

**STRATA PROPERTY ACT****FORM I****AMENDMENT TO BYLAWS***(Section 128)*

The Owners, Strata Plan 799 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 October 7, 2006:

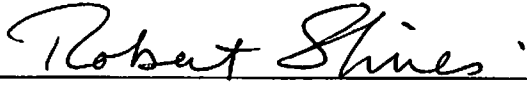
Resolved as a 3/4 Vote that The Owners, Strata Plan 799 (the "strata corporation") that The Schedule of Standard Bylaws under the *Strata Property Act*, Stats BC 1998, c. 43, as amended, the current Bylaws for the Strata Corporation, be amended as follows:

A. By deleting Bylaw 1 to the Schedule of Standard Bylaws under the *Strata Property Act*, Stats BC 1998, c. 43, as amended, and adding the following new bylaws, to be numbered as 1.1 to 1.7 to the Schedule of Standard Bylaws to the *Strata Property Act*, Stats BC 1998 c.43, as amended, effective 12:01 am on October 10, 2006, to be forthwith filed in the Victoria land title office:

- 1.1 An owner must pay his or her strata fees to The Owners, Strata Plan 799 (the "strata corporation") on or before the first day of the month to which the strata fees relate.
- 1.2 An owner must pay his or her share of any special levy the strata corporation may pass from time to time by 3/4 vote.
- 1.3 In addition to any bylaw fine which may be levied against an owner for non payment of his or her strata fee or share of any special levy, if an owner is late paying his or her strata fee, or his or her share of a special levy, the owner must pay to the strata corporation interest on the late payment in the amount of 10% per annum, compounded annually and calculated on a monthly basis commencing from the date the payment was otherwise payable to the strata corporation until the date payment including interest is received by the strata corporation.
- 1.4 On or before the first day of the month after passing the annual budget for the strata corporation each owner must deliver to the property manager of the strata corporation twelve post-dated cheques or a signed automatic debit authorization. Each owner's cheque or signed automatic debit authorization must be for an amount equal to the strata fee payable by that owner to the strata corporation for the ensuing twelve month period. Each post-dated cheque must be dated for the first day of the following twelve months, starting with the month immediately after the passing of the annual budget.

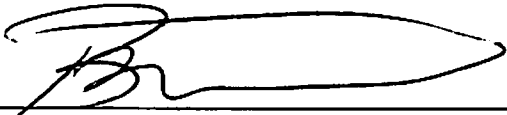
- 1.5 The strata corporation may charge an owner a service fee of \$25.00 and such banking charges as the strata corporation may have to pay from time to time for any dishonored cheque or any refused automatic debit of any owner.
- 1.6 An owner who owes the strata corporation any money may not vote at an annual general meeting or special general meeting except on matters requiring a unanimous vote.
- 1.7 In these bylaws "Act" means the *Strata Property Act*, Stats BC, 1998, c. 43, as amended.
- B. By deleting Bylaw 23 to the Schedule of Standard Bylaws under the *Strata Property Act* and adding the following new bylaw 23 to the Schedule of Standard Bylaws to the *Strata Property Act* effective 12:01 am on October 10, 2006, to be forthwith filed in the Victoria land title office:
- 23 The strata corporation may fine an owner or tenant a maximum of
- (a) \$200.00 for each contravention of a bylaw, and
  - (b) \$50.00 for each contravention of a rule.
- C. By adding Bylaw 27 (8) to the Schedule of Standard Bylaws under the *Strata Property Act* effective 12:01 am on October 10, 2006, to be forthwith filed in the Victoria land title office.
- 27 (8) Quorum for Annual and Special General Meetings
- If a quorum for an annual or special general meeting is not achieved within 15 minutes of the start time for the meeting, the meeting is adjourned for 15 minutes. If a quorum is not achieved when the meeting is reconvened then the meeting may proceed with those present representing a quorum.
- D. By deleting Bylaw 30 (1) and (2) to the Schedule of Standard Bylaws under the *Strata Property Act* effective 12:01 am on October 10, 2006, to be forthwith filed in the Victoria land title office.
- E. By repealing Bylaw filing S57131, paragraph 9, Bylaw filing EE114822 and Bylaw filing EK23528, all effective 12:01 am on October 10, 2006, to be forthwith filed in the Victoria land title office.

