

**EMERALD SHORES STRATA PLAN VIS3836
CONSOLIDATED BYLAWS
SEPTEMBER 29, 2009**

DIVISION 1—DUTIES OF OWNERS, OCCUPANTS AND VISITORS

1.1 Payment of strata fees

- a. An owner must pay strata fees on or before the first day of the month to which strata fees relate.
- b. Strata fees may be paid through pre-authorized monthly electronic transfer from each owner's bank account to the strata corporation's bank account.
- c. An owner's signature of the consent form authorizing monthly electronic transfers is deemed to include authorization to readjust the amount transferred in accordance with strata fees in the budget passed by the Annual General or Special Meeting of owners each year.
- d. New owners who take possession/occupy a strata lot at any time during the fiscal year must enter into an electronic transfer agreement identified in Bylaw 1.1b within one week of their possession date to cover the strata fees for the remainder of the fiscal year.
- e. An owner may advise Strata Council in writing that payment of his or her strata fees will be by post dated cheques.

1.2 Inform strata corporation

- a. Within (2) two weeks of becoming an owner, an owner must complete the Emerald Shores Registry Form in its entirety and return the completed form to the President of the Strata Corporation.

1.3 Exterior appearance and alterations of a strata lot

- a. No owner shall make, or permit to be made, any alteration which will change the exterior appearance of the strata lot without the written consent of council. Examples of alterations include doors, awnings, window tinting, air conditioners, balcony enclosures and any painting or staining.
- b. Alterations (and preliminary tests or assessments leading up to these), are to be entirely at the owner's expense. On-going maintenance of the alterations where necessary, must be carried out at the owner's expense.
- c. Exterior alterations must complement the decor, color, and quality of materials of the existing building, i.e., alterations must not detract from the overall property value of the strata complex.
- d. Exterior alterations must not interfere with the view of other owners.
- e. Where an electrical or building inspection for the alteration is required by the appropriate authority, a copy of the results of the inspection is to be provided to council within 30 days of the completion of the alteration.
- f. Owners shall not erect antennas for radios, televisions, satellite dishes, citizens bands or other forms of transmitting or receiving devices on the strata lot without the written approval of

council.

- g. Where window coverings of a strata lot (e.g., drapes, blinds etc.) are visible from the common property, they shall be kept in good repair and be neutral in color. The strata council will determine the acceptability of such covers if there is a complaint from other owners.
- h. No blinds or other window coverings are permitted on garage door windows.
- i. No owner shall hang, or permit to be hung, any laundry or washing on common property, or in or about the strata lot in any manner which may be visible from outside the strata lot.
- j. Deep freezers, refrigerators or any similar appliances may not be kept, stored or used on patios or balconies.
- k. No owner or visitor shall do or permit anything to be done that may cause damage to plants, flowers or lawns and shall not place chairs, tables or other objects on the lawns and grounds so as to damage them or prevent growth, or to interfere with the cutting of the lawns or the maintenance of the grounds.

1.4 Interior appearance and alterations of a strata lot

- a. Interior finishes of units may be changed in appearance as required by the owner except as noted in the following:
 - (i) The finish on floors of units above an occupied space shall not be changed without the written approval of council.
- b. No owner shall make, or allow to be made, any structural alterations to any ceiling, bearing or party wall, and no plumbing or electrical work within any attic, bearing or party wall shall be so made without prior written consent of council.

1.5 Unauthorized alterations

- a. Any alteration, construction, installation or removal (as in bylaw 1.3 & 1.4) that is made without the written consent of council may result in the owner being required to restore the altered area(s) to its original conditions at his/her expense, or, failing such action, be responsible for the costs incurred by the strata corporation in such restoration.

1.6 Obtain approval before altering common property

- a. 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.
- b. 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.

1.7 Repair and maintenance of property by owner or agent

- a. An owner or agent 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.

