

KENSINGTON – LMS2210

BYLAWS

LAST AMENDED: March 26, 2013

Original: Standard Schedule of Bylaws
Modified: March 26, 2013 - CA304545
Modified: March 04, 2010 – BB1147175
Modified: September 18, 2009 – BB36838
Modified: July 28, 2009 – BB010309

For legal purposes, a true copy of the bylaws is available at the Land Titles Office.

Please retain these bylaws for your records as there is a charge for additional copies

STRATA CORPORATION LMS 2210

Mar-26-2013 13:43:53.001

CA3047545

STRATA PROPERTY ACT FILING
PROVINCE OF BRITISH COLUMBIA

PAGE 1 OF 3 PAGES

- Your electronic signature is a representation by you that:
 - you are a subscriber; and
 - you have incorporated your electronic signature into
 - this electronic application, and
 - the imaged copy of each supporting document attached to this electronic application,
 and have done so in accordance with Sections 168.3 and 168.41(4) of the *Land Title Act*, RSBC 1996, C.250.
 - Your electronic signature is a declaration by you under Section 168.41 of the *Land Title Act* in respect of each supporting document required in conjunction with this electronic application that:
 - the supporting document is identified in the imaged copy of it attached to this electronic application;
 - the original of the supporting document is in your possession; and
 - the material facts of the supporting document are set out in the imaged copy of it attached to this electronic application.
- Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the *Land Title Act*.

Garry Gracey
6EM37H

Digitally signed by Garry Gracey
6EM37H
DN: c=CA, cn=Garry Gracey 6EM37H,
o=Notary, ou=Verify ID at
www.juricert.com/LKUP.cfm?
id=6EM37H
Date: 2013.03.26 13:38:20 -0700

1. CONTACT: (Name, address, phone number)

Quay Pacific Property Management Ltd.

535 Front Street

New Westminster

Document Fees: \$23.90

BC V3L 1A4

(604) 521-0876

REFERENCE:LMS2210 Kensington

Deduct LTSA Fees? Yes

2. IDENTIFICATION OF ATTACHED STRATA PROPERTY ACT FORM OR OTHER SUPPORTING DOCUMENT:

Form-I Amendment to Bylaws

LTO Document Reference:

3. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

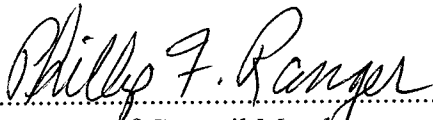
NO PID NMBR STRATA PLAN LMS 2210Related Plan Number: **LMS2210**

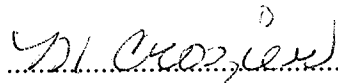
Strata Property Act
Form I
AMENDMENT TO BYLAWS
(Section 128)

CA304 7545

The Owners, Strata Plan **LMS2210** 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* at an Annual or Special General Meeting held on **July 24th, 2012**

[New bylaws and amendments attached]


.....
Signature of Council Member


.....
Signature of Second Council Member
(not required if council consists of only one member)

THEREFORE, be it resolved by a $\frac{3}{4}$ vote of the Strata Corporation, Strata Plan LMS 2210 at the Annual General Meeting of July 24th, 2012, to create bylaws 44.14 – 44.16:

(44.14) Owners will be provided with a numbered visitor parking pass (1 per strata lot). Additional parking pass requests will need to be made to the Strata Council if needed.

(44.15) All guests must prominently display passes on their vehicle dashboard, with their suite number visible. Vehicles who not display a pass will be subject to towing at the owners expense.

(44.16) Visitor parking is for use by guests only, while visiting residents of The Kensington and will be restricted to a maximum duration of 72 hours from the time the vehicle is first parked unless an extended visitor parking permit is issued by the Strata. Guests may not use the visitor parking for more than a total of seven (7) days per month. Guests who have vehicles in visitors parking longer than a consecutive 72 hours or 7 days per month will be subject to towing at the owners expense.

