



Strata Property Act Filing

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1. Contact

**CREASE HARMAN LLP
800 - 1070 DOUGLAS STREET
VICTORIA BC V8W 2C4
250-388-5421**

MS/la
220398.001

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

VIS875

THE OWNERS, STRATA PLAN VIS875

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.

**Michelle Elizabeth
Seidel BQE192**

Digitally signed by
**Michelle Elizabeth Seidel
BQE192**
Date: 2021-10-05
09:30:07 -07:00

Strata Property Act

FORM I

AMENDMENT TO BYLAWS

(Section 128)

The Owners, Strata Plan VIS875 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 24, 2021.

SEE ATTACHED SCHEDULE "A"

Warren Armstrong

Signature of Council Member

[Signature] Sec/Treas

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

SCHEDULE "A"
STRATA PLAN 875
Schedule of Standard Bylaws

Preamble.

Revised December 18, 2020

Bylaws provide for the administration of the strata corporation and for the control, management maintenance and use and enjoyment of the strata lots, common property and common assets of the corporation for the benefit of the Owners. These bylaws may be amended by a resolution passed by a 3/4 vote at a general meeting. The amendment must be filed (Form I) at the Land Title Office within 60 days of being approved. (S.119, 126, 128 and R.17.11 of the *BC Strata Property Act*)

Division 1 -- Duties of Owners, Tenants, Occupants and Visitors

Payment of strata fees

- 1 (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- (2) Interest at 10% per annum compounded annually shall be levied on fees in arrears.
- (3) Interest at 10% per annum compounded annually shall be levied on special levies in arrears.

Repair and maintenance of property by owner

- 2 (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.
- (2) An owner is responsible for all alterations and changes to the owner's strata lot.
- (3) An owner who has the use of limited common property such as a locker must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

Use of property

- 3 (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets 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 or any other strata lot;
- (d) is illegal; or
- (e) 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.
- (2) (a) 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.
- (b) Owners are responsible for payment for damages caused by owners, tenants, occupants or visitors to common property or assets.
- (c) All personal property wherever found is at risk of the owner.
- (3) An owner, tenant or occupant must not keep any animals on a strata lot other than the following:

- (a) a reasonable number of aquarium fish,
 - (b) up to 2 caged birds;
 - (c) one domestic house cat.
- (4) An owner, tenant, occupant, or visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset.
- (5) Should the strata council receive a complaint about a permitted animal, they shall investigate the same and, if the complaint is justified, they shall issue a warning letter to the animal's owner. Should the strata council receive further complaints about the animal they may, at their sole discretion, determine that the animal is a nuisance and require its permanent removal from the strata corporation on FOURTEEN (14) DAYS' written notice. Examples of what would constitute a nuisance are unacceptable odour or noise, damage to common property or aggressive behaviour towards other residents.
- (6) (a) Owners, tenants, occupants and visitors shall not smoke or vape in, on, or about the common property, limited common property or in their strata lots. This prohibition shall include the interior and exterior of strata lots and all common areas including, but not limited to lobbies, hallways, elevators, corridors, stairwells, electrical and mechanical rooms, common lounge, patios and balconies, rooftop deck, exclusive use common areas, or any land that is a common asset and any area within 3 meters of a doorway, window, or air intake.
- (b) For the purpose of subsection 3 (6) (a) of this bylaw, "smoking" shall include the inhaling, exhaling, burning or carrying of any lighted cigarette, cigar, pipe or other device containing tobacco, marijuana or similar substance whose use generates smoke, and includes vaping.
- (c) The strata council maintains a list of strata lots who have received an exemption from subsection 3(6)(a) when non-smoking bylaws were passed in 2012. This exemption will not pass with a transfer of title to the strata lot.
- (d) Owners are responsible for ensuring that other occupants of their suite and their visitors, including tradespeople, abide by subsection 3 (6) (a).
- (e) All owners who are selling their units shall specifically disclose to their realtors and to all potential buyers that smoking and vaping is prohibited anywhere in the building or on the premises, including the strata lots except in those units where the owner has a registered, non-transferable exemption under section 3 (6) (c) of this bylaw.

