

HAWKS LANDING

BYLAWS

STRATA CORPORATION KAS3798

DIVISION 1 – DUTIES OF OWNERS, TENANTS, OCCUPANTS AND VISITORS

1 Payment of strata fees

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

2 Repair and maintenance of property by owner

- (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.

3 Use of property

- (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that:
 - (a) causes a nuisance or hazard to another person;
 - (b) causes unreasonable noise;
 - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot;
 - (d) is illegal or contravenes the applicable provisions of any statute or bylaw regulating use of the strata lot, except that legal non-conforming uses are permitted; or
 - (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.
- (2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the Strata Corporation must repair and maintain under these bylaws or insure under section 149 of the Act.
- (3) An owner, tenant or occupant of a strata lot must not keep any pets on the strata lot other than:
 - (a) A reasonable number of fish or other small aquarium animals; and
 - (b) A reasonable number of small caged mammals; and
 - (c) 2 cats or 2 dogs (not to exceed 30 inches in height (at shoulders) at maturity), or one of each.
- (4) Notwithstanding section 3(3), an owner, tenant or occupant of the strata lot must not keep any pit bull terrier, Doberman pinscher or Rottweiler on the strata lot.
- (5) All pets are to be licensed as required by Municipal bylaws and shall be registered with the Strata Corporation.
- (6) An owner, tenant or occupant shall promptly and permanently remove from the strata lot occupied by the owner, tenant or occupant, when ordered to do so by the strata corporation, any animal which in the opinion of the strata council is causing or has caused noise which unreasonably interferes with the use and enjoyment of other owners, tenants or occupants of strata lots.

4 Inform Strata Corporation

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

- (3) An owner must provide to the strata council a copy of a Form K – Notice of Tenant's Responsibilities signed by the tenant of the strata lot within 2 weeks of the tenant taking possession of the strata lot.
- (4) If an owner, tenant or occupant of a strata lot observes or becomes aware of the particulars of any injury suffered by any person(s) or property while on a strata lot or the common property, the owner, tenant or occupant must, promptly, notify the strata corporation, in writing, of the particulars of such injury or damage and the identity and address of the injured person or the person whose property is damaged, to the extent that such particulars are known to the owner, tenant or occupant.

5 Obtain approval before altering a strata lot

- (1) An owner must obtain the written approval of the Strata Corporation before making an alteration to a strata lot that involves any of the following:
 - (a) the structure of a building;
 - (b) the exterior of a building;
 - (c) chimneys, stairs, balconies or other things attached to the exterior of a building;
 - (d) doors or windows (including window casings and window sills) on the exterior of a building, or that front on the common property;
 - (e) fences, railings or similar structures that enclose a patio, balcony or yard;
 - (f) common property located within the boundaries of a strata lot;
 - (g) those parts of the strata lot which the Strata Corporation must insure under section 149 of the Act.
- (2) The Strata Corporation must not unreasonably withhold its approval under bylaw 5(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 and/or to take responsibility for the ongoing maintenance and repair of the alteration.
- (3) This bylaw does not apply to a strata lot in a bare land strata plan.

6 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, including limited common property, or common assets.
- (2) The Strata Corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration and/or to take responsibility for the ongoing maintenance and repair of the alteration.

7 Permit entry to strata lot

- (1) An owner, tenant, occupant or visitor must allow a person authorized by the Strata Corporation to enter the strata lot:
 - (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage; and

- (b) at a reasonable time, on 48 hours' written notice:
 - (i) to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the Strata Corporation to repair and maintain under these bylaws or insure under section 149 of the Act; or
 - (ii) to ensure compliance with the Act and the bylaws.
- (2) The notice referred to in bylaw 7(1)(b) must include the date and approximate time of entry, and the reason for entry.

