

CHELSEA GARDENS BYLAWS

Strata Plan LMS 1416

**13860, 13870, 13880 & 13888 - 70th Avenue,
Surrey, BC**

Attached are the Bylaws of Strata Plan LMS 1416
For legal purposes, please obtain a true copy as
registered at the Land Title Office

Note: Please keep in a safe place. There is a charge for additional copies.

Amended / Repealed & Replaced at AGM held April 20, 2021	#CA8992315
Amended / Repealed & Replaced at AGM held March 21, 2022	#CA9834382
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**CHELSEA GARDENS BYLAWS
STRATA PLAN LMS 1416
COMPLETE SET AS AMENDED AT AGM HELD APRIL 17, 2023**

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BYLAW WORD DEFINITIONS**(Approved at AGM held 2023 04 17 - #CB582429)**

OWNER:	Legally owns 1 or more Strata Lots of Chelsea Gardens LMS 1416 whether or not they reside in the owned unit(s)
RESIDENT:	Owner who legally resides in Chelsea Gardens as per Bylaws 36, 37, 38 Tenant who legally resides in Chelsea Gardens as per Bylaws 36, 37, 38 Occupant who is not an Owner or Tenant, but legally resides in Chelsea Gardens as per Bylaws 36, 37, 38 and SPA section 123.
GUEST/VISITOR:	Is anyone who is not an Owner/Resident/Occupant

LMS 1416, CHELSEA GARDENS - SCHEDULE OF BYLAWS**DIVISION 1 - DUTIES OF OWNERS, TENANTS, OCCUPANTS AND VISITORS****1. Payment of Strata Fees**

- (1) An Owner must pay Strata Fees or levies on or before the first day of the month to which the Strata Fees or levies relate
- (2) Interest shall be charged on overdue strata fees and special levies and shall be calculated at ten percent (10%) per annum, compounded annually.
- (3) Strata fees not received by the tenth of the month in which they are due are subject to a fine of up to \$200.00 late penalty, which may be imposed by council instead of the interest penalty indicated under Bylaw1(2).
- (4) Payments received from owners on delinquent accounts including strata fees, special levies, chargebacks and fines are deemed to be applied to the oldest receivable.

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. An owner who has the use of limited common property shall be responsible for keeping it clear from ice, snow and slush.
- (3) Owners are responsible for all significant alterations or improvements to the strata lot or limited common property irrespective of whether or not a written alteration agreement was signed or approved by council.

NOTE: Limited Common Property is defined in the consolidated Disclosure Statement under the Real Estate Act of British Columbia as all balconies, patios, driveways and sidewalk entrances being a portion of the common property for the exclusive use of the Strata Lots immediately adjacent as shown on the Strata Plan for each Phase.

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
 - (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) No signs, fences, gates, billboards, placards, advertising or notices of any kind shall be erected, distributed or displayed on the common property or the strata lot (such that they are visible from the exterior of the strata lot) without prior written approval by the strata council. During a duly called Municipal, Provincial, or Federal election, any prevailing legislation regarding free expression of support will over-ride this bylaw but only to the extent of permitting election signs displayed within a strata lot. Political signs may not be displayed on common or limited common property.
- (4) All interior window coverings visible from the outside of the building shall be white or cream in colour so as not to detract from the appearance of the building. No other items may be displayed in any window with the exception of small ornamental pieces such as sun catchers and the like. Interior window coverings are defined as draperies or vertical or horizontal blinds of any material. Examples of prohibited window coverings would include (but not be limited to) sheets, paper, flags, etc. Owners wishing to install window coverings not specified in this bylaw must make application to council. Owners wishing to install exterior window coverings other than awnings noted in bylaw 3 (9) must make application to council and the application must include the colour and type proposed.
- (5)
 - (a) No laundry, clothing, bedding or non-decorative items shall be hung from, stored on, or displayed from windows, decks, patios, or other parts of the strata lot such that they are visible from the outside of the building. Outdoor patio furniture is allowed on patios and balconies. Canadian and Province of BC flags that are of reasonable size (not to exceed 2' X 4') and in good condition are exempt, provided that the attachment of any item does not compromise the building envelope. **#CA9834382**
 - (b) Other than during the period of one week before and one week after Canada Day and/or BC Day, flags shall not be displayed off balcony railings and shall be displayed as intended (i.e. Not upside-down, deliberately sideways, ragged, torn or excessively faded). Other than during the week before and week after Canada Day and BC Day, each Strata Lot is restricted to display up to a maximum of one flag and the flag should not exceed two feet in width by four feet in length. Owners are responsible for damage to the building envelope. During the one week before and one week after Canada Day and BC Day, there will be no restriction on the quantity and location of these flags.
- (6) No shade screen, smokestack, satellite dish, radio or television antenna shall be hung from or attached to the common property, without prior written approval of the strata council except any awnings permitted pursuant to bylaw 3 (9).
- (7)
 - (a) Charcoal BBQs are not permitted in Chelsea Gardens. Wood chips are not permitted to be added to any BBQ. It is recommended that owners have a small fire extinguisher in the vicinity of the BBQ while it is in use. **#CA9834382**
 - (b) Gas, propane and electric BBQ's are only permitted on balconies or rear patios.

