

# **STRATA PLAN NW2050 BYLAWS**

**CYPRESS POINT ABC**

**7511/7531/7651 MINORU BLVD  
RICHMOND, B.C.**

**Adopted: December 7, 2022**

# STRATA PLAN NW2050

## BYLAWS

### INTRODUCTION

*The intent of these bylaws is to allow residents to fairly and peacefully enjoy their strata lots and common property, while protecting the personal security of all and the investments of owners.*

*Because English is not the first language of some residents, as far as possible these bylaws are written in plain English.*

- 1.1 These bylaws apply to the strata corporation instead of the Standard Bylaws given in the Strata Property Act.
- 1.2 Text in italics is not part of the bylaws, but provides background, explanation of intent or examples to help understand them.
- 1.3 Headings are not part of the bylaws and must not be taken to restrict or change the meaning of any bylaw.
- 1.4 In these bylaws the following words have the meaning shown:
  - (a) Eligible voter: As defined in sections 54 to 58 of the Strata Property Act, but excluding, other than for 80% or unanimous votes, any person against whose strata lot the Strata Corporation is entitled to register a lien.

*In most cases, eligible voters are owners who are up to date with their payments to the strata corporation. If in doubt, see sections 53 to 58 of the Strata Property Act.*
  - (b) Occupant: A person, other than an owner or tenant, who occupies a strata lot
  - (c) Owner: As defined in the Strata Property Act

*In most cases, an owner is the person shown as the owner by the Land Title and Survey Authority of British Columbia.*
  - (d) Person: A human being, or if required or implied by the Strata Property Act, a corporation having the rights of a person
  - (e) Resident: An owner, tenant, or occupant, who resides in a strata lot, including children but excluding visitors
  - (f) Shared facilities: The facilities shared with Woodridge, Ashford and Cypress D
  - (g) Special general meeting: Any general meeting other than the annual general meeting as required by the Strata Property Act.
  - (h) Strata insurance: Insurance as required by section 149 of the Strata Property Act and these bylaws.

## **STRATA PLAN NW2050 BYLAWS**

(i) Tenant: As defined in the Strata Property Act

*In most case, a tenant is a person who rents all or part of a strata lot and includes a subtenant.*

(j) Visitor: A person let into strata property by a resident but staying for less than 30 days

*Visitors include persons such as contractors, employees or realtors.*

# **STRATA PLAN NW2050 BYLAWS**

## **DUTIES OF OWNERS, TENANTS, OCCUPANTS AND VISITORS**

### **2.0 Payment of strata fees, special levies, fines and other costs**

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

The payment of the strata fees must be by automated, pre-authorized bank transfer.

2.2 An owner must pay a special levy on or before the date or dates noted in the resolution authorizing the special levy.

2.3 If an owner does not pay strata fees or a special levy as required by bylaw 2.1 or 2.2, an owner must pay interest at a rate of 10% per year compounded annually.

The interest is calculated from the first day the payment is overdue to the date the payment is received.

2.4 An owner must pay any fine imposed by the strata corporation under bylaw 29.1 or 30.1.

Where a fine is imposed, it will be added to the account for the owner's strata lot and must be paid on or before the first day of the month following the imposition of the fine.

2.5 An owner must pay a fee of \$50 any time a resident of an owner's strata lot moves in or out.

Moving fees will be added to the account for the owner's strata lot and must be paid on or before the first day of the month following the move.

2.6 A resident may rent a storage locker or additional parking stall, as available.

The payment of the rental fees for these items must be by automated, pre-authorized bank transfer.

2.7 An owner must pay for any cost to the strata corporation, including if applicable the deductible under the strata insurance, for repairs arising from actions or inactions as described in bylaw 4.6.

Where costs to the strata corporation are charged to an owner, they will be added to the account for the owner's strata lot and must be paid on or before the first day of the month following the imposition of the charge.

## STRATA PLAN NW2050 BYLAWS

2.8 An owner must pay for new or replacement door fobs or garage remotes. The cost to the owner will be the cost paid by the strata corporation for these items. Refunds for returned door fobs or garage remotes will be reduced by twenty percent per year from the date of purchase and will not be available after five years.

2.9 Any dishonored payment of an amount owing to the strata corporation is a contravention of these bylaws.

Any charges for a dishonored payment by a financial institution will be added to the account for the owner's strata lot and must be paid on or before the first day of the month following the imposition of the charge.

