

South Valley Ranch (Townhomes)
Strata Corporation KAS2082
Registered *Strata Property Act* Bylaws
Last Amended - December 9th, 2008

Contents

Section	Description	Page
Division 1 - Duties of Owners, Tenants, Occupants and Visitors		
1	Payment of strata fees	1
2	Repair and maintenance of property by owner	1
3	Use of property	1
4	Inform strata corporation	2
5	Obtain approval before altering strata lot	3
6	Obtain approval before altering common property	3
7	Permit entry to strata lot	3
Division 2 - Powers and Duties of Strata Corporation		
8	Repair and maintenance of property by strata corporation	4
Division 3 - Council		
9	Council size	4
10	Council members' terms	4
11	Removing council member	4
12	Replacing council member	4
13	Officers	5
14	Calling council meetings	5
15	Requisition of council hearing	5
16	Quorum of council	6
17	Council meetings	6
18	Voting at council meetings	6
19	Council to inform owners of minutes	6
20	Delegation of council's powers and duties	7
21	Spending restrictions	7
22	Limitation on liability of council member	7
Division 4 - Enforcement of Bylaws and Rules		
23	Maximum fine	8
24	Continuing contravention	8
Division 5 - Annual and Special General Meetings		
25	Person to chair meeting	8
26	Participation by other than eligible voters	8
27	Voting	8
28	Order of business	9
Division 6 - Voluntary Dispute Resolution		
29	Voluntary dispute resolution	9
Division 7 - Marketing Activities by Owner Developer		
30	Display lot	10
Division 8 - Local Bylaws		
31	Parking	10
32	Rental restriction	11
33	Insurance and deductibles	12
34	Collections	13

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) An owner who is delinquent in the payment of strata fees shall be subject to a fine of \$10 per month.

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.
The areas of the strata lot which an owner must repair and maintain include, but are not limited to, the following:
 - (a) Entrance Doors - Handles, locks, hinges, weather stripping, door sills, door glass, and the doors themselves (excluding painting);
 - (b) Garage Doors - Hinges, tracks, door closer mechanisms, weather stripping and the doors themselves (excluding painting).
- (2) An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

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, particularly between the hours of 11:00 P.M. and 7:00 A.M.,
 - (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.
 - (f) is disruptive to other persons, through the operation of a home-based business, or by conducting business activities.
- (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 all animals are leashed or

otherwise secured when on common property or limited common property. Animal owners must promptly clean up after their pets.

- (4) 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 of fish or other small aquarium or terrarium animals;
 - (b) up to 2 small caged mammals, which must be kept inside the strata lot at all times;
 - (c) up to 2 caged birds;
 - (d) up to two dogs (which when full grown, may not exceed 15 inches in height when measured at the shoulder), **or** two cats, **or** a combination of one dog and one cat. Dogs and/or cats must be confined to the inside of the strata lot at night.
- (5) Any animal which causes a nuisance or disturbance or, in the opinion of the strata council, poses a hazard to another resident, may be removed by the local animal control authority, upon request of the strata council, and the cost of such removal shall be the responsibility of the strata lot owner.
- (6) (a) No signs, notices, billboards, placards or other advertising matter shall be placed or displayed on any part of a strata lot, on public property in proximity to the common property, or on vehicles parked on or near the common property, except as approved in writing by the strata council and in an area of the common property designated by the council.
(b) Signs indicating that a strata lot is for sale or rent shall be restricted to a maximum size of 3 inches by 32 inches, have black lettering on a white background, and be placed on the common sign board outside the entrance.
- (7) No laundry, washing, clothing, bedding or other articles shall be hung or displayed from windows, patios or other parts of a strata lot so that they are visible from the exterior.
- (8) No garbage, rubbish or debris shall be accumulated outside a strata lot on common property or limited common property. All garbage shall be placed in waterproof bags, properly fastened and deposited in garbage containers for individual pick up.

Inform strata corporation

- 4 (1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, telephone number, 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 telephone number.

Obtain approval before altering a strata lot

- 5** (1) An owner must obtain the written approval of the strata council before making an alteration to a strata lot that involves any of the following:
- (a) the exterior of a building;
 - (b) chimneys, stairs, balconies or other things attached to the exterior of a building;
 - (c) doors, windows or skylights on the exterior of a building, or that front on the common property;
 - (d) fences, railings or similar structures that enclose a patio, balcony or yard.
- (2) No shades, awnings, window guards, ventilators, supplementary heating or air-conditioning devices shall be installed or used in or about any strata lot without prior written approval of the strata council.
- (3) All window coverings must be white when viewed from the exterior of a strata lot, and must be approved by the strata council.
- (4) The strata council must not unreasonably withhold its approval under subsections (1-3), 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 council before making an alteration to common property, including limited common property, or common assets.
- (2) The strata council may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

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 Act.
- (2) The notice referred to in subsection (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:
- (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 rear patio;
 - (d) a strata lot, but the duty to repair and maintain it is restricted to the structure of a building, and painting the exterior of entry and garage doors;
 - (e) Windows - Glass (both fixed and moveable), weather stripping, glass seals, hinges, closing/locking devices, screens and the like;
 - (f) Patio/Sliding Doors - Glass (both fixed and moveable), glass seals, handles, locks, mechanisms on which the sliding doors run, metal tracks, weather stripping, screens and the like.