- (8) Plants, bushes, trees and other live garden items at the back, front or sides of units shall not be placed in or removed from the common or limited common property without the written approval of the strata council. (Annuals may be planted in the common property adjacent to an owner's suite without Council's approval, provided they are installed and maintained at the owner's cost.) The care and maintenance of items planted by owners will be the responsibility of the current and any future owner.
- (9) Retractable awnings shall be permitted for installation over windows and patios, provided that they are the type manufactured by Arpella Awnings (or a similar manufacturer approved by the strata council) with a material style/colour that is approved by the Strata Council. There are currently two approved designs and samples are available in the office. Should one or both of those designs/colours be discontinued, the Strata Council will choose alternates that are as close as possible. A white frame for the awning is required. Awnings must not have dimensions greater than 6 inches more than the width of the window and may not extend below 32 inches from the top of the window. Side covers on awnings are not permitted. The installation of any awning shall be subject to the provisions of bylaw 6 and the owner of the strata lot shall be responsible for the maintenance and repair thereof and the maintenance and repair of the common property resulting from the installation of the awning.
- (10) Patio umbrellas and coverings must not have a maximum dimension, which exceeds the bounds of the strata lot's patio or balcony.
- (11) Noise reducing material with the "Impact Insurance Class" (known as I.I.C.) reading of 71 or better is required for ceramic or porcelain tiled or engineered or laminated flooring for all upper townhomes and/or upper apartments. Owners wishing to install any of these hard surface flooring materials must make a request to council and provide a sample of the noise reducing material. The council must be given an opportunity to inspect the installation of the noise reducing material before the final installation of the flooring. The council may delegate the inspection to an employee or contractor.
- (12) No attachments are allowed on any of the exterior surfaces which will compromise the building envelope on any apartment building(s) or townhouses. Small decorative items, attached to wood trim without fully penetrating to the envelope, are permitted. Planters must be secured and have drip trays. No potted plants or planter boxes or any other items are permitted to be outside of balcony railings. Items that are inside of or on top of balcony railings must be secured (without compromising the building envelope) so that there is no danger of falling.
- (13) Window film is allowed using 3M material, grey shade in tint number 35 or the FIT material in grey shade Elite 35 tint or similar materials from other manufacturers. This film must be professionally installed. Owners are required to follow the approved guidelines, or the window film will have to be removed. The owner(s) are responsible for its maintenance and must accept responsibility for the failure of any window seals.
- (14) Garage door windows may be left clear or may be covered by a frosted film material such as 3M or equivalent that would be available at building supply stores. No other materials are to be used to cover garage door windows.

- (15) Owners may apply to council for permission to install ductless split air conditioning units provided that the building envelope is not compromised and that the exterior part of the system operates at 55 decibels or less and that the exterior unit is discretely placed so as not to be an eyesore to other units. Owners may also install interior, stand-alone air conditioning units that vent to the exterior through a flush mounted window attachment. Air conditioners that protrude from a window or the side of a building to the exterior are not permitted. Plans and the location of the exterior unit must be approved in advance by the Strata Council who may make it a condition of approval that the installation is done by a professional contractor. **#CA9834382**
- (16) Owners may apply to council for permission to install direct vent fireplaces to replace their existing "B" vent fireplaces provided that the building envelope is not compromised (although it may be penetrated). Plans and the location of the proposed venting must be approved in advance by the Strata Council who will make it a condition of approval that the installation is done by a professional contractor and that all City permits are obtained.
- (17) The use of live or cut Christmas Trees is not permitted in any of the apartments or the townhouses.
- (18) An Owner, tenant, occupant or visitor must not cultivate marijuana on common property, limited common property or inside the strata lot.
- (19) An Owner, occupant or tenant shall not abuse or direct the Chelsea Gardens staff, Strata Managers or any contractor or the contractor's employees working at Chelsea Gardens.

