

SCHEDULE OF CONSOLIDATED BYLAWS
1451 ROSEMEADOW PLACE
The Owners, Strata Plan KAS 2918

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

1. Payment of Strata Fees and Special Levies

1.1 Strata Fees

- a) An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- b) Prior to the first day of the month following the meeting approving a Budget, or conveyance of a strata lot, as the case may be, an owner will provide the treasurer, or at the direction of the treasurer, the strata manager or other authorized person, with post-dated cheques or other pre-authorized form of payment for the strata fees for the approved Budget period, or balance thereof, as the case may be.

1.2 Special Levies

- a) A special levy shall be deemed to constitute a strata fee of the strata corporation for purposes of this bylaw.
- b) A special levy shall be deemed to be in the amount for each strata lot specified in a special resolution approved by a $\frac{3}{4}$ vote of owners from time to time, including any amendments, and calculated based on the unit entitlement formula.
- c) Special levies are due and payable on or before the date or dates specified in a special resolution approved by $\frac{3}{4}$ vote of owners pursuant to section 108 of the *Strata Property Act*.

1.3 Where an owner fails to pay strata fees in accordance with subsections 1.1 and 1.2, outstanding strata fees will be subject to an interest charge of 10% per annum, compounded annually, and calculated on a monthly basis commencing from the date the payment was due and continuing until the last day of the month in which it is paid.

1.4 The interest payable on a late payment of strata fees is not a fine and shall form part of the strata fees for the purposes of section 116 of the *Strata Property Act*.

1.5 The strata corporation may levy a fine pursuant to bylaw 23 for late payment of strata fees.

1.6 Each dishonoured cheque or dishonoured automatic debit will be subject to an administration fee of \$25 plus applicable bank service charges.

2. Repair and maintenance of property by owner

2.1 Except for repair and maintenance that is the responsibility of the strata corporation under these bylaws, an owner must repair and maintain the owner's strata lot.

2.2 Except for repair and maintenance that is the responsibility of the strata corporation under these bylaws, an owner who has the use of limited common property must repair and maintain it. Structural repair and maintenance of limited common property is the responsibility of the strata corporation.

2.3 Owners are required to keep their patios and front steps free and clear of ice and snow and maintain these areas in a neat and tidy condition at all times.

3. 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 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.

3.2 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 *Strata Property Act*.

3.3 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.

3.4 An owner, tenant, occupant or visitor must clean up after their pets and place any messes in the proper refuse receptacle. Each incidence of non-compliance, regardless of the time of day, day or month, will be considered a new contravention of this bylaw and subject to fines in accordance with bylaw 23.

3.5 An owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following:

- a) a reasonable number offish or other small aquarium animals;
- b) a reasonable number of small caged mammals;
- c) up to two caged birds;
- d) two dogs or two cats or a combination of one dog and one cat to a maximum weight of 40 pounds each.

4. Inform strata corporation

- 4.1 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.
- 4.2 On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

5. Obtain approval before altering a strata lot

- 5.1 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;
 - i) the installation of a basement window may be permitted, provided a favourable, written report from a structural engineer and a building permit are obtained and copies of both, together with all supporting documentation, are supplied to council prior to commencement of the alteration. Council may require, as a condition of its approval, that the owner agree, in writing, to take responsibility for any expenses relating to the installation of a basement window and for any expenses, repairs or maintenance resulting from this alteration.
 - b) the exterior of a building;
 - c) chimneys, stairs, balconies or other things attached to the exterior of a building;
 - d) doors, windows or skylights, on the exterior of a 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 *Strata Property Act*.
- 5.2 The strata corporation must not unreasonably withhold its approval under subsection 5.1, 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.
- 5.3 The following items are prohibited from being placed or constructed in the strata plan:
 - a) wood burning stoves,
 - b) campers, motorhomes, recreation vehicles of any type, unless placed or parked within an owner's enclosed garage;
 - c) CB radio antennas or satellite dishes in excess of 24". Placement of permitted satellite dishes must have the prior approval of the strata corporation.
- 5.4 Alterations to a strata lot carried out in contravention of this section will be subject to fines and, at the discretion of council, restored to its previous condition, at the sole cost of the strata lot owner(s).
- 5.5 The repair and maintenance of any alterations approved by council pursuant to section 5.1 is the responsibility of the strata owner.

