

CAMBRIA GARDENS BYLAWS VIS 3537

The following document includes the Schedule of Standard Bylaws and all modifications or additions which have been approved by a resolution passed at an Annual or Special General Meeting in accordance with Section 128 of the Strata Property Act, as registered at the Land Title Office, Victoria, BC.

CAMBRIA GARDENS STRATA VIS3537 BYLAWS TO JULY 2009

FORM 1 AMENDMENT TO BYLAWS (Section 128)

The Owners, Strata Plan No. VIS3537 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 a special general meeting held on March 9, 2004 and were registered with the Land Title Office, Victoria, B.C. on March 23, 2004. Further, all previous registered bylaws are hereby repealed.

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Bylaws

Division 1 – Sale of Strata Lot and Restrictions

1. Sale of Property

- a. At the time of sale of a strata lot, a real estate agent or owner may place a FOR SALE sign on the crossbar of the post at the front entrance to the property meant for that purpose.
- b. The FOR SALE sign must measure no larger than 26 cm. in height and 80 cm. in width (10" x 30").
- c. The FOR SALE sign must be professionally finished.
- d. The FOR SALE sign must be removed no later than 5 (five) days after completion of the sale of a strata lot.

2. Occupancy Restrictions

- a. Subject to Section 123 (2) of The Act, the minimum age of an occupant of any strata lot shall be 55 years.
- b. No more than four people may reside on a permanent or semi-permanent basis in a strata lot.
- c. No strata lot shall be used for any purpose other than as a single family home.

3. Rentals

- a. Subject to Section 141(2)(a) of The Act, the rental of strata lots is not allowed, with the following exceptions:
 - 1) Section 142 of The Act;
 - 2) Section 144 of The Act
- b. Should an exemption be allowed, subject to Sections 142 and 144 of The Act, within two weeks of renting all or part of a strata lot, the owner must provide Strata Corporation VIS3537 with a copy of a completed Form K, signed by the tenant.

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Form 1 Amendment to Bylaws registered with the Land Title Office on July 22, 2009. The following additions 1(4), (5) and (6), as shown in italics, to the bylaws 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 10, 2009. Bylaw 4 Pets is amended as shown in italics.

4. Pets

- a. *An owner, tenant, or occupant must not keep any pets on a strata lot other than one or more of the following:*
 - 1) *Up to two caged small birds;*
 - 2) *One spayed or neutered dog, of a small breed. The adult size to be no more than 16" at the shoulder, or one spayed or neutered cat.*
- b. An owner, tenant, occupant, or visitor must ensure that all animals are leashed, or otherwise secured when on common property, or on land that is a common asset.
- c. An owner, tenant, occupant, or visitor is responsible for the immediate cleanup after their pets when on common property, or land that is a common asset.
- d. Pets must not be a nuisance to other strata lot owners, tenants, or occupants.
- e. *An owner, tenant, occupant must advise council in writing of any new pets or change in the status of current pet.*
- f. *A new owner, tenant, occupant must register their pet with council prior to moving in and supply council with proof of spayed or neutered.*

Division 2 - Duties of Owners, Tenants, Occupants and Visitors

Form 1 Amendment to Bylaws registered with the Land Title Office on July 22, 2009. The following additions 1(4), (5) and (6), as shown in italics, to the bylaws 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 10, 2009. Bylaw 5 Payment of Strata Fees is amended as shown in italics.

5. Payment of Strata Fees

- a. An owner must pay strata fees on or before the first day of the month to which the strata fees relate. *If an owner fails to pay strata fees at the required time the strata corporation shall charge interest at the rate of prime plus 4% per annum compounded monthly. The council*

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may initiate legal action if an owner continues to be in default for more than three months.