Division 3 - Council

Council size

- 9** The council must have at least 3 and not more than 7 members.

Council members' terms

- 10** (1) The term of office of a council member ends at the end of the annual general meeting at which a replacement is elected.
- (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 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 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 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, a vice president and, if necessary, 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 2 or more months, the council members may appoint a replacement officer from among themselves 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) 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.

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.
- (2) If a hearing is requested under subsection (1), the council must hold a meeting to hear the applicant within one month of the request.
- (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.

Quorum of council

- 16** (1) A quorum of the council is

- (a) 2, if the council consists of 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 at the council meeting to be counted in establishing quorum.

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.
- (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, upon written request.
- (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.

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.
- (2) If there is a tie vote at a council meeting, the president 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.

Council to inform owners of minutes

- 19** The council must provide an owner with a copy of the minutes of a council meeting, within 2 weeks following the meeting, whether or not the minutes have been approved, for a nominal fee.

Delegation of council's powers and duties

- 20** (1) Subject to subsection (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) delegated the authority to make an expenditure of a specific amount for a specific

purpose, or

(b) delegated 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

- 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.
- (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) The strata council may not authorize a non-budgeted expenditure from the operating fund which, in total with all other non-budgeted expenses during a fiscal year, exceeds \$750.

Limitation on 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.
- (2) Subsection (1) does not affect a council member's liability, as an owner, for a judgement against the strata corporation.

Division 4 - Enforcement of Bylaws and Rules

Maximum fine

- 23** The strata corporation may fine an owner or tenant a maximum of
- (a) \$200 for each contravention of a bylaw, and
 - (b) \$50 for each contravention of a rule.

Continuing contravention

- 24** 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

Person to chair meeting

- 25** (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 eligible voters present in person or by proxy from among those persons who are present at the meeting.

Participation by other than eligible voters

- 26** (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.

Voting

- 27** (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.

(7) Any owner in arrears for strata fees or special levies is ineligible to vote at a general meeting.

Order of business

- 28** 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 financial statements, and approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
 - (l) deal with new business, including any matters about which notice has been given under section 45 of the Act;
 - (m) elect a council, if the meeting is an annual general meeting;
 - (n) terminate the meeting.

Division 6 - Voluntary Dispute Resolution

Voluntary dispute resolution

- 29** (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.

Division 7 - Marketing Activities by Owner Developer

Display lot

- 30** (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.
- (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.

Division 8 - Local Bylaws

Parking

- 31** If the strata council receives a complaint from an owner, tenant or occupant concerning a violation of the parking bylaws, the following process shall be followed:
- at the discretion of the strata council, a letter shall be sent to the offending owner, tenant or occupant outlining the nature of the complaint, and detailing the steps to be taken to comply with the bylaw.
 - if, after the strata council has issued a warning letter, and after allowing a reasonable time to comply, the bylaw contravention continues, the strata council may arrange for the removal of the offending vehicle, by a towing contractor, at the sole risk and expense of the vehicle owner.
- (1) Boats, recreation vehicles, and trailers of strata lot owners, tenants and occupants may not be parked on driveways or roadways, or in common parking stalls, except for cleaning or loading/unloading to a maximum duration of three (3) days, subject to available space.
- Recreation vehicles of visitors may park on driveways and roadways only with strata council approval, to a maximum specified duration of three (3) days, and subject to available space.
- (2) No mechanical work shall be done to vehicles on driveways, roadways or in common parking stalls. Any such work must be restricted to strata lot garages, or to the R.V. parking area shared with Strata Corporation KAS2064.
- (3) Unlicensed vehicles shall not be parked on driveways and roadways, or in common parking stalls, and are not permitted in the R.V. parking area.
- (4) A vehicle belonging to a strata lot owner, tenant or occupant may not be parked on a roadway or in a common parking stall designated for visitor parking. Such vehicles must be
- (a) parked in the owner's garage, or
 - (b) parked on the driveway in front of the strata lot, or
 - (c) parked in a designated parking stall in the common parking area adjacent Units 19 & 20, subject to availability of a parking stall, and subject to the payment of a monthly rental fee proscribed by the strata council.
- (5) A vehicle belonging to a strata lot visitor must first park on the driveway in front of the strata lot owner being visited and, only when that driveway is filled, may

- (a) park in a designated visitor parking stall in the common parking area adjacent Units 19 & 20, or
- (b) if all the visitor parking stalls adjacent Units 19 & 20 are filled, park on a roadway. Visitors are to avoid parking at the corners of roadways, or parking in a manner which interferes with the ability of other vehicles to enter and leave adjacent driveways and garages.

