



## Strata Corporation KAS1411

### Schedule of Bylaws

February 24, 2008

#### These bylaws repeal and replace all previously registered Bylaws

1. The strata Corporation's schedule for the payment of strata fees shall provide:
  - a) For the purpose of the monthly strata fee that:
    - i) the strata fees are to be paid by an owner on or before the first of the month to which the strata fee relates; and
    - ii) shall be deemed to be the amount for each strata lot based on the approved annual budget from time to time, including any amendments, and calculated based on the unit entitlement formula
  - b) For purposes of the special levy that;
    - i) the special levy shall be deemed to constitute a strata fee of the strata corporation for purposes of this bylaw;
    - ii) shall be deemed to be in the amount for each strata lot specified in a special resolution approved by a  $\frac{3}{4}$  vote of owners from time to time, including any amendments, and calculated based on the unit entitlement formula;
    - iii) shall be deemed to be due and payable on or before the date specified in a special resolution approved by a  $\frac{3}{4}$  vote of owners pursuant to s. 108. SPA
  - c) The strata corporation may charge an owner who is late paying strata fees, (comprised of the monthly strata fee and any special levy) interest at the rate of 10% per annum or the maximum rate of interest stipulated in the Regulations to the Strata Property Act from time to time
  - d) The interest payable on a late payment of strata fees is not a fine and shall form part of the strata fees for the purpose of s. 116 SPA
  - e) The strata corporation may charge interest and levy a fine for the late payment of strata fees
  - f) A unit owner in default of the payment of common expenses, strata fees, special levies, interest, fines and any other amounts owing pursuant to the Strata Property Act (the "Arrears") shall reimburse the strata corporation and save it harmless against any and all costs and expenses required to collect such Arrears, including legal costs, comprised of fees, taxes disbursements and other related expenses, as between a solicitor and his own client or on a full indemnity basis.
2.
  - a) For purposes of section 133(2) of the Strata Property Act, "reasonable costs of remedying the Contravention of the strata corporation's bylaws or rules shall be interpreted to include, but not be limited to, legal costs, comprised of legal fees, taxes, disbursements and other related expenses, as between a solicitor and his own client or on a full indemnity basis.
    - b) Any legal costs or expenses incurred by the strata corporation to collect any Arrears shall be charged to that owner and shall be added to and become part of the assessment of that owner for the month next following the date on which the legal expenses are incurred, but not necessarily paid by the corporation, and shall become due and payable on the date of the payment of the monthly assessment.
    - c) Payment for Strata Fees will be in the form of Pre-Authorized Debit (PAD) or 12 post-dated cheques or as stipulated by the strata management company and must be received within 10 days of the distribution of the Minutes from the Annual General Meeting.
3. No construction of any structures such as: stairs, storage shed, decking, carports, covers, cabanas or addition can commence without written permission from the Strata Council. Council may request an onsite visit.
4. Any structure or addition to a home or attached structure on an existing home shall be at least 10 feet from any other home or addition thereto, or such distance as may from time to time be required by the City of Kelowna By-laws, and meet the Regional Building restrictions. There will be no storage sheds erected in the front yard. It may be possible to put a shed in a side yard if hidden by a fence and upon approval of the Strata Council.

