

BELLA VITA VIEWS
THE OWNERS, STRATA PLAN KAS 3089

BYLAWS

**UNOFFICIAL SCHEDULE OF CONSOLIDATED
BYLAWS**

[UPDATED TO 30-MAY-2012 ANNUAL GENERAL MEETING]

This Schedule of Consolidated Bylaws is for private purposes only, and is NOT the official version. Neither Okanagan Strata Management Ltd nor the strata corporation warrant the accuracy or the completeness of this Schedule of Consolidated Bylaws and in no event will Okanagan Strata Management Ltd or the strata corporation be liable or responsible for damages of any kind arising out of the use of this Schedule of Consolidated Bylaws.

Persons who need to rely on the text of the strata corporation's bylaws for legal and other purposes may obtain the official amendments to bylaws from the Kamloops Land Title Office, 114-455 Columbia Street, Kamloops, BC V2C 6K4, Tel: 250-828-4455.

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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. An owner must pay strata fees assessed in respect of the owner's strata lot in one of the following ways:
 - (a) prepaid in advance for the fiscal year of the strata corporation to which the strata fee assessments relate; or
 - (b) by a series of 12 cheques post-dated to the first day of each month of each fiscal year of the strata corporation for which the strata fees have been assessed from time to time; or
 - (c) by monthly direct electronic fund transfer.
- (2) The strata corporation may charge interest on overdue strata fees at a rate not to exceed 10% per annum compounded annually, or such other rate of interest as may be allowed by regulations passed from time to time under the Strata Property Act (the "Act) and when interest is charged as aforesaid the owner of the strata lot in respect of which strata fees are overdue shall pay interest as aforesaid to the strata corporation in addition to the overdue strata fees, calculated from the date or dates upon which the overdue strata fees are paid.
- (3) If an owner fails to pay strata fees for any month by the first day of that month or if a cheque is issued by the owner to the strata corporation for payment of any monthly strata fee is returned marked "NSF", the strata corporation shall levy a fine against that owner of not less than \$25.00 for each default.

Repair and maintenance of property by owner

- 2 (1) An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (2) An owner 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 10 P.M. and 7 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 contravenes the applicable provisions of any statute or bylaw regulating use of the strata lot, except that legal non-conforming uses are permitted; 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 all animals are leashed or otherwise secured when on the common property or on land that is a common asset, or on a strata lot outside of a building and must pick up and remove and sanitarily dispose of, immediately, any feces deposited by the animal on the common property, common asset or strata lot. Any pet found loose on the common property will be delivered to the Municipal Pound at the owner's expense.
- (4) An owner, tenant or occupant must not keep any pets on a strata lot other than:
 - (a) a reasonable number of fish or other small aquarium animals; and

- (b) a reasonable number of small caged mammals; and
 - (c) 2 cats or 2 dogs (not to exceed 14 inches in height at maturity), or one of each
- (5) All pets are to be licensed as required by Municipal bylaws and to be registered with the strata council.
 - (6) An owner, tenant or occupant shall promptly and permanently remove from the strata lot occupied by the owner, tenant or occupant, when ordered to do so by the strata corporation, any animal which in the opinion of the strata council is causing or has caused noise which unreasonable interferes with the use and enjoyment of other owners, tenants or occupants of strata lots.
 - (7) An owner shall be responsible for and shall reimburse the strata corporation for the costs of repairing any damage to the common property or a common asset of the strata corporation or those parts of a strata lot which the strata corporation is required to repair and maintain under these bylaws or to insure under section 149 of the Act, caused by the owner, a member of the owner's family, a person visiting the owner, or a tenant or other occupant of the owner's strata lot.

