

# BYLAWS FOR TIMBERCREEK PLACE

## 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 (12 post-dated cheques recommended).
- (2) Eligible voters referred to in these bylaws are owners with paid up maintenance or strata fees at time of meeting.

### 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.

### Use of property

- 3 (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets as follows:
  - (a) in a way that causes a nuisance or hazard to another person;
  - (b) in a way that causes unreasonable noise;
  - (c) in a way that unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot;
  - (d) in a way that is illegal;
  - (e) in a way that will cause insurance rates to rise or increase the risk of fire;
  - (f) to perform major maintenance or repairs on a motor vehicle or other mechanical equipment;
  - (g) to have an uninsured motor vehicle unless proof of storage insurance for the uninsured vehicle is registered with the strata corporation;
  - (h) to store recreational vehicles, trailers, tent trailers, tents or boats;
  - (i) to skateboard, to place a basketball hoop fixed or portable, roller blade, roller skate, scooter, play road hockey;
  - (j) to operate a motor vehicle in excess of 10 kilometers per hour (6mph). Please watch out for children.

However, nothing in the above shall in any way limit the construction of the units by the Developer.

- (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 or tenant shall not use his / her strata lot for any other purpose than as a residence. No strata lot shall be used for the purpose of any profession, trade, vocation, commercial enterprise of any description, or as a day care facility, boarding or lodging house.
- (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 and must clean up all feces from their pets immediately.
- (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 of fish;
  - (b) a reasonable number of small caged mammals;
  - (c) up to 2 caged birds;
  - (d) one dog or one cat not larger than 20 kg. (44 lbs) at maturity.
- (6) The strata lot is to be used as a single family dwelling.
- (7) PARKING – Owners and tenants must park vehicles in the allotted location for each lot. Visitor parking is for visitors only. Any owner or tenant using visitor parking will be towed at their expense.

#### **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) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

#### **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;
  - (b) the exterior of a building;
  - (c) doors or windows on the exterior of a building, or that front on the common property;
  - (d) fences, railings, trellises or similar structures that enclose a patio, veranda or yard;
  - (e) common property located within the boundaries of a strata lot such as TV dishes, radio antennas, clothes line, etc.;
  - (f) 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 (provisio), 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 (provisio), to take responsibility for any expenses relating to the alteration.

#### **Leases of strata lots**

- 7 (1) Before an owner leases his/her strata lot, he/she shall give the strata corporation the undertaking in Form K signed by the tenant, that he/she and the other occupants of the strata lot will comply with the Act, bylaws, rules and regulations of the strata corporation. The lease shall include or be deemed to include this undertaking as a condition of the lease.
- (2) The owner is not released and he/she and the tenant are jointly and severally liable for a breach of the undertaking.

#### **Permit entry to strata lot**

- 8 (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot as follows:
  - (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.

#### **Insurance claims**

- 9 (1) Possible strata insurance policy claims must be reported to council first. Council will decide whether the claim is a strata corporation responsibility and council or their agent will contact the necessary representative with the insurance company. Owners calling the insurance company without council approval could be held responsible for all charges.

## **Building appearance**

- 10** (1) All buildings to maintain uniform exterior appearance fe: paint, doors, windows, window coverings, and any changes to common property. Any changes to original appearance must be approved by council.

## **Division 2 – Powers and Duties of Strata Corporation**

### **Repair and maintenance of property by strata corporation**

- 11** (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, stairs, balconies and other things attached to the exterior of a building;
      - (D) doors, windows and skylights on the exterior of a building or that front on the common property;
      - (E) fences, railings and similar structures that enclose patios, balconies rear yards and yards;
      - (F) cutting grass, gardening, landscaping and repairing fences;
      - (G) parking stalls.

## **Division 3 – Council**

### **Council size**

- 12** (1) The council must have at least 3 and not more than 7 members.

### **Council members' terms**

- 13** (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.
- (2) A person whose term as council member is ending is eligible for reelection.

### **Removing council member**

- 14** (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**

- 15** (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**

- 16** (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 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

### **Calling council meetings**

- 17** (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.

#### **Requisition of council hearing**

- 18** (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**

- 19** (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**

- 20** (1) Owners may attend council meetings as observers.
- (2) Despite subsection (1), 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**

- 21** (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.

- (2) The results of all votes at a council meeting must be recorded in the council meeting minutes.

#### **Council to inform owners of minutes**

- 22 (1) 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**

- 23 (1) Subject to subsections (2) to (3), 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.

#### **Spending restrictions**

- 24 (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.

#### **Limitation on liability of council member**

- 25 (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**

#### **Maximum fine**

- 26 (1) The strata corporation may fine an owner or tenant a maximum of:

- (a) \$100.00 for each contravention of a bylaw; and
- (b) \$50.00 for each contravention of a rule.

#### **Continuing contravention**

- 27** (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**

#### **Person to chair meeting**

- 28** (1) Annual and special general meetings must be chaired by the president, vice-president, any owner or strata manager.

#### **Participation by other than eligible voters**

- 29** (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**

- 30** (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.

## **Order of business**

- 31** (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) ratify any new rules made by the strata corporation under section 125 of the Act;
  - (i) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
  - (j) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
  - (k) deal with new business, including any matters about which notice has been given under section 45 of the Act;
  - (l) elect a council, if the meeting is an annual general meeting;
  - (m) terminate the meeting.