5. Internal fences are not to be erected without prior approval in writing from the Strata Council. Fences constructed without such approval may be removed by the Strata Corporation at the Owner's expense. Fence height is not to exceed a maximum of 6-foot chain link or cedar with lattice, not to apply to exterior fence along roadways.
6. Owners are responsible legally and economically for the actions, conduct, and safety of themselves, their children, family, guests and pets anywhere within the complex.
7. House number must be affixed to the original style lamppost at the front of the yard, in four-inch (4") high numbers. Lamppost and numbers must be kept clear of shrubs, flowers and other greenery and numbers must be viewable from the road. Owners are responsible for ensuring the lamppost light is kept in working order.
8. Door to door solicitation for profit by residents or non-residents is not permitted. No signs or commercial business of any nature is allowed in or on the area of the development.
9. The speed limit throughout the development is twenty kilometres (20km) or fifteen miles per hour (15mph).
10. The storage of boats, trailers, campers not on trucks, trucks over 1 ton, snowmobiles, motorcycles not licensed and insured for road use and other recreational vehicles will only be permitted on the back of an owner's home if access is available, fully contained within a carport or within a closed garage or otherwise must be parked in the designated parking storage area designated by the RV Manager. No unsightly storage of any type of vehicle will be permitted.
11. Owners shall not park any motor vehicle upon any access roadways in the development and shall restrict parking of any motor vehicle owned or operated by the owner to the confines of the strata lot or the designated RV storage area.
12.
  - a. The use of snowmobiles, motorcycles or other recreational vehicles within the common area parks is prohibited.
  - b. The overnight use by visitors of tents, trailers or campers for more than 2 nights is not permitted within the development.
13. Parking of vehicles in front yards is prohibited. Cars must be parked in the driveway and parallel to the driveway, (no sideways parking). Driveways may be extended to the neighbour side opposite the lamppost. All concrete/paving must be done by qualified professionals and be done in an acceptable standard as deemed by the Strata Council.
14. No major mechanical repair work on autos, boats, RVs, or other vehicles on individual lots or common property area is allowed on a strata lot unless confined to an enclosed garage. Major mechanical repair is defined as those repairs requiring more than one day to complete.
15. Strata lot owners are required to maintain their lots and the area between the lot and the street curb in a neat and tidy condition. Lawns shall be cut at least once a week during the growing season.
16. No accumulation of unsightly building materials, vehicles or any other items of storage is permitted within your strata lot. If these rules are not adhered to, the Manager will undertake this work to remedy any non-compliance of the rules and a penalty plus cost or remedy will be levied against the Strata Lot Owner.
17. C.B. Radio antennas and satellite TV dishes are not permitted to be erected on or beside homes on the Strata Lot, or within the development (with the possible exception of the Rec. Centre). Satellite dishes of twenty-four (24) inches in diameter or less will be allowed.
18. Dogs and cats are permitted in Country Rhodes. Each home must not exceed two (2) of these pets. If a home has a dog(s), a rear fenced yard is mandatory. Owners are responsible for their pets and any messes left by their pets. Owners are required to clean up any mess left by their pets on any common grounds or facilities and will be subject to fines as indicated herein for infractions of this bylaw.
19. The Strata Corporation shall not be responsible or liable for mishaps, accidents or injury that may occur at or in the development or parks within the development. The owner acknowledges that the Strata Corporation provides no supervision whatsoever in common areas and owner's use of same is entirely at the owner's own risk.
20. The use of common property recreation facilities such as pool, rec centre, playgrounds, extra parking lot, park areas will be governed by the Strata Council. The Manager will post Rules of use of each facility.

21. The extra parking lot facility spaces will be allocated on a first come first served basis, but spaces cannot be reserved if they are not utilized within one month of occupying a new home. All vehicles in the RV compound must be registered with the RV Manager.
22. No continuous loud noises, whether from radios, stereos, television, tenants or guests, is permitted so that it causes a nuisance to other Strata Lot Owners. A third time offence may result in a \$200 fine at the direction of the Strata Council.
23. The Owners of lots 106-115 will be responsible for the maintenance of the 3-meter buffer zone behind their lots.
24. All owners and residents, users or non users, of the assigned Limited Common Property, generally known as the RV and Car Storage Compound, will be subject to the Rules of the Compounds as set forth in the "Rules".
25. Rental Restriction. Rented dwellings within the community will be limited to 14 units at any one time.

**RENTAL PROCEDURE:**

Any owner wishing to rent out their residence must first obtain written permission from the Strata Council. The Owner will be required to supply the council with the following:

1. The Owner will supply Council with their new address and phone number so in the event of a problem with the tenants the owners can be notified and the problem rectified. If the Owner's address and home number should change they are required to inform the Council immediately.
  2. The Owner will supply Council with a Form K indicating the names of the tenants along with a copy of the Rules and Regulations signed by the tenants. The Owner is ultimately responsible for the actions of their tenants and if the tenants are in violation of any Country Rhodes Bylaw or Rule, the Owner will be fined. The term of a rental status will expire if the unit remains without a tenant for 90 days, or if the owner resides in the home. That owner could reapply for rental status and be put on the waiting list if there is one, or have their rental status renewed if there is no waiting list.
  3. An Owner may not sign a lease for a Strata Lot for any term exceeding 24 months. An Owner must provide Strata Council with a Form K signed by the Tenant within 10 days of the beginning of the rental.
26. All homes in the Strata will receive waste collection services provided by the local government and will be required to pay for the cost of the service regardless of use.