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.
- (3) An owner must provide to the strata council a copy of a Strata Property Act Form K (Notice of Tenant's Responsibilities) signed by the tenant of the strata lot within 2 weeks of the tenant taking possession of the strata lot. Nothing in this bylaw shall be construed as permitting the rental or leasing of a strata lot.
- (4) If an owner, tenant, or occupant of a strata lot observes or becomes aware of the particulars of any injury suffered by any person(s) or property while on a strata lot or the common property, the owner, tenant or occupant must, promptly, notify the strata corporation, in writing, of the particulars of such injury or damage and the identity and address of the injured person or the person whose property is damaged, to the extent that such particulars are known to the owner, tenant or occupant.

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 structure of a building;
 - (b) the exterior of a building;
 - (c) chimneys, stairs, balconies or other things attached to the exterior of a building;
 - (d) doors or windows (including window casings and window sills) 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 Act.
- (2) No external awning, shade, screen, ventilator, window guard, air conditioning or heating device may be installed, used or located in or about any strata lot or on the common property without prior written approval of the strata council.
- (3) No exterior radio/television aerials or satellite dishes may be installed or erected outside a strata lot without prior written approval of the strata council. Satellite dishes may not exceed eighteen (18) inches in diameter.
- (4) There shall be no painting, structural or decorative alterations or additions to the exterior of strata lots - nor shall the wiring, plumbing, piping, or other services be altered or supplemented on a strata

lot or to the exterior of the common property – without written approval of the strata council.

- (5) The strata council must not unreasonably withhold its approval under subsections (1-4), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for
- (a) any expenses relating to the alteration;
 - (b) any future repairs & maintenance associated with the alteration;
 - (c) insuring the alteration;
 - (d) any damage to personal property, common property of a strata lot resulting from, or attributable to, the alteration; and
 - (e) informing a prospective purchaser of the strata lot regarding the alteration, and disclosing that the purchaser must assume responsibility for the sub-sections (b) though (e), at the time of purchase.
- (6) The strata council may also require, as a condition of its approval under subsections (1-4) inclusive, that the applicant must provide to the council with the application, any or all of the following as the strata council may direct:
- (a) a plan or sketch of each proposed alterations drawn to schedule and showing such dimensions and detailed designs as the strata council may require;
 - (b) proposed colours for any materials or painting visible from the outside of the strata lot or common property concerned;
 - (c) the kind of materials proposed to be used in the alteration; and
 - (d) such other design, colour, material and construction details as the strata council may require.

Obtain approval before altering common property

- 6 (1) An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.
- (2) The strata corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration and/or to take responsibility for the ongoing maintenance and repair of 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:
 - (i) to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act; or
 - (ii) to ensure compliance with the Act and the bylaws.
- (2) The notice referred to in subsection 7(1)(b) must include the date and approximate time of entry, and the reason for entry.

Division 2 – Powers and Duties of Strata Corporation

Repair and maintenance of property by strata corporation

- 8 (1) Subject to bylaws 5(2) and 6(2) 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 one 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 and windows (including window casings and window sills) 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, but the duty to repair and maintain is restricted to:
 - (i) the structure of a building;
 - (ii) the exterior of a building;
 - (iii) chimneys, stairs, balconies, decks and other things attached to the exterior of a building;
 - (iv) doors and window (including window casings and window sills) 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.

Division 3 – Council

Council size

- 9 (1) Subject to bylaw 9(2), the council must have at least 3 and not more than 7 members.
- (2) If the strata plan has fewer than 4 strata lots or the strata corporation has fewer than 4 owners, all the owners are on the council.

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.
- (3) Subject to bylaw 9(2) in the election of council members held at the first annual general meeting, all council members must be elected for a term of one year.
- (4) Subject to bylaw 9(2) in the election of council members held at the second annual general meeting:
 - (a) if the council has an even number of members, 1/2 the members must be elected for a term of 2 years and the remainder elected for a term of one year; or
 - (b) if the council has an odd number of members, a simple majority must be elected for a term of 2 years, and the remainder elected for a term of one year.
- (5) Subject to bylaw 9(2) in the election of council members held at each annual general meeting after the second annual general meeting, the members elected to fill the vacant positions must be elected for a term of 2 years.
- (6) A person shall not be eligible for election to the council and shall not be entitled to continue as a council member if the strata corporation is entitled to register a lien under section 116(1) of the Act against a strata lot of which that person is an owner or a representative of a corporation that is an owner of the strata lot.