4. **Pets**

- (1) 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 maximum of 2 small caged mammals **#CA9834382**
 - (c) up to 2 caged birds;
 - (d) one dog, and one cat; or 2 dogs; or 2 cats.
- (2) Dogs and cats must not exceed 15 inches in height at the shoulder.
- (3) Pets are not allowed in the recreational facility or the pool area and shall not be tethered on the common property.
- (4) Owners, tenants and occupants shall be responsible for their pets and those of their visitors and shall:
 - (a) indemnify the strata corporation for any damage caused to the common property by their pet(s);
 - (b) remove any waste or excrement left by their pet(s) on the common property;
 - (c) retain their pet on a leash while on common property;
 - (d) retain control of their pet at all times while on the common property;
 - (e) ensure that their pets do not make noise, which disturbs others or causes a nuisance.

- (5) The strata council may order that a pet which makes noise which disturbs others or is a nuisance be removed from the strata lot. Section 135 of the Act shall apply to this bylaw.

5. 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) Owners are required to provide the names of all persons who will be residing in a strata lot.
- (4) Owners and tenants are required to provide the Strata Corporation at least one additional method of contact over and above the mailing address and this contact information is to be a phone number or email address.

6. 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, windows or skylights on the exterior of a building, or that front on the common property;
 - (e) fences, railings or similar structures that enclose a patio, balcony or yard;
 - (f) common property located within the boundaries of a strata lot; or
 - (g) those parts of the strata lot which the Strata Corporation must insure under section 149 of the Act.
 - (h) The installation of electric vehicle chargers inside or outside a garage. The Strata Council will be entitled to demand the installation of safety devices (such as load limiters or future technology) so as to prevent overloading of electrical circuits. The Strata Council is also permitted to demand permits if required by BC Hydro and/or the municipality.
#CA9834382
- (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) Owners and their contractors engaged in renovations, alterations or maintenance that involves the use of power tools, hammers, pressure washers or any other noise producing equipment are restricted to the hours of work between 8:00 AM and 6:00 PM, Monday through Saturday.

7. **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, except as provided in Bylaw 3(8).
- (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.
- (3) Owners and their contractors engaged in renovations, alterations or maintenance that involves the use of power tools, hammers, pressure washers or any other noise producing equipment are restricted to the hours of work between 8:00 AM and 6:00 PM, Monday through Saturday.
- (4) Owners are not permitted to place or make donations of furniture, plants, décor, exercise equipment or any other items for the common property areas of the apartments or the clubhouse without permission of Council. Should the Council decide to accept the donation, it becomes the property of the Strata Corporation and may be sold or disposed of at any time without consultation of the individual making the donation.

Owners are not permitted to remove any furniture, plant, décor, exercise equipment or any other items without the written permission of the Strata Council.

8. **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, 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

9. **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;
 - (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 except that the requirement to keep drains free from snow, leaves and debris is the responsibility of the owner, occupant or tenant;
 - (D) doors and windows and skylights on the exterior of a building or that front on the common property except that the responsibility of repairing, replacing and maintaining any attached hardware of doors, windows and garage doors and to clean owner accessible doors and windows is that of the owner, occupant or tenant; and
 - (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 except that the requirement to keep drains free from snow, leaves and debris is the responsibility of the owner, occupant or tenant,
 - (iv) doors, windows and skylights on the exterior of a building or that front on the common property except that the responsibility to clean owner accessible doors and windows is that of the owner, occupant or tenant; and
 - (v) fences, railings and similar structures that enclose patios, balconies and yards
- (2) The balcony/patio areas outside the strata lots are for the owner, tenant or occupant's personal use.
- (3) An owner, tenant or occupant is responsible for ensuring that drain covers are kept clear at all times and that snow/ice, leaves and debris are removed from their balcony/patio to ensure that water ingress into the strata lot does not occur. Notwithstanding the provisions of any other bylaw, any damage done to the strata lot due to water ingress resulting from a failure on the part of the owner, tenant or occupant to meet these requirements is the sole responsibility of the strata lot owner. Where an owner, tenant or occupant is unable due to age, infirmity or other disability to clear their balconies or patios the Caretaker should be informed, and a request made for assistance. The Caretaker will endeavor to find someone to undertake the cleaning, the cost of which shall be borne by the owner. Any request for such help must be made in a timely fashion bearing in mind that whether help is immediately available or not, the owner is responsible for repairing any damage to the strata lot that occurs due to water ingress resulting from a buildup of snow and/or ice, leaves or debris.

