



Strata Property Act Filing

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2. Identification of Attached Strata Property Act Form or Other Supporting Document

Application Type

LTO Document Reference

Form-I Amendment to Bylaws

3. Description of Land

PID/Plan Number

Legal Description

VIS4577

THE OWNERS, STRATA PLAN VIS4577

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this application under section 168.4 of the *Land Title Act*, RSBC 1996, c.250, that you certify this application under section 168.43(3) and that the supporting document is in your possession.

**Andreas Wolfgang
Johannes Thomas
TDZ9ET**

Digitally signed by
Andreas Wolfgang Johannes
Thomas TDZ9ET
Date: 2022-10-21
10:56:45 -07:00

Strata Property Act

Form I

AMENDMENT TO BYLAWS

(Section 128)

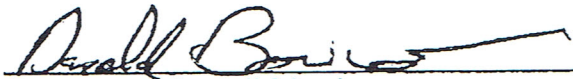
The Owners, Strata Plan VIS4577 certify that the following or attached amendments to the bylaws of the strata corporation were approved by a resolution passed in accordance with section 128 of the *Strata Property Act* at an Annual or Special General Meeting held on the 21st day of July, 2022.

Division 7 - General Restrictions on Use, section 32 - Unsightly, paragraph 4 be amended to read:

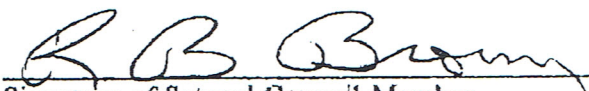
- "4) No rubbish or debris shall be allowed to accumulate on any strata lot including, but not limited to, inoperative or derelict vehicles."

Division 8 - Architectural Design Guideline Principles section 41 - Fencing, paragraph 1 be amended to read:

- "1) Open side street or corner lot fencing may extend from the back exterior wall parallel to the sidewalk or street and must be a minimum of four (4) feet from the sidewalk or street. Open side street or corner lot fencing must be wood lattice, stained, and not exceed a height of four (4) feet and have plants and shrubs planted in front of the fencing."



Signature of Council Member



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

ANNEX 1

STRATA CORPORATION – VIS 4577

SCHEDULE OF BYLAWS

DIVISION 1 – Duties of Owners, Occupants and Visitors

1. **Payment of Strata Fees**

An owner must pay strata fees calculated on a monthly basis and paid by pre-authorized withdrawal (PAP) commencing on the 1st day of August in the fiscal year.

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

An owner must repair and maintain his or her own strata lot.

3. **Use of Property**

- 1) An owner, 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, 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 B.C. Strata Property Act.
- 3) An owner, 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 or occupant must not keep any pets on a strata lot other than:
 - (a) not more than two (2) dogs or two (2) cats or one (1) dog and one (1) cat.

- 5)
 - (a) Dangerous or aggressive dogs – may not be kept on any strata lot. Definition of dangerous or aggressive dogs as per City of Parksville, B.C. Bylaw #1524.
 - (b) Nuisance barking – complaints to be made directly to City of Parksville.
 - (c) An owner, occupant or visitor is responsible for the cleanup and removal of pet waste.
- 6) The age of persons who may reside in any strata lot is restricted to:
 - (a) Persons who are 55 years or older;
 - (b) The spouse or common law spouse of a person residing in the strata lot who is 55 years or older;
 - (c) The child of a person residing in the strata lot who is 55 years or older, if that child is providing caregiver support to the person.
- 7) No strata lot shall be rented except under an exemption approved in accordance with Section 144 of the B.C. Strata Property Act.
- 8) House sitters:
 - (a) The house sitting period is limited to a maximum of six (6) months in a twelve (12) month period unless the owner or tenant obtains prior written approval of the Strata Corporation.
 - (b) Prior to entering into a house sitting arrangement, the owner must notify the Strata Corporation in writing outlining the name of the house sitter and the period of the house sitting arrangement. The letter of notification to the Strata Corporation must include an address and telephone number where the owner may be contacted for the period of the house sitting arrangement.
 - (c) The owner must remain the occupant of the strata lot.