**COUNCIL: Council size**

- 27 (1) Subject to subsection (2), the Council must have at least 3 and not more than 7 members. No Owner shall stand for Council, or continue to be on Council if the Owner is in arrears in an amount of \$50 or more than 90 days for any one of the following:
- Strata Fees;
  - A Special Levy;
  - A reimbursement of the cost of work referred to in section 85 of the Strata Property Act;
  - The Strata Lot's share of a judgment against the Strata Corporation.
- (2) The only persons who may be Council members are the following:
- (a) Owners;
  - (b) Individuals representing corporate owners;
  - (c) Tenants who, under section 147 or 148, have been assigned a landlord's right to stand on council;
  - (d) spouse of an Owner who is not registered on title;
  - (e) family member of an Owner, where the family member resides in the strata lot in the Strata Corporation;
  - (f) partner to a registered Owner provided that the partner and the registered Owner are cohabiting in a relationship tantamount to marriage whether of the same sex or not.

**Council members' terms**

- 28 (1) The term of office of a Council member ends at the end of the annual general meeting at which the new Council is elected.
- (2) A person whose term as Council member is ending is eligible for re-election.

**Removing Council member**

- 29 (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**

- 30 (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**

- 31** (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**

- 32** (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.
- The Council must inform Owners about a Council meeting as soon as feasible after the meeting has been called.

#### **Requisition of Council hearing**

- 33** (1) By application in writing, stating the reason for the request, an Owner or Tenant may request a hearing at a Council meeting.
- (2) If a hearing is requested under subsection (1), the Council must hold a meeting to hear the applicant within one month of the request.
  - (3) If the purpose of the hearing is to seek a decision of the Council, the Council must give the applicant a written decision within one week of the hearing.

#### **Quorum of Council**

- 34** (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 quorum.

#### **Council meetings**

- 35** (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**

- 36** (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.

#### **Council to inform Owners of Minutes**

- 37** 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**

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

- 39 (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.  
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.
- (2) If a proposed expenditure has not been put forward for approval in the budget or at an Annual or Special General Meeting, the Strata Corporation may only make the expenditure in accordance with this bylaw. Subject to subsection 98(3), SPA, the expenditure may be made out of the Operating Fund if the expenditure, together with all other unapproved expenditures, whether of the same type or not, that were made under this subsection in the same fiscal year, is less than \$8,000.

**Limitation on liability of Council member**

- 40 (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.

**Maximum fine**

- 41 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,
  - (c) \$500.00 for each contravention of the Rental Restriction Bylaw.

**Continuing contravention**

- 42 (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. In accordance to Section 171 (4) of the Act, the Strata Corporation authorizes the Strata Council to undertake a Small Claims Action to collect money owing to the Strata Corporation, including Strata Fees, outstanding interest charges, and Fines, without prior approval of the Strata Corporation.  
The Strata Corporation shall give notice of such plan of action to the relevant Owners/Tenant and mortgage, if that mortgage has provided to the Strata Council, a Mortgagee's Request for notification (unexpired) on the prescribed form. The notice given by the Strata Council shall be in accordance with Sections 61 and 112(1) of the Act.
- 43 (2) (a) A special resolution of the unit owners to bring a suit against an owner or other person to collect money owing to the strata corporation under the Small Claims Act, including money owing as a fine, is not required pursuant to this bylaw.
- (b) The strata council is hereby authorized in its sole discretion to authorize legal proceedings in Small Claims Court to collect money owing without the requirement for a further vote or approval of the unit owners at a general meeting, but that legal fees associated with the Small Claims action shall not exceed \$1000.

**ANNUAL GENERAL MEETINGS****Person to chair meeting**

- 44 (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

- 45 (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

- 46 (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) 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.  
 (7) If a quorum is not attained within one half hour of the scheduled time of the Annual or Special General Meeting, those eligible voters in attendance at the meeting will be deemed a quorum and the meeting will proceed.

#### Order of business

- 47 The order of business at an 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.

#### Voluntary dispute resolution

- 48 (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.