- (4) The enclosed patio area outside ground floor suites are for the owner, tenant or occupant's personal use and the owner, tenant or occupant is responsible for the landscaping care and gardening maintenance or their immediate patio area.

DIVISION 3 – COUNCIL

10. Council Size

- (1) Subject to subsection (2), the Council must have at least 3 and not more than 7 members.

10.1 Council Membership

- (1) An owner of a strata lot whose strata fees are in arrears for more than thirty days is ineligible for election to the council.
- (2) A council member whose strata fees are in arrears for more than thirty days must resign from council.
- (3) Spouses or partners of owners are eligible to be nominated for council, and if elected, to serve on Strata Council holding the same rights as any owner.
- (4) Only one individual per Strata Lot may be on Council at any one time.

11. Council Members' Terms

- (1) Subject to sub sections (2), (3), and (4), Council Members shall be elected at each Annual General Meeting except as otherwise provided.
- (2) Four council members shall be elected for a two-year term from the date of the election, three council members shall be elected for a one-year term from the date of the election, thereafter the number of persons elected to Council at any Annual General Meeting shall be the number whose term is expiring on the date of that meeting.
- (3) All nominees elected to the strata council will serve a two-year term from the date of election, after the initial election.
- (4) A person whose term as council member is ending is eligible for re-election.

12. Removing Council Member

- (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.

13. Replacing Council Member

- (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 unless there is no person who is willing to fill the position.
- (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.

14. 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, 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 period of 2 or more months, the Council members may appoint a replacement officer from among themselves for the remainder of the term.

15. 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 feasible after the meeting has been called.

16. 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 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.

17. 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.
- (2) Council members must be present in person at the Council Meeting to be counted in establishing quorum.

18. 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. Communication is to be defined as being oral and all council members and participants must be capable of hearing the entire conversation.
- (2) If a council meeting is held by electronic means, council members are deemed to be present in person. From time to time the council may be permitted to deal with urgent matters via an email vote provided that all council members have an opportunity to participate and that any decision is recorded in the next set of minutes.
- (3) Owners may attend council meetings as observers.
- (4) Despite subsection (1), 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.

19. 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.

20. 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.

21. 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.
 - (a) Nominations Committee shall be appointed by the Chairperson at least three months prior to the Annual General Meeting and a Notice posted to accept nominations. Nominations will also be accepted from the floor at the Annual General Meeting. The nominee must acknowledge in writing, or publicly at the Annual General Meeting, their willingness to serve.
 - (b) **Resolutions Committee**
A Resolution Committee comprised of three council members and two residents shall be appointed by the chairperson. This Committee will accept submissions no later than two months before the Annual General Meeting. The Resolution Committee will review submissions for recommendation to Strata Council, for their consideration, for presentation to the Annual General Meeting.
- (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.

22. 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 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.

23. Limitation on Liability of Council Member

- (1) For the purposes of section 98(2) the maximum expenditure, together with all other unapproved expenditures, shall not exceed \$10,000.

DIVISION 4 - ENFORCEMENT OF BYLAWS AND RULES**24. Maximum Fine**

- (1) The strata corporation may fine an owner or tenant a maximum of:
 - (a) except as otherwise set out below, a fine of up to \$200.00 for each contravention of a bylaw;
 - (b) \$1,000.00 per day for a contravention of Bylaw 38(a);
 - (c) \$50.00 for each contravention of a rule.
- (2) Fines levied by the strata corporation shall be due and owing along with the next installment of strata maintenance fees.

25. Continuing Contravention

- (1) Except in relation to Bylaw 38(a) (for which a fine may be imposed for each day), 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**26. 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.

27. 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.
- (4) A vote for strata lot may not be exercised, except on matters requiring a unanimous vote, if the strata corporation is entitled to register a lien against that strata lot under Section 116 of the Strata Property Act of B.C.