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.
- (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, is disqualified for continuing as a council member, or is unwilling or unable to act for a period of 2 or more months, the remaining members of 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 bylaw even if the absence of the member being replaced leaves 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 and a vice president, and may elect from among its members a secretary and a treasurer or a secretary-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 resigns, is disqualified from continuing as a council member, or is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer 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.
- (4) The council must inform all owners about a council meeting as soon as feasible after the meeting has been called.

Repealed

15 [Repealed 2012-05-30]

Quorum of council

- 16 (1) A quorum of the council is
 - (a) 1, if the council consists of 1 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
- (2) Subject to bylaw 17, 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.
- (4) Despite bylaw 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 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 majority of council members present in person at the meeting.
- (2) Unless there are only 2 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.
- (3) The results of all votes at a council meeting must be recorded in the council meeting minutes, along with the names of the council members moving and seconding any resolutions, and the names of any dissenting or abstaining council members.

Council to inform owners of minutes

- 19 (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

- 20 (1) Subject to bylaws 20(2) to 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.
- (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 bylaw 20(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 who 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 bylaw 21(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 corporation may make expenditures that are not included in an approved budget provided that such expenditures (unapproved expenditures) shall not exceed in the aggregate in the same fiscal year, the sum of \$2,000.00. Unapproved expenditures may be made out of the operating fund, and may be made out of the contingency reserve fund only if there are reasonable grounds to believe that an immediate expenditure is necessary to ensure safety or prevent significant loss or damage, whether physical or otherwise, and in the latter case the strata corporation must inform the owners as soon as is reasonably possible of the particulars of unapproved expenditures made out of the contingency reserve fund.

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) Bylaw 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

Fines and recovery of money owing to strata corporation

- 23** (1) 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.
- (2) The strata corporation may sue, in Small Claims Court, for monies owed to the strata corporation, without requiring the authority of a resolution requiring a 3/4 vote at a general meeting.

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 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 a 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) If there are only 2 strata lots in the strata plan, subsection (5) does not apply.
- (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.
- (8) Notwithstanding the foregoing, the vote for a strata lot may not be exercised at an annual general meeting or special general meeting, except on matters requiring a unanimous vote, if the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the Act.

Order of business

- 28 (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 the 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.
- (2) If at the time appointed for a general meeting, a quorum is not present, the meeting shall stand adjourned for a period of fifteen minutes whereupon the adjourned meeting shall be reconvened at the same place and persons present in person or by proxy and entitled to vote, shall constitute a quorum.

LA138385	2006 10 03	LB28492	2007 03 13	LB121979	2007 10 11	LB308618	2009 05 13
LB385136	2010 05 13	Per AGM	2012 05 30				

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

Signage

- 30** (1) Except for signage that is permitted under the provisions of the Election Act of British Columbia, no signs or placards of any kind shall be placed anywhere on the common property or a strata lot or in any building on a strata lot when such signs are visible from the outside of the building, with the exception of an “open house” sign that can be placed just off the sidewalk for the specific hours of the open house and be removed at day’s end.

