

1. Contact

Document Fees: \$30.53

**CD Wilson Law Corporation
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250-741-1400**

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

VIS5963

THE OWNERS, STRATA PLAN VIS5963

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.

**Cora Darlene
Wilson RC2A62**

Digitally signed by
Cora Darlene Wilson RC2A62
Date: 2022-09-22
09:42:27 -07:00

Strata Property Act

Form I

AMENDMENT TO BYLAWS

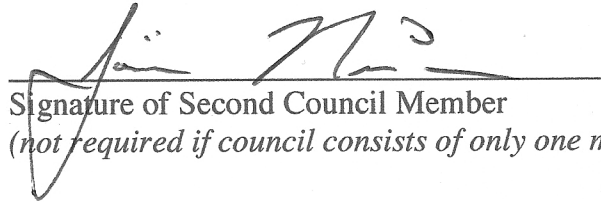
(Section 128)

The Owners, Strata Plan VIS5963 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 August 25, 2022.

See Attached Schedule Amendments to Bylaws



Signature of Council Member



Signature of Second Council Member
(not required if council consists of only one member)

* Section 128 (2) of the Act provides that an Amendment to Bylaws must be filed in the land title office.

**RESOLUTION
TO AMEND THE BYLAWS OF
THE OWNERS, STRATA PLAN VIS 5963**

WHEREAS The Owners, Strata Plan VIS 5963 (the “Strata Corporation”) wishes to amend the bylaws of the Strata Corporation pursuant to the *Strata Property Act*, S.B.C. 1998, Chapter 43;

NOW THEREFORE BE IT RESOLVED by 3/4 vote of the Strata Corporation pursuant to section 128 of the *Strata Property Act*, S.B.C. 1998, Chapter 43, that the bylaws filed in the Land Title Office on November 22, 2019 under Instrument No. CA7885671 and on October 6, 2020 under Instrument No. CA8478555 shall be the bylaws of the Strata Corporation except as hereinafter altered, amended or added to:

1. *The following shall be added to the Bylaws filed under Instrument No. CA7885671 as Bylaw 32(12)-(21):*

Use of the strata lot, limited common property and common property

32 Use prohibitions and restrictions

Heat Pump & Air-conditioning Unit:

- (12) Excerpt as permitted by bylaws 32(13) – (14) (Grandfathering), an owner must not install, place or use a heat pump or air-conditioner on a strata lot, common property or limited common property without the prior written approval of the Strata Corporation, which may be granted subject to the following terms and conditions:
 - (a) The owner must supply council with:
 - (i) satisfactory drawings, plans, manufacturer’s specifications, decibel output, scale drawing of the proposed location, photograph(s) of the proposed installation location, sound mitigation proposals and screening options;
 - (ii) name of the manufacturer, model, tonnage, dimensions and colour;
 - (iii) any other information requested by council.
 - (b) The owner must install and maintain satisfactory screening around the heat pump installation at all times to address privacy concerns.
 - (c) The heat pump must be located in an area on the limited common property approved by council;
 - (d) The heat pump or air conditioner must be ductless and have a decibel rating of 55 decibels or less.
 - (e) The installation must comply with manufacturer’s recommendations to mitigate against unreasonable noise transference.