- i) An owner must pay any special levy on or before any due date and in accordance with the payment schedule, if any, instituted by the strata corporation. If an owner fails to pay a special levy at the required time he may be fined \$75.00 for each month the special levy remains unpaid. The council may initiate legal action if an owner continues to be in default for more than three months.*
- ii) All strata fees collected from an owner will be applied as follows:*
 - a) first, to any outstanding interest, fines, or costs described in this bylaw*
 - b) second, to any costs or expenses other than strata fees and other than those described in a. that the owner is responsible to pay to the strata corporation, including the expense described in bylaw 3(4)*
 - c) third, to any expenses incurred by the strata corporation to enforce payments due from the owner; and*
 - d) fourth, to payment of strata fees due and owing.*
- b. In all cases, where payment of strata fees is received late, interest shall be levied in accordance with the Strata Act, Section 107 and the Strata Property Regulation 6.8 and shall be added to and be deemed to form part of the next month's assessment.
- c. The owner shall make cheques payable to Strata Corporation VIS3537 and sent to the strata corporation's property management company, or by direct payment from the owner's personal bank to the strata corporation's bank.
- d. If the owner so wishes, post-dated cheques may be provided in either case given in subsection c. above.

6. Repair and Maintenance of Property by Owner

- a. 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.

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- b. 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.

7. Use of property

- a. An owner, tenant, occupant or visitor must not use a strata lot, limited common property, common property or common assets in a way which
 - 1) causes a nuisance or hazard to another person,
 - 2) causes unreasonable noise,
 - 3) unreasonably interferes with the right of other persons to use and enjoy another strata lot, common property, or common assets,
 - 4) is illegal, or
 - 5) is contrary to a purpose for which the strata lot, or common property, is intended, as shown expressly, or by necessary implication on, or by, the strata plan.
- b. 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 Act.

8. Inform strata corporation

Within 2 weeks of becoming an owner, a person must inform the strata corporation of their name, strata lot number, telephone number and mailing address outside the strata corporation, if any.

Form 1 Amendment to Bylaws registered with the Land Title Office on July 22, 2009. The following additions 1(4), (5) and (6), as shown in italics, to the bylaws 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 10, 2009. Bylaw 9 Obtaining Approval Before Altering a Strata Lot is amended as shown in italics.

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9. Obtain approval before altering a strata lot

- a. An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves any of the following:
 - 1) the structure of a building;
 - 2) the exterior of a building;
 - 3) chimneys, stairs, balconies or other things attached to the exterior of a building;
 - 4) doors, or windows on the exterior of a building, or that front on the common property;
 - 5) fences, railings or similar structures which enclose a patio, balcony or yard;
 - 6) common property located within the boundaries of a strata lot;
 - 7) those parts of the strata lot which the strata corporation must insure under section 149 of the Act.
- b. The strata corporation must not unreasonably withhold its approval under subsection a., but may require, as a condition of its approval, that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.
- c. *Owners must ensure that all efforts are made to consider the comfort of all owners when selecting materials required for any alterations. This especially relates to but is not limited to hardwood flooring.*

10. 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 shall require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

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11. Permit Entry to Strata Lot

- a. Each owner shall provide the strata council with a key to the front door of their strata lot, to be used only for purposes given in b. below.
- b. An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot
 - 1) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and notify the owner as soon as possible, if not present at the time, why such an entry was made and under what circumstances.
 - 2) 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, which are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act.
- c. The notice referred to in subsection b. 2) must include the date and approximate time of entry, and the reason for entry.

12. Owners'/Tenants' Insurance

- a. In the event there is an insurance claim on the strata corporation's insurance and if it is determined that an action, or non-action of an owner, occupant, or visitor, could have prevented the claim, it shall be the responsibility of the owner to reimburse the strata corporation and any other affected owner for the deductible on the claim.
- b. In the event subsection a. is ignored, or is deemed illegal, the strata council and any other affected owner, in the event of a claim as described in subsection a., shall apply section 158. (2) of The Act.
- c. Effective with the passing of this bylaw, each owner or tenant, upon their next renewal of their contents insurance, must include in their policy a provision which shall cover the strata corporation's deductible and any other owner's deductible in the event of a claim.
- d. No owner or tenant shall take occupancy of a strata lot without first securing contents and liability insurance for the strata lot in accordance with the provisions of subsection c.