For greater certainty, the consolidated Bylaws of the strata corporation as at 12:01 am on October 10, 2006 are attached.



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Signature of Council Member



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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.

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## **Schedule of Bylaws of The Owners, Strata Plan 799**

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

#### **Payment of strata fees**

- 1.1 An owner must pay his or her strata fees to The Owners, Strata Plan 799 (the “strata corporation”) on or before the first day of the month to which the strata fees relate.
- 1.2 An owner must pay his or her share of any special levy the strata corporation may pass from time to time by 3/4 vote.
- 1.3 In addition to any bylaw fine which may be levied against an owner for non payment of his or her strata fee or share of any special levy, if an owner is late paying his or her strata fee, or his or her share of a special levy, the owner must pay to the strata corporation interest on the late payment in the amount of 10% per annum, compounded annually and calculated on a monthly basis commencing from the date the payment was otherwise payable to the strata corporation until the date payment including interest is received by the strata corporation.
- 1.4 On or before the first day of the month after passing the annual budget for the strata corporation each owner must deliver to the property manager of the strata corporation twelve post-dated cheques or a signed automatic debit authorization. Each owner’s cheque or signed automatic debit authorization must be for an amount equal to the strata fee payable by that owner to the strata corporation for the ensuing twelve month period. Each post-dated cheque must be dated for the first day of the following twelve months, starting with the month immediately after the passing of the annual budget.
- 1.5 The strata corporation may charge an owner a service fee of \$25.00 and such banking charges as the strata corporation may have to pay from time to time for any dishonored cheque or any refused automatic debit of any owner.
- 1.6 An owner who owes the strata corporation any money may not vote at an annual general meeting or special general meeting except on matters requiring a unanimous vote.
- 1.7 In these bylaws “Act” means the *Strata Property Act*, Stats BC, 1998, c. 43, as amended.

#### **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,
  - (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.
- (3) An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secure when on the common property or on land that is a common asset.
- (4) An owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following:
- (a) a reasonable number of fish or other small aquarium animals;
  - (b) a reasonable number of small caged mammals;
  - (c) up to 2 caged birds;
  - (d) one dog or one cat.

### **Inform strata corporation**

- 4 (1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and mailing address outside the strata plan, if any.
- (2) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

### **Obtain approval before altering a strata lot**

- 5 (1) An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves any of the following:
- (a) the structure of a building;
  - (b) the exterior of a building;
  - (c) chimneys, stairs, balconies or other things attached to the exterior of a building;
  - (d) doors, windows or skylights [amendment SPAA s.51(a)] on the exterior of a building or that front 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) 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.
- (3) This section does not apply to a strata lot in a bare land strata plan.

### **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.

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

- 7 (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot
- (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
  - (b) at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act.
- (2) The notice referred to in subsection (1)(b) must include the date and approximate time of entry, and the reason for entry.

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

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

- 8 The strata corporation must repair and maintain all of the following:
- (a) common assets of the strata corporation;
  - (b) common property that has not been designated as limited common property;
  - (c) limited common property, but the duty to repair and maintain it is restricted to
    - (i) repair and maintenance that in the ordinary course of events occurs less often than once a year, and
    - (ii) the following, no matter how often the repair or maintenance ordinarily occurs:
      - (A) the structure of a building;
      - (B) the exterior of a building;
      - (C) chimneys, stairs, balconies and other things attached to the exterior of a building;

- (D) *doors, windows and skylights* [amendment SPAA s.51(c)] on the exterior of a building or that front on to the common property;
  - (E) fences, railings and similar structures that enclose patios, balconies and yards;
- (d) a strata lot in a strata plan that is not a bare land 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 [amendment SPAA s.51(c)] on the exterior of a building or that front on to 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 subsection (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 the new council is elected [amendment SPAA s.51(c)].
- (2) A person whose term as council member is ending is eligible for reelection [note deletion of s.10(3), (4) and (5) SPAA s.51(d)].