End of Resolution.

It was **Moved** by SL 36, **Second** by SL 56, to amend the resolution by adding the following to 44.15:

(44.15) All guests must prominently display passes on their vehicle dashboard, with their suite number visible. *Vehicles who not display a pass will be subject to towing/and or having a tire boot attached to their vehicle, at the owners expense.*

Motion Carried.

There being no further discussion, the chair called for the amended resolution to be put to a vote.

IN FAVOR: 20

OPPOSED: 0

ABSTAINED: 1

Motion Carried.

COPY

-4 MAR 2010 10 06

BB1147175

DO NOT WRITE ABOVE THIS LINE - LAND TITLE USE ONLY

Date: March 4 20 10

To: Registrar
Land Title and Survey Authority of BC

Please receive herewith the following document(s) for filing:

Form I

Fee Payable: \$ 23⁷⁵


Signature

NAME OF APPLICANT: Jason Scott
ADDRESS: 535 Front Street
New Westminster, BC
TELEPHONE: 604 521-0876

Strata Property Act
Form I
AMENDMENT TO BYLAWS
(Section 128)

The Owners, Strata Plan LMS 2210 *[the registration number of the strata plan]* 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* at an annual or special general meeting held on March 16, 2009 *[month day, year]**:

[New bylaws and amendments attached]



.....
Signature of Council Member

.....
Signature of Second Council Member (not required if council consists of only one member)

Kensington Plaza – LMS 2210

March 16, 2009

Commercial Side – New Bylaws

Salon Limit Bylaw

“Section 2 of the Owners, Strata Plan LMS 2210 hereby resolves by $\frac{3}{4}$ vote of at the Special General Meeting of March 16, 2009 to create bylaw 51.13 as follows:

51.13 – The maximum number of salons permitted in the commercial section will be limited to 3. Salons are defined as any business provided hair styling services (excludes barber shop and and/or esthetic salons). Any hair salon currently operating within the commercial section as of March 16, 2009 will be permitted to continue to operate; however, those strata lots will be subject to this bylaw if the hair salon should close. Any existing hair salon that is sold will be allowed to continue to operate by the new owner.”

copy

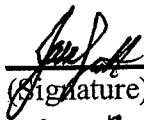
18 SEP 2009 10 29

BB036838

REGISTRAR
LAND TITLE OFFICE
Suite 300 - 88 - 6TH STREET
NEW WESTMINSTER, BC V3L 5B3

Please receive herewith, the following document(s) for filing:

LMS 2210 - Kensington
1163 The High St, Coquitlam, V3B 7W3
Form I - Bylaws

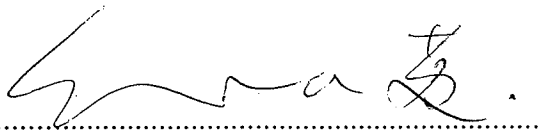

(Signature)
Quay Pacific Property Management Ltd
(Firm Name)
604-521-0876
Address and Telephone No.)
535 Front St.
New Westminster, BC
V3L 1A4

Strata Property Act
Form I
AMENDMENT TO BYLAWS
(Section 128)

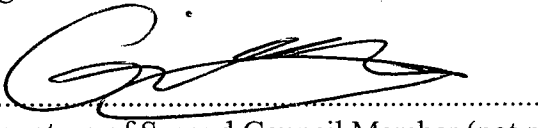
The Owners, Strata Plan LMS 2710..... [the registration number of the strata plan]
certify that the following or attached amendments to the bylaws of the strata corporation were
approved by a resolution passed in accordance with section 128 of the *Strata Property Act* at an
annual or special general meeting held on July 28, 2009. [month day, year]*:

[New bylaws and amendments attached]

See attached



.....
Signature of Council Member



.....
Signature of Second Council Member (not required if council consists of only one member)

* Section 128 (3) of the Act provides that an Amendment to Bylaws must be filed in the land title office within 60 days of the amendment being approved

Special Resolution #1 – ¾ Vote Commercial Section – Floor Bylaw

THEREFORE: "Section 2 of the Owners, Strata Plan LMS 2210, hereby resolves by ¾ vote of at the Annual General Meeting of July 28th, 2009 to create bylaw 5.4

5.4 Owners, tenants, staff or patrons of the commercial strata lots must use rubber, or other such low impact material, wheeled dollies to transport heavy items across the floor in order to protect its surfaced. No items that may damage the floor surface may be placed or dragged on the floor.

