

**SCHEDULE OF BYLAWS FOR  
FALCON POINT VACATION HOME DISTRICT  
STRATA CORPORATION KAS \_\_\_\_\_**

**General**

For the purposes of conducting general and council meetings, the procedures followed will be in accordance with "Wainberg's Society Meetings, including Rules of Order".

Limited Common Property (LCP) is the designation of all decks, patios, and parking garages.

The Strata Property Act may be referred to in this document as "the Act".

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

**1. Payment of strata fees**

1. An owner must pay strata fees on or before the first day of the month to which the strata fees relate. Interest on unpaid strata fees of 10% per annum compounded annually will be charged on all late strata fees or special levies. All owners must submit 12 post-dated cheques within 2 weeks of the AGM or subscribe to the automatic debit program for the payment of strata fees. Failure to abide will lead to fines of \$25.00 per month.
2. The strata council on behalf of the strata corporation may pursue a claim against any owner in arrears of strata fees, fines, or special levies, that have been outstanding for a period of more than 90 days, without the need to convene a further meeting of the Owners. At least two weeks notice will be given before pursuit of a small claims action or registration of a lien.

**2. Repair and maintenance of property by owner**

1. An owner must repair and maintain the owner's strata lot, including all door knobs and locks, garage hardware including door lifting mechanisms and remotes, window hardware, glazing to shade windows, mailbox keys, insulation of windows and doors, and any improvements made to the strata lot or common property where permission was granted or not, 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.

**3. Use of property**

1. An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that:
  - a) causes a nuisance or hazard to another person;
  - b) causes unreasonable noise;

- c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot;
  - d) is illegal; or
  - e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.
2. An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act. Any costs incurred by the strata corporation to repair damages caused by the owner will be charged back to the owner.
3. An owner of a strata lot shall be permitted to keep in his or her strata lot and on the common property of the strata corporation normal domestic animals, provided that such owner shall be responsible for the control of such animals at all times and to ensure that such animals cause no nuisance or damage to the common property of the strata corporation and do not interfere with the use and enjoyment of the common property by other owners, their families or visitors. In the event that any such animals cause a continuing nuisance, continually interfere with the use and enjoyment of the common property by other owners, their families or visitors or cause damage to the common property, the council shall be entitled to give notice to an owner to permanently remove such animal from his or her strata lot and/or the common property and such owner shall pay to the strata corporation the cost of repairing any damage caused by such animal. Pet owners are responsible for the immediate clean up of pet droppings. Pets are not permitted to be tethered anywhere on the common property.
4. An owner of a strata lot shall not permit more than the following numbers of persons to sleep overnight in his/her strata lot:
- a) one bedroom unit – four persons plus one infant;
  - b) two bedroom unit – six person plus two infants;
  - c) three bedroom unit – eight persons pus two infants.

#### 4. Prohibitions

1. The following is not permitted unless written approval has been received from the Strata Council:
- a) storage of hazardous material which may increase the fire hazard to the Strata, with the exception of gas/propane barbeques;
  - b) parking of vehicles, trailers, recreational vehicles, water vehicles of all kinds, anywhere on the common property except as permitted in the Rules and Regulations; and
  - c) smoking is prohibited on the common property but is permitted on the patios and decks of the strata lots.
2. All future bylaws and rules of the strata corporation shall be consistent with the operation of the development in accordance with the Sixth Interest Program and the

Rental Management Agreement so they will not impair, interfere with or adversely affect such operation.

**5. Obtain approval before altering a strata lot**

1. An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot.
2. The strata corporation must not unreasonably withhold its approval under subsection (1), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration. Owners may be required to remove any improvements which have not been given prior written approval.
3. In addition to the requirements set out in the Act relating to changes to the common property, 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. 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. Permit entry to strata lot**

1. An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation or the Owners' Corporation to enter the strata lot and common property, including limited common property, without notice:
  - (a) in an emergency, to ensure safety or prevent significant loss or damage, with the cost of the entry to be borne by the owner; or
  - (b) at any time when unoccupied, or if occupied, at a reasonable time on 48 hours 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.

**Division 2 - Powers and Duties of Strata Corporation**

**7. Repair and maintenance of property by Strata Corporation**

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 excluding that which was installed by owners, no matter how often the repair or maintenance ordinarily occurs:
    - the structure of a building;

iii) - See Amendment

- the exterior of a building;
- lawns, shrubs, trees, and irrigation system;
- chimneys, stairs, balconies and other things attached to the exterior of a building;
- doors, windows and skylights on the exterior of a building or that front on the common property;
- fences, railings and similar structures that enclose patios, balconies and yards;

(d) a strata lot in a 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, stairs, balconies and other things attached to the exterior of a building;
- (iv) doors, windows and skylights 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.

(vi) See Amendment ~~to~~ **Division 3 – Council**

#### **8. Council size and Eligibility**

1. The council must have at least 3 and not more than 7 members.
2. Only registered owners of the strata lot may be elected council.
3. No person may stand for council or continue to be on council if the fees or fines on their strata lot or special levies are owing for a period of more than 90 days.

#### **9. Council members' terms**

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 re-election.

#### **10. Removing council member**

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.

### **11. Replacing council member**

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.

### **12. Officers**

1. Following 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 its members, 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 while the president is absent or is unwilling or unable to act, or 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.

### **13. Calling council meetings**

1. Any council member may call a council meeting by giving the other council members at least two 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 shall notify owners who request such notice, the date of the next council meeting.

**14. Requisition of council hearing**

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.

**15. Quorum of council**

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.
2. Council members must be present in person at the council meeting to be counted in establishing quorum.