- (f) The owner must install and maintain a noise suppression blanket around the heat pump or air conditioner at all times.
- (g) As a condition of approval, the owner must enter into an Alteration & Indemnity Agreement to comply with the terms and conditions of approval imposed by council.
- (h) The owner shall:
 - (i) comply with the terms and conditions of approval;
 - (ii) maintain the heat pump or air-conditioner annually at the owner's expense and provide satisfactory proof of maintenance to council upon request;
 - (iii) conduct work to the building envelope using a qualified person in compliance with all applicable laws, construction and engineering standards;
 - (iv) conduct all electrical work using a licensed electrician;
 - (v) provide written confirmation from a qualified structural engineer that the load bearing capacity is sufficient to handle the structural load if the heat pump or air conditioner is located on a deck, balcony or other above-ground area;
 - (vi) obtain all required permits and provide same to council prior to proceeding with the work;
 - (vii) ensure that the colour of a unit visible on the outside of the building blends in with the building exterior and, to the extent possible, is screened from view;
 - (viii) install the exit ducting/exhaust/piping/conduit between the unit and the building as close as possible to the unit to minimize damage to the structural integrity of the building, and paint same with a colour that blends in with the building exterior;
 - (ix) obtain prior approval for any amended scope of work or specifications or replacement by providing an amended application to council and obtaining council's written approval before commencing work pursuant to the revised scope of work or specifications;
 - (x) provide council with written certification from a qualified professional confirming that the installation complies with the approved application and the conditions of approval; and,
 - (xi) implement sound dampening measures, install adequate screening or take other remedial action within the time set out in a written notice from council to that effect, if the installation violates the bylaws, failing which council may require that the unit be removed and the property be restored to the satisfaction of council at the owner's expense.

Grandfather Requirements

- (13) An owner of a strata lot who has an air conditioner or a heat pump in operation at the time this bylaw is adopted will be grandfathered from bylaw 32 (12) to permit the owner to continue to use the air conditioner or heat pump, provided he or she advises the Strata Corporation in writing within thirty (30) days from the adoption date of this bylaw that he or she has an air conditioner or a heat pump and agrees to comply with subsection (14) of this bylaw.
- (14) A grandfathered owner must:
- (a) comply with the requirements set out in bylaw 32(12)(b) (satisfactory screening), (f) (noise suppression blanket), (h)(ii) (annual maintenance), (h)(v) (confirm load bearing capacity) and (h)(xi) (noise and nuisance mitigation);
 - (b) comply with notices from the Strata Corporation pursuant to bylaw 32(19);
 - (c) make reasonable efforts to prevent noise and nuisance from the air conditioner or heat pump and ensure same does not unreasonably interfere with the use and enjoyment of a Resident in another strata lot or constitute a nuisance; and,
 - (d) obtain the prior written approval of the Strata Corporation pursuant to bylaw 32(17) before replacing an air conditioner or a heat pump and otherwise comply with the bylaws of the Strata Corporation.
- (15) The council is delegated authority to approve significant changes in the use and appearance of common property required to permit the installation of a heat pump or air-conditioner pursuant to section 71(a) of the *Act*.
- (16) The council may grant written approval for an Alteration with or without conditions to provide reasonable accommodation to a person with a disability.
- (17) If an existing Alteration requires replacement, the owner must obtain the prior written approval of council in accordance with this bylaw.
- (18) If an Alteration violates these bylaws ("Unauthorized Alteration"), then the owner or his or her successor shall at his or her expense correct, remove and/or restore the property as directed by council.
- (19) If an owner or successor fails to conduct repair, maintenance, removal or other work within the time stipulated in a written notice from council to that effect, then the Strata Corporation may carry out the work and chargeback all related costs to that owner and the owner shall be responsible to reimburse the Strata Corporation for all such costs, including actual reasonable legal costs.
- (20) The notice from the Strata Corporation to perform work shall constitute a work order for the purposes of sections 83, 84 and 85 of the *Act*.
- (21) If an owner is in contravention of this bylaw, then the Strata Corporation may pursue any remedy available under law to compel compliance, including any one or more of the following:

- (a) a stop work order, rectification order, demand for costs or fines;
- (b) an order from a court or the Civil Resolution Tribunal to:
 - (i) stop work;
 - (ii) remove the Alteration and restore the property in the discretion of council, including clean up and restoration costs;
 - (iii) pay costs, expenses and fines on a full indemnity basis;
 - (iv) pay or reimburse the actual reasonable legal costs incurred by the Strata Corporation; and/or,
 - (v) other related relief.

THE END