End of Resolution

Special Resolution #2 – ¾ Vote Commercial Section- Window Cleaning Bylaw

THEREFORE, "Section 2 of the Owners, Strata Plan LMS 2210 hereby resolves by ¾ vote of at the Annual General Meeting of July 28th, 2009 to crate bylaw 5.5

5.5 Owners and tenants must clean their accessible windows at least once each year and as needed. The commercial units must wash their own interior and exterior windows.

End of Resolution

Strata Property Act
Form I
AMENDMENT TO BYLAWS
(Section 128)

The Owners, Strata Plan LMS 2210 [the registration number of the strata plan] 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* at an annual or special general meeting held on July 16, 2007 [month day, year]:

[wording of bylaw amendment]

'As attached'

Paul Macdonald

Signature of Council Member

Phillip F. Ranger

Signature of Second Council Member (not required if council consists of only one member)

Section 128 (3) of the Act provides that an Amendment to Bylaws must be filed in the land title office within 60 days of the amendment being approved.

Annual General Meeting – LMS 2210 “The Kensington”
July 16, 2007

Bylaw Amendment Approved

THEREFORE, “The Strata Corporation LMS 2210 hereby resolves by a $\frac{3}{4}$ vote of the Commercial Section and a $\frac{3}{4}$ Vote of the Residential Section to repeal bylaw 5.3:

“5.3 An owner is responsible for any damage to the owner’s strata lot caused by occupants, tenants or visitors.”

And replace with the following;

“5.3 - Where damage or loss has been caused by residents, owners, and/or visitors of that strata lot, or if the loss or damage originates within the interior confines of an individual strata lot; and where this damage or loss has been caused to common property, limited common property or to another strata lot, the owner of that unit shall be responsible to pay the costs of repairs and/or for the insurance deductibles that result in repairing the damage. The strata corporation will chargeback any costs of repair or restoration.”

End of Resolution

MOTION CARRIED

Preamble

These bylaws bind the strata corporation and the owners, tenants and occupants to the same extent as if the bylaws had been signed by the strata corporation and each owner, tenant and occupant and contained covenants on the part of the strata corporation with each owner, tenant and occupant and on the part of each owner, tenant and occupant with every other owner, tenant and occupant and with the strata corporation to observe and perform their provisions.

Unless otherwise stated, all terms have the meanings prescribed in the *Strata Property Act*, S.B.C. 1998, c. 43 (the "Act"). For the purposes of these bylaws, "residents" means collectively, owners, tenants and occupants and, unless the context requires otherwise, includes non-resident owners of residential strata lots and owners, tenants and occupants of non-residential strata lots. A "resident" means collectively, an owner, tenant and occupant and, unless the context requires otherwise, includes a non-resident owner of a residential strata lot and an owner, tenant and occupant of a non-residential strata lot. The Schedule of Standard Bylaws to the Act does not apply to the strata corporation.

Duties of Owners, Tenants, Occupants and Visitors

1. Separate sections

- 1.1 The owners of all residential strata lots will form a separate section within the strata corporation consisting of all the residential strata lots and bearing the name "Section 1 of The Owners, Strata Plan LMS 2210 (the "Residential Section").
- 1.2 The owners of all non-residential strata lots will form a separate section within the strata corporation consisting of all the non-residential strata lots and bearing the name "Section 2 of The Owners, Strata Plan LMS 2210 (the "Commercial Section").