- b. An owner or agent 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.
- c. Any damage to exterior windows or door, attributable to the action or inaction by an owner or their agent shall be the responsibility of the owner.
- d. Any damage to common property attributable to the action or inaction by an owner their agent(s) shall be the responsibility of the owner.
 - (i) The owner must rectify any damage to common property to the standard and within the time period set by council.
 - (ii) If an owner does not rectify the damage within the specified time period, the Strata Corporation may have the matter remedied, and any expenses incurred shall be charged to the said owner and become part of the amount due and payable by the owner with the next regularly due strata fee.

1.8 Use of Property

- a. An owner must not permit any person under the age of 19 years (except their spouse) to live within their strata lot. (This bylaw does not apply to short term visits of 60 days or less). Council may, upon written application by the owner, grant a time-limited waiver under exceptional circumstances.
- b. No owner shall alter the settings of the crawlspace heaters and fans without the written permission of strata council.
- c. Any damage resulting from unauthorized setting of crawlspace fans and heaters by the owner shall be the financial responsibility of the owner.
- d. An owner may conduct a small business from their strata lot, but must not use their strata lot to meet with or provide on site services of any kind to clients or customers.
- e. Owners, occupants or visitors must not temporarily or permanently store or place anything not approved in writing by council, on or in common property (such as crawlspaces, attics and exterior areas adjacent to their strata lot). Exemption: This bylaw does not apply to potted plants located on common property adjacent to a strata lot.
- f. No owner or occupant shall store athletic or exercise equipment on limited common property which is visible either to other owners or the general public. Only form fitting covers may be used to cover any items stored on limited common property. Colored tarpaulins may not be used at any time.
- g. Barbecue use is permitted on the exterior of all strata units, subject to the following:
 - (i) Must be used only on balconies.
 - (ii) Barbecues must be natural gas (preferred), propane, or electric only.
 - (iii) All units with a barbecue must have a 51b. ABC fire extinguisher in working condition

within the strata unit.

- (iv) Propane users are limited to a 5 lb tank, (a second tank may be stored on a balcony or patio only)
- h. Owners must maintain a level of heat within their strata lot, including apartment and garages, to prevent freezing of waterlines. During any absence, provisions must be made to ensure that regular inspections are made as may be required by the strata or owner's insurer.

1.9 Debris

- a. Nothing may be swept, shaken or thrown out of windows, doors or off balconies of the strata lots or common property.
- b. All garbage must be properly wrapped and tied or fastened and placed in the container provided for garbage disposal.
- c. Cardboard, newspapers, recyclable glass and plastic containers shall not be placed in the container provided for garbage disposal. These items must be recycled by the owner at an off site recycling depot.

1.10 Insurance

- a. An owner must maintain in force an insurance policy which covers the contents of his / her strata lot and any betterments or improvements made to that lot.
- b. Owners who have a waterbed(s) are required to obtain (and keep at all times) a waterbed liability insurance policy which provides a minimum of \$200,000 coverage.
- c. No owner shall do or permit anything to be done on the premises which will in any way increase the risk of fire or water damage or the rate of the Strata Corporation's insurance premium.
- d. All property placed in the strata lot, garages, any storage areas or common property will be at the sole risk of the owner of the strata lot.
- e. An owner must notify council in writing of any potential claim by an owner for damage to property covered under the strata insurance policy.
- f. The strata corporation may sue an owner to recover the deductible portion of the strata corporation's insurance policy if it is found that an action or non-action of the owner is responsible for the loss or damage that gave rise to the claim.

1.11 Common Property

- a. No pictures, paintings, decorations (other than for the Christmas season), furniture, barbecues, or signs may be placed in any common area by any owner or visitor.
- b. Bicycles, mopeds, golf carts, kayaks, canoes or other similar conveyances may not be parked or stored on common property.

1.12 Permit entry to strata lot

- a. An owner, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot;
 - (i) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
 - (ii) at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act.
- b. The notice referred to in subsection 1.12.ii must include the date and approximate time of entry, and the reason for the entry.
- c. An owner who improperly fails or refuses to provide access contrary to Section 1.12.a shall be responsible for any damages or additional costs incurred by the strata corporation as a result of the failure to allow an authorized person access. The strata corporation may commence court proceedings to compel access to the strata lot and the unit owner who unlawfully refused access shall not only be responsible for the damages, but also for the legal costs of the strata corporation as between a solicitor and his own client.

