

Vista View

Bylaws

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

1 Payment of strata fees

- (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate. Interest on unpaid strata fees of 10% per annum compounded annually will be charged on all outstanding balances.
- (2) The strata council on behalf of the strata corporation may pursue a claim against any owner for all arrears including strata fees and special levies that have been outstanding for a period of more than 90 days, without the need to convene a further meeting of the owners. At least two weeks notice will be given before pursuit of a small claims action or registration of a lien.

2 Repair and maintenance of property by owner

- (1) An owner must repair and maintain the owner's strata lot including all buildings, landscaping and improvements on it, subject to the provisions of these bylaws, except for those portions of each strata which the Strata Corporation is responsible to repair and maintain pursuant to bylaw 8 herein.
- (2) An owner must keep the owner's strata lot and any buildings erected thereon in a clean, attractive and well maintained condition. No strata lot, building alteration or improvement may be kept in a state of disrepair or permitted to become unsightly, untidy or unsanitary.
- (3) Owners must monitor the lawns and landscaping within their strata lot and provide regular irrigation as required and allowed by the City of Vernon to maintain plant and lawn health.

3 Use of property

- (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 another 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) 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.
- (3) An owner, tenant, occupant or visitor must ensure that:
- (a) pets are leashed or otherwise secured when on the common property or on land that is a common asset
 - (b) pets must be leashed or otherwise secured to keep them from entering on to another strata lot
 - (c) waste must be immediately picked up and disposed properly
 - (d) dogs are registered with the strata corporation
- (4) An owner, tenant or occupant must not keep any pets on a strata lot other than the following:
- (a) a reasonable number of fish or other small aquarium animals;
 - (b) a reasonable number of small caged mammals;
 - (c) up to 2 caged birds;
 - (d) up to two dogs or two cats or one dog and/or one cat.
- (5) Garbage and recycled material containers must be stored inside the garage. Garbage must be in a container when left curbside.
- (6) An owner who has a strata lot for sale may carry on sales functions that relate to such sale including the posting of temporary signs as follows:
- (a) Only one "For Sale" sign per strata lot is allowed. The sign must be no larger than 11.75 inches wide (horizontal) or 18 inches high (vertical). The sign must be displayed on its own post. The total height of the sign and post is not to exceed four feet above ground level.
 - (b) Signs must be removed within 14 days of the sale of the property.
 - (c) Open house directional signs are permitted on a temporary basis during the designated open house hours.

- (7) No clotheslines, patio strings or exposed wires are permitted within a strata lot with the exception of holiday lights which may be up between November 1st and March 31st but only illuminated between December 1st and January 31st.
- (8) Owners, tenants, occupants and visitors must not park recreational vehicles, boats or trailers on the strata lot unless they are fully contained within the garage of the building located on the strata lot.
- (9) No play structures or basket ball hoops are permitted outside of and/or attached to a residential home on the strata lot.
- (10) No fences are permitted on a strata lot unless the fence is a legal requirement.
- (11) Owners, tenants, occupants, visitors are prohibited from using all or part of the residential strata lot for remuneration as vacation, travel or temporary accommodation.
- (12) The following rental restrictions apply to all strata lots and buildings located on strata lots.

(a) Pursuant to section 141(2)(b)(ii) of the Strata Property Act, the time period during which residential strata lots may be rented is restricted in that no rental for a term of less than 6 months is permitted.

(b) For the purposes of this bylaw the terms "rent", "lease" or "rental" or any variation or form thereof shall include any and all forms of tenancy or license for consideration relating to the occupancy of a strata lot, but shall not include a home exchange where an owner permits a person to occupy the strata lot in exchange for that person permitting the owner to occupy that person's residential property.

(c) Prior to occupancy or possession of a strata lot by a tenant, an owner must deliver to the tenant the current bylaws and rules of the strata corporation and obtain the signature of the tenant on a Notice of Tenant's Responsibilities (Form K) which must be given to the strata corporation within two weeks after renting all or part of the strata lot.

(d) Each owner must ensure that any rental of their residential strata lot is compliant with the registered bylaws of the strata corporation, the provisions of the Municipal zoning bylaws and all applicable laws, each as amended from time to time, and with the terms of any license or permit required by law.