*Examples of dishonored payments are NSF (not sufficient funds) cheques or declined automatic pre-authorized payments.*

2.10 Upon transfer of title to a strata lot, the new owner becomes responsible for any expenses that may arise related to alterations to the strata lot by a previous owner.

*See the bylaws in section 8.0 for additional information relating to responsibilities for alterations.*

### **3.0 Repair and maintenance of property by owner**

3.1 An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

3.2 An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

*Examples of items owners are responsible for and for which owners are liable for damages under bylaw 4.6 if they are not kept in good working condition include:*

- *patio, deck or balcony drains*

3.3 An owner must ensure the repair and maintenance of the owner's strata lot in accordance with bylaw 3.1 and of limited common property in accordance with bylaw 3.2 is carried out promptly and complies with these bylaws and all federal, provincial and municipal laws.

# **STRATA PLAN NW2050**

## **BYLAWS**

### **4.0 Use of property**

#### **General**

- 4.1 A resident or visitor must not use a strata lot, the common property, common assets or shared facilities for, or 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, shared facilities or another strata lot,
  - (d) results in a noticeable increase in traffic through common property
  - (e) results in waste or excessive use of common electricity, water, natural gas or garbage disposal
  - (f) is illegal
  - (g) may increase the risk of fire or the rate of strata insurance
  - (h) is contrary to a purpose for which the strata lot, common property or shared facilities are intended as shown expressly or by necessary implication on or by the strata plan, or
  - (i) is contrary to these bylaws
  - (j) A resident or visitor must not use a strata lot, the common property, common assets or shared facilities for growing cannabis plants.

For the purposes of bylaw 4.1(b), unreasonable noise includes, but is not limited to, noise that disturbs another resident, caused by:

- (i) any renovation or construction activity carried out without the prior written approval of the strata corporation, outside the hours of 8:30 am to 4:30 pm Monday to Friday
  - (ii) operation of vacuum cleaners, dishwashers, washers or dryers, outside the hours of 8:00 am to 10:00 pm
  - (iii) use of musical instruments, televisions or sound systems, outside the hours of 8:00 am to 10:00 pm, or
  - (iv) wind chimes or similar noise-making devices
- 4.2 A resident or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets, shared facilities or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.
- 4.3 A resident or visitor using shared facilities must comply with any rules for use of those facilities, in addition to the requirements of bylaws 4.1 and 4.2.

# STRATA PLAN NW2050

## BYLAWS

4.4 A resident or visitor under 14 years must not use shared facilities without a person 19 years or older being present.

4.5 An owner must ensure all fixtures and installed appliances in the owner's strata lot or that are part of the strata lot's limited common property are kept in a good and safe working condition.

*Examples of items owners are responsible for and for which owners are liable for damages under bylaw 4.6 if they are not kept in good working condition include:*

- *baseboard heaters and thermostats, to ensure pipes inside a strata lot do not freeze and burst in cold weather*
- *ovens and dryers*
- *dishwashers, washing machines, dryers, ice and water dispensers*
- *toilets, toilet tanks, sinks, bathtubs, showers*
- *any electrical wiring, plumbing, or connection hoses visible or accessible from inside the strata lot related to any of the above*
- *any waterproofing or caulking around any of the above*
- *any drains related to any of the above*

4.6 An owner is responsible for any damage to the common property, limited common property, common assets, shared facilities or to any strata lot caused by an act, omission, negligence or carelessness of:

- (a) a resident or visitor to the owner's strata lot, or
- (b) a pet belonging to a resident in the owner's strata lot

4.7 A resident or visitor must not leave anything in the lobbies, except books, magazines and locally delivered newspapers, which must be left neatly on the tables provided.

4.8 A resident or visitor must put normally collected household garbage and recycling materials in the correct bin as shown by the signs on or around the bins.

A resident or visitor must not put items which are not allowed in the garbage or recycling bins.

*Metro Vancouver regulations prohibit disposal of corrugated cardboard with normal garbage. Corrugated cardboard boxes must be flattened or broken down before putting them in the bins in Building A and C.*

*Plastic bags must not be put in the bin for recycling of household kitchen scraps.*

A resident or visitor must remove from the common grounds any other waste or recyclable materials generated or brought onto the common grounds by them.