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Division 3 — Powers and Duties of Strata Corporation

13. Repair and Maintenance of Property by Strata Corporation

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

- a. Common assets of the strata corporation;
- b. Common property which has not been designated as limited common property;
- c. Limited common property, but the duty to repair and maintain it is restricted to
 - 1) repair and maintenance that in the ordinary course of events occurs less often than once a year, and
 - 2) 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 and other things attached to the exterior of a building;
 - d. doors and windows on the exterior of a building, or that front on the common property;
 - e. fences, railings and similar structures that enclose patios, balconies and yards.
- d. To ensure the safety of all residents and to reduce the risk of fire and explosion, the strata council will have inspected by a licensed gas service technician any form of gas appliance, including a fireplace, in each strata lot once every two years, with the exception of gas barbecues.

Division 4 — Strata Council

14. Council Size

The council must have at least three and not more than seven members.

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15. Council Members' Terms

- a. The term of office of a council member ends at the end of the annual general meeting, at which the new council is elected.
- b. A person whose term as council member is ending is eligible for reelection.

16. 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 council members.
- b. 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.

17. Replacing a Council Member

- a. 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.
- 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 two 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.

18. 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.

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- b. A person may hold more the offices of secretary and treasurer at the same time.
- c. The vice president has the powers and duties of the president
 - 1) while the president is absent or is unwilling or unable to act, or
 - 2) 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 two or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

19. 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. A council meeting may be held on less than one week's notice if
 - 1) all council members consent in advance of the meeting, or
 - 2) the meeting is required to deal with an emergency situation, and all council members either
 - a) consent in advance of the meeting, or
 - b) are unavailable to provide consent after reasonable attempts to contact them.
- d. The strata council must inform owners about a council meeting as soon as possible after the meeting has been called by notice on the bulletin board.

20. Requisition of Council Hearing

- a. An owner or tenant may request a hearing at a council meeting by applying in writing, stating the reason for the request.

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- b. If a hearing is requested under subsection a., the council must hold a meeting to hear the applicant within one month of the request.
- c. 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.

21. Quorum of Council

- a. A quorum of the council is a majority of council members present, or by electronic means.
- b. Council members must be present in person at the council meeting to be counted in establishing quorum.

22. 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 in person.
- c. If owners wish to attend council meetings as observers, they must present their intent beforehand in writing to the president of the council.
- d. Despite subsection c., no observers may attend those portions of council meetings that deal with any of the following:
 - 1) bylaw contravention hearings under section 135 of the Act;
 - 2) rental restriction bylaw exemption hearings under section 144 of the Act;
 - 3) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

23. Voting at Council Meetings

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

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

24. 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
 - 1) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
 - 2) delegates the general authority to make expenditures in accordance with subsection c.
- c. A delegation of a general authority to make expenditures must
 - 1) set a maximum amount that may be spent, and
 - 2) indicate the purposes for which, or the conditions under which, the money may be spent.
- d. The council may not delegate its powers to determine, based on the facts of a particular case,
 - 1) whether a person has contravened a bylaw or rule,
 - 2) whether a person should be fined, and the amount of the fine.

25. 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

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assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.

26. Limitation on Liability of a 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 judgment against the strata corporation.

Division 5 – Enforcement of Bylaws and Rules

27. Fines

- a. In cases where an owner has been made aware in writing of infractions of the bylaws, the council may levy fines if the infraction continues in accordance with the following schedule:
 - 1) the first offense -----\$25.00
 - 2) the second offense -----\$50.00
 - 3) the third offense-----\$100.00
 - 4) the fourth offense and any offense thereafter --- \$200.00
- b. The maximum fine that may be levied, in case of infractions of the bylaws, shall be \$200.00.
- c. In cases where the owner had been made aware of infractions of the rules, the council may levy fines in accordance with the following schedule:
 - 1) the first offense -----\$25.00
 - 2) the second offense and any offense thereafter----\$50.00
- d. The maximum fine that may the levied, in case of infractions of the rules, shall be \$50.00.