6. 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.
- 6.2 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.
- 6.3 Alterations to common property carried out in contravention of this section will be subject to fines and, at the discretion of council, restored to its previous condition, at the sole cost of the strata lot owner(s).

7. 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, 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 *Strata Property Act*.
- 7.2 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 the Strata Corporation

8. Repair and maintenance of property by strata corporation

- 8.1 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;
 - 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 a year; and
 - ii) 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 and other things attached to the exterior of a building, excluding patios and steps;
 - D) doors, windows or skylights, 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) a strata lot in a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to:
 - i) the structure of a building;
 - ii) the exterior of a building;
 - iii) chimneys and other things attached to the exterior of a building, excluding patios and steps;
 - iv) doors and windows on the exterior of a building or that front on the common property; and
 - v) fences, railings and similar structures that enclose patios, balconies and yards.
- 8.2 The strata corporation's obligation to repair and maintain common property, limited common property or a strata unit will, under no circumstances, include improvements or alterations to the strata lot, limited common property, or common property.

Division 3 – Council

9. Council Size

- 9.1 Subject to subsection 9.2, the council must have at least three and not more than seven members.
- 9.2 If the strata plan has fewer than four strata lots or the strata corporation has fewer than four owners, all the owners are on the council.

10. Council members' terms

- 10.1 The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- 10.2 A person whose term as council member is ending is eligible for reelection.
- 10.3 No person may stand for council or continue to be on council with respect to a strata lot if the strata corporation is entitled to register a lien against that strata lot under section 116 (1) of the Strata Property Act.

11. Removing council member

- 11.1 Unless all the owners are on the council, 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.
- 11.2 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.

12. Replacing council member

- 12.1 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.

- 12.2 A replacement council member may be appointed from any person eligible to sit on the council.
- 12.3 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.
- 12.4 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 twenty-five percent of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the *Strata Property Act*, the regulations and the bylaws respecting the calling and holding of meetings.

13. 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, a vice-president, a secretary and a treasurer.
- 13.2 A person may hold more than one office at a time, other than the offices of president and vice-president.
- 13.3 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.
- 13.4 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.

14. 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.
- 14.2 The notice does not have to be in writing.
- 14.3 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.
- 14.4 The council must inform owners about a council meeting as soon as feasible after the meeting has been called.

15. Requisition of council hearing

- 15.1 By application in writing, stating the reason for the request, an owner or tenant may request a hearing at a council meeting.

- 15.2 If a hearing is requested under subsection 15.1, the council must hold a meeting to hear the applicant within one month of the request.
- 15.3 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.

16. Quorum of council

- 16.1 A quorum of the council is:
- a) 1, if the council consists of one member;
 - b) 2, if the council consists of 2, 3 or 4 members;
 - c) 3, if the council consists of 5 or 6 members; and
 - d) 4, if the council consists of 7 members.
- 16.2 Council members must be present in person at the council meeting to be counted in establishing quorum.

17. Council meetings

- 17.1 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.
- 17.2 If a council meeting is held by electronic means, council members are deemed to be present in person.
- 17.3 Owners may attend council meetings as observers.
- 17.4 Despite subsection 17.3, 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 *Strata Property Act*;
 - b) rental restriction bylaw exemption hearings under section 144 of the *Strata Property 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

- 18.1 At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- 18.2 Unless there are only two strata lots in the strata plan, if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- 18.3 The results of all votes at a council meeting must be recorded in the council meeting minutes.

19. Council to inform owners of minutes

- 19.1 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

- 20.1 Subject to subsections 20.2 and 20.4, 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.
- 20.2 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 20.3.
- 20.3 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.
- 20.4 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

- 21.1 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.
- 21.2 Despite subsection 21.1, a council member may spend the strata corporation's money to repair or replace the common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.