*Items like furniture, waste materials from renovations and appliances are not collected by the removal contractors and must be removed by the person disposing of them.*

# STRATA PLAN NW2050

## BYLAWS

- 4.9 A resident or visitor must not throw anything from any window, door, patio, balcony or deck.

*Examples are cigarette butts and similar smoking materials.*

- 4.10 A resident or visitor must not allow commercial shopping carts to be brought into the strata corporation buildings at any time.

### **Moving In or Out**

- 4.11 When moving in or out, a resident must not allow:

- (a) moving to occur before 8:00 am or after 9:00 pm
- (b) vehicles used for moving to block access to the underground parking, individual parking stalls, or the entrance to or the exit from the complex
- (c) the elevator to be locked out for more than the time to load or unload it

*See also 2.5 for moving fees.*

### **Safety and Security**

- 4.12 A resident or visitor must not obstruct or use for any purpose other than entrance to and exit from the strata lot, the sidewalks, walkways, passages, driveways, lobbies, halls, stairways or entrances of the common property.
- 4.13 A resident or visitor must not prevent or interfere in any way with the proper operation of the in-suite heat and smoke detectors
- 4.14 A resident or visitor must maintain the security of the building at all times, and must not leave or block open any door or garage gate in the common property while unattended.
- 4.15 A resident or visitor must not bring onto the common property or use in their strata lot, any Christmas tree except a fire-resistant CSA-approved artificial tree.
- 4.16 A resident or visitor must not smoke or possess any lit smoking materials, or vape or possess any activated vaping device, in the parkades or in any interior portion of the common property.

Protection of Building, Building Envelope and/or Building Appearance

- 4.17 A resident must not allow anything to rest on or hang from, parapet walls, balcony railings or flashings.



## STRATA PLAN NW2050

### BYLAWS

- 4.18 A resident must not allow anything to be attached to a window or the portion of common property exterior to the owner's strata lot. In particular, this bylaw prohibits the use of screws, nails or other items that penetrate the building envelope.

*Examples of items prohibited by bylaw 4.18 are: antennas, satellite dishes, awnings, air conditioners or supplementary heating units.*

- 4.19 A resident must not allow anything to be stored on, used on or seen from, any patio, balcony or roof top deck except for:

- (a) plants or plant containers
- (b) patio furniture, not including hot tubs or inflatable pools
- (c) one CSA-approved electric or propane barbecue, or
- (d) from 1<sup>st</sup> December to 15<sup>th</sup> January only, seasonal lights

The plants and plant containers allowed by bylaw 4.19(a) must not result in an added load of more than 85 lb/ft<sup>2</sup> averaged over the area under the containers, or 10 lb/ft<sup>2</sup> averaged over the entire area of a roof top deck or balcony.

Items allowed by bylaw 4.17 must not damage the surface on which they rest or are used.

*The restrictions in this bylaw are to protect the building structure and the external appearance of the building.*

*The added load restrictions are required to avoid overloading the building structure, which under the Building Code at the time of construction, did not include allowance for added dead loads. The strata corporation has been advised that limiting soil depths in plant containers to 24" will in normal cases limit added dead loads to less than those specified in the bylaw. However, this is only a guideline, and soil depth, containers or plants must be changed if the added loads specified are found to be exceeded.*

*Other items prohibited for dead load or appearance reasons include: boxes, luggage, bicycles, fences, screens, garbage, laundry, flags or signs.*

- 4.20 A resident must ensure that only white or cream solid colour window coverings are visible from the exterior of the owner's strata lot.

#### **Vehicles**

- 4.21 Subject to bylaws 4.24 and 4.25, a resident must not park anything on common property except a private passenger automobile and/or motorcycle which:

- (a) is parked within a space assigned to the resident
- (b) is in a mechanically sound and drivable condition
- (c) is currently and visibly insured, and
- (d) does not visibly leak oil or other automotive fluids

## **STRATA PLAN NW2050 BYLAWS**

- 4.22 A resident or visitor must not use a parking stall for storage items other than a vehicle or vehicles as allowed by bylaw 4.21.
- 4.23 A resident using a parking stall is solely responsible for clean-up of, and any liability arising from, leakage of oil or other automotive fluids in the parking stall.
- 4.24 With the prior written permission of the council, a resident or visitor may park more than one private passenger automobile and/or motorcycle in a designated parking space.
- 4.25 A resident may park in visitors' or reserved parking only if a temporary pass is displayed.
- 4.26 A resident or visitor must not repair or adjust any motor vehicle on common property.
- 4.27 A resident or visitor must not drive any motor vehicle, trailer, boat or other equipment on any part of the common property other than on driveways without the prior written permission of the council.

