



Strata Property Act Filing

VICTORIA LAND TITLE OFFICE
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CA9351277

1. Contact

Alliance Strata Property Services Ltd.
PO Box 549
Parksville BC V9P 2G6
250 951-0851

2. Identification of Attached Strata Property Act Form or Other Supporting Document

Application Type

LTO Document Reference

Form-I Amendment to Bylaws

3. Description of Land

PID/Plan Number

Legal Description

VIS3537

THE OWNERS, STRATA PLAN VIS3537

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this application under section 168.4 of the *Land Title Act*, RSBC 1996, c.250, that you certify this application under section 168.43(3) and that the supporting document is in your possession.

Alan Ives Chim
GBW49K

Digitally signed by
Alan Ives Chim GBW49K
Date: 2021-09-10
16:22:36 -07:00

Strata Property Act
FORM I
AMENDMENT TO BYLAWS
(Section 128)

The Owners, Strata Plan VIS 3537 certify that the following or attached amendments to the bylaws of the strata corporation were approved by a resolution passed in accordance with section 128 of the *Strata Property Act* at an annual or special general meeting held on June 29, 2021:

~~RESOLUTION #2 SMOKING BAN WITH GRANDFATHERING~~

BE IT RESOLVED AS A $\frac{3}{4}$ VOTE OF THE OWNERS STRATA PLAN VIS3537 that the Strata Corporation amend its bylaws by adopting the following bylaw to prohibit smoking outright while grandfathering existing smokers and allowing for very limited medical exemptions to the ban:

37. Smoking Prohibition

- (1) "Smoking" or "smoke" means releasing into the air, gases, particles, or vapors as a result of combustion, electrical ignition or vaporization of a substance including but not limited to: tobacco, cannabis, heroin, crack, narcotics, e-juice, and vape juice, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of the by-products.
- (2) For the purposes of these bylaws, "cannabis" means the cannabis sativa, cannabis indica, and cannabis ruderalis plants or any similar member of the cannabaceae family, and any products derived therefrom.
- (3) Owners, tenants, occupants, and visitors must not smoke in, or on any of the following areas:
 - (a) exterior common property;
 - (b) interior common property;
 - (c) patios, and balconies; or
 - (d) inside the habitable portion of the strata lots.
- (4) Subsection 3(d) of this bylaw does not apply to any person who smoked tobacco or cannabis in their strata lot at the time of the adoption of this bylaw. Such owners, occupants or tenants (referred to herein as a "Grandfathered Smoker") retain their right to smoke within the habitable portion of their strata lot.
- (5) Persons who are not Grandfathered Smokers themselves, are not permitted to smoke within a Grandfathered Smoker's strata lot.
- (6) Notwithstanding subsection (3)(d) of this bylaw an owner, tenant, or occupant may apply to the Strata Corporation for a human rights based exemption to this bylaw to permit them to smoke for medicinal reasons inside the habitable portion of their strata lot but not in the areas specified in subsections (3)(a), (3)(b), and (3)(c) ("Medically Exempt Smoker").
- (7) The Strata Council may only grant a human rights based exemption permitting an owner, occupant or tenant to smoke tobacco or cannabis for medicinal purposes in the habitable portion of their strata lot if the applicant provides the Strata Corporation with a written medical opinion from a qualified medical professional licensed to practice medicine in British Columbia that:
 - (a) describes the applicant's medical condition; and
 - (b) smoking tobacco or cannabis is necessary for the treatment of that medical condition; and

- (c) in the case of cannabis, the applicant cannot or should not ingest cannabis by a means other than smoking due to the nature of the applicant's medical condition.
- (8) Grandfathered Smokers and Medically Exempt Smokers must:
- (a) make reasonable efforts to prevent secondhand tobacco or cannabis smoke from infiltrating the interior common property, or other strata lots; and
 - (b) not cause a hazard or nuisance.
- (9) If the Council receives complaints of second hand tobacco or cannabis smoke infiltrating other strata lots or the common property it must investigate the complaint.
- (10) If after investigating the complaint, the Council determines that smoke from a Grandfathered Smoker or Medically Exempt Smoker is infiltrating another strata lot, or the interior common property, or causing a nuisance or a hazard to another person, then the Council may, after fulfilling the procedural requirements of section 135 of the *Strata Property Act*:
- (a) fine the Grandfathered Smoker or Medically Exempt Smoker.
 - (b) make the Grandfathered Smoker or Medically Exempt Smoker carry out work to their strata lot to prevent the escape of second hand smoke, or
 - (c) revoke the Grandfathered Smoker's or Medically Exempt Smoker's right to smoke in their strata lot on 30 days written notice.
- (11) All persons, including but not limited to owners, tenants, occupants and visitors must comply with this bylaw.

In Favour: 12

Opposed: 1

Carried

RESOLUTION #3 BAN ON GROWING AND SALE OF CANNABIS

BE IT RESOLVED AS A ¾ VOTE OF THE OWNERS STRATA PLAN VIS3537 that the Strata Corporation amend its bylaws by adopting a bylaw that bans the growing and sale of cannabis and equivalents:

38. Prohibition Against Growing, and Sale of Cannabis and Controlled Substances

- (1) Owners, occupants, tenants, and visitors may not:
- (a) grow, store, or cultivate cannabis plants in or on a strata lot, or the common property;
 - (b) process, keep or store or any "controlled substance" as that term is defined in the *Controlled Drugs and Substances Ac.* in or on a strata lot, or the common property; or
 - (c) barter, trade, or sell cannabis or any derivative thereof, or any "controlled substance" in or from a strata lot, or the common property.
- (2) In the event that the Strata Corporation receives a written complaint regarding an alleged contravention of subsection (1), the Strata Corporation, in addition to any other right of entry it has under these bylaws, may enter into a strata lot on 24 hour's written notice to carry out an inspection of that strata lot to determine if a contravention of subsection (1) has occurred.
- (3) An owner shall indemnify and save harmless the Strata Corporation from any direct or indirect expenses, including but not limited to legal costs, incurred by the Strata Corporation for maintenance, repair or replacement rendered necessary to the common property or to any strata lot (including the owner's strata lot) as a result of damage arising from growing, keeping or storing cannabis, or producing or manufacturing "controlled substances" within an owner's strata lot or on the common property, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy held by the Strata Corporation. In such circumstances, any insurance deductible paid or payable by the Strata Corporation shall be considered an expense not covered by the proceeds received by the Strata Corporation as insurance coverage and will be charged to the owner, pursuant to section 158(2) of the *Strata Property Act*.

Carried Unanimously

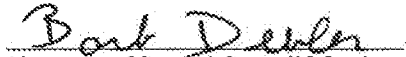
RESOLUTION #4 AMEND AND FILE BYLAWS

BE IT RESOLVED AS A ¾ VOTE OF THE OWNERS STRATA PLAN VIS3537 that the registered bylaws of the Strata Corporation be amended by adopting all of the bylaws passed at today's meeting, adding in any bylaws that were not repealed from the previous filed bylaws, renumbering and making non-substantive ancillary changes as required, and by filing these amendments in the Land Title Office which shall be deemed to be the bylaws of the Strata Corporation.

Carried Unanimously



Signature of Council Member



Signature of Second Council Member

(not required if council consists of only one member)

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