28. 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, 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) An eligible voter may exercise his vote on all matters concerning the Strata Corporation. A non-eligible voter, a voter against whom the Strata Corporation is entitled to register a lien, may not exercise his vote on any matters concerning the Strata Corporation, unless a unanimous vote is required.

29. Fiscal Year End

- (1) The fiscal year-end is the last day of February of each calendar year.

30. Order of Business

- (1) The order of business at Annual and Special General Meeting 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 and if deemed appropriate to approve the financial statement for the past fiscal year;
 - (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) elect a Council, if the meeting is an Annual General Meeting;
 - (j) ratify any new rules made by the Strata Corporation under section 125 of the Act;
 - (k) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an Annual General Meeting;
 - (l) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an Annual General Meeting;

- (m) deal with new business, including any matters about which notice has been given under section 45 of the Act;
- (n) terminate the meeting.

DIVISION 6 - VOLUNTARY DISPUTE RESOLUTION

31. 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 – MISCELLANEOUS

INSURANCE

32. Insurance Deductible and Damage to Property

- (1) The owner of a strata lot shall be obligated to pay to the strata corporation upon demand the amount of any insurance deductible paid by the strata corporation in relation to any claim made under or against the strata corporation's insurance policy, the cause of which claim the owner, a tenant, an occupant of that owner's strata lot or their guest or invitee are responsible for or the source of the damage giving rise to the claim originated in that owner's strata lot.
- (2) If an owner makes an insurance claim under the strata corporation's insurance policy in relation to any portion of that owner's strata lot which the strata corporation is required to insure for which the owner, a tenant, an occupant of that owner's strata lot or their guest or invitee are responsible for the damage which gave rise to the claim, the owner shall pay directly any deductible related to such claim.
- (3) The strata corporation, subject to the terms of the Strata Property Act and these bylaws, shall recover from an owner or tenant (as the case may be) the costs to repair any physical damage to the common property, limited common property or those portions of a strata lot which the strata corporation is required to repair and which is not covered by the strata corporation's insurance policy for which the owner, a tenant, an occupant of the strata lot or their guest or invitee are responsible or the source of which originated in that strata lot. The strata corporation may choose to seek recovery (including suing) from only the owner of a strata lot in relation to damage caused by a tenant or occupant of that strata

lot or their guest or invitee. Nothing in this section shall act to restrict the rights of the strata corporation pursuant to s.133 of the Strata Property Act.

- (4) The owner of a strata lot shall be obligated to pay to another owner the costs (including any insurance deductible) to repair any damage to that other owner's strata lot for which the owner, a tenant, an occupant of the strata lot or their guest or invitee are responsible or the source of which originated in the owner's strata lot.

33. Court Actions

- (1) In accordance with section 171(4) the authorization referred to under section 171(12) is not required for a proceeding under the Small Claims Act. Such proceedings may be commenced with the approval of the Council only.

34. Garbage

- (1) Any articles or material other than normal household garbage and recyclables must be removed by, and at the expense of, the owners, tenants and occupants of the strata lot from which the articles or materials originated. All normal household garbage, organics or recycling must be stored in containers with secure lids, and all government regulations pertaining to recycling must be followed. A secure lid can be quite simple provided that it makes it difficult for birds, rodents and animals to access. Organic bins or totes must have the handle moved to the locked position. For those units who receive curbside collection of garbage, green waste and recyclables the containers for each must be kept within the strata lot and not outside except between 6 PM the day before the scheduled collection and 9 PM the day of collection. Owners are responsible for cleaning up any mess made by birds or animals.

35. Rental Restrictions (Approved Amendment at AGM held 2023 04 17 - #CB582429)

- (1) Should an owner rent a strata lot that owner must submit a signed Notice of Tenant's Responsibilities (Form K) to the strata corporation within the time limit allowed under the Act.
- (2) An owner who fails to submit a signed Tenant's Responsibilities (Form K) within the time limit allowed under the Act shall be subject to a fine to be determined by Council, for every seven days that the strata lot is rented and the strata corporation is not in receipt of a signed Notice of Tenant's Responsibilities (Form K).