### **Bicycles**

- 4.28 A resident or visitor must store bicycles only:
  - (a) in the bicycle lockup
  - (b) a storage locker, or
  - (c) within a strata lot as allowed by bylaw 4.29.
- 4.29 With the prior written permission of the council, a resident or visitor may store bicycles within a strata lot, provided:
  - (a) all bicycles enter or exit the building from the parking garage entrance, and
  - (b) the owner accepts responsibility for any damage caused by the bicycle to the common property
- 4.30 A resident or visitor must not:
  - (a) store anything other than a bicycle in the bicycle lockup
  - (b) wash bicycles anywhere within the strata plan except in the designated car wash area

# STRATA PLAN NW2050

## BYLAWS

### **Pets, Animals and Birds**

- 4.31 A resident must not keep any pets in a strata lot other than one or more of the following:
- (a) a reasonable number of fish or other small aquarium animals
  - (b) up to 2 caged birds
  - (c) up to 2 cats
- 4.32 A resident who owns a pet must ensure their pets:
- (a) are leashed or otherwise secured when on the common property or on land that is a common asset
  - (b) do not foul or damage any common property or land that is a common asset, and
  - (c) are not, in the opinion of the council, a nuisance or unreasonably interfere with the use and enjoyment of a strata lot, common property or land that is a common asset
- 4.33 A resident is responsible for any actions by their pets.
- 4.34 Upon request by the strata corporation, a resident must remove a pet within 30 days of the request, if it is found to be a nuisance or unreasonably interferes as described by bylaw 4.32(c).
- 4.35 A resident must not allow a visitor to bring pets onto the common property or on land that is a common asset.
- 4.36 A resident or visitor must not feed birds, rodents or other animals from a strata lot or anywhere on the common property or on land that is a common asset.

### **Shared Facilities**

- 4.37 A resident or visitor must not use shared facilities if denied access to those facilities by bylaw 31.1.

### **Short Term Accommodation**

- 4.38 A resident must not allow the strata lot to be used for short-term accommodation.

*Use of strata lots for short-term accommodation is a concern for security, liability and maintenance reasons. Examples of short-term accommodation prohibited by this bylaw are stays that may be arranged through Airbnb, VRBO or similar websites.*

# STRATA PLAN NW2050

## BYLAWS

### **FOB Door Access Security System**

- 4.39 *The strata corporation may install and maintain a FOB door access security system on the common property for the purpose of securing and monitoring common property, including:*
- (a) Preventing, recording, investigating and obtaining evidence of any theft, vandalism, nuisance, damage or injury cause by any person; and*
  - (b) Ensuring compliance with the bylaws relating to security.*
- 4.40 *The exact positioning of FOB door access security access points to be determined based on advice from crime prevention professionals. Currently the proposed locations of the FOB access points are expected to cover the main entrance and exit points of the doors to the interior areas of the buildings.*
- 4.41 *The data from the FOB security system will be held and used as follows.*
- (a) It will be stored on a dedicated computer located securely in the site administrator's office room. The computer will be password protected and will only be accessible for council members upon request;*
  - (b) It will be held for a period of 90 days, and after such time:*
    - (i) If there is no need to retain evidence as contemplated, it will be overwritten;*
    - (ii) If the council resolves to retain the data as contemplated, the Strata Council will record such resolution in the minutes of the Strata Council meeting and will retain such data for as long as is reasonably necessary.*
  - (c) It will be viewed by council, police department or fire department as required after a complaint or incident.*
- 4.42 *The strata corporation makes no representations or guarantees that any of the FOB door access system will be fully operational any time. The strata corporation is not responsible to an owner, tenant, occupant, or guest for any cost, loss or damage whatsoever related to a failure resulting from negligence or lack of maintenance or repair.*
- 4.43 *No owner, tenant, or occupant shall do anything to damage or interfere with the FOB door access security system.*