4. **Inform Strata Corporation**

- 1) Within two (2) weeks of becoming an owner, an owner must inform the Strata Corporation of the name(s) of the owner(s), strata lot number and mailing address outside the strata plan, if any.
- 2) On request by the Strata Corporation, an occupant must inform the Strata Corporation of his or her name.

5. **Obtain approval before altering common property**

- 1) An owner must obtain the written approval of the Strata Corporation before making an alteration to 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.

6. **Permit entry to strata lot**

- 1) An owner, 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 portion 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 B.C. Strata Property 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

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

- 1) The Strata Corporation must repair and maintain all of the following:
 - (a) common assets of the Strata Corporation, and
 - (b) common property that has not be designated as limited common property including but not limited to snow removal, street cleaning, tree pruning and other responsibilities as outlined within the Strata Corporation's depreciation report.
- 2) The Strata Corporation must purchase and maintain General Liability Insurance at a minimal value of \$2,000,000 and Property Insurance based on the Current Replacement Value.
- 3) The Strata Corporation must maintain Directors and Officers Liability Insurance at a minimal amount of \$1,000,000.

DIVISION 3 – Council

8. **Council size**

The council must have at least 3 and not more than 7 members.

9. **Council members' terms**

- 1) The term of office for a council member shall be a period of one (1) year, ending at the annual general meeting.
- 2) An individual whose term as council member is ending is eligible for re-election.

10. **Removing council member**

- 1) The Strata Corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members.
- 2) After removing a council member, the Strata Corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.

11. **Replacing council member**

- 1) If a council member resigns or is unwilling or unable to act for a period of two (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 council resign or are unwilling or unable to act for a period of two (2) or more months, persons holding at least 25% of the Strata Corporation's vote may hold a special general meeting to elect a new council by complying with the provisions of the B.C. Strata Property Act, the regulations and the bylaws respecting the calling and holding of meetings.

12. **Officers**

- 1) At the first meeting of the council held after each annual general meeting of the Strata Corporation, the council must elect, from 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 two (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 one (1) 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 (1) week's notice if:
 - (a) all council members consent in advance of the meeting, or
 - (b) the meeting is required to deal with an emergency situation, and all council members either
 - (I) consent in advance of the meeting, or
 - (II) are unavailable to provide consent after reasonable attempts to contact them.
- 4) The council must inform owners about a council meeting as soon as feasible after the meeting has been called.

14. **Quorum of council**

- 1) A quorum of the council is
 - (a) 2, if the council consists of 2, 3 or 4 members,
 - (b) 3, if the council consists of 5 or 6 members, and
 - (c) 4, if the council consists of 7 members.
- 2) Council members must be present in person at the council meeting to be counted in establishing a quorum.

15. **Council meetings**

- 1) At the option of the council, meetings may be held by electronic means, as long as all council members and other participants can communicate with one another.
- 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 B.C. Strata Property Act;
 - (b) rental restriction bylaw exemption hearings under Section 144 of the B.C. Strata Property Act; or
 - (c) any other matter if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

16. **Voting at council meetings**

- 1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- 2) 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.

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

The council must inform owners of the minutes of all council meetings within two (2) weeks of the meeting, whether or not the minutes have been approved.

18. **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 purpose for which, or the conditions under which, the money may be spent.
- 4) The council may not delegate its power to determine, based on the facts of a particular case:
 - (a) whether a person has contravened a bylaw or rule, or
 - (b) whether a person should be fined, and the amount of the fine.

19. **Spending restrictions**

- 1) A person may not spend the Strata Corporation's money unless the person has been delegated the powers 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.

20. **Limitation of liability of council members**

- 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.
- 3) Strata council members shall be reimbursed by the Strata Corporation for losses sustained in claims arising from strata council activities performed in good faith.

DIVISION 4 – Enforcement of Bylaws

21. **Maximum fine**

The Strata Corporation may fine an owner or occupant a maximum of

- 1) \$100.00 for each contravention of a bylaw, or
- 2) \$500.00 for each contravention of Section 3(7).