### **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 or is unwilling or unable to act for a period of 2 or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.
- (2) A replacement council member may be appointed from any person eligible to sit on the council.
- (3) The council may appoint a council member under this section even if the absence of the member being replaced leaves the council without a quorum.
- (4) If all the members of the council resign or are unwilling or unable to act for a period of 2 or more months, persons holding at least 25% of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings.

### **Officers**

- 13 (1) At the first meeting of the council held after each annual general meeting of the strata corporation, the council must elect, from among its members, a president, a vice president, a secretary and a treasurer.
- (2) A person may hold more than one office at a time, other than the offices of president and vice president.
- (3) The vice president has the powers and duties of the president
- (a) while the president is absent or is unwilling or unable to act, or
- (b) for the remainder of the president's term if the president ceases to hold office.

- (4) If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

### **Calling council meetings**

- 14 (1) Any council member may call a council meeting by giving the other council members at least one week's notice of the meeting, specifying the reason for calling the meeting.
- (2) The notice does not have to be in writing.
- (3) A council meeting may be held on less than one week's notice if
- (a) all council members consent in advance of the meeting, or
- (b) the member is required to deal with an emergency situation, and all council members either
- (i) consent in advance of the meeting, or
- (ii) are unavailable to provide consent after reasonable attempts to contact them.
- (4) The council must inform owners about a council meeting as soon as feasible [amendment SPAA s.51(e)] after the meeting has been called.

### **Requisition of council hearing**

- 15 (1) By application in writing, stating the reason for the request, an owner or tenant may request a hearing at a council meeting.
- (2) If a hearing is requested under subsection (1), the council must hold a meeting to hear the applicant within one month [amendment SPAA s.51(f)] of the request.
- (3) If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within one week of the hearing.

**Quorum of council**

- 16 (1) A quorum of the council is
- (a) 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.

**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 subsection (3), no observers may attend those portions of council meetings that deal with any of the following:
- (a) bylaw contravention hearings under section 135 of the Act;
  - (b) rental restriction bylaw exemption hearings under section 144 of the Act;
  - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

**Voting at council meetings**

- 18 (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- (2) 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 [amendment SPAA s.51(g)].

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

- 19 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 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, and
  - (b) delegates the general authority to make expenditures in accordance with subsection (3).
- (3) A delegation of a general authority to make expenditures must
- (a) set a maximum amount that may be spent, and
  - (b) indicate the purposes for which, or the conditions under which, the money may be spent.
- (4) The council may not delegate its powers to determine, based on the facts of a particular case,
- (a) whether a person has contravened a bylaw or rule,
  - (b) whether a person should be fined, and the amount of the fine, or
  - (c) whether a person should be denied access to a recreational facility.

### **Spending restrictions**

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

**Limitation on liability of council member**

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

**Division 4 - Enforcement of Bylaws and Rules**

**Maximum fine**

- 23 The strata corporation may fine an owner or tenant a maximum of
- (a) \$200.00 for each contravention of a bylaw, and
- (b) \$50.00 for each contravention of a rule.

**Continuing contravention**

- 24 If an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than 7 days, a fine may be imposed every 7 days.

**Division 5 - Annual and Special General Meetings**

**Person to chair meeting**

- 25 (1) Annual and special general meetings must be chaired by the president of the council.
- (2) If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
- (3) If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons who are present at the meeting.

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

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

### **Voting**

- 27 (1) At an annual or special general meeting, voting cards must be issued to eligible voters.
- (2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
- (3) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.
- (4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is required, 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) **Quorum for Annual and Special General Meetings**

If a quorum for an annual or special general meeting is not achieved within 15 minutes of the start time for the meeting, the meeting is adjourned for 15 minutes. If a quorum is not achieved when the meeting is reconvened then the meeting may proceed with those present representing a quorum.