36. Age Restriction and Occupancy of Strata Lots #CB459532

- (1) No person under the age of 55 years shall reside in a strata lot.
- (2) For the purposes of this bylaw, any person occupying a strata lot for more than 30 days (cumulatively or consecutively) in a calendar year shall be deemed to reside in the strata lot.
- (3) Notwithstanding subparagraphs (1) and (2) a person who is under 55 years of age and is:
 - (a) the spouse (as defined in Regulation 8.1(2) of the Act) of an owner or tenant who is 55 years of age or older; or

- (b) otherwise exempt under the Act; may also reside in the strata lot with a person over 55 and shall not be deemed to be in contravention of this bylaw.
- (4) The strata council may, upon request by an owner or tenant, extend in writing the period in subsection (2) in relation to a specific individual for up to 6 months.

37. Maximum Occupants #CB459532

- (1) Chelsea Gardens units are defined under the Strata Plan and Disclosure Statement and state a maximum of two (2) bedrooms throughout the Strata Corporation and each strata lot shall be subject to the following limits on the number of persons who may reside in the strata lot at any given time:
 - (a) no more than 2 persons in a one-bedroom strata lot;
 - (b) no more than 4 persons in a two-bedroom strata lot;

38. Short-Term Accommodation #CB459532

- (1) An owner, tenant or occupant must not:
 - (a) use or allow their strata lot (or any part of it) to be used for the purposes of providing temporary accommodation for the general public including, but not limited to:
 - (i) as vacation or travel accommodation;
 - (ii) any sort of paid short-term accommodation arrangement that is not a tenancy;
 - (iii) as a home exchange or other similar arrangement
 - (b) allow, permit, agree or otherwise grant a license to a person who ordinarily resides outside the strata corporation to occupy their strata lot while they are absent from the strata lot:
 - (i) in exchange for money; or
 - (ii) for a period for greater than 6 months

39. Parking and Storage of Vehicles

- (1) An owner, occupant, or tenant must not use parking stalls for other than the parking of licensed and insured motor vehicles, trailers, motorcycles, electric scooters, and bicycles, unless otherwise approved in writing by Council. The parking of any other type of vehicle or the storage of any other item is not permitted. The condition of the vehicle must be in such that the vehicle must be able to move and does not have any major mechanical flaw, leaking oil or flat tires.
- (2) No person shall store combustible materials in a parking stall under any circumstances.
- (3) Any owner, occupant, tenant, or visitor that leaves any item anywhere on or in the common property, or on any limited common property, does so at his/her own risk subject to any claim that may properly be made under any insurance policy maintained by the Strata Corporation.

- (4) An owner, occupant or tenant shall not allow any motor vehicle, recreational vehicle, boat or trailer to be stored in the common parking area without prior consent in writing from Council. The owner shall provide the Management Company with proof of "Liability and Physical Damage Insurance" coverage for the total period of storage in the amount of not less than One Million dollars (\$1,000,000.00). Violation of these bylaws will result in a vehicle being towed off the property at the owner's risk and expense.
- (5) An owner, occupant or tenant shall not park or allow to be parked, any motor vehicle in any apartment parkade or in a townhouse garage anywhere except in the space specifically allocated to his/her own strata lot, except when a private arrangement is made in writing between two owners of strata lots.
- (6) An owner, occupant, tenant or visitor shall not carry out any oil changes, major repairs or adjustments to motor vehicles, boats or other mechanical equipment on common property or any limited common property, except in the case of an emergency.
- (7) An owner, occupant or tenant must promptly and at his/her own expense, clean up any oil or other substance, which spills or leaks onto the common or limited common property.
- (8) An owner, occupant, tenant or visitor shall not park, or allow to be parked, any vehicle in any area designated or marked as a "Fire Lane" unless they are a service vehicle or loading or unloading an RV.
- (9) Vehicles shall not be backed into townhouse visitor parking stalls.
- (10) Vehicles cannot park in any parking stall where the vehicle extends past the apron in a townhouse driveway and past the painted lines in the apartment parkades or townhouse visitor parking locations.
- (11) No vehicle exceeding 4000 Kg. G.V.W. shall be parked or brought onto the common Property without consent of the Strata Council, except when used in delivery, removal, or providing a service to a strata lot or the Strata Corporation excluding RV's.
- (12) An owner, tenant or occupant (herein a "Resident") must not park their vehicles on the common property or in the visitor parking area except with permission from the Caretaker for valid reasons and only to a maximum of 48 hours. Any resident seeking to park in a visitor stall for longer than 48 hours must apply, in writing, to the Strata Council stating the reasons for the request and, in general, this extension shall not be more than three days except under extenuating reasons. Any guest planning to utilize the visitor parking for more than 48 hours and up to seven days shall notify the Caretaker. The maximum permitted parking by a visitor shall be no longer than seven days in any ninety day period without council permission.
- (13) Written notice is not required to tow in the event of a second or subsequent infraction of this bylaw.
- (14) Remote clickers, fobs, access control cards and Chelsea Gardens common area keys are not to be left unattended in vehicles whether on Chelsea Gardens Common or Limited Common Property or off-site elsewhere. If these items are lost or stolen the Strata Corporation will be entitled to charge back to the owner the cost of the Strata Corporation insurance deductible and any non-insurable costs such as extra staff wages or security personnel costs.

