i) refuse to provide the Rental Consent, and notify the Owner in writing of the reason for such refusal; and~~

~~(ii) place the Owner on the bottom of the Rental Waiting List; or~~

~~(b) if:~~

~~(i) the number of Strata Lots rented is less than the limit referred to in subsection 42(1) excluding exempt Strata Lots pursuant to sections 142, 143 and 144 of the Act;~~

~~(ii) the proposed tenancy is for a duration of no less than six (6) months; and~~

~~(iii) there are no Owners on the Rental Waiting List;~~

~~the Strata Corporation shall grant the Rental Consent.~~

~~(4) If no Tenant has occupied the Strata Lot within two (2) calendar months of the date when that Owner received Rental Consent, the Rental Consent shall be deemed revoked, and the Owner shall have no further right to rent the Strata Lot under that Rental Consent. During the two (2) calendar months immediately following the date when an Owner received the Rental Consent, the Strata Lot shall be deemed rented for the purposes of the limit stated in subsection 42(1).~~

~~(5) At the time that an Owner conveys or transfers a Strata Lot in whole or part or ceases to rent a Strata Lot for any reason:~~

~~(a) the Rental Consent shall be automatically revoked, and the Owner of the Strata Lot shall no longer have the right to rent the Strata Lot; and~~

~~(b) the Strata Corporation shall grant the Rental Consent to the Owner at the top of the Rental Waiting List.~~

~~(6) Prior to possession of a Strata Lot by a Tenant, an Owner must deliver to the Tenant the current Bylaws and Rules, and a Notice of Tenant's Responsibilities in the form required by the Act.~~

~~(7) Within two (2) weeks of renting a Strata Lot, an Owner must give the Strata Corporation a copy of the *Form K - Notice of Tenant's Responsibilities*, as amended from time to time, duly signed by the Strata Lot Owner and the Tenant.~~

~~(8) No Owner shall permit a Tenant to sub-lease a Strata Lot.~~

~~(9) Where an Owner rents a Strata Lot in contravention of this Bylaw the Owner shall be subject to a fine of \$ 500.00 every seven (7)~~

~~days during the period of the contravention and the Strata Corporation may take all necessary steps to terminate the Owner's agreement with the Tenant, including, but not limited to, seeking a declaration or Court injunction to enforce this section 42. Any legal costs incurred by the Strata Corporation in enforcing this section 42 shall be the responsibility of the contravening Owner and shall be recoverable from the Owner on a solicitor and own client basis by the Strata Corporation.~~

~~(10) Notwithstanding this section 42, an Owner may apply in writing to the Strata Council for an exemption pursuant to Section 144 of the Act, provided that if the Strata Corporation grants an exemption it may limit the period of time during which such exemption is applicable.~~

~~(11) A tenant or occupant shall inform the strata corporation of their name within twenty eight (28) days of becoming a tenant or occupant of a strata lot. Where the tenant or occupant fails to provide their name within the prescribed period of time, the owner of the strata shall inform the strata corporation of same within 7 days.~~

Division 15 – Strata Lot Occupancy

Strata Lot Occupancy

- 43** (1) An owner shall not permit a strata lot to be occupied by more than the number of individuals shown below without the prior written consent of the council:
- (a) 1 bedroom - 2 individuals; or
 - (b) 2 bedrooms - 4 individuals.
- 44** (1) Notwithstanding bylaw 42(2), no Owner shall for any reason permit any person to occupy a Strata Lot whether pursuant to a license, house swap, student exchange, as a house sitter, roommate, or otherwise, without notifying the Strata corporation in writing or by electronic transmission, whilst the Owner is not residing in the Strata Lot at the same time.
- (2) Where the Owner does not reside in their strata lot and ordinarily resides elsewhere, the Owner, without the written consent of the Strata Corporation, shall not for any reason permit any person to occupy a Strata Lot for more than twenty-eight (28) days or longer whether consecutive or non-consecutive in a 12 month period. The Owner must notify the Strata Corporation in writing or by electronic transmission of any occupancy.
- (3) Notification as required by this bylaw shall contain the full name of the occupant/s, the period of occupancy, the occupant's contact information and the make, model and license number of the occupant's motor vehicle when they intend to use the Owner's assigned parking stall/s.

**Bylaw 2(c) registered on June 12, 1989 setting out an
occupancy age restriction**

2. **An owner shall not:**

- c) an owner shall not permit a strata lot to be occupied ~~by any person under the age of eighteen years nor~~ *[unenforceable effective November 24, 2022]* by more than the number of persons shown below without the consent in writing of the Council: