

STRATA CORPORATION VAS 2893

North Oaks

**767 North
Road**

Gibsons, BC

By-laws

Revised April 2019

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STRATA PROPERTY ACT
Part 7 – By-laws and rules

Division 1 – General

Nature of By-laws

- 119 1 The Strata Corporation must have by-laws
- 2 The by-laws may provide for the control, management, maintenance use and the enjoyment of the strata lots, common property and common assets of the Strata Corporation and for the administration of the Strata Corporation.

1. An owner must pay strata fees on or before the 1st day of the month to which the strata fees relate. As per the Act, Regulations and any amendments, failure to meet this requirement may result in a fine.
 2. (1) An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the Strata Corporation under these by-laws.
(2) An owner who has 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 by-laws.
 3. (1) An owner, occupant or visitor must not use a strata lot, the common property, or common assets in a way that:
 - a) Causes a nuisance or hazard to another person
 - b) Causes unreasonable noise
 - c) Unreasonably interferes with the rights of the other persons to use and enjoy the common property, common assets or another strata lot
 - d) Is illegal, or
 - e) Is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.(2) An owner, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.
(3) An owner, occupant or visitor must ensure that all animals are under control. They must be leashed or otherwise secured when on the common property or land that is a common asset, and must ensure that any excrement is cleaned up immediately. However, the backyards must be cleaned up of excrement on a regular basis.
 - a) Patios and decks at the rear of strata lots are not to be used as a place for pets to relieve themselves of urine and excrement.(4) An owner or occupant must not keep any pets on a strata lot other than one or more of the following:
 - a) up to two caged birds
 - b) a maximum of 1 dog, or 2 indoor cats, or 1 dog and 1 indoor cat, as long as those pets are no more than 18 inches in height, from the top of the shoulders to the ground, at full growth.
Notwithstanding bylaw 3 (4b)
This bylaw does not affect present owners who currently have one dog that is over 18 inches in height at full growth. However, any pet acquired in future must be within the bylaw regulation.
 - c) no reptiles or small caged mammals(5) Owners of pets are required, upon purchase of a strata unit, to complete a North Oaks Pet Registration Form and submit it to the Strata Council President.
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4. Within two 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, if any.

5. (1) An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves any of the following:
 - a) The structure of a building
 - b) The exterior of a building
 - c) Chimneys, stairs, patios or other things attached to the exterior of a building
 - d) Doors, windows or skylights on the building's exterior, or that front on common property
 - e) Fences, railings or similar structure that enclose a patio or yard
 - f) Common property located within the boundaries of a strata lot
 - g) Those parts of the strata lot which the Strata Corporation must insure under Section 149 of the Act
- (2) The Strata Corporation must not unreasonably withhold its approval under subsection (1) and will require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses related to the alteration.
 - a) Any owner who has had alterations or additions to their units installed, either by themselves or a previous owner, will be responsible for the maintenance of said alterations and additions. In the event the addition or alteration has to be removed to perform maintenance, repair or new installations to the building, the owner shall be responsible for the removal of the addition or alteration and any expenses involved.
6. An owner, occupant or visitor must allow a person authorized by the Strata Corporation to enter the strata lot:
 - a) In an emergency, without notice, to ensure safety or prevent significant loss or damage and
 - b) At a reasonable time, on 24 hours written notice or notice by phone, 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 by-laws or insure under Section 149 of the Act. The notice must include the approximate time of entry and the reason for entry.
7. 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) Fences and existing gates that enclose the complex and divide the back yards

8. The council must have at least 4 and not more than 7 members.
9. (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.
10. If a council member resigns or is unwilling or unable to act for a period of two or more months, the remaining members of the council may appoint a replacement council member for the rest of the term.
11. (1) At the first meeting of the council held after each Annual General Meeting of the Strata Corporation, the council must elect, from its members, a president, a vice president, a secretary and a treasurer.
(2) A person may hold more than one office at a time, other than the offices of president and vice president
(3) The vice president has the powers and duties of the president,
 - a) while the president is absent or is unwilling or unable to act, or
 - b) for the remainder of the president's term if the president ceases to hold office
(4) If an officer other than the president is unwilling or unable to act for a period of two or more months, the council may appoint a replacement officer from among themselves for the remainder of the term.
12. (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 agree.
13. If a hearing is requested, a letter must be given to council outlining the reason for the hearing request. Council must hold a meeting to hear the applicant at the next scheduled council meeting. If the purpose is to seek a decision of the council, the council must give the applicant a written decision within one week of the hearing.
14. (1) A quorum of the council is:
 - a) 3, if the council consists of 4 or 5 members
 - b) 4, if the council consists of 6 or 7 members
(2) Council members must be present in person at a council meeting to be counted in establishing a quorum.
15. (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 vote.

- (3) The results of all votes at a council meeting must be recorded in the meeting minutes.
16. The council must inform owners of the minutes of all council meetings within two weeks of the meeting, whether or not the minutes have been approved.
17. (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 by-laws.
(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.
18. (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 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.
19. The Strata Corporation may fine an owner or tenant a maximum of:
 - (a) \$200 for each contravention of a by-law and
 - (b) \$50 for each contravention of a rule.If an activity or lack of activity that constitutes a contravention of a by-law or rule continues, without interruption, for longer than 7 days, a fine may be imposed every 7 days.
20. (1) Annual and Special Meetings must be chaired by the president of the council.
(2) If the council president is unable or unwilling 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 or by proxy from among those who are present at the meeting.
21. (1) At an annual or special meeting, voting cards must be issued to eligible voters.
(2) At an annual or special 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 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 meeting, the president, or if the president is absent 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.

