



PO Box 5065

Port Hardy, BC V0N 2P0

## BYLAWS

Strata Plan VIS 2090  
**SEAWIND ESTATES**  
(as of February 2023)

### Preamble

These bylaws bind the Strata Corporation, owners, tenants and all people residing in the Seawind Estates to each other and to the Strata Corporation as if every person had a signed contract with every other person in the Estates and between themselves and the Strata Corporation.

Terms used conform with definitions set out in the Strata Property Act chapter 43 part 1.

### Duties of Owners, Tenants, Occupants and Visitors

#### 1. Compliance with bylaws and rules

1.1 All owners, tenants, occupants and visitors must comply with the currently binding bylaws and rules of the Strata Corporation.

#### 2. Payment of strata fees and special levies

2.1 Owners must pay the correct strata fees owing, on or before the first day of the month to which the strata fees relate.

2.2 Where an owner fails to pay strata fees in accordance with bylaw 2.1, outstanding strata fees will be subject to an interest charge of 10% per annum, compounded annually.

2.3 Strata fees may be paid by pre-authorized debit, e-transfer or cheque.

2.4 If paying by cheque, post dated cheques to cover each month until the following February must be provided in person or by mail to the Strata treasurer.

2.5 A special levy is due and payable on the date or dates noted in the resolution authorizing the special levy.

2.6 Repealed

2.7 Where an owner fails to pay a special levy in accordance with bylaw 2.5, outstanding levies will be subject to an interest charge of 10% per annum, compounded annually.

2.8 When arrears of strata fees exceed two monthly payments, the Strata Corporation may give the owner a formal letter demanding payment within 2 weeks. If payment is not received within these two weeks, the strata may proceed and place a lien on the property.

2.9: Repealed

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### **3. Repair and maintenance of property by owner**

3.1 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. An owner is responsible to maintain and replace things located inside their unit, including appliances, fans, and their hot water tank. An owner is not responsible for maintaining things inside the common wall such as the maintenance of dryer vents, but must notify council if they detect a problem that is strata responsibility.

3.2 Repealed.

3.3 The following municipal permits are required whenever applicable:

(a) Building permit:

(b) Electrical permit: (Requires a licensed electrician)

(c) Plumbing permit: (Requires a licensed plumber)

### **4. Use of Property**

4.1 An owner, tenant, occupant or visitor must not use a strata lot, the common property, or common assets in a way that:

(1) Causes a nuisance or hazard to another person.

(2) Causes unreasonable noise.

(3) Unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot.

(4) Is illegal, or

(5) 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.

(6) That is in contravention of any rule, order or bylaw of the local government applicable to the strata lot or that will result in any unusual or objectionable odour to emanate from the strata lot, or that is inconsistent with the intent of these bylaws.

4.2 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.

4.3 – 4.4 Repealed

4.5 An owner, tenant, occupant, or visitor must not use, or permit to be used, the strata lot except for residential purposes and unless granted prior written approval by the council, an owner, tenant, occupant, or visitor must not allow occupancy except in compliance with these bylaws.

### **5 Pets and animals**

5.5 Owners, tenants and occupants shall be fully responsible for the behaviour of their pets in the Seawind Estates. They are also responsible for clean up and damage repair caused by their own or their visitor's pets. If a complaint about an animal is received, and deemed valid by the strata council, the following steps shall be taken:



- The council will issue a formal written notice to both the strata lot owner and the tenant or occupant, if different than the owner, detailing the nature of the complaint and resolution required.
  - The recipient(s) of this notice will have 7 days to respond to the council by correcting the offence or explaining what actions will be taken and within what timeline they will correct the offence.
  - Failure to respond within 7 days will result in applicable fines and, at Strata Council's discretion, removal of the pet from the Strata Corporation.
- 5.6 Any strata lot housing pets must register their pets within 10 days of the pet entering the premises, using the registration form provided by the Strata Council. All pets eligible for licensing under the District of Port Hardy bylaw must be licensed and abide by the District of Port Hardy bylaws. Proof of licensing must be included in the pet registration form for Strata Council.
- 5.7 Repealed
- 5.8 An owner, tenant or occupant shall not feed nuisance birds such as pigeons, seagulls, crows, starlings and other birds from any Strata Lot or the common property.
- 5.9 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. Maximum tank size 20 gallons.
  - (b) A reasonable number of small caged mammals.
  - (c) Up to 2 caged birds.
  - (d) Up to 2 dogs or cats (i.e. 2 dogs OR 2 cats OR 1 cat and 1 dog).
- Where numbers are listed as "reasonable" the following definition will apply: At the discretion of Strata Council, a number is considered "reasonable" when an owner, tenant or occupant is able to care for their pets in a way that is both humane and does not interfere with neighbouring owners, tenants and occupants enjoyment of their own strata lots.
- 5.10 Dogs must always be leashed while on common property. Owners must clean up immediately after their pet.
- 6. Inform Strata Corporation**
- 6.1 Within 2 weeks of becoming an owner, an owner must inform the Strata Corporation of the owner's name, strata lot number, and the following as applicable: phone number, email contact information and mailing address outside the strata plan, if any.
- 6.2 On request by the Strata Corporation, a tenant must inform the Strata Corporation of the tenant's name and the strata lot which the tenant occupies.
- 7. Obtain approval before altering a strata lot.**
- 7.1 An owner must obtain the written approval of the Strata Corporation before making or authorizing an alteration to a strata lot that involves any of the following:
- (1) The structure of the building
  - (2) The exterior of a building
  - (3) Patios, stairs, balconies or other things attached to the exterior of a building