DIVISION 2—POWERS AND DUTIES OF THE STRATA CORPORATION

2.1 Develop and enforce rules

- a. The strata council may pass and enforce rules governing the use, safety and condition of the common property and common assets.

2.2 Authority to take Small Claims Court action

- a. A resolution, passed by VA of the owners at a Special Meeting, to bring a suit against an owner or other persons to collect money owing to the strata corporation under the *Small Claims Act*, including money owing as a fine, is not required pursuant to this bylaw.
- b. The strata council is authorized, in its sole discretion, to undertake legal proceedings in Small Claims Court to collect money owing the strata corporation without the requirement for further vote or approval of the unit owners at a general meeting.

2.3 Repair and maintenance of property by strata corporation

- a. The strata corporation must repair and maintain all of the following:
 - (i) common assets of the strata corporation;
 - (ii) common property that has not been designated as limited common property;
 - (iii) limited common property, but the duty to repair and maintain is restricted to: repair and maintenance that in the ordinary course of events occurs less often than once a year, and
 - (iv) the following, no matter how often the repair or maintenance ordinarily occurs:

- (v) the structure of a building;
- (vi) the exterior of a building;
- (vii) chimneys, stairs, balconies and other things attached to the exterior of a building.
- (viii) doors, windows and skylights on the exterior of the building or that front on the common property.
- (ix) fences, railings and similar structures that enclose patios, balconies and stairs.
- (x) a strata lot in a strata plan, but the duty to repair and maintain it is restricted to:
 - (a) the structure of a building;
 - (b) the exterior of a building;
 - (c) chimneys, stairs, balconies and other things attached to the exterior of a building;
 - (d) fences railings and similar structures that enclose patios, balconies and stairs.

DIVISION 3-COUNCIL

3.1 Council size

- a. Subject to subsection (2), the council must have at least 3 and not more than 7 members.

3.2 Eligibility for council membership

- a. Only one person per strata lot may be a member of council at the same time.
- b. The only persons who may be council members are the following:
 - (i) owners;
 - (ii) individuals representing corporate owners;
 - (iii) spouse of an owner who is not registered on title;
 - (iv) partner to a registered owner provided that the partner and the registered owner are cohabiting in a relationship tantamount to marriage whether of the same sex or not.
- c. No owner who has charges outstanding against his strata lot shall stand for an elected position on the strata council. Should a council member become delinquent at any time during a term on council, the member shall have thirty (30) days, upon receipt of a valid arrears notice, to **pay** all amounts owing to the strata corporation. Should the member not comply with the above, his position as council member **may** be terminated.

3.3 Council members' terms

- (i) Deleted – Sept 29, 2009

3.4 Removing council member

- a. The strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more members.
- b. After removing a council member, the strata corporation must hold an election at the same annual or special meeting to replace the council member for the remainder of the term.

3.5 Replacing council member

- a. If a council member resigns or is unwilling or unable to act for a period of two (2) or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.
- b. A replacement council member may be appointed from any person eligible to sit on the council.
- c. 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.
- d. If all the members of the council resign or are unwilling or unable to act for a period of 2 or more weeks, 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.

3.6 Officers

- a. 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.
- b. A person may hold more than one office at a time, other than the offices of president and vice president.
- c. 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.
- d. 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.

3.7 Calling council meetings

- a. 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.
- b. The notice does not have to be in writing.
- c. The council meeting may be held on less than one week's notice if;
 - (i) all council members consent in advance of the meeting, or the meeting is required to deal with an emergency situation, and all council members either consent in advance of the meeting, or are unavailable to provide consent after reasonable attempts to contact them.
- d. The council must inform owners about a council meeting as soon as possible after the meeting has been called.

3.8 Owner attendance at council meetings

- a. Owners wishing to attend a council meeting may do so as an observer, and upon providing notice to the president five (5) days in advance of the meeting date.
- b. Despite subsection (a), no observers may attend those portions of council meetings that deal with any of the following:
 - (i) bylaw contravention hearings under section 135 of the Act;
 - (ii) rental restriction bylaw exemption hearings under section 144 of the Act;
 - (iii) any other matters if the presence of observers would, in the council's opinion, reasonably interfere with an individual's privacy.