(e) The foregoing restriction of rentals shall not apply to owners who are renting on the basis of a valid statutory exemption, whether it be to a family member as defined in the Strata Property Act and the Regulation

thereto, on the basis of hardship approved by the strata council, or as a first purchaser of a strata lot designated for rental for the period of time specified under a valid rental disclosure statement for this strata corporation.

(f) Notwithstanding any provision to the contrary in the bylaws an owner may apply in writing for an exemption to the rental restriction on the grounds that this bylaw causes hardship to the owner. The application must be made in writing and must provide the reason the owner considers that an exemption should be made, must include proof of hardship, and must also state whether or not the owner requires a hearing. Any hearing decision and/or exemption will be resolved in accordance with section 144 of the Strata Property Act. Where the strata council grants an exemption to an owner to rent their strata lot on the grounds of hardship, the strata council can specify the length of time that the exemption is granted for.

(g) An owner renting their strata lot for a period of less than 6 months on the basis of an exemption other than hardship must provide the strata council with notice that the rental is pursuant to an exemption with the signed copy of the Notice of Tenant's Responsibilities (Form K). The notice must specify the exemption claimed and the owner must provide reasonable proof of a valid exemption within seven days of a request by the strata council.

(h) Where an owner rents out their strata lot in violation of the bylaws, the strata corporation may levy against the owner a fine of up to five hundred (\$500.00) dollars every seven days during the period the owner's strata lot is occupied by a tenant.

(i) Each owner must advise the strata corporation immediately if a tenancy of their strata lot is terminated prior to a full 6 month term. In circumstances where an owner provides reasonable notice to the strata council of early termination of a tenancy prior to a 6 month term, provides council with a copy of the lease showing that there was a reasonable effort to comply with subsection (a) of this bylaw, and the strata council is satisfied that the owner intended to comply with the bylaw, the strata council may provide a warning or time to comply pursuant to section 129(2) of the Strata Property Act, and is not obliged to take further steps to enforce this bylaw in that circumstance. This provision shall not be interpreted to limit the ability of council to determine the appropriate resolution of any bylaw complaint, or limit the ability of council to otherwise provide a warning or time to comply with respect to other alleged bylaw infractions as contemplated by section 129(2) of the Strata Property Act.

(j) Any strata lot owned by a corporation and resided in by a shareholder or shareholders owning more than 50% of the voting shares of that

corporation shall be deemed, for the purposes of this bylaw, not be be rented.

4 Inform strata corporation

- (1) Within two 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) On request by the strata corporation, a tenant must inform the strata corporation of his or her name and submit the completed form K.

5 Obtain approval before altering a strata lot and/or exterior of the building on the strata lot

- (1) 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:
 - (a) the structure of a building;
 - (b) the exterior or exterior appearance of a building including hot tubs;
 - (c) additions to an existing building;
 - (d) construction of any new buildings or structure;
 - (e) doors or windows on the exterior of a building;
 - (f) landscaping on the street side of the strata lot which includes the lawn and/or addition or removal of tree(s) but excludes removal and replacement of shrubs;
 - (g) landscaping on the back yard of the strata lot which includes the addition or removal of tree(s) but excludes the removal and replacement of shrubs or lawn; and
 - (h) installation of satellite dishes, mechanical equipment and/or supplementary heating systems or air conditioning devices.
- (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.

6 Obtain approval before altering common property

- (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.

7 Permit entry to strata lot

- (1) An owner, tenant, occupant or visitor must allow contractors or other persons authorized by the strata corporation to enter the strata lot only and not the building on the strata lot to carry out landscape and/or irrigation maintenance.

Division 2 — Powers and Duties of Strata Corporation

8 Repair and maintenance of property by strata corporation

- (1) The strata corporation must repair and maintain all of the following:
 - (a) common assets of the strata corporation;
 - (b) common property that has not been designated as limited common property.