- (4) Doors or windows on the exterior of a building, or that front on the common property
  - (5) Fences, railings or similar structures that enclose a patio, balcony or yard
  - (6) Common property located within the boundaries of a strata lot
  - (7) Those parts of the strata lot which the Strata Corporation must insure under section 149 of the Strata Property Act.
  - (8) Wiring, plumbing, piping, heating, air conditioning and other services
  - (9) the painting of the exterior, or the attachment of sunscreens or greenhouses.
- 7.2 The Strata Corporation must not unreasonably withhold its approval under bylaw 7.1, 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.

7.3 An owner must provide information to Strata Council as requested, in order to obtain the permission sought.

## **8 Obtain approval before altering common property**

8.1 An owner must obtain the written approval of the Strata Corporation before making or authorizing an alteration to common property, including limited common property or common assets.

8.2 An owner, as part of its application to the Strata Corporation for permission to alter common property, limited common property, or common assets, must:

- (1) Submit in writing, detailed plans and descriptions of the intended alteration.
- (2) Obtain all applicable permits, licenses and approvals from the appropriate governmental authorities and provide copies to the strata council, and:
- (3) Obtain the consent of the owners by written approval of the strata council under Bylaw 8.1

8.3 The Strata Corporation may require, as a condition of its approval, that the owner agree, in writing, to certain terms and conditions, including, not exhaustively, the following:

- (1) That alterations be done in accordance with the design or plans approved by the strata council or its duly authorized representatives.
- (2) That the standard of work and materials be not less than that of the existing structures.
- (3) That all work and materials necessary for the alteration be at the sole expense of the owner.
- (4) That the owner from time to time of the strata lot receiving the benefit of an alteration to common property, limited common property or common assets must, for so long as he or she remains an owner, be responsible for all present and future maintenance, repairs and replacements, increases in insurance, and any damage suffered or cost incurred by the Strata Corporation as a result, directly or indirectly, of the alterations to common property, limited common property, or common assets.
- (5) That the owner and any subsequent owner on title who receives the benefit of such alteration, must, with respect only to claims or demands arising during the time that they shall have been owner, indemnify and hold harmless the Strata Corporation, its council members, employees and



agents from any and all claims and demands whatsoever arising out of or in any manner attributable to the alteration. Any costs or expenses incurred by the Strata Corporation as the result of such claim or demand will be the responsibility of the owner from time to time of the strata lot who has benefitted for the alteration and the said costs or expenses incurred must be charged to that owner and shall be added to and become part of the strata fees of the owner for the month next following the date upon which the cost or expenses are incurred, but not necessarily paid by the Strata Corporation, and shall become due and payable on the due date of payment of monthly strata fees.

8.4 An owner who has altered common property, limited common property or common assets prior to the passage of these bylaws shall be subject to their content and intent to the extent that any damage suffered or costs incurred by the Strata Corporation as a result, directly or indirectly, of the alteration, must be borne by the owner who has benefitted from the alteration.

8.5 An owner who, subsequent to the passage of bylaws 8.1 – 8.3 inclusive, alters common property or limited common property without adhering strictly to these bylaws, must restore, at the owner's sole expense, the common property, limited common property or common assets, as the case may be, to its condition prior to the alteration. If the owner refuses or neglects to restore the alteration to its original condition, the strata corporation may conduct the restoration, at the expense of the owner who altered the common property or limited common property. The cost of such alteration shall be added to and become part of the strata fees of that owner for the month next following the date on which the cost was incurred and will become due and payable on the due date of payment of monthly strata fees.

## **9. Renovations/Alterations**

9.1 Tradespeople must be licensed, maintain adequate insurance and have WCB coverage.

9.2 An owner, tenant, occupant, tradesperson or visitor must not put any construction debris or materials in the Strata Corporation's disposal containers.

9.3-9.5 Repealed

9.6 An owner performing or contracting with others to perform renovations or alterations will be responsible, financially and otherwise, for ensuring that any and all required permits and licenses are obtained.