**Order of business**

- 28 The order of business at annual and special general meetings is as follows:
- (a) certify proxies and corporate representatives and issue voting cards;
  - (b) determine that there is a quorum;
  - (c) elect a person to chair the meeting, if necessary;
  - (d) present to the meeting proof of notice of meeting or waiver of notice;
  - (e) approve the agenda;
  - (f) approve minutes from the last annual or special general meeting;
  - (g) deal with unfinished business;
  - (h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;
  - (i) ratify any new rules made by the strata corporation under section 125 of the Act;
  - (j) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
  - (k) approve the budget for the coming year in accordance with section 13 of the Act, if the meeting is an annual general meeting;
  - (l) deal with new business, including matters about which notice has been given under section 45 of the Act;
  - (m) elect a council, if the meeting is an annual general meeting;
  - (n) terminate the meeting.

## **Division 6 - Voluntary Dispute Resolution**

### **Voluntary dispute resolution**

- 29 (1) A dispute among owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if
- (a) all the parties to the dispute consent, and
  - (b) the dispute involves the Act, the regulations, the bylaws or the rules.
- (2) A dispute resolution committee consists of
- (a) one owner or tenant of the strata corporation nominated by each of the disputing parties and one owner or tenant chosen to chair the committee by the persons nominated by the disputing parties; or
  - (b) any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties.
- (3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

## **Division 7 - Balance Remaining of Bylaw Filing S57131**

- 30 (1) In order to maintain a high standard of quality and cleanliness within the area of Strata Plan 799, the Strata Council and its employees and agents shall have the right, upon reasonable notice, to enter upon any Strata Lot that does not in the opinion of the Strata Council conform to the standard of quality and cleanliness required by the Strata Council and make all necessary improvements and repairs and to remove all debris so as to ensure that the said Strata Lot does conform to the standards of quality and cleanliness set by the Strata Council for the lands within Strata Plan 799 (the "strata corporation").
- (2) No owner shall erect, attach or place upon any building or Strata Lot any antenna or external attachment within Strata Plan 799, without first having obtained the permission, in writing, of the Strata Council.
- (3) Where any antenna or external attachment shall have been erected or placed upon any building or Strata Lot within Strata Plan 799 subsequent to the passage of this Bylaw, the Strata Council may order its removal.



- (4) No person shall operate a vehicle, being a motor vehicle, snow mobile or snow cat, within Strata Plan 799, during the period of operation of the Mt. Washington Ski Resort Ltd. ski facilities, without having obtained from the Strata Council prior written authority to do so.
- (5) No person shall operate any telephone or telecommunication system or network, or facility within Strata Plan 799, without having obtained from the Strata Council prior written authority to do so.
- (6) No person shall erect any sign within the common property of Strata Plan 799, without having obtained from the Strata Council, prior written authority to do so.
- (7) No person shall make any external modification, alteration, to any building within Strata Plan 799 without having obtained from the Strata Council prior written authority to do so.
- (8) No person shall cut, or cause to be cut, any tree within Strata Plan 799 without having obtained prior written authority from the Strata Council to do so.
- (9) Repealed effective October 7, 2006 at the annual general meeting of the Strata Corporation.
- (10) Where the Strata Council shall undertake any work necessary for the enforcement or compliance with these Bylaws, the reasonable cost of such work shall be payable by the owner of the Strata Lot in respect of which such work has been undertaken, forthwith upon demand, and failing payment of such costs, the same shall be added to and form part of the assessment due to the Strata Council for the said Strata Lot.
- (11) The term Strata Council shall mean the Strata Council of the Strata Corporation of Strata Plan 799 and shall include all agents and employees of the Strata Council of the Strata Corporation of Strata Plan 799.
- (12) Should any portion of this Bylaw be deemed unenforceable by any Court or competent jurisdiction, then for the purposes of interpretation and enforcement of the Bylaw, each subparagraph hereof shall be deemed a separate provision and severable and the balance of the provisions contained herein shall remain in full force and effect.