# STRATA PLAN NW2050

## BYLAWS

### **Surveillance Camera System**

- 4.44 *The strata corporation may install and maintain a Surveillance Camera System on the common property for the purpose of securing and monitoring common property, including:*
- (a) Being alert to the presence of trespassers;*
  - (b) Preventing, recording, investigating and obtaining evidence of any theft, vandalism, nuisance, damage or injury cause by any person; and*
  - (c) Ensuring compliance with the bylaws relating to security.*
- 4.45 *The exact positioning of surveillance cameras to be determined based on advice from crime prevention professionals. Currently the proposed locations of cameras are expected to cover the main entrance and exit points of the doors to the interior areas of the buildings.*
- 4.46 *The data from the surveillance cameras will be held and used as follows.*
- (a) It will be stored on a dedicated computer located securely in the site administrator's office room. The computer will be password protected and will only be accessible for council members upon request;*
  - (b) It will be held for a period of 90 days, and after such time:*
    - (i) If there is no need to retain evidence as contemplated, it will be overwritten;*
    - (ii) If the council resolves to retain the data as contemplated, the Strata Council will record such resolution in the minutes of the Strata Council meeting and will retain such data for as long as is reasonably necessary.*
  - (c) It will be viewed by council, police department or fire department as required after a complaint or incident.*
- 4.47 *The strata corporation makes no representations or guarantees that any of the surveillance cameras will be fully operational any time. The strata corporation is not responsible to an owner, tenant, occupant, or guest for any cost, loss or damage whatsoever related to a failure resulting from negligence or lack of maintenance or repair.*
- 4.48 *No owner, tenant, or occupant shall do anything to damage or interfere with the surveillance cameras.*

### **5.0 Rentals of strata lots**

- 5.1 Before a tenant moves into a strata lot, the owner must deliver a copy of these bylaws and rules of the strata corporation and a "Form K", Notice of Tenant's Responsibilities.
- 5.2 Within two weeks of renting a strata lot, the owner must give the strata corporation a copy of the "Form K", Notice of Tenant's Responsibilities, signed by the tenant.
- See also 2.5 for moving fees and 4.11 for restrictions on moving in or out.*

# **STRATA PLAN NW2050 BYLAWS**

## **6.0 Selling of strata lots**

6.1 When selling a strata lot, the owner must not allow:

- (a) “For Sale” signs to be placed on a strata lot or common property, other than on the frame at the front entrance provided for this purpose
- lockboxes of any kind to be installed anywhere on the common property

6.2 When selling a strata lot, the owner must ensure:

- (a) all showings of the strata lot are by appointment, unless prior written permission is obtained from the strata corporation for an open house
- (b) any prospective purchasers are accompanied by the owner or owner’s realtor while in the strata lot or the buildings of the strata corporation
- (c) the security of the strata corporation is not compromised

## **7.0 Inform strata corporation**

7.1 Within two 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, and the names of all residents of the strata lot.

7.2 An owner must inform the strata corporation at least three days before any resident moves in or out of the owner’s strata lot.

7.3 An owner must provide a written notice to the strata corporation within two weeks of any change in residents of the owner’s strata lot.

*See also bylaw 5.1 and 5.2 if a new resident is a tenant.*

# STRATA PLAN NW2050

## BYLAWS

### 8.0 Alterations to a Strata lot

#### **Prohibited Alterations**

- 8.1 A resident must not install any garburator, jacuzzi or similar appliance. Any appliance installed in contravention of this bylaw must be removed within 30 days if requested by the strata council unless the owner can prove in writing the installation was previously approved by the strata corporation.

#### **Alterations Requiring Approval**

- 8.2 A resident 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 or strata lot
  - (b) the exterior of a building
  - (c) chimneys, stairs, balconies, patios, decks 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) installation or removal of a wall or walls, whether structural or not
  - (h) those parts of the strata lot which the strata corporation must insure under section 149 of the Act

*See also 4.17, 4.18 and 4.19 for bylaws relating to protection of the building envelope.*

#### **Information to be Submitted for Approval**

- 8.3 For the strata corporation to consider an application for approval of alteration to a strata lot, a resident must submit the following in writing to the council:
- (a) the nature of the alteration
  - (b) the location of the alteration
  - (c) the plans for the alteration
  - (d) the licensing and insurance for the persons doing the work
  - (e) an undertaking from the owner to accept responsibility for any loss or damage arising as a result of the alteration at any time, and
  - (f) any other information the council may need to make a decision

# STRATA PLAN NW2050

## BYLAWS

### **Approval Conditions**

8.4 The strata corporation must not unreasonably withhold its approval under bylaw 8.0, but may require as a condition of its approval that the owner agree in writing, to any or all of the following terms and conditions:

- (a) get, and provide to the strata council copies of, any required permits
- (b) carry out the alterations according to the approved plans and any applicable regulations or codes
- (c) take responsibility for any expenses, loss or damage relating to the alteration.