Inform strata corporation

- 4 (1) Within 2 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.
- (2) If a strata lot is to be sold, the owner shall:
- (a) notify the strata council in writing and advise them of the name of the selling agent(s).
 - (b) advise the strata council as to what arrangements have been made or are contemplated regarding viewing the unit and, in particular, if a key to any entrance door is being entrusted to an agent (or agents) or to other persons.
 - (c) advise the selling agent that visible "For Sale" signs must be approved by the strata council. No owner or owners agent shall erect, place, keep, display or allow, signs, billboards, banners, advertising material or notices of any kind on the common property or in or about a strata lot including inside and outside windows, except in places and in such forms as are approved by the council.

- (d) advise the selling agent(s) that open houses are only permitted on the condition that the lobby is attended during the open house.
- (e) advise the selling agent(s) that before a sale is finalised the purchaser is required to sign a statement to the effect that the Bylaws and Rules of Strata Plan 875 have been read, understood and agreed to.

Obtain approval before altering a strata lot

- 5 (1) An owner must apply in writing and 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 the building;
 - (b) the exterior of the building;
 - (c) chimneys, stairs, balconies or other things attached to the exterior of the building;
 - (d) doors or windows on the exterior of the 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) those parts of the strata lot which the strata corporation must insure under section 149 of the Act.
- (2) The strata corporation must not unreasonably withhold its approval under subsection (1), 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.

Obtain approval before altering common property

- 6 (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.
- (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 and further maintenance, repair and replacement.

Permit entry to strata lot

- 7 (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot
- (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
 - (b) at a reasonable time, on 48 hours' written notice,
 - (i) 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, or
 - (ii) to ensure compliance with the Act, Regulations, Bylaws and Rules and government regulations for control of infestations.
- (2) The notice referred to in subsection 7 (1) (b) must include the date and approximate time of entry, and the reason for entry.

Division 2 -- Powers and Duties of Strata Corporation

Repair and maintenance of property by strata corporation

- 8 The strata corporation must repair and maintain all of the following:
- (1) (a) common assets of the strata corporation;
 - (b) common property that has not been designated as limited common property;
 - (c) 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 year, and
- (ii) the following, no matter how often the repair or maintenance ordinarily occurs:
 - (A) the structure of the building;
 - (B) the exterior of the building;
 - (C) chimneys, stairs, balconies and other things attached to the exterior of the building;
 - (D) doors and windows on the exterior of the building or that front on the common property;
 - (E) fences, railings and similar structures that enclose patios, balconies and yards, and lockers.
- (d) a strata lot, but the duty to repair and maintain is restricted to
 - (i) the structure of the building,
 - (ii) the exterior of the building,
 - (iii) chimneys, stairs, balconies and other things attached to the exterior of the building,
 - (iv) all original building glass. Owners are responsible for "add-ons", such as owner-enclosed balconies and sunrooms. Any repairs or replacements of current enclosures or new "add-ons" must be consistent in design and colour with existing enclosures,
 - (v) fences, railings and similar structures that enclose patios, balconies and yards, and
 - (vi) elements of a strata lot damaged by failure of the structure or exterior of the building or by failure of the common assets or common property.
- (2) The strata corporation shall carry property insurance for the full replacement value of all interests for which the corporation is liable under these bylaws and the Act.
- (3) The strata corporation shall carry liability insurance covering property damage and personal injury to others.
- (4) The strata corporation shall obtain errors and omissions Insurance for council members.

Division 3 Council

Council size

- 9 (1) The council must have at least three (3) and not more than seven (7) members.
- (2) Spouses and common-law spouses of owners who are not registered as owners, directors of corporations who are owners, and Trustees of trusts or estates who are owners are eligible to serve on council provided that only one resident of a strata lot may serve on council at any one time.

Council members' terms

- 10 (1) The term of office of a council member ends at the end of the annual general meeting. Owners must elect a Council at each Annual General Meeting.
- (2) A person whose term as council member is ending is eligible for reelection.

Removing council member

- 11 (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.

(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.

Replacing council member

- 12** (1) 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.
- (2) A replacement council member may be appointed from any persons eligible to sit on the council.
- (3) 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.
- (4) If all the members of the council resign or are unwilling or unable to act for a period of two (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.

Officers

- 13** (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, vice president, secretary, and treasurer .
- (2) A person may hold more than one office at a time, other than the offices of president and vice president.
- (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, or
 - (b) for the remainder of the president's term if the president ceases to hold office.
- (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 or other owners for the remainder of the term.