3.9 Request for a hearing at council

- a. An owner may request a hearing at a council meeting by notifying the Secretary in writing, and by stating the reason for the hearing.
- b. If a hearing is requested under subsection (a), the council must hold a meeting to hear the applicant within two (2) weeks or at the next scheduled meeting of council as determined by the president.
- c. If the purpose of the hearing is to seek a decision of council, the council must give the applicant a written decision within one week of the hearing.

3.10 Quorum of council

- a. A quorum of council is a majority of council members in attendance, either in person or by electronic means.

3.11 Council meetings

- a. 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.
- b. If a council meeting is held by electronic means, council members are deemed to be present.

3.12 Voting at council meetings

- a. At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- b. If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- c. The results of all votes at a council meeting must be recorded in the council meeting minutes.
- d. Any council member who has outstanding charges, fees or fines against his/her strata lot is not eligible to vote at council meetings.

3.13 Council to inform owners of Minutes

- a. The council must inform owners of the Minutes of all council meetings within two (2) weeks of the meeting, whether or not the Minutes have been approved.
- b. If requested by an owner, distribution of the Council minutes may be by electronic means.

3.14 Delegation of council's powers and duties

- a. Subject to subsections (b) to (d), 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.
- b. The council may delegate its spending powers or duties, but only by a resolution that:
 - (i) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
 - (ii) delegates the general authority to make expenditures in accordance with subsection (3).
 - (iii) specifies the time for which the delegation is in effect.
- c. A delegation of a general authority to make expenditures must
 - (i) set a maximum amount that may be spent and
 - (ii) indicate the purposes for which, or the conditions under which, the money may be spent and
 - (iii) specify the time for which the delegation is in effect.
- d. The council may not delegate its powers to determine, based on the facts of a particular case,
 - (i) whether a person has contravened a bylaw or rule,
 - (ii) whether a person should be fined, and the amount of the fine, or
 - (iii) whether legal action should be taken.

3.15 Spending restrictions

- a. 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.
- b. Despite subsection (a), 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.
- c. The maximum aggregate spending limit for Council for non-budgeted items is 5% of the total strata fees budgeted to be collected in that fiscal year.
- d. The strata corporation may acquire personal property for the use of the strata corporation or dispose of personal property of the strata corporation if the personal property has a market value that does not exceed \$5,000.00. If the market value of the personal property

exceeds \$5,000.00, then a resolution passed by a $\frac{3}{4}$ vote at an annual or special meeting is required to either acquire or dispose of personal property.

3.16 Limitation on liability of council member

- a. 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.
- b. Subsection (a) does not affect a council member's liability, as an owner, for a judgement against the Strata Corporation.

DIVISION 4—VEHICLES AND PARKING**4.1 Registration of vehicles**

- a. All vehicles of owners and their spouses and other occupants must be registered with the strata council via the Owner Registry form.

4.2 Definition of parking

- a. For the purposes of this bylaw, parking is defined as “a vehicle not in motion for a period in excess of 30 minutes”.

4.3 Parking area restrictions

- a. Parking is restricted to covered garages, carports and surface parking stalls. Parking in fire lanes, roadways and other common property or restricting access/egress to parking garages/stalls is not permitted.

4.4 Restrictions on recreational vehicles and boats

- a. No owner shall park or permit a visitor to park any boat, trailer, or commercial vehicle anywhere in the complex. (This bylaw does not apply to the normal process of loading or unloading, or to vehicles servicing strata lots). A recreational vehicle, which fits entirely within the painted lines of a surface parking stall, may be parked within the complex for a maximum of 24 hours.

4.5 Washing of vehicles

- a. Washing of vehicles is permitted in any carport, surface parking stall or non-restricted roadway.

4.6 Repair of vehicles

- a. Vehicle maintenance, repairs and restoration are permitted in garages only, i.e., not on common property.