- (15) A visitor may not park their vehicle on a regular basis in an owner designated apartment stall without the approval of the owner assigned that parking stall and without a written notice to the Strata Council, Strata Management or the caretaking staff.

40. Recreational Vehicles

- (1) For the purposes of this bylaw a “recreational vehicle” shall be defined to be:
- (a) a motorhome, Class A, B or C. Towing dollies must be parked in the same stall as the motorhome.
 - (b) a travel trailer (with a designated vehicle to tow the trailer if space permits);
 - (c) a boat and trailer that is designed for the transportation of the boat and that is not a utility trailer;
 - (d) a fifth wheel trailer (with a designated vehicle to tow the trailer if space permits);
 - (e) a truck camper (and the pick-up truck if parked in the same spot or, if on blocks or supports, the pick-up truck must be underneath the camper);
 - (f) a tent trailer;
 - (g) utility trailers will be accommodated if space permits and they must be removed should that space be required by any of the other listed RV categories. The Strata Corporation will provide 30 days notice to vacate.

The Strata Corporation accepts no responsibility for theft or damage to any item stored in the RV lot.

- (2) The strata council may form a committee called “The Recreational Vehicle Committee” and it shall be responsible for making recommendations to the strata council as to the operation of the Recreational Vehicle Parking Lot and council may delegate responsibility for the allocation of parking spaces within the recreational vehicle parking lot.
- (3) Recreational vehicles may only be parked in the R.V. Parking lot and may only be parked in the parking stall assigned. Only recreational vehicles owned by and registered to residents and intended for their personal use may be parked in the R.V. parking lot. Insurance as required by the strata council must be maintained at all times and proof must be provided when requested.
- (4) Notwithstanding the provisions of Bylaw 37 (3), recreational vehicles may be parked temporarily on common property or limited common property for the purposes of loading or unloading, for no more than four (4) hours in a 24-hour period but not overnight. If adjacent driveways are to be blocked the RV owner is to attempt to contact all affected residents in advance so as to give them an opportunity to move their vehicles. Regardless of this advance notice, should an affected resident require that the RV be moved to permit their vehicle to enter or leave the strata lot, the RV owner will promptly move the RV.
- (5) A monthly fee, as determined by the strata council at the beginning of each fiscal year, shall be levied for use of each parking stall in the R.V. Parking Lot.
- (6) Parking stalls in the R.V. Parking Lot shall be assigned on a first-come first-serve basis.

- (7) All RV's as defined by bylaw 38 (1) must be roadworthy and capable of being immediately driven off the RV lot.
- (8) If space is available and not required for RV's or tow vehicles or strata use, residents may apply for permission to park passenger vehicles, registered and insured in the name of the Chelsea Gardens resident, at a monthly fee as set out annually in the rules. The maximum size for such vehicles is a 12-person passenger van. Rentals are based on a "last-in" – "first-out" basis and a vehicle will have to be removed within 7 days should the space be required for an RV; a tow vehicle or strata use. The fee for a key deposit will still apply. **#CA9834382**

41. Recreational Facilities

- (1) The pool, lounge, and spa (the "recreational facilities") are for the use of owners and occupants ("residents") and their invited guests only. A resident must accompany any guests using these facilities.
- (2) Use of the pool by temporary residents or guests under the age of 19 shall be restricted to those hours set by the strata council as set out in the Rules. Temporary residents and guests under the age of 19 shall not make use of the recreational facilities at any time, unless accompanied by an adult resident.
- (3) The strata council shall not make, and the strata corporation shall not ratify, any rule which grants priority in the use of the recreational facilities to temporary residents or guests under the age of 19 over residents.
- (4) The strata council shall determine annually the charges for the use of the common property guest accommodation. Any rules passed in relation to the common property guest accommodation shall have the object of safeguarding the quiet enjoyment expected in a mature adult environment.
- (5) The strata corporation may retain a social director to assist residents in the use of the common facilities, or the organization of events, tours, or other matters of interest to the residents.