Calling council meetings

- 14** (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.
- (2) Notice of a council meeting shall be delivered in writing to the strata lot of each member or an address they have provided for the purpose of providing notice, or sent by email or other electronic means to an address they have provided for the purpose of providing notice. The notice shall also be posted on the general notice board at the garage entrance.
- (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.
- (4) The council must inform owners about a council meeting as soon as possible after the meeting has

been called.

(5) Notices to council can be given to any member of council, and that member of council is obligated to promptly circulate the notice to the other members of council.

Quorum of council

15 (1) A quorum of the council is

- (a) two (2), if the council consists of three (3) or four (4) members,
- (b) three (3), if the council consists of five (5) or six (6) members,
- (c) four (4), if the council consists of seven (7) members.

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

Council meetings

16 (1) At the option of the council, council meetings may be held by electronic means including conference telephone calls, so long as all council members and other participants can communicate with each other.

(2) If a council meeting is held by electronic means, council members are deemed to be present in person.

(3) Owners may attend council meetings as observers.

(4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:

- (a) bylaw contravention hearings;
- (b) rental restriction bylaw exemption hearings;
- (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

Voting at council meetings

17 (1) At council meetings, decisions must be made by a majority of council members present at the meeting in person or by electronic means.

(2) If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.

Council to inform owners of minutes

18 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.

Delegation of council's powers and duties

19 (1) Subject to subsections (2) to (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. Persons thus appointed will carry out their duties under the supervision of the council

(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 subsection (3).

(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.
- (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 a recreational facility.

Spending restrictions

- 20** (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.
- (2) Despite subsection (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.
- (3) Unapproved Expenditures. Except in cases covered under subsection (2), the strata corporation may authorise expenditures not previously included in the budget or approved at a general meeting, out of the Operating Fund to a limit in one fiscal year of 10% of the Operating Budget.

Limitation on liability of council member

- 21** (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 and shall be indemnified for "reasonable" legal costs.
- (2) Subsection (1) does not affect a council member's liability, as an owner, for a judgment against the strata corporation. .

Division 4 -- Enforcement of Bylaws and Rules

Maximum fine

- 22** If a warning letter has been sent and the violation has not been corrected or addressed to the satisfaction of council for a period of seven (7) days after presumed receipt the strata corporation may, at the discretion of council, fine an owner or tenant up to the maximum provided by the Act and Regulations which is presently:
- (a) \$200 for each contravention of a bylaw,
 - (b) \$50 for each contravention of a rule,
 - (c) \$500 for each contravention of a bylaw regarding rentals if more than a six month rental term, and
 - (d) \$1,000 for each contravention of a bylaw regarding if less than a six month rental term (i.e. short term rental),
- and may be increased to match the provisions provided by the Act and Regulations.

Continuing contravention

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

Division 5 -- Annual and Special General Meetings

Person to chair meeting

24 (1) Annual and special general meetings must be chaired by either the president or the vice president of the council.

(2) 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.

Voting.

25 (1) At an annual or special general meeting, voting cards must be issued to eligible voters.

(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.

(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.

(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.

(5) If there is a tie vote at an annual or special general meeting, the chairperson may break the tie by casting a second, deciding vote.

(6) 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) An owner is not eligible to vote if in arrears of fees or assessments or special levies and the strata corporation is in a position to file a lien under the Act.

Order of business.

26 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; (1/3 of owners, present in person or by proxy)
- (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;
- (j) report on insurance coverage in accordance with the Act, if the meeting is an annual general meeting;
- (k) approve the budget for the coming year in accordance with 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 the Act;
- (m) elect a council, if the meeting is an annual general meeting;

(n) terminate the meeting.

Division 6 - Restriction on Occupancy

Rentals

27. (1) The strata corporation, through the strata council, shall have the power to limit the number of strata lots within the plan which may be rented out by their owners and the duration of such rentals. No more than TWO (2) of the strata lots may be leased or rented at one time. This number may be increased at the discretion of the strata council. Bylaw 27(1) does not apply to prevent the rental of a strata lot to a member of the owner's family and rentals to family members or exemptions granted on the basis of hardship do not count towards the maximum of two lots that may be leased or rented at one time.

(a) "family" and "family members" means: parents, grandparents, children, or grandchildren of the owner

(2) Rentals are permitted under the following conditions:

(a) any owner wishing to rent out a strata lot shall apply in writing to the strata council for permission.