22. Limitation of liability of council member

- 22.1 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.
- 22.2 Subsection 22.1 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. Fines

- 23.1 Complaint, Right to Answer and Notice of Decision
- a) The strata corporation must not impose a fine for a contravention of a bylaw or rule unless the strata corporation has received a written complaint about the contravention and given the owner or tenant the particulars of the complaint, in writing, and a

reasonable opportunity to answer the complaint, including a hearing if requested by the owner or tenant.

- b) If the person is a tenant, the strata corporation must give notice of the complaint to the person's landlord and to the owner.
- c) The strata corporation must promptly give notice in writing of a decision to the tenant or owner.
- d) Once the requirements referred to in this section have been complied with, the strata corporation may impose a fine for a continuing contravention of that bylaw or rule without further compliance with this section.

23.2 Late Payment of Strata Fees

- a) Failure to pay strata fees on or before the first day of each month contrary to bylaw 1 shall be deemed to constitute a complaint for purposes of section 23.1.
- b) In addition to any other rights available to the strata corporation, the strata corporation may in its sole and absolute discretion levy a fine in an amount not to

exceed \$50.00 for late payment of common expenses, comprised of the monthly strata fee and any special levy, and the fine shall be levied on the 1st day of the month following the day that the common expenses were due and payable.

- c) Each consecutive month that the common expenses, comprised of the monthly strata fee and any special levy, are paid late or are unpaid shall constitute a separate infraction and each infraction shall be subject to a fine as provided by this bylaw. Fines shall be added to the common expenses of the offending owner and shall be due and owing on the day that the fine is levied.

23.3 The strata corporation may fine an owner or tenant a maximum of:

- a) \$50.00 for each contravention of a bylaw, and
- b) \$10.00 for each contravention of a rule.

23.4 Before enforcing a bylaw or rule the strata corporation may give a person a warning or may give the person time to comply with the bylaw or rule as per section 129 (2) of the *Strata Property Act*.

23.5 The strata corporation shall require that the owner pay all fines and costs to remedy bylaw and/or rule contraventions by an owner, tenant, occupant, visitor or guest.

24. Continuing contravention

- 24.1 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 5 - Annual and Special General Meetings

25. Person to chair meeting

- 25.1 Annual and special general meetings must be chaired by the president of the council.

- 25.2 If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
- 25.3 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. If after ½ hour from the time appointed for an annual or special general meeting a quorum is not present, the eligible voters present in person or by proxy constitute a quorum.

27. Participation by other than eligible voters

- 27.1 Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.
- 27.2 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.
- 27.3 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.

28. Voting

- 28.1 At an annual or special general meeting, voting cards must be issued to eligible voters.
- 28.2 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.
- 28.3 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.
- 28.4 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.
- 28.5 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.
- 28.6 If there are only two strata lots in the strata plan, subsection 27.5 does not apply.
- 28.7 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.
- 28.8 The 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 *Strata Property Act*.

29. Order of business

- 29.1 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 *Strata Property Act*;
- j) report on insurance coverage in accordance with section 154 of the *Strata Property Act*, if the meeting is an annual general meeting;
- k) approve the budget for the coming year in accordance with section 103 of the *Strata Property 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 *Strata Property Act*;
- m) elect a council, if the meeting is an annual general meeting;
- n) terminate the meeting.

Division 6 - Voluntary Dispute Resolution

30. Voluntary dispute resolution

- 30.1 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 *Strata Property Act*, regulations, the bylaws or the rules.
- 30.2 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.
- 30.3 The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

Division 7 - Marketing Activities

31. Display lot

- 31.1 An owner developer who has an unsold strata lot may carry on sales functions that relate to its sale, including the posting of signs.