22. **Continuing contravention**

If an activity or lack of activity that constitutes a contravention of a bylaw, without interruption, for longer than seven (7) days, a fine and notice may be imposed every seven (7) days.

DIVISION 5 – Annual and Special General Meetings

23. **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.

24. **Participation by other than eligible voters**

- 1) 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 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 occupants, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

25. **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, one (1) vote per strata lot, 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 to vote, the Vice-President, may break the tie by casting a second, deciding vote.
- 6) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.

26. **Order of business**

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

- 1) certify proxies and corporate representatives and issue voting cards;
- 2) determine that there is a quorum;
- 3) elect a person to chair the meeting, if necessary;
- 4) present to the meeting proof of notice of meeting or waiver of notice;
- 5) approve agenda;
- 6) approve minutes from the last annual or special general meeting;
- 7) deal with unfinished business;

- 8) 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;
- 9) ratify any new rules made by the Strata Corporation under Section 125 of the B.C. Strata Property Act;
- 10) report on insurance coverage in accordance with Section 154 of the B.C. Strata Property Act, if the meeting is an annual general meeting;
- 11) approve the budget for the coming year in accordance with Section 103 of the B.C. Strata Property Act, if the meeting is an annual general meeting;
- 12) deal with the new business, including any matters about which notice has been given under Section 45 of the B.C. Strata Property Act;
- 13) elect a council, if the meeting is an annual general meeting;
- 14) terminate the meeting.

DIVISION 6 – Voluntary Dispute Resolution

27. Voluntary dispute resolution

- 1) A dispute among owners or occupants, 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 and the bylaws.
- 2) A dispute resolution committee consists of:
 - (a) one owner of the Strata Corporation nominated by each of the disputing parties and one owner 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.

The following two divisions form part of the Bylaws of Strata Corporation VIS 4577 and are referred to under Division 7 – General Restrictions on Use, Sections 28 to 37 and Division 8 – Architectural Design Guideline Principles, Sections 38 to 44.

DIVISION 7 – General Restrictions on Use

28. Construction

Any construction (additions or alterations) must be consistent with City of Parksville Development Permit #97-13, have approval of the Strata council and have a City of Parksville building permit. All other improvements are to be in accordance with Division 7 – General Restrictions on Use, and Division 8 – Architectural Design Guideline Principles.

29. Tree removal

No trees shall be removed or substantially altered from common property.

30. Restrictions on use

- 1) No building or strata lot shall be used for any purpose other than that of a single family residence.
- 2) Except for approved domestic household pets, no animals, birds or livestock shall be kept on the lots at any time for any purpose.

31. Signs

No sign or advertising matter of any kind, other than an approved sign in a designated form shall be placed on the lots or any improvement or chattel permanently or temporarily located on the lots.

32. Unsightly

- 1) No strata lot shall be allowed to become in disrepair or untidy.
- 2) No pole, mast, flags (except Canada's National Flag mounted on the front of the building with the mast not exceeding 4.5 feet in length) shall be erected or installed on the street side of a strata lot.
- 3) Transmitting towers of any type are not allowed.
- 4) No rubbish or debris shall be allowed to accumulate on any strata lot including, but not limited to, inoperative or derelict vehicles.
- 5) Any garbage or compost receptacle on a strata lot must be screened.

33. **Parking**

- 1) Not more than three (3) private passenger automobiles owned by the occupant, and passenger vehicles used by persons visiting occupants. Automobiles are defined to include motorcycles, pickup trucks and passenger vans.
- 2) No waste materials of any kind or chattels, including without restricting the generality thereof, trailers, campers, 5th wheels, motor homes or boats shall be parked, placed or situated on the strata lots.
- 3) An owner may park a recreational vehicle on the driveway of his/her strata lot for a period not exceeding forty-eight (48) hours for the purpose of loading/unloading such vehicles.
- 4) The owner of a strata lot shall not permit its invitees or guests to park vehicles other than on the strata lots in an approved area.