22. The order of business at the annual and special general meeting is as follows:
- (a) certify proxies 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 the meeting
 - (e) approve the agenda
 - (f) approve the 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
 - (l) deal with new business
 - (m) elect a council, if the meeting is an annual general meeting
 - (n) terminate the meeting
23. 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 if
 - (a) All the parties to the dispute consent, and
 - (b) the dispute involves the Act, regulations, bylaws or the rules.
 - (2) A dispute resolution committee consists of
 - (a) an owner of the Strata Corporation nominated by each of the disputing parties and an owner chosen to chair the committee by the persons nominated by the disputing parties, or
 - (b) any number of persons consented to, or chosen by a method that is consented to by all the disputing parties.
 - (3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.
24. Strata lots shall be used exclusively as a single family dwelling. Strata Lots shall not be used for commercial or any purpose that would be injurious to the Strata Corporation or its owners.
25. An owner wishing to sell their unit may have one free standing sign placed outside the complex fence on the boulevard. In addition, one small sign may be placed in the window of the unit for sale.
26. (1) No strata lot shall be rented at anytime (Subject to section 141 of the Strata Property Act.)
- (2) In the case where an owner is unable to sell his/her unit, an owner may apply to the Strata Corporation for an exemption from the rental restriction on the grounds that the restriction causes hardship to the owner.

To qualify as a hardship case, an owner must show cause and/or nature of the hardship, but not including inability to sell if the selling price is not realistically set relative to the prevailing market price. Financial hardship in and of itself will not be considered a hardship for the purpose of this section. The exemption permitted shall be for a maximum of six months.

27. An owner is allowed to plant flowers and plants as long as this does not interfere with the cutting of the grass or maintenance of the strata unit. An owner will be responsible for the upkeep of all flower beds and gardens in the front, rear and side of their strata unit.
28. (1) No parking of owners' motor homes, campers, trailers, boats or equipment on the common property.
(2) Visitors may park recreational vehicles between units 2 and 3 for one week with council's approval.
(3)
 - i. All duplex units have a parking stall (garage) that is part of their Strata Lot and is for their exclusive use.
 - ii. Non-duplex units (3 – 7, 16 – 19 and 20 – 22) have use of parking stalls that are Common Property.
 - iii. Twelve (12) parking stalls are marked with a unit number (as noted in point ii) that indicates it is primarily for use by the corresponding unit. The stall remains common property and is not exempt from use by others.
 - iv. All owners and their visitors will not park in the marked stalls (other than the one marked for their unit) whenever possible.
 - v. All owners of more than one vehicle must seek permission from the Strata Corporation to park on common property. Parking will be allowed for one additional vehicle only and in accord with all current Bylaws.
29. All vehicles without current licensed insurance will not be allowed to park on common property.
30. Repairs to motor vehicles and motorcycles will not be allowed on common property.
31. The Strata Corporation may decide on reasonable grounds only that a parked vehicle is not appropriate in the common area and request its removal.
32. No hot tubs and no propane tanks to fuel a gas fireplace are allowed.
33. All hedges, trees, shrubs and vines, planted by the present or past owners of a strata unit, are the responsibility of the present owner of the strata unit. This includes all pruning, trimming, care and financial cost.
34. North Oaks is a 55+ adult oriented strata complex.

Notwithstanding Bylaw 34, this bylaw is not applicable to present owners who are under the age of 50+. It becomes effective upon the sale of your strata unit.

35. (1) An owner shall indemnify and save harmless the Strata Corporation from the expense of any maintenance, repair or replacement rendered necessary to the common property, limited common property, common assets or to any strata lot by the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family, but only to the extent that such expense is not reimbursed from the proceeds received by the operation of any insurance policy. In such circumstances, any insurance deductible paid or payable by the Strata Corporation shall be considered an expense not covered by the proceeds received by the Strata Corporation as insurance coverage and will be charged to the owner.
- (2) Notwithstanding Bylaw 35
- (A) An owner is strictly liable for any damage to common property, limited common property, common assets or to any strata lot, if not maintained, as a result of:
- (i) any of the following items in the strata lot:
 - (a) dishwasher (b) refrigerator with ice/water dispensing capabilities (c) garburator (d) hot water tank (e) toilets, sinks, bathtubs, showers, washing machines, installed water purifiers and, where located wholly within the strata lot, plumbing pipes and fixtures (f) fireplaces (g) anything introduced into the strata lot by the owners, or prior owners (h) any alterations made to the strata lot by the owner or prior owners.
 - (ii) where an owner has left their strata lot unoccupied and unattended by a competent person for 4 consecutive days or more, any pipe bursts due to weather conditions.
 - (iii) areas of limited common property that an owner is required to maintain and repair.
 - (iv) any alterations or additions to limited common property or common property undertaken by the owner or by prior owner(s) of the strata lot
 - (v) any pets residing in or visiting the owner's strata lot
 - (vi) any children visiting the owner's strata lot; and
- (B) an owner shall indemnify and save harmless the Strata Corporation from the expense of any maintenance, repair or replacement rendered necessary to the common property, limited common property, common assets or to any strata lot arising from bylaw 35, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, any insurance deductible paid or payable by the Strata Corporation shall be considered an expense not covered by the proceeds received by the Strata Corporation as insurance coverage and will be charged to the owner.