2 Compliance with bylaws and rules

- 2.1 All residents and visitors must comply strictly with the bylaws and rules of the strata corporation and a separate section adopted from time to time.

3 Payment of strata fees and special levies

- 3.1 An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- 3.2 Where an owner fails to pay strata fees in accordance with bylaw 3.1, outstanding strata fees will be subject to an interest charge of 10% per annum, compounded annually.
- 3.3 A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy.

4 Repair and maintenance of property by owner

- 4.1 An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation or a separate section under these bylaws.
- 4.2 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 or a separate section under these bylaws.

5 Use of property

- 5.1 A resident 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.

5.2 A resident 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 or a separate section must repair and maintain under these bylaws or insure under section 149 of the Act.

~~5.3 An owner is responsible for any damage to the owner's strata lot caused by occupants, tenants or visitors.~~ Amended July 16/07

6 Pets and animals

- 6.1 A resident or visitor must not keep any pets on a strata lot or common property or on land that is a common asset except in accordance with these bylaws.
- 6.2 A resident 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.
- 6.3 A resident must not keep a pet on a strata lot other than one or more of the following:
- (a) a reasonable number of fish or other small aquarium animals;
 - (b) a reasonable number of small caged mammals;
 - (c) up to 2 caged birds;
 - (d) one dog or one cat.
- 6.4 A resident must not harbour exotic pets, including not exhaustively, snakes, reptiles, spiders or large members of the cat family.
- 6.5 A resident must apply to the strata council for written permission to keep a pet (a "Permitted Pet") by registering the pet with the council within 30 days of the pet residing on a strata lot (or the passage of this bylaw) and by providing, in writing, the name of the Permitted Pet, breed, colour and markings, together with the name, strata lot number and telephone number of the pet owner.
- 6.6 A resident or visitor must not permit a loose or unleashed Permitted Pet (leashes cannot exceed six feet in length) at any time within on the common property or on land that is a common asset. A Permitted Pet found loose on common property or land that is a common asset shall be delivered to the municipal pound at the cost of the strata lot owner.
- 6.7 A resident must not keep a Permitted Pet which is a nuisance on a strata lot, on common property or on land that is a common asset. If a resident has a pet which is not a Permitted Pet or if, in the opinion of the strata council, the Permitted Pet is a nuisance or has caused or is causing an unreasonable interference with the use and enjoyment by residents or visitors of a strata lot, common property or common assets, the strata council may order such pet to be removed permanently from the strata lot, the common property or common asset or all of them.
- 6.8 If a resident contravenes bylaw 6.7, the owner of the strata lot will be subject to a fine of \$200.00.
- 6.9 Notwithstanding bylaw 6.8, a resident whose pet contravenes bylaw 6.7 will be subject to an immediate injunction application and the owner of the strata lot will be responsible for all expenses incurred by the strata corporation to obtain the injunction, including legal costs.

- 6.10 A pet owner must ensure that a Permitted Pet is kept quiet, controlled and clean. Any excrement on common property or on land that is a common asset must be immediately disposed of by the pet owner.
- 6.11 If a resident contravenes bylaw 6.10, the owner of the strata lot will be subject to a fine of \$200.00 for each incident.
- 6.12 A pet owner must keep a Permitted Pet only in a strata lot, except for ingress and egress, and the resident or visitor must carry the Permitted Pet (weight permitting) when the Permitted Pet is in the interior of the building, including the elevator, if any.
- 6.13 A strata lot owner must assume all liability for all actions by a Permitted Pet, regardless of whether the owner had knowledge, notice or forewarning of the likelihood of such action.
- 6.14 A resident or visitor must not feed birds, rodents or other wild animals from any strata lot, limited common property, common property or land that is a common asset. No bird feeders of any kind are permitted to be kept on balconies, strata lots, common property or land that is a common asset.
- 6.15 A resident who contravenes any of bylaws 6.1 to 6.6 (inclusive) or 6.10 to 6.14 (inclusive) will be subject to a \$200.00 fine.