Division 8 – Local Bylaws

Vehicles and parking

- 31
- (1) No vehicle or trailer may be parked outside a strata lot or on common property unless the vehicle or trailer is licensed and is insured for third party liability coverage and displays proof of such insurance.
 - (2) No mechanical work shall be done on any vehicle outside of a strata lot, on common property, or in designated parking areas. Any such work must be confined or restricted to the inside of specific strata lot garage areas.
 - (3) Except for loading and unloading to a maximum of twenty-four (24) hours, there shall be no parking of boats, trailers, or recreation vehicles on strata lots or common property unless expressly allowed, designated and approved in writing by the strata council.
 - (4) No over-sized vehicles, exceeding twenty (20) feet in length or one (1) ton in rated weight, shall be brought to or parked on common property or designated parking areas without written approval of the strata council, except in the course of moving, service, or delivery to or from the premises.
 - (5) No vehicle shall park in a manner that reduces the width of a roadway. Parking is permitted in designated areas only.
 - (6) Vehicles shall be washed in such a manner as to not cause nuisance, harm, or annoyance to others.
 - (7) Owners are responsible for ensuring that their vehicles do not spill oil, grease, or other fluids onto common property. The strata manager or strata council may order that the area under a vehicle be cleaned and, if not attended to within seven (7) days, may arrange for cleaning, and the cost shall be the responsibility of the strata lot owner.

House-keeping and exterior appearance

- 32
- (1) An owner shall not allow the area around the strata lot to become untidy. Rubbish, dust, garbage, boxes, packing cases, construction materials, shoes, carpets, and the like shall not be thrown, piled, or stored on any part of the common property. The strata council shall be at liberty to remove said items and clean up the common area and charge the expense to the owner involved.
 - (2) Balconies and patios are to be kept clean and tidy, and are not to be used for storage.
 - (3) All garbage set out for pick-up must be contained in covered garbage can or bins, and such cans or bins must be securely fastened to keep out animals or birds. Blue box and blue bag recycle containers shall be exempt.
 - (4) Garbage containers set out for garbage pick-up must be put out and returned inside the garage within the same twenty-four (24) hour period.
 - (5) No laundry, washing, clothing, bedding or other articles shall be hung or displayed from windows, balconies, or other parts of the building so as to be visible from outside of the building.
 - (6) The outside face of any window covering inside a strata lot shall be either white or beige without obvious or discernible pattern. Any coloured drapes must be lined with either white or beige lining, attached to and forming part of the drapes, or hung separately. All venetian or other similar blinds must be white or beige.

Insurance and deductibles

- 33
- (1) No owner may 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 affect the common insurance policy.
 - (2) The payment of an insurance deductible in respect of a claim on the strata corporation's insurance is a common expense to be contributed to by means of strata fees calculated in accordance with Sections 99(2) or 100(1) of the Act.

- (3) The previous subsection does not limit the capacity of the strata corporation to sue, under Bylaw 36, an owner in order to recover the deductible portion of an insurance claim, if the owner is responsible for the loss or damage that gave rise to the claim.
- (4) Damage to personal property of an owner, tenant or occupant of the strata lot, together with any upgrading, substituting or improvements or betterments to the strata lot that have been made or acquired by the present owner from those originally installed, shall be the responsibility of the owner, and shall be insured against by the owner, tenant and / or occupant. An owner shall provide proof of such insurance to the strata corporation, upon request of the strata council.

Collections

- 34 (1) In reference to section 171(4) of the Act, the strata corporation may commence a proceeding 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, without the authorization of a resolution passed by a three-quarter (3/4) vote at an annual or special general meeting.
- (2) A unit owner in default of the payment of common expenses, strata fees, special levies, interest, fines, and any other amounts owing pursuant to the Strata Property Act (the "Arrears") shall reimburse the strata corporation and save it harmless against any and all costs and expenses required to collect such Arrears, including legal costs, comprised of fees, taxes and disbursements and other related expenses, as between a solicitor and his own client or on a full indemnity basis.

For purposes of section 133(2) of the Strata Property Act, "reasonable costs remedying the contravention" of the strata corporation's bylaws or rules shall be interpreted to include, but not be limited to, legal costs, comprised of legal fees, taxes, disbursements and other related expenses, as between a solicitor and his own client or on a full indemnity basis.

Any legal costs or expenses incurred by the strata corporation to collect any Arrears shall be charged to that owner and shall be added to and become part of the assessment of that owner for the month next following the date on which the legal expenses are incurred, but not necessarily paid by the strata corporation, and shall become due and payable on the date of payment of the monthly assessment.