*Examples of expenses, loss or damage relating to an alteration for which owners are responsible include:*

- *expenses related to proper handling of hazardous materials such as mould that may be disturbed by alternations*
- *removal of alterations to get access to piping or wiring, if required*
- *replacement of alterations, if the strata corporation is required to carry out remediation for some reason*

*Except in extraordinary circumstances, the council will provide a decision within two weeks of the application for alteration, or, if more information is required, within two weeks of the owner supplying the additional information requested.*

8.5 An owner must ensure any hard surface floors installed in a strata lot are installed over a high-quality sound-deadening layer. The acoustic underlay must have a rating of at least IIC74 STC73. If, after installation, the hard surface floors cause noise that disturbs another resident, the owner must ensure the travel area of the hard surface is carpeted.

### **9.0 Obtain approval before altering common property**

9.1 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.

9.2 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.

*See also 4.17, 4.18 and 4.19 for bylaws relating to protection of the building envelope.*



# STRATA PLAN NW2050

## BYLAWS

### 10.0 Allow entry to strata lot

- 10.1 A resident or visitor must allow any person authorized by the strata corporation to enter the strata lot in an emergency, without notice, to ensure safety or prevent significant loss or damage.
- 10.2 A resident or visitor must allow a person authorized by the strata corporation to enter the strata lot at a reasonable time, on 48 hours' written notice:
- (a) 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
  - (b) to inspect, test and if necessary repair or replace in-suite heat and smoke detectors
  - (c) to inspect and if necessary clean chimneys
  - (d) to inspect and clean dryer vents, or
  - (e) to verify these bylaws are being complied with
- Inspection, testing and repairs of listed in items (a), (b), (c) and (d) are included in the annual operating budget and do not cost owners extra, as long as access to strata lots is given at the time notified.*
- 10.3 The notice referred to in bylaw 10.2 must include the date and approximate time of entry, and the reason for entry.
- 10.4 If a resident or visitor does not provide access for the purposes specified in bylaw 10.2(b), 10.2(c), 10.2(d), the owner at their own expense must, within 30 days of the original inspection date, provide written proof that applicable inspection, testing, repair or replacement has been performed by an independent, qualified, licensed and insured company.

# STRATA PLAN NW2050 BYLAWS

## POWERS AND DUTIES OF STRATA CORPORATION

### 11.0 Administration of finances

*Part 6 of the Strata Property Act provides details of how the strata corporation must administer its finances.*

### 12.0 Insurance

12.1 The strata corporation must insure against:

- (a) major perils, as set out in section 9.1(2) of the Strata Property Regulation, and
- (b) earthquakes

*Residents are responsible for getting their own insurance for perils or expenses not covered by the strata insurance. These include:*

- *resident's belongings*
- *deductibles under the strata insurance for which they may be responsible*
- *alterations or improvements to their lots*
- *cost of alternate accommodation, if their lot cannot be occupied*

### 13.0 Repair and maintenance of property

13.1 The strata corporation must repair and maintain all of the following:

- (a) common assets of the strata corporation,
- (b) common property that has not been designated as limited common property,
- (c) property that is used by more than one lot or one lot and common property.
- (d) limited common property, but the duty to repair and maintain it is restricted to:
  - (i) repair and maintenance that in the ordinary course of events occurs less often than once a year, and
  - (ii) the following, no matter how often the repair or maintenance ordinarily occurs:
    - (A) the structure of a building,
    - (B) the exterior of a building,
    - (C) chimneys, stairs, balconies, patios, decks 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

# **STRATA PLAN NW2050**

## **BYLAWS**

- (e) a strata lot, but the duty to repair and maintain it is restricted to
  - (i) the structure of a building,
  - (ii) the exterior of a building,
  - (iii) chimneys, stairs, balconies, patios, decks and other things attached to the exterior of a building,
  - (iv) doors, windows and skylights on the exterior of a building or that front on the common property, and
  - (v) fences, railings and similar structures that enclose patios, balconies and yards.