(b) applications will be registered on a waiting list, in order, as received, for consideration by council.

(c) on receipt of an application to rent or lease, the strata council shall advise the owner whether there are any rental vacancies.

(d) an owner receiving permission to rent or lease shall do so within a period of sixty (60) days of the date of such letter of permission. An owner failing to do so must re-apply.

(e) the rental agreement shall not be for less than six (6) months nor more than one (1) years

(f) the application shall include:-

(i) proposed duration and terms,

(ii) address and phone number where the owner may be reached during absence and the telephone number of a local contact person,

(g) when considering any application, strata council shall act in the best interest of the corporation and has the right to deny permission,

(h) if approved, permission to rent will be granted in writing by strata council,

(i) on the termination of any rental the permission to rent is terminated and if an owner wishes to continue to rent a strata lot, owner shall again apply to council for permission,

(j) an owner having received permission to rent or lease in the past shall not be guaranteed the right to rent or lease in the future, based on the fact they have received permission to rent or lease in the past.

(3) The above restrictions and conditions shall be administered and enforced by the strata council.

(4) Fines. Should any owner rent a strata lot in contravention of this bylaw, the strata council shall be entitled to take one or more of the following actions:-

(i) take all necessary steps to terminate the tenancy on behalf of the owner at the registered owner's expense, or

- (ii) levy a fine not to exceed \$500.00 for every 7 days of contravention as per Bylaw 22, such fine to be collected by the corporation from the owner of the strata lot through Small Claims Court or a Collection Agency, or
 - (iii) seek a declaration from any court of competent jurisdiction with regard to the enforcement and/or an injunction to prevent the continued renting of the strata lot and, upon receiving such declaration and/or injunction recover the reasonable cost of same from the strata lot owner on a solicitor and client basis.
- (5) an owner may apply to the strata corporation for an exemption from the rental restriction on the grounds that the rental restriction causes hardship to the owner.
- (a) The application must be in writing and must state:
 - (i) the reason the owner thinks an exemption should be made, and
 - (ii) whether the owner wishes a hearing.
 - (b) An owner making an application must provide sufficient financial information to assist strata council in their determination of whether there is a hardship to the owner.
 - (c) If the owner wishes a hearing, the strata council must hear the owner or the owner's agent within 4 weeks after the date the application is given to the strata council.
 - (d) An exemption is allowed if
 - (i) the strata corporation does not give its decision in writing to the owner, if a hearing is held, within one week after the hearing, or if no hearing is requested, within 2 weeks after the application is given to the strata council.
 - (ii) the owner requests a hearing under section 5(a)(ii) and the strata council does not hold a hearing within 4 weeks after the date the application is given to the strata council.
 - (e) An exemption granted by a strata council may be for a limited time.
 - (f) The strata council must not unreasonably refuse to grant an exemption.
- (6) Before an owner rents his or her strata lot, the owner must give the strata corporation a Strata Property Act Form K, signed by the tenant.

Division 7 -- Other Matters

28 An owner shall indemnify and save harmless the strata corporation from the expense of any maintenance, repair or replacement rendered necessary to the common property, limited common property, common assets or to any strata lot by the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. 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.

29 Pursuant to s. 171 of the *Strata Property Act*, the strata corporation may proceed under the *Small Claims Act* against an owner or other person to collect money owing to the strata corporation without a $\frac{3}{4}$ vote authorization. The council may commence the proceedings to collect monies owing to the strata corporation for any reason, including but not limited to monies owing by an owner or tenant for a fine or to recover the deductible portion of an insurance claim if the person is responsible for the loss or damage that gave rise to the claim.

Division 8 - Severability

30 For the purposes of interpretation of these bylaws and any amendments, additions or alterations to them, each heading, paragraph, and subparagraph shall be deemed to be a separate section with the intent that should an Arbitrator or Court of Competent Jurisdiction find that any such heading, paragraph or subparagraph of these bylaws or any amendments is void for uncertainty or is ultra vires the strata corporation or is, for any other reason unenforceable, then such heading, paragraph or subparagraph shall be deemed to be severable and the remaining headings, paragraphs and subparagraphs of these bylaws shall be interpreted so as to give the broadest possible meaning and such headings, paragraphs and subparagraphs shall remain in force and effect.

Division 9 – Dispute Resolution

Voluntary dispute resolution

- 31 (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.
- (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.
- (3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

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