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- e. Fines are due within 30 days from the time they are levied, otherwise they automatically become part of strata fees.

28. Continuing Contravention

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 6 – Annual and Special General Meetings

29. Person to Chair the 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.

30. 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 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.

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- 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.
- g. A vote for a strata lot may not be exercised, except on matters requiring a unanimous vote, if the strata corporation is entitled to register a lien against the strata lot under Section 116 (1) of The Act.

31. Order of Business

The order of business 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. 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;
- i. ratify any new bylaws and, or 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. terminate the meeting.

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Division 7 – Miscellaneous Items

32. Voluntary Dispute Resolution

- a. 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
 - 1) all the parties to the dispute consent, and
 - 2) the dispute involves The Act, The Regulations, the bylaws or the rules.
- b. A dispute resolution committee consists of
 - 1) 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
 - 2) any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties.
- c. The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

33. Damage to Property

- a. No owner shall be entitled to claim any compensation from the Strata Corporation VIS3537 for any loss or damage to the property, or person of the owner, arising from any defects, or want of repair of the common property, or any part thereof, unless such loss or damage resulted from the negligent act, or omission on the part of Strata Corporation VIS3537, or its employees or agents.
- b. Where the strata council, or an agent of Strata Corporation VIS3537, is required to enter a strata lot for the purpose of maintaining, repairing, or renewing pipes, wires, cables and ducts for the time being existing in the strata lot and capable of being used in connection with the enjoyment of any strata lot, or the common property, the strata corporation and its agent shall, in carrying out any work or repairs, do so in a proper and workmanlike manner and shall make good any damage to the strata lot occasioned by such works, restoring

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the strata lot to its former condition, leaving the strata lot clean and free from debris.

34. Disturbance of Others

- a. Residents shall not make undue noise, or behave in an inappropriate manner, in or about any strata lot, limited common property, or common property, which infringes on the rights, comfort and convenience of other occupants, regardless of the hour of the day.
- b. Residents shall not use, or allow to be used, washing machines, dryers, vacuums, or dishwashers in their strata lot prior to 8 a.m. or after 10 p.m.

35. Exterior Appearances

- a. No signs, fences, gates, billboards, placards, advertising, or notices of any kind shall be erected, or displayed without prior written approval of the strata council.
- b. No awning, shade, decorative screen, air-conditioning unit, smoke stack, radio or television antenna shall be hung from, or attached to the exterior building, or strata lot, without prior written approval of the strata council.
- c. No laundry, clothing, bedding, or other articles shall be hung, or displayed from windows, balconies, or other parts of the building, so that they are visible from outside the building.
- d. The exterior appearance of the strata lot, or the building, shall not be altered in any way, including, but not limited to the painting of wood, stucco, brick, railings, concrete, or other exterior parts of the building, or the attachment of lattice, sunscreens, or greenhouses, without prior written approval of the strata council.
- e. All window coverings, which are visible from the exterior of the building, must be in keeping with the overall appearance of the complex.

36. Smoke Detectors

- a. Owners must not disconnect smoke detectors in their strata lot. Council will arrange to have smoke detectors inspected once a year to make sure they are in good working order.

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- b. If the owners should know that the smoke detectors are not working, they must inform the strata council immediately.

END OF DOCUMENT

This is a recompilation of the registered documents listed below. If the reader has concern of accuracy, a copy of the registered document may be obtained by contacting the property manager or alternately Victoria Land Title Office. Bylaws registered at the Land Title Office and included herein:

EW033457 – Registered March 23, 2004

FB285040 – Registered July 22, 2009