13.2 The strata corporation must repair and maintain the shared facilities as agreed and funded by all strata corporations sharing the facilities.

### **14.0 Authorization to proceed**

14.1 The strata corporation may proceed under the Small Claims Act, without further authorization by the owners, to recover from an owner or other person.

## **COUNCIL**

### **15.0 Makeup of Council**

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

15.2 No person may stand for or remain a member of council if the strata corporation is entitled to register a lien against that person's strata lot. A person ceasing to be a council member under this bylaw must immediately return any keys or other items they may have as a result of having been a council member.

### **16.0 Council members' terms**

16.1 The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.

16.2 A person whose term as council member is ending is eligible for re-election.

# **STRATA PLAN NW2050**

## **BYLAWS**

### **17.0 Removing council member**

- 17.1 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.
- 17.2 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.

### **18.0 Replacing council member**

- 18.1 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.
- 18.2 A replacement council member may be appointed from any person eligible to sit on the council.
- 18.3 The council may appoint a council member under this bylaw even if the absence of the member being replaced leaves the council without a quorum.
- 18.4 If all the members of the council resign or are unwilling or unable to act for a period of 2 or more months, persons holding at least 25% of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings.

### **19.0 Officers**

- 19.1 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, a treasurer and a privacy officer.
- 19.2 A person may hold more than one office at a time, other than the offices of president and vice president.
- 19.3 The vice president has the powers and duties of the president:
  - (a) while the president is absent or is unwilling or unable to act
  - (b) if the president is removed, or

# **STRATA PLAN NW2050**

## **BYLAWS**

- (c) for the remainder of the president's term if the president ceases to hold office

19.4 If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

19.5 The strata council may vote to remove an officer.

### **20.0 Calling council meetings**

20.1 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.

20.2 The notice does not have to be in writing.

20.3 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.

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

### **21.0 Quorum of council**

21.1 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

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

# STRATA PLAN NW2050

## BYLAWS

### 22.0 Person to chair council meetings

- 22.1 Council meetings must be chaired by the president of the council.
- 22.2 If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
- 22.3 If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the council members present at the meeting.

### 23.0 Council meetings

- 23.1 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.
- 23.2 For the purpose of electronic meetings, a secret ballot is not permitted, voting may be conducted by a showing of virtual voting cards, polling, email to a designated scrutineer, or some other method, provided the parties voting can be identified.
- 23.3 If a council meeting is held by electronic means, council members are deemed to be present in person.
- 23.4 Owners may attend council meetings as observers.
- 23.5 Despite bylaw 23.3, no observers may attend those portions of council meetings that deal with any of the following:
  - (a) bylaw contravention hearings under section 135 of the Act
  - (b) rental restriction bylaw exemption hearings under section 144 of the Act
  - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy
- 23.6 The business of council meetings must be carried out in English unless all council members and any attending non-council owners agree otherwise.
- 23.7 The minutes of council meetings must be prepared and circulated in English unless all owners agree otherwise by unanimous resolution. Where such a resolution is agreed, the resolution is in effect until the next Annual General Meeting.

*Minutes may also be circulated in another language, if the council wishes. In this case, the English language version is the official version of the minutes.*

# **STRATA PLAN NW2050**

## **BYLAWS**

### **24.0 Voting at council meetings**

- 24.1 At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- 24.2 If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- 24.3 Decisions made at a council meeting must be recorded in the council meeting minutes.

### **25.0 Council to inform owners of minutes**

- 25.1 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.

### **26.0 Delegation of council's powers and duties**

- 26.1 Subject to bylaws 26.2 to 26.4, the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.
- 26.2 The council may delegate its spending powers or duties, but only by a resolution that
  - (a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
  - (b) delegates the general authority to make expenditures in accordance with bylaw 26.3
- 26.3 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

# **STRATA PLAN NW2050 BYLAWS**

- 26.4 The council may not delegate its powers to determine, based on the facts of a particular case,
- (a) whether a person has contravened a bylaw or rule,
  - (b) whether a person should be fined, and the amount of the fine, or
  - (c) whether a person should be denied access to shared facilities

## **27.0 Spending restrictions**

- 27.1 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.
- 27.2 Despite bylaw 27.1, 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.