7 Inform strata corporation

- 7.1 An owner must notify the strata corporation of within two weeks of becoming an owner; the owner's name and any occupants' names, strata lot number and mailing address outside the strata plan, if any.
- 7.2 On request by the strata corporation, a tenant must inform the strata corporation of the tenant's name and the strata lot which the tenant occupies.

8 Obtain approval before altering a strata lot

- 8.1 An owner must obtain the written approval of the strata corporation and a separate section before making or authorizing 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) patios, chimneys, stairs, balconies or other things attached to the exterior of a building;
 - (d) doors, windows or skylights on the exterior of a building, or that front on the common property;
 - (e) fences, railings or similar structures that enclose a patio, balcony or yard;
 - (f) common property located within the boundaries of a strata lot;
 - (g) those parts of the strata lot which the strata corporation must insure under section 149 of the Act; and
 - (h) wiring, plumbing, piping, heating, air conditioning and other services.
- 8.2 The strata corporation and the separate section must not unreasonably withhold their approval under bylaw 8.1, but may require as a condition of their approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration and to indemnify and hold harmless the strata corporation and the separate section for any future costs in connection with the alteration.

8.3 An owner intending to apply to the strata corporation and a separate section for permission to alter a strata lot must submit, in writing, detailed plans and written description of the intended alteration.

9 Obtain approval before altering common property

9.1 An owner must obtain the written approval of the strata corporation and a separate section before making or authorizing an alteration to common property, including limited common property or common assets.

9.2 An owner, as part of its application to the strata corporation and a separate section for permission to alter common property, limited common property or common assets, must:

- (a) submit, in writing, detailed plans and description of the intended alteration;
- (b) obtain all applicable permits, licences and approvals from the appropriate governmental authorities and provide copies to the strata council and the executive council of the separate section; and
- (c) obtain the consent of the owners by written approval of the strata council and the separate section under bylaw 9.1.

9.3 The strata corporation and the separate section may require, as a condition of their approval, that the owner agree, in writing, to certain terms and conditions, including, not exhaustively, the following:

- (a) that alterations be done in accordance with the design or plans approved by the strata council, the executive council for the separate section or their duly authorized representatives;
- (b) that the standard of work and materials be not less than that of the existing structures;
- (c) that all work and materials necessary for the alteration be at the sole expense of the owner;
- (d) that the owner from time to time of the strata lot receiving the benefit of an alteration to common property, limited common property or common assets must, for so long as he or she remains an owner, be responsible for all present and future maintenance, repairs and replacements, increases in insurance, and any damage suffered or cost incurred by the strata corporation or the separate section as a result, directly or indirectly, of the alterations to common property, limited common property or common assets;
- (e) that the owner and any subsequent owner on title who receives the benefit of such alteration, must, with respect only to claims or demands arising during the time that they shall have been owner, indemnify and hold harmless the strata corporation and the separate section, its or their council members, employees and agents from any and all claims and demands whatsoever arising out of or in any manner attributable to the alteration. Any costs or expenses incurred by the strata corporation and the separate section as the result of such claim or demand will be the responsibility of the owner from time to time of the strata lot who has benefited from the alteration and the said costs or expenses incurred must be charged to that owner and shall be added to the strata fees of that owner for the month next following the date upon which the cost or expenses are incurred, but not necessarily paid by the strata corporation, and shall become due and payable on the due date of payment of monthly strata fees.

9.4 An owner who has altered common property, limited common property or common assets prior to the passage of these bylaws shall be subject to their content and intent to the extent that any

damages suffered or costs incurred by the strata corporation and the separate section as a result, directly or indirectly, of the alteration, must be borne by the owner who has benefited from the alteration.