34. **Strata irrigation system**

The owner of a strata lot shall not do or permit to be done any act or thing which might interfere with, injure or impair the operation of or obstruct access to the strata irrigation system located either on a strata lot or strata common property.

35. **Heating / air conditioning / heat pumps**

- 1) Installing of such units must have the appropriate permits and noise nuisance should be a consideration when installing such on a strata lot.
- 2) The installation of any wood burning appliance on a strata lot is prohibited.

36. **Garden refuse**

The burning of garden or other refuse on any strata lot is prohibited.

37. **Other**

- 1) The owner will not allow any breach of any of the covenants contained herein to continue for more than thirty (30) days after notice in writing delivered to the owner of such lot by the Strata Corporation requesting the owner to remedy such breach and if the owner allows such breach to continue, the strata council may cause such work as may be necessary to cure the breach to be performed and the costs thereof including any administrative and legal costs shall be a debt owing by the owner, payable on delivery to the owner of such lot of an invoice for such work.
- 2) Any consents or approvals necessary pursuant to the foregoing restrictions shall be in writing and obtained from the strata council (the approving body), its agent or nominee from time to time appointed, who may also permanently or temporarily relax, waive or modify any of these restrictions as it in its sole discretion may see fit.

- 3) Any rejection of a request for approval and any approval being granted, with respect to these restrictions shall be final and binding and shall not be open to question by the owner of the strata lot and failure of the strata council to enforce these restrictions or to exercise its power in a judicial manner shall not render the strata council liable in damages or to any claims or demands whatsoever, subject to item 27 of the Bylaws.

DIVISION 8 – Architectural Design Guideline Principles

38. In the event of a necessary rebuild (i.e. fire / earthquake)

- 1) Roof slopes to be between 4½ /12 to 6/12.
- 2) All houses to be one (1) story.
- 3) Garages are allowed and must be attached to the main house.
- 4) Siding of a house must be compatible with that of existing houses within the Strata Corporation.

39. House to house compatibility and neighborhood appearance

- 1) Adjacent houses of the same design must vary in color.
- 2) Adjacent houses will be reviewed to give extra side yard distances when particular houses have large expanses of side facing windows.
- 3) Adjacent houses will be encouraged to be positioned more front or back on the site to avoid side facing windows overlooking each other.

40. Materials and colors

Exterior colors for walls and trim, once chosen by the strata lot owner, and PRIOR TO COMMENCEMENT of painting, must be presented to the strata council for compatibility with a color guideline available from the strata council which includes shades and tones drawn from cool, warm and earth tones found in our natural setting.

41. Fencing

- 1) Open side street or corner lot fencing may extend from the back exterior wall parallel to the sidewalk or street and must be a minimum of four (4) feet from the sidewalk or street. Open side street or corner lot fencing must be wood lattice, stained, and not exceed a height of four (4) feet and have plants and shrubs planted in front of the fencing.
- 2) Side yard fence to begin no closer to the front property line than the furthest front yard projection of the exterior wall of the main building.

- 3) Patio screens are approved at rear yards. Patio screens are to be built to a design to be reviewed and approved by the strata council.
- 4) Side and rear yard fencing can be privacy or lattice and no more than a height of 5'0", subject to approval by the strata council.

42. **Private sidewalks / patios**

- 1) Private sidewalks to be wash off exposed aggregate with control joints at 1524 mm o.c. (5'0" o.c.).
- 2) Patios to be pavers or stamped concrete.

43. **Landscaping maintenance**

- 1) All front yards to be planted with instant turf or seeded lawn, together with an array of shrubs and ornamental trees.
- 2) Desert landscaping in the front yard of strata lots is prohibited.

44. **Accessory buildings**

- 1) One (1) garden shed is allowed per lot.
- 2) The garden shed must be located in the rear of the lot.
- 3) Size not to exceed any configuration of 100 square feet (9.29 square meters).
- 4) Color to be compatible to the main house.