4.7 Requirement for garage use

- a. An owner must park his/her vehicle, overnight, in the parking garage or carport assigned to his/her strata lot - except during or immediately prior to predicted extreme weather conditions. Council may, upon written application by the owner, grant a time-limited waiver under exceptional circumstances.

4.8 Limitation on the number of vehicles

- a. An owner or occupant of any strata lot must not keep/store or park more than 2 vehicles within the strata complex.

4.9 Parking of a second vehicle

- a. An owner or occupant may park a second vehicle and their visitors' vehicles as well, in any parking stall.

4.10 Breach of parking bylaws

- a. Vehicles that are in breach of these bylaws are subject to removal from the property at the owner's expense, and/or the applicable owner subject to fines.

DIVISION 5—PETS AND ANIMALS**5.1 Care and control of pets**

- a. An owner or occupant must not keep any pets on a strata lot other than one or more of the following:
 - (i) a reasonable number of fish or other small aquarium animals;
 - (ii) a reasonable number of small caged mammals;
 - (iii) up to 2 caged birds;
 - (iv) one dog of reasonable size or one cat.

- b. Animals shall not be allowed to run unleashed on common property. When walking on paths or roadways animals must be kept under control on a short leash.
- c. No animal shall be allowed to be domiciled on a balcony or be tied within the limits of a limited common property, balcony or patio.
- d. All pets must be identified/listed and registered on the Owner Registry Form.
- e. A pet owner is responsible for the immediate removal of any feces deposited by his/her animal on common property.
- f. Any pet of visitors to the strata complex is subject to the same rules that apply to the pets of owners in the Strata Corporation.
- g. If the strata council, on reasonable grounds, considers any pet to be a nuisance, they may give the pet owner written notice to have the pet removed from the strata complex within 30 days of receiving the written notice.

DIVISION 6—RENTAL PROHIBITION

6.1 Rental of strata lots

- a. Pursuant to section 141 of the *Strata Property Act* and any other applicable provision in the said Act or the Regulations and subject to any exemptions, the rental of residential strata lots is prohibited.

6.2 Consequences of bylaw contravention

- a. A unit occupied for more than 60 days, but not by a person or persons defined in section 8.1 of the Regulations of the *Strata Property Act*, will be considered as leased or rented.
- b. Council may, upon written application by an owner, grant a time-limited waiver of section “a” under exceptional circumstances.
- c. An owner who leases or rents a strata lot in contravention of this bylaw may be subject to a fine in the discretion of the strata council in an amount not to exceed \$500.00 for each 7 day period that the strata lot is rented.

DIVISION 7—ANNUAL AND SPECIAL GENERAL MEETINGS

7.1 Eligibility to attend annual and special general meetings

- a. The following persons may attend annual and special general meetings:
 - (i) owners and their spouses;
 - (ii) resource persons and interested parties approved in advance through council.

7.2 Person to chair meeting

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

7.3 Participation by other than eligible voters

- a. Persons who are not eligible to vote and approved interested parties may participate in the Strata Corporation discussion at the meeting, but only if permitted to do so by the chair of the meeting.
- b. Persons who are not eligible to vote, interested parties, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

7.4 Voting

- a. At an annual or special general meeting, voting cards must be issued to eligible voters.
- b. 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.
- c. If a precise count is requested, the chair must decide whether it will be by a show of voting cards or by roll call secret ballot or some other method.
- d. 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.

- e. 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.
- f. Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.

7.5 Order of business

- a. The order of business at annual and special general meetings is as follows:
 - (i) certify proxies and corporate representatives and issue voting cards;
 - (ii) determine that there is a quorum;
 - (iii) elect a person to chair the meeting, if necessary;
 - (iv) present to the meeting proof of notice of meeting or waiver of notice;
 - (v) approve the agenda;
 - (vi) approve minutes from the last annual or special general meeting;
 - (vii) deal with unfinished business;
 - (viii) 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;
 - (ix) ratify any new rules made by the Strata Corporation under section 125 of the Act;
 - (x) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
 - (xi) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
 - (xii) reaffirm that the strata corporation's monthly and annual financial statements are prepared by a contracted bookkeeping / accounting firm or the strata manager.
 - (xiii) deal with new business, including any matters about which notice has been given under section 45 of the Act;
 - (xiv) elect a council, if the meeting is an annual general meeting;
 - (xv) terminate the meeting.