## **28.0 Limitation on liability of council member**

- 28.1 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.
- 28.2 Bylaw 28.1 does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

## **ENFORCEMENT OF BYLAWS AND RULES**

### **29.0 Maximum fine**

- 29.1 The strata corporation may fine an owner a maximum of:
- (a) \$50 for each contravention of a bylaw, and
  - (b) \$10 for each contravention of a rule, including rules for the use of shared facilities

*Before imposing any fine on an owner for a new contravention of a bylaw, the strata corporation must follow the process given in section 135 of the Strata Property Act. This includes the right of an owner to answer to a complaint in a hearing.*



# **STRATA PLAN NW2050 BYLAWS**

## **30.0 Continuing contravention**

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

*Additional fines for a continuing contravention of a bylaw can be imposed on an owner without further notice.*

## **31.0 Denial of access to shared facilities**

- 31.1 In addition to or as an alternate to the fine in bylaw 29.1(b), the strata corporation may deny a resident or visitor access to shared facilities for contravention of a rule related to the use of those facilities.

## **32.0 Towing of vehicles**

- 32.1 In addition to or as an alternate to the fine in bylaw 29.1(a), the strata corporation may arrange at the vehicle owner's expense, for removal of a vehicle on the common property in contravention of bylaw 4.21, 4.24 or 4.25.

# **ANNUAL AND SPECIAL GENERAL MEETINGS**

## **33.0 Person to chair meeting**

- 33.1 Annual and special general meetings must be chaired by the president of the council.
- 33.2 If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
- 33.3 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.

# STRATA PLAN NW2050

## BYLAWS

### **34.0 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.
- 34.2 Persons who are not eligible to vote, including tenants and occupants, may participate in the discussion at the meeting, but only if allowed to do so by the chair of the meeting.
- 34.3 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.

### **35.0 Quorum for annual or special general meetings**

- 35.1 The quorum for general meetings is:
- (a) as specified in section 48 of the Strata Property Act, or
  - (b) the eligible voters present in person or by proxy, fifteen minutes from the time the meeting was called.

### **36.0 Voting**

- 36.1 At an annual or special general meeting, voting cards must be issued to eligible voters.  
*As indicated in 1.4(a) of these bylaws, any person against whose strata lot the strata corporation is entitled to register a lien is not an eligible voter except on matters requiring an 80% vote or unanimous vote. In this case, the meeting chair may order a precise count by secret ballot or some other method so as to include an otherwise ineligible voter.*
- 36.2 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.
- 36.3 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.
- 36.4 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.

# **STRATA PLAN NW2050**

## **BYLAWS**

- 36.5 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.
- 36.6 Despite anything in this bylaw, if requested by an eligible voter, the following must be held by secret ballot:
- (a) election of council, or
  - (b) resolutions that must be approved by a three-quarter vote, 80% vote or unanimous vote

### **37.0 Order of business**

- 37.1 The order of business at annual and special general meetings is as follows, unless amended by majority vote resolution passed at the meeting:
- (a) certify proxies and corporate representatives and issue voting cards;
  - (b) determine that there is a quorum;
  - (c) elect a person to chair the meeting, if necessary;
  - (d) present to the meeting proof of notice of meeting or waiver of notice;
  - (e) approve the agenda;
  - (f) approve minutes from the last annual or special general meeting;
  - (g) deal with unfinished business;
  - (h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;
  - (i) ratify any new rules made by the strata corporation under section 125 of the Act;
  - (j) report on strata insurance in accordance with section 154 of the Act, if the meeting is an annual general meeting;
  - (k) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
  - (l) deal with new business, including any matters about which notice has been given under section 45 of the Act;
  - (m) elect a council, if the meeting is an annual general meeting;
  - (n) terminate the meeting

# STRATA PLAN NW2050

## BYLAWS

### VOLUNTARY DISPUTE RESOLUTION

#### 38.0 Voluntary dispute resolution

38.1 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

38.2 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.

38.3 The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

*Another possible way of resolving disputes is through the Civil Resolution Tribunal – see <https://civilresolutionbc.ca/> for more details.*