**16. Council meetings**

1. At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.
2. If a council meeting is held by electronic means, council members are deemed to be present in person.
3. Owners may attend council meetings as observers.
4. Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:
  - a) bylaw contravention hearings under section 135 of the Act;
  - b) rental restriction bylaw exemption hearings under section 144 of the Act; and
  - c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

**17. Voting at council meetings**

1. At council meetings, decisions must be made by a majority of council members present in person at the meeting. Proxy votes are not permitted at council meetings.
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.

**18. Council to inform owners of minutes**

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.

**19. Delegation of council's powers and duties**

1. Subject to subsections (2) to (4), the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.
2. The council may delegate its spending powers or duties, but only by a resolution that:
  - a) delegates the authority to make an expenditure of a specific amount for a specific purpose; or
  - b) delegates the general authority to make expenditures in accordance with subsection (3).
3. A delegation of a general authority to make expenditures must
  - a) set a maximum amount that may be spent; and
  - b) indicate the purposes and 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.

**20. Spending restrictions**

1. A person may not spend the strata corporation's money unless the person has been delegated the power to do so in accordance with these bylaws.
2. Despite subsection (1), a council member may spend the strata corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage to a maximum of \$2,000.00 per occurrence.

**21. Limitation on liability of council member**

1. A council member who acts honestly and in good faith is not personally liable because of anything done or omitted in the exercise or intended exercise of any power or the performance or intended performance of any duty of the council.
2. Subsection (1) does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

## Division 4 - Enforcement of Bylaws and Rules

### 22. Maximum fine

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.

### 23. Continuing contravention

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

### 24. Person to chair meeting

1. Annual and special general meetings must be chaired by the president of the council.
2. If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
3. If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons who are present at the meeting.
4. Further to section 48 in the Strata Property Act, if a quorum of 1/3 of the strata corporation's eligible voters are not present within 30 minutes from the appointed time, the meeting stands adjourned to a date agreed upon by the owners that are present and the council, but must be held within one month of the adjourned meeting. If at the resumed meeting a quorum is not present within 30 minutes from the appointed time, the eligible voters that are present or represented by proxy will constitute a quorum.

### 25. Participation by other than eligible voters

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

### 26. Voting

1. At an annual or special general meeting, voting cards must be issued to eligible voters.
2. At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.

3. If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.
4. The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.
5. If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote.
6. No owner or representative of the owner may vote unless all contributions payable in respect to their strata lot have been duly paid.
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.

## **27. Order of business**

The order of business at annual and special general meetings is as follows:

- a) certify proxies and corporate representatives and issue voting cards;
- b) determine that there is a quorum;
- c) elect a person to chair the meeting, if necessary;
- d) present to the meeting proof of notice of meeting or waiver of notice;
- e) approve the agenda;
- f) approve minutes from the last annual or special general meeting;
- g) deal with unfinished business;
- h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;
- i) ratify any new rules made by the strata corporation under section 125 of the Act;
- j) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
- k) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
- l) deal with new business, including any matters about which notice has been given under section 45 of the Act;
- m) elect a council, if the meeting is an annual general meeting; and
- n) terminate the meeting.

## Division 6 - Voluntary Dispute Resolution

### 28. Voluntary dispute resolution

1. A dispute among owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if:
  - a) all the parties to the dispute consent, and
  - b) the dispute involves the Act, the regulations, the bylaws or the rules.
2. A dispute resolution committee consists of 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 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

### 29. Display lot

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.

### 30. Signage

Predator Ridge Property Management Inc. and/or Predator Ridge Developments Ltd. shall be permitted to install reasonable interior and exterior signage, signs or notices within the common property identifying and promoting the development on the condition that they are in keeping with the overall presentation of the development in terms of quality, design and colour. All signs and notices shall be installed, operated, insured, maintained, repaired and replaced at the sole expense and risk of the sign owner.

## Division 8 – Definitions

### 31. Definitions

In these Bylaws, the following capitalized words or terms shall have the following meanings:

1. "Owners Corporation" means the company owned by the Sixth Interest Owners responsible for maintaining and operating the Sixth Interest Program;
2. "Rental Management Agreement" means the arrangement by which the strata lots are made available by the owners for rental to the public in accordance with the Rental Management Agreement;

3. **“Sixth Interest Owner”** means a person who is the registered owner of one or more undivided one-sixth fee simple interests in a strata lot and a subleasehold interest in such strata lot;
4. **“Sixth Interest Program”** means the structure whereby strata lots may be divided into sixth interests and includes those strata lots owned by Sixth Interest Owners.

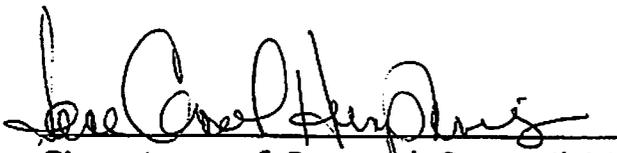
**STRATA PROPERTY ACT  
FORM I  
AMENDMENT TO BYLAWS  
SECTION 128**

The Owners, Strata Plan KAS2336, certify that the following, or attached amendments to the Bylaws of the Strata Corporation were approved by a Resolution, passed in accordance with section 128 of the Strata Property Act of B.C. at an Annual General Meeting held on October 18, 2004.

Be it resolved to amend Bylaw 7 in include the following to the existing registered Bylaws of Strata Corporation KAS2336:

- (c) (iii) Owners are responsible for the cost of maintenance (sanding and restaining to the original color) of the wooden surface of their decks and railings as arranged by the Strata Corporation.
  
- (d) (vi) Owners are responsible for the cost of maintenance (sanding and restaining to the original color) of the wooden surface of their decks and railings as arranged by the Strata Corporation.

  
\_\_\_\_\_  
Signature of Council Member

  
\_\_\_\_\_  
Signature of Second Council Member