(6) Driveways and assigned common parking stalls shall be kept clean and free from grease, dirt and oil. The strata council may, by written notice, order a driveway or common parking stall to be cleaned. If not cleaned within a reasonable amount of time, the strata council may arrange to have the driveway or parking stall cleaned, and charge the cost to the strata lot owner.

(7) The common roadway speed limit is 20 km/hour.

Rental restriction bylaw

32 (1) The total number of strata lots within Strata Plan KAS2082 that may be rented at any given time shall be three (3).

(2) Where the limit of rented strata lots established in sub-section (1) of this bylaw is reached, no further rentals shall be permitted except as allowed by Section 144 of the Strata Property Act.

(3) An owner who wishes to rent a strata lot must apply in writing to the strata council. If the limit set out in sub-section (1) has been reached, applications shall form a rental waiting list, to be considered by the strata council on a first-come, first served basis.

(4) Where the strata council grants to an owner permission to rent a strata lot, the applicant must exercise such permission within ninety (90) days of the date of acceptance of the application. If not rented within this time period, the owner must re-apply to the council, and this new application would then fall to the bottom of the rental waiting list, if any.

(5) An owner must provide the strata council with a Strata Property Act Form K (Notice of Tenant's Responsibilities), signed by the tenant, within two (2) weeks of renting the strata lot. Failure to provide the Form K within this time period shall be cause for a fine as set out in Bylaw 23.

(6) An owner who rents a strata lot in contravention of sub-section (2) of this bylaw shall be subject to a fine of \$500, applied as frequently as every seven days, as set out in Bylaw 24.

(7) Once an owner has been granted permission to rent a strata lot, the strata lot shall retain the designation of a rental strata lot either until it is sold, or becomes owner-occupied, and may be re-rented at the discretion of the owner, without re-applying to the strata council, providing that sub-section (5) is observed.

(8) If the rental limit in sub-section (1) has not been reached, a prospective purchaser

intending to purchase a strata lot for rental purposes may apply in writing to the strata council for permission to rent immediately following completion of the sale.

Insurance and deductibles

33 (1) No owner shall commence or proceed with an insurance claim that may affect, or result in a claim on, the common insurance policy held by the strata corporation without first obtaining the written consent of the council. Any and all personal insurance claims must be reported to council even if the claim is not anticipated to effect the common insurance policy.

(2) In the event that loss or damage occurs to common property or limited common property, common facilities or within a strata lot that gives rise to a valid claim under the strata corporation's insurance policy, it is agreed and understood that:

If the origination of the loss is within the interior confines of an individual strata lot, the deductible of the strata corporation's policy relative to the loss shall be paid by the strata corporation, and shall be reimbursed to the strata corporation by the individual strata lot owner in whose lot the cause of the damage originated.

The foregoing will also hold true if the careless, negligent or inattentive acts of a strata lot owner causes damage outside the strata lot and the origination of the loss is anywhere on the premises.

In the event that an owner or any member of their family or their guests, servants or agents cause damage to common property, limited common property or common facilities and the damage so caused is not covered by insurance, the strata lot owner shall be held responsible for such loss and promptly reimburse the strata corporation for the full costs of repair or replacement of the damage done.

In such circumstances and for the purposes of this bylaw, 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 shall be charged to the owner and shall be added to and become part of the assessment of that owner for the month next following the date on which expense was incurred, and shall become due and payable on the date of payment of the monthly assessment if not previously paid.

The only exception to the foregoing is where loss originates from the rupture or malfunction of a permanent public facility supply line or sewer system that extends from common property into an individual unit, in which case the deductible shall be the responsibility of the strata corporation. It is further agreed and understood that where any loss or damage originates from "common property" as defined in the Strata Property Act and is not the responsibility of a strata lot owner as previously defined, the deductible shall then be the responsibility of the strata corporation.

Damage to personal property of an owner or occupant of the unit, together with any upgrading, substituting or improvements or betterments to the unit that have been made or acquired by the present owner from those originally installed shall be the responsibility of the owner.

Collections

- 34** In reference to Section 171(4) of the Strata Property Act, the strata council may, at its discretion, proceed under the Small Claims Act against an owner or other person to collect money owing to the strata corporation, including money owing as a fine.