42. Resale of Strata Lots

- (1) Advertising and signage regarding the sale of a strata lot may only be displayed on the central directory board created for this purpose:
- (2) Owners or agents may erect and place directional, location and advertising signage on the individual strata lot during the hours of an open house, to aid prospective purchasers to view the strata lot for sale.

43. Contribution by Type

- (1) For purposes of Section 99 of the Act and Regulation 6.4(2), all of the strata lots having civic address 13888 – 70th Avenue, Surrey, British Columbia, (being Strata Lots 1 to 67, 100 to 161, 226 to 323 and 388 to 395 inclusive and identified as "Townhouses") shall be considered one type of strata lot and all of the strata lots having a civic address of 13860, 13870 and 13880 – 70th Avenue, Surrey, British Columbia (being Strata Lots 68 to 99, 162 to 225, and 324 to 387 inclusive and identified as "Apartments"), shall be considered a different type of strata lot for the purpose of allocating expenses which relate to and benefit only one of these types of strata lots. If a contribution to the Operating Fund relates to and benefits only one of these types of strata lots, such contribution is to be shared only by the owners of strata lots of that type and each strata lot's share of

that contribution is to be calculated in accordance with the formula which has as its numerator the unit entitlement of the strata lot within that type and as its denominator the total unit entitlement of all strata lots within that type.

44. Investment Committee

- (1) A permanent Investment Committee may be established having the following terms of reference:
 - (a) strata council shall establish the general terms of reference for the investment program;
 - (b) the investment committee shall consist of three (3) members, each appointed or elected by the ownership for a total 3-year term, with one-third being selected each year. Members who have completed their term are eligible to serve again. Members will be drawn from the ownership-at-large, and one and only one of the Investment Committee members may be a current council member.
 - (c) this committee is to evaluate investment options and bring their recommendations to the council.
- (2) Permitted investments
 - (a) Regardless of whether or not an Investment Committee has been established, the Strata Council shall not make any investments of strata corporation funds (including funds in the contingency reserve fund) that:
 - (b) Involve any risk of loss to the principle investment
 - (c) Deviated from permitted investments as defined by the Strata Property Act and Regulations
 - (d) Had a penalty for early termination other than a loss of interest
- (3) Should a Strata Council wish to proceed with an investment(s) contrary to the above bylaw they **MUST** seek owner permission via a $\frac{3}{4}$ vote at a Special or Annual General Meeting.

45. Disposition of Property

- (1) For the purposes of Section 82 (3) (a) of the Strata Property Act the Strata Corporation may dispose of personal property, owned by the Strata Corporation without requiring a $\frac{3}{4}$ vote at a General Meeting provided that the market value of the property is less than \$5000.00.

46. Security Cameras and Video Surveillance

- (1) The Corporation shall install or maintain and operate a video surveillance system on the Common Property or Limited Common Property of the Corporation, such system including but not limited to video cameras in Common Property or Limited Common Property of the Corporation which transmit and record images of activities on the Common Property or Limited Common Property.

- (2) The Corporation shall collect information through the use of the Corporation's video surveillance system, including but not limited to personal information of persons who pass over the Common Property or Limited Common Property of the Corporation. Such personal information may include but is not limited to video and still photographic images.
- (3) The Corporation shall collect information through the use of the Corporation's computerized access fob system, including but not limited to personal information of Owners and Tenants. Such personal information includes but is not limited to the name of the individual to whom the fob is issued and dates and times of access by the associated fob to those parts of the building accessed via fob.
- (4) Video surveillance is authorized for the purpose of security and the prevention and/or subsequent attempts to identify persons engaged in criminal activities
- (5) Video surveillance is also authorized for the purpose of bylaw enforcement and may be used by the Strata Corporation to determine whether an owner, occupant, visitor or guest has contravened a bylaw or rule. Video surveillance must be strictly controlled for privacy purposes and may only be viewed by designated privacy officers on Council and only after there has been an incident impacting site security or a potential bylaw or rule violation. Video footage is not to be retained for longer than might be needed as evidence.