- 31.2 An owner developer may use a strata lot, that the owner developer owns or rents, as a display lot for the sale of other strata lots in the strata plan.
- 31.3 An owner may post for sale or for rent signs on the common property.
- a) Signs must be placed within 5-6 feet on either side of the entrance to the strata complex. Units backing onto McDougall or Rose Meadow may place signs in their backyards. Only one (1) sign per unit is permitted. No sign may be placed in the front entrance area of a Unit.
 - b) Only the styles of signs as per Appendix 1 to the bylaws are permitted. The unit # must be attached to the sign.
 - c) The sign must be removed within one (1) week of sale.
 - d) The cost for the repair of any damage resulting from the placement of a sign (e.g. damage to sprinkler system, grass or weed barrier, etc.) is the responsibility of the respective owner. The strata corporation must repair the damage and charge the cost back to the respective owner.

Division 8 – Miscellaneous

32. Vehicles

- 32.1 The speed limit within the access routes of the strata plan is 15 mph (20 km/hr) whether posted or not. Driving on any area other than permitted access routes is prohibited.
- 32.2 Parking by guests and visitors is restricted to the visitor parking lot to a maximum of three nights or external streets. Parking on internal access routes is prohibited.
- 32.3 Repairs to vehicles shall not be undertaken on the common property. All vehicle repairs shall be restricted to within an enclosed garage.

33. Responsibility

- 33.1 Owners are responsible legally and economically for the actions, conduct and safety of themselves, their children, family, guests, invitees and pets.
- 33.2 Except for any loss or damage caused by the negligence or default of the developer or the strata corporation, neither are responsible or liable for mishaps, accidents or injury which may occur at or in any area of the strata plan, including park areas. The owner acknowledges that the common property is unsupervised and an owner's use of the same is entirely at the owner's own risk.

Division 9 – Rentals

34. Rental of a strata lot

- 34.1 A maximum of three (3) strata lots may be rented at any time except for those rented pursuant to a mandatory exemption authorized by Part 8 of the Strata Property Act, as applicable, and amendments thereto.
- 34.2 A strata lot must be rented for a minimum of twelve (12) months.

- 34.3 An owner who wishes to lease or rent his strata lot shall apply in writing to the strata corporation for permission to rent;
- 34.4 The strata corporation receiving an application from an owner to rent shall:
- a) respond in writing to the owner within fourteen (14) days from the date of receipt of the application stating its decision to approve or reject the application to rent;
 - b) deal with each application on a "first come-first serve basis" in the order received.
 - c) Owners denied permission to rent may place their names on a waiting list for future consideration.
- 34.5 When permission to rent is granted, the owner must rent his strata lot within 60 days, or permission to rent is automatically withdrawn.
- 34.6 Within two weeks after renting all or part of his or her strata lot, an owner must give the strata corporation a copy of the Notice of Tenant's Responsibilities, signed by the tenant (Form K).
- 34.7 When a tenancy ends for any reason, the owner must inform the strata corporation within 2 weeks of the end of the tenancy. If the owner fails to re-rent his strata lot within 60 days of the end of a tenancy, permission to rent automatically terminates.
- 34.8 Where permission to rent pursuant to this bylaw has been automatically revoked, withdrawn, terminated, or will expire, an owner may re-apply to the council for permission to rent the strata lot and such application will be governed by the provisions of this bylaw and the Strata Property Act and amendments thereto.
- 34.9
- a) This bylaw does not apply to prevent the rental of a strata lot to a member of the owner's family.
 - b) "Family" or "Family Member" means a spouse of the owner, a parent or child of the owner, or a parent or child of the spouse of the owner.
 - c) "Spouse of the Owner" includes an individual who has lived and cohabitated with the owner, for a period of at least 2 years at the relevant time, in a marriage-like relationship, including a marriage-like relationship between persons of the same gender.

Division 10 – Severability

35. The provisions hereof shall be deemed independent and severable and the invalidity in whole or in part of any bylaw does not affect the validity of the remaining bylaws, which shall continue in full force and effect as if such invalid portion had never been included herein.

APPENDIX 1
to Bylaws, The Owners, Strata Plan KAS 2918

Permitted Styles for "For Sale" or "For Rent" Signs