DIVISION 2 – POWERS AND DUTIES OF STRATA CORPORATION

8 Repair and maintenance of property by Strata Corporation

Subject to bylaws 5(2) and 6(2) the Strata Corporation must repair and maintain all of the following:

- (a) common assets of the Strata Corporation;
- (b) common property that has not been designated as limited common property;
- (c) limited common property, but the duty to repair and maintain it is restricted to:
 - (i) repair and maintenance that in the ordinary course of events occurs less often than 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 and windows (including window casings and window sills) on the exterior of a building or that front on the common property;
 - (E) fences, railings and similar structures that enclose patios, balconies and yards;
- (d) a strata lot, but the duty to repair and maintain 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 and windows (including window casings and window sills) on the exterior of a building or that front on the common property; and

- (v) fences, railings and similar structures that enclose patios, balconies and yards.

DIVISION 3 – COUNCIL

9 Council size

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

10 Council members' terms

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

11 Removing council members

- (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.

12 Replacing council member

- (1) If a council member resigns, is disqualified from continuing as a council member, or is unwilling or unable to act for a period of 2 or more months, the 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 bylaw even if the absence of the member being replaced leaves the council without a quorum.
- (4) If all 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.

13 Officers

- (1) At the first meeting of the council held after each annual general meeting of the Strata Corporation, the council must elect, from among its members, a president and a vice president, and may elect from among its members a secretary and a treasurer or a secretary-treasurer.
- (2) A person may hold more than one office at a time, other than the offices of president and vice president.
- (3) The vice president has the powers and duties of the president:
 - (a) while the president is absent or is unwilling or unable to act; or
 - (b) for the remainder of the president's term if the president ceases to hold office.
- (4) If an officer other than the president resigns, is disqualified from continuing as a council member, or is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

14 Calling council meetings

- (1) Any council member may call a council meeting by giving the other council members at least one week's notice of the meeting, specifying the reason for calling the meeting.
- (2) The notice does not have to be in writing.
- (3) A council meeting may be held on less than one week's notice if:
 - (a) all council members consent in advance of the meeting; or
 - (b) the meeting is required to deal with an emergency situation, and all council members either:
 - (i) consent in advance of the meeting; or
 - (ii) are unavailable to provide consent after reasonable attempts to contact them.

- (4) The council must inform owners about a council meeting as soon as possible after the meeting has been called.

15 Requisition of council hearing

- (1) By application in writing, stating the reason for the request, an owner or tenant may request a hearing at a council meeting.
- (2) If a hearing is requested under bylaw 15(1), the council must hold a meeting to hear the applicant within 2 weeks 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.

16 Quorum of council

- (1) A quorum of the council is:
 - (a) 1, if the council consists of one member;
 - (b) 2, if the council consists of 2, 3 or 4 members;
 - (c) 3, if the council consists of 5 or 6 members; and
 - (d) 4, if the council consists of 7 members.
- (2) Subject to bylaw 17, council members must be present in person at the council meeting to be counted in establishing quorum.

17 Council meetings

- (1) At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.
- (2) If a council meeting is held by electronic means, council members are deemed to be present in person.
- (3) Owners may attend council meetings as observers.
- (4) Despite bylaw 17(3), no observers may attend those portions of council meetings that deal with any of the following:
 - (a) bylaw contravention hearings under section 135 of the Act;
 - (b) rental restriction bylaw exemption hearings under section 144 of the Act;
 - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

18 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) Unless there are only 2 strata lots in the strata plan, if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- (3) The results of all votes at a council meeting must be recorded in the council meeting minutes, along with the names of the council members moving and seconding any resolutions, and the names of any dissenting or abstaining council members.

19 Council to inform owners of minutes

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

20 Delegation of council's powers and duties

- (1) Subject to bylaws 20(2) to 20(4), the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.
- (2) The council may delegate its spending powers or duties, but only by a resolution that:
 - (a) delegates the authority to make an expenditure of a specific amount for a specific purpose; or
 - (b) delegates the general authority to make expenditures in accordance with bylaw 20(3).
- (3) A delegation of a general authority to make expenditures must:
 - (a) set a maximum amount that may be spent; and
 - (b) indicate the purposes for which, or the conditions under which, the money may be spent.
- (4) The council may not delegate its powers to determine, based on the facts of a particular case:
 - (a) whether a person 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.