9 Responsibilities of Strata Corporation

- (1) Enforcement of the provisions of these bylaws and the rules.
- (2) Management, maintenance and repair of the common property including landscaping for the benefit of the owners.
- (3) Arrangements for maintenance of the landscaping only of the strata lots. It does not include irrigation or irrigation repairs or removal/replacement of any landscape materials which are the responsibility of the owners.
- (4) Collection and remission of funds from the owners for payment of fees for the following:
 - (a) Landscape maintenance
 - (b) Predator Ridge Community Lands and Amenities (PRCLA which includes fitness centre fee)

- (c) Falcon Point Common Lot Road Maintenance (FPCLM)
- (5) The powers and duties of the strata corporation must be exercised and performed by an elected council, unless the bylaws provide otherwise.

Division 3 – Council

10 Council size

- (1) The council must have at least three and not more than seven members.

11 Council members' terms

- (1) The term of office of a council member ends at the termination of the annual general meeting at which the new council is elected.
- (2) A person whose term as council member is ending is eligible for re-election.

12 Removing council member

- (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.

13 Replacing council member

- (1) If a council member resigns or is unwilling or unable to act for a period of two 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 person 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 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.

14 Officers

- (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, a vice president, a secretary and a 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 two or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

15 Calling council meetings

- (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) The notice does not have to be in writing.
- (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 feasible after the meeting has been called.

16 Quorum of council

- (1) A quorum of the council is
 - (a) 2, if the council consists of 2, 3 or 4 members,
 - (b) 3, if the council consists of 5 or 6 members, and
 - (c) 4, if the council consists of 7 members.
- (2) Council members must be present in person or by electronic means at the council meeting to be counted in establishing quorum.

17 Council meetings

- (1) 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.
- (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 under section 135 of the Act;
 - (b) rental restriction bylaw exemption hearings under section 144 of the Act;
 - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

18 Voting at council meetings

- (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- (2) If there is a tie vote at a council meeting, the president or acting chairman may break the tie by casting a second, deciding vote.
- (3) The results of all votes at a council meeting must be recorded in the council meeting minutes.

19 Council to inform owners of minutes

The council must inform owners of the minutes of all council meetings within two weeks of the meeting, whether or not the minutes have been approved.

20 Delegation of council's powers and duties

- (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.
- (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.

21 Spending restrictions

- (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 to a maximum of \$2000.00 per occurrence.

22 Limitation on liability of council member

- (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.
- (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

23 Maximum fine

- (1) The strata corporation may fine an owner or tenant a maximum of
 - (a) \$200 for each contravention of a bylaw;
 - (b) \$50 for each contravention of a rule;
 - (c) \$500 for each contravention of a rental bylaw; and
 - (d) \$1000 for each contravention of a vacation, travel or temporary accommodation bylaw.
- (2) The strata corporation may sue, in Civil Right tribunal, for monies owed to the strata corporation, without requiring the authority of a resolution requiring a $\frac{3}{4}$ vote at a general meeting.

24 Continuing contravention

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

Division 5 – Annual and Special General Meetings

25 Person to chair meeting

- (1) Annual and special general meetings must be chaired by the president of the council.
- (2) If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.

- (3) 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.

26 Participation by other than eligible voters

- (1) Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.
- (2) Persons who are not eligible to vote, including tenants and occupants, may participate in the discussion at the meeting but only if permitted to do so by the chair of the meeting.
- (3) Persons who are not eligible to vote, including tenants and occupants, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

27 Voting

- (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 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.
- (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.

28 Order of business

- (1) 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, if the meeting is an annual general meeting;
- (i) ratify any new 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; and
- (n) terminate the meeting.

29 Quorum

- (1) Quorum to commence a general or special general meeting is any number of persons holding a combined total votes of six votes, whether the person, represented by proxy, or attending by electronic means if permitted by these bylaws.
- (2) If at the time appointed for the general or special general meeting, a quorum is not present, the meeting shall stand adjourned for 15 minutes whereupon the adjourned meeting shall be reconvened at the same place and those persons attending at the time shall be constitute a quorum for the purpose of convening the meeting, as long as at least four voters are represented in person or by proxy.

Division 6 – Voluntary Dispute Resolution

30 Voluntary dispute resolution

- (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.