- 9.5 An owner who, subsequent to the passage of bylaws 9.1 to 9.3 inclusive, alters common property or limited common property without adhering strictly to these bylaws, must restore, at the owner's sole expense, the common property, limited common property or common assets, as the case may be, to its condition prior to the alteration. If the owner refuses or neglects to restore the alteration to its original condition, the strata corporation or the separate section may conduct the restoration, at the expense of the owner who altered the common property or limited common property. The cost of such alteration shall be added to and become part of the strata fees of that owner for the month next following the date on which the cost was incurred and will become due and payable on the due date of payment of monthly strata fees.

10 Renovations/alterations

- 10.1 An owner must give the council two working days' prior notice of the scheduled arrival of tradespersons or delivery of materials. Tradespersons must be licensed and bonded. Inadequate notice or work by unlicensed or unbonded tradespersons will result in the levy of fines.
- 10.2 A resident must not permit any construction debris, materials or packaging to be deposited in the strata corporation's or a separate section disposal containers.
- 10.3 An owner must ensure that the delivery of any construction materials is through the parking lot and, if in an elevator, the owner must ensure the elevator is protected with proper wall pads and floor coverings. An owner must not permit any renovations/alterations materials to be delivered through the main lobby.
- 10.4 A resident must be responsible to ensure:
- (a) drop cloths are installed and removed daily between the elevators and the strata lot as well as between other doors to protect common areas from any spillage or dripping; and
 - (b) stairs, lobbies and paths through the parking areas are regularly cleaned (and vacuumed at the request of the council) and the residential corridor thoroughly vacuumed daily.
- 10.5 An owner must ensure that the hours of work are restricted to 8:00 a.m. to 5:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m., Saturdays, Sundays and statutory holidays. To perform renovations/alterations on statutory holidays, an owner must apply for permission in writing to the strata council or the executive of the separate section at least five business days before the holiday date.
- 10.6 An owner must be in attendance for all **SIGNIFICANT** renovations/alterations, the determination of **SIGNIFICANT** shall be in the discretion of the strata council or the appropriate executive of the separate section.
- 10.7 An owner performing or contracting with others to perform renovations or alterations will be responsible, financially and otherwise, for ensuring that any and all required permits and licences are obtained.
- 10.8 An owner in contravention of any of bylaws 10.1 to 10.7 (inclusive) shall be subject to a fine of \$200.00 for each contravention, as well as be responsible for any clean up or repair costs.

11 Permit entry to strata lot

- 11.1 A resident or visitor must allow a person authorized by the strata corporation or a separate section to enter the strata lot or limited common property

- (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage;
- (b) at a reasonable time, on 48 hours' written notice,
 - (i) to inspect, repair, renew, replace or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation or a separate section to repair, replace, renew and maintain under these bylaws or the Act or to insure under section 149 of the Act; or
 - (ii) to ensure a resident's compliance with the Act, bylaws and rules.

11.2 If forced entry to a strata lot is required due to required emergency access and the inability to contact the owner of the strata lot, the owner shall be responsible for all costs of forced entry incurred by the strata corporation or a separate section, as the case may be.

11.3 The notice referred to in bylaw 11.1(b) must include the date and approximate time of entry, and the reason for entry.

Powers and Duties of Strata Corporation

12 Repair and maintenance of property by strata corporation

12.1 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 for a separate section;
- (c) limited common property that has not been designated as limited common property for a separate section, 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. patios, 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 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 it is restricted to
 - i. the structure of a building,
 - ii. the exterior of a building,
 - iii. patios, 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 common property, and
 - v. fences, railings and similar structures that enclose patios, balconies and yards.

13 Repair and maintenance of property by a separate section

13.1 A separate section must repair and maintain all of the following:

- (a) common assets of the separate section;
- (b) limited common property that has been designated for the exclusive use of a strata lot or strata lots in a separate section, but the duty to repair and maintain 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. patios, 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 common property;
 - E. fences, railings and similar structures that enclose patios, balconies and yards.