21 Spending restrictions

- (1) A person may not spend the Strata Corporation's money unless the person has been delegated the power to do so in accordance with these bylaws.
- (2) Despite bylaw 21(1), a council member may spend the Strata Corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.
- (3) The Strata Corporation may make expenditures that are not included in an approved budget provided that such expenditures (unapproved expenditures) shall not exceed in

the aggregate in the same fiscal year, the sum of \$2,000.00. Unapproved expenditures may be made out of the operating fund, and may be made out of the contingency reserve fund only if there are reasonable grounds to believe that an immediate expenditure is necessary to ensure safety or prevent significant loss or damage, whether physical or otherwise, and in the latter case the Strata Corporation must inform the owners as soon as is reasonably possible of the particulars of unapproved expenditures made out of the contingency reserve fund.

22 Limitation on liability of council member

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

DIVISION 4 – ENFORCEMENT OF BYLAWS AND RULES

23 Fines and recovering of money owed to Strata Corporation

- (1) The Strata Corporation may fine an owner or tenant a maximum of:
 - (a) \$200 for each contravention of a bylaw; and
 - (b) \$50 for each contravention of a rule.
- (2) The Strata Corporation may sue, in Small Claims Court, for monies owed to the Strata Corporation, without requiring the authority of a resolution requiring a $\frac{3}{4}$ vote at a general meeting.

24 Continuing contravention

- (1) 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

25 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.

26 Participation by other than eligible voters

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

27 Voting

- (1) At an annual or special general meeting, voting cards must be issued to eligible voters.
- (2) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
- (3) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, secret ballot or some other method.
- (4) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.
- (5) If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may break the tie by casting a second, deciding vote.
- (6) If there are only 2 strata lots in the strata plan, bylaw 27(5) does not apply.
- (7) Despite anything in this bylaw, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.
- (8) Notwithstanding the foregoing, the vote for a strata lot may not be exercised at an annual general meeting or special general meeting, except on matters requiring unanimous vote, if the Strata Corporation is entitled to register a lien against that strata lot under section 116(1) of the Act.

28 Order of business

- (1) The order of business at annual and special general meetings is as follows:
 - (a) certify proxies and corporate representatives and issue voting cards;
 - (b) determine that there is a quorum;
 - (c) elect a person to chair the meeting, if necessary;
 - (d) present to the meeting proof of notice of meeting or waiver of notice;
 - (e) approve the agenda;
 - (f) approve minutes from the last annual or special general meeting;
 - (g) deal with unfinished business;

- (h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;
 - (i) ratify any new rules made by the Strata Corporation under section 125 of the Act;
 - (j) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
 - (k) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
 - (l) deal with new business, including any matters about which notice has been given under section 45 of the Act;
 - (m) elect a council, if the meeting is an annual general meeting;
 - (n) terminate the meeting.
- (2) If, within ½ hour from the time appointed for an annual or special general meeting, a quorum is not present, the meeting stands adjourned for a further ½ hour on the same day and at the same place. If within a further ½ hour from the time of the adjournment, a quorum is not present, the eligible voters, present in person or by proxy, constitute a quorum.

DIVISION 6 – VOLUNTARY DISPUTE RESOLUTION

29 Voluntary dispute resolution

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

DIVISION 7 – MARKETING ACTIVITIES BY OWNER DEVELOPER

30 Display lot

- (1) An owner developer who has an unsold strata lot may carry on sales functions that relate to its sale including, but not limited to, the posting of signs on buildings and common property and the holding of “open house” events.
- (2) An owner developer may use a strata lot, that the owner developer owns or rents, as a display lot for the sale of the strata lot other strata lots in the strata plan.