- 7.6** a. That Council must inform owners of the minutes of the AGM/SGM within two (2) weeks of the meeting.
- b. If requested by an owner, distribution of the AGM/SGM minutes to that owner may be by electronic means.

DIVISION 9—MARKETING ACTIVITIES BY OWNER

9.1 Strata lot sale

- a. Owners or the owner's agent may not post real estate or for sale signs on any part of the interior or exterior of their strata lot.
- b. Owners or the owner's agent must use the approved Real Estate Tree for advertising the sale of a strata lot.

- c. Any sign placed on the real estate tree must be professionally finished, and be no larger than 10" x 30" wide.

DIVISION 10—ENFORCEMENT OF BYLAWS AND RULES

10.1 Bylaws to be complied with

- a. All bylaws and rules of VIS 3836 will be complied with at all times, and any violation(s) of these bylaws and rules may at the discretion of the strata council result in fines.

10.2 Owner responsible

- a. Each owner is responsible for;
 - (i) adherence to VIS 3836's bylaws and rules by himself/herself, and the owners occupants or visitors, and
 - (ii) payment of any fines or other charges resulting from violation of the bylaws and rules of any of these parties.

10.3 Maximum fines

- a. The maximum fine which may be levied against an owners for each contravention is as follows:
 - (i) \$200.00 for each contravention of a bylaw (other than a breach of a rental prohibition).
 - (ii) \$500.00 for each contravention of a rental prohibition, (applies to owners only).
 - (iii) \$50.00 for each contravention of a rule.

10.4 Continuing contravention

- a. The maximum frequency for the imposition of a fine for a continuing contravention of a bylaw or rule shall be every 7 days.

10.5 Fines for tenants

- a. The strata corporation may levy fines and collect same from tenants, and recover the cost of remedying the contravention of a bylaw or rule. Failing such action, the strata corporation may collect any amounts due from the owner.

10.6 Outstanding charges

- a. If, in any month, a payment of a monthly strata fee, special assessment, or any outstanding charge against an owner's strata lot is not received by the end of the month in which it/they are due, an automatic fine of \$50.00 will be levied. This fine will be applied each month until the owner is current. Failure to pay outstanding charges against a strata lot for a period exceeding three months may result in more serious penalties- such as a lien being placed against the strata lot.

10.7 Correcting deficiencies

- a. If the strata council deems that a deficiency associated with a bylaw or rule violation must be corrected regarding any strata lot or limited common property, it will first give written notice to the owner. If the owner does not rectify the deficiency within a reasonable time period specified by council, the strata council may have the matter remedied, and any expense Incurred shall be charged to the said owner and become part of the amount due and payable by the owner with the next regularly due monthly strata fee.

10.8 Recovering costs of enforcement

- a. The strata corporation shall recover from the owner the legal costs incurred by the strata corporation in any successful action commenced against an owner for the recovery of any debt, or any action to compel the owner to do or to refrain from doing any act or omission which is in violation of these bylaws or any rules established pursuant to these bylaws.

DIVISION 11—VOLUNTARY DISPUTE RESOLUTION**11.1 Voluntary dispute resolution**

- a. A dispute among owners, the Strata Corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if
 - (i) all the parties to the dispute consent, and
 - (ii) the dispute involves the Act, the regulations, the bylaws or the rules.
- b. This bylaw does not apply to action taken pursuant to subsection 10.4 (continuing contravention).

- c. A dispute resolution committee consists of
 - (i) one (1) owner of the Strata Corporation nominated by each of the disputing parties and one (1) owner chosen to chair the committee by the persons nominated by the disputing parties, or
 - (ii) any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties.

DIVISION 12-SEVERABILITY

- a. Should any portion of the bylaws be deemed to be unenforceable, then for the purpose of interpretation and enforcement of the bylaw, each bylaw and each subparagraph shall be deemed to be separate provisions and severable, and the balance of the provisions contained therein shall remain in full force and effect.