13.2 Without limiting the generality of bylaw 13.1, a separate section must:

- (a) keep in a state of good and serviceable repair and properly maintain the fixtures and fittings, including the elevators and other apparatus and equipment used in connection with the limited common property appurtenant to the separate section and common property to be controlled, managed and administered by either separate section, facilities common to the separate section or other assets of the separate section; and
- (b) maintain all areas common to the separate section, both internal and external, including storage areas, public halls and the lobby.

Council

14. Council size

14.1 The strata council and the executive council of a separate section must have at least 3 and not more than 7 members.

14.2 If a separate section has fewer than 4 strata lots, all the owners are on the executive council.

15. One or more members of the executive council of each of the Commercial Section and the Residential Section may be members of the strata council of the strata corporation.

15. Council eligibility

15.1 An owner or the spouse of an owner, but not both, may stand for executive council and strata council.

15.2 No person may stand for council or, in the discretion of remaining members of council, continue to be on council, whether the strata council or an executive council, with respect to a strata lot if the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the Act.

15.3 No person may stand for council, whether the strata council or an executive council, with respect to a strata lot if there are amounts owing to the strata corporation or a separate section charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the

costs, including the legal costs, of remedying a contravention of the bylaws or rules for which the owner is responsible under section 131 of the Act.

16. Application of bylaws

- 16.1 Bylaws 17 to 31 apply with the necessary changes to the strata council of the strata corporation and to the executive council of a separate section and, where the meaning requires, apply generally with the necessary changes to the strata corporation and a separate section.

17. Council members' terms

- 17.1 The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- 17.2 A person whose term as council member is ending is eligible for re-election.

18. Removing council member

- 18.1 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. The strata corporation must pass a separate resolution for each council member to be removed.
- 18.2 After removing a council member, the strata corporation may hold an election at the same annual or special general meeting to replace the council member for the remainder of the term or the remaining members of the council may appoint a replacement council member for the remainder of the term.
- 18.3 If the strata corporation removes all of the council members, the strata corporation must hold an election at the same annual or special general meeting to replace the council members for the remainder of the term up to, at least, the minimum number of council members required by bylaw of the strata corporation for the remainder of the term.
- 18.4 The council may appoint the remaining council members necessary to achieve a quorum for the strata corporation, even if the absence of the members being replaced leaves the council without a quorum.
- 18.5 A replacement council member appointed pursuant to bylaws 18.2 and 18.4 may be appointed from any person eligible to sit on the council.

19. Replacing council member

- 19.1 If a council member resigns or is unwilling or unable to act, the remaining members of the council may appoint a replacement council member for the remainder of the term.
- 19.2 A replacement council member may be appointed from any person eligible to sit on the council.
- 19.3 The council may appoint a council member under bylaw 19.2 even if the absence of the member being replaced leaves the council without a quorum.
- 19.4 If all the members of the council resign or are unwilling or unable to act, 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.

20. Officers

- 20.1 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.
- 20.2 A person may hold more than one office at a time, other than the offices of president and vice president.
- 20.3 The vice president has the powers and duties of the president
- (a) while the president is absent or is unwilling or unable to act,
 - (b) if the president is removed, or
 - (c) for the remainder of the president's term if the president ceases to hold office.
- 20.4 The strata council may vote to remove an officer.
- 20.5 If an officer other than the president is removed, resigns, is unwilling or unable to act, the council members may elect a replacement officer from among themselves for the remainder of the term.

21. Calling council meetings

- 21.1 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.
- 21.2 The notice in bylaw 21.1 does not have to be in writing.
- 21.3 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.

22. Requisition of council hearing

- 22.1 By application in writing, a resident may request a hearing at a council meeting stating the reasons for the request.
- 22.2 Except for a hearing pursuant to section 144 of the Act, if a hearing is requested under bylaw, the council must hold a meeting to hear the applicant within one (1) month of the date of receipt by the council of the application.
- 22.3 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 date of the hearing.

23. Quorum of council

- 23.1 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.
- 23.2 Council members must be present in person at the council meeting to be counted in establishing quorum.