9.7 Repealed

## **10. Permit entry to strata lot**

10.1 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, suitable to both parties within the next seven (7)

days, 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 Strata Property Act.

10.2 If forced entry to a strata lot is required due to required emergency access and the inability to contact the owner of the strata lot, the owner shall be responsible for all costs of forced entry incurred by the strata corporation.

10.3: Repealed

## **Powers and Duties of Strata Corporation**

### **11. Repair and maintenance of property by Strata Corporation**

11.1 The Strata Corporation must repair and maintain all of the following:

- (1) common assets of the Strata Corporation.
- (2) common property that has not been designated as limited common property.
- (3) 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 excluding fences attached to the side of a strata lot.
  - (ii) the following, no matter how often the repair or maintenance ordinarily occurs:
    - A. The structure of the building
    - B. The exterior of the building excepting for windows, doors, patios and other damage attributed to a human act.
    - C. Exterior stairs and other things attached to the exterior of building excepting for fences.
    - D. Exterior stair railings
- (4) 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 the building excepting for damage to windows, doors and siding due to a human act.
  - (iii) Balconies, patios and other things attached to the exterior of building excepting for fences and personal items.
  - (iv) Balcony railings

11.2: Repealed

## **Council**

### **12 Council size**

12.1 The Council must have 7-9 voting members.

### **13 Council eligibility**



- 13.1 The spouse of an owner may stand for council
- 13.2 If the owner is a limited corporation or partnership or other form of business entity, then such entity may appoint an individual who may stand for council.
- 13.3 No person may stand for council or continue to be on council with respect to a strata lot if the Strata Corporation is entitled to register a lien against that strata lot under section 116 (1) of the Act.
- 13.4 Repealed.
- 13.5: Repealed

#### **14 Council members' terms**

- 14.1 The term of office of a council member ends at the end of the Annual General Meeting at which the new council is elected.
- 14.2 A person whose term as council member is ending is eligible for re-election.
- 14.3: Repealed

#### **15 Removing council member**

- 15.1 The Strata Corporation may, by a resolution passed by a majority vote at an Annual or Special General Meeting remove one or more council members. The Strata Corporation must pass a separate resolution for each council member to be removed.
- 15.2 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.
- 15.3 If a strata council member misses two consecutive meetings without reasonable excuse an/or without timely notification to the President, the council member shall be removed from the council.
- 15.4 – 15.5 Repealed.

#### **16 Replacing council member**

- 16.1 If a council member resigns or is unable or unwilling to attend council meetings for two consecutive months, council may appoint a replacement council member.
- 16.2 A replacement council member may be appointed from any person eligible to sit on the council.
- 16.3 The council may appoint a council member under this section even if the absence of the member being replaced leaved the council without a quorum.
- 16.4 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 bylaws respecting the calling and holding of meetings.

#### **17 Officers**

- 17.1 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.
- 17.2 A person may hold more than one office at a time, other than the officers of president and vice president.

17.3 The vice president has the powers and duties of the president  
(1) while the president is absent or is unwilling or unable to act.

(2) Repealed

(3) for the remainder of the president's term if the president ceases to hold office

17.4 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.

## **18 Calling Council Meetings**

18.1 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.

18.2 The notice in bylaw 18.1 does not have to be in writing.

18.3 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.

18.4 The council must inform owners about a council meeting as soon as feasible after the meeting has been called, except in the case of either closed or planning meetings.

## **19 Requisition of council hearing**

19.1 By application in writing, stating the reason for the request, an owner or tenant may request a hearing at a council meeting.

19.2 If a hearing is requested under Bylaw 19.1, the council must hold a council meeting to hear the applicant within 4 weeks of receiving the request.

19.3 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 date of the hearing.

## **20 Quorum of Council**

20.1. The quorum of the council is

(1) 4, if the council consists of 7 members.

(2) 5, if the council consists of 8-9 members.

20.2: Repealed

## **21 Council Meetings**

21.1 The council may meet together for the conduct of business, adjourn and otherwise regulate its meeting as it thinks fit.

21.2 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.

21.3 If a council meeting is held by electronic means, council members are deemed to be present in person.



21.4 Owners and spouses of owners may attend council meetings as observers.

21.5 Despite bylaw 21.4, no observers may attend those portions of council meetings that deal with any of the following:

- (1) Bylaw contravention hearings under section 135 of the Act.
- (2) Rental restriction bylaw exemptions hearings under section 144 of the Act.
- (3) Any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

## **22 Voting at Council Meetings**

22.1 At council meetings, decisions must be made by a majority of council members present either in person, by phone, or by other electronic means.

22.2 If there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.

22.3 The results of all votes at a council meeting must be recorded in the council meeting minutes.

## **23 Council to inform owners of minutes**

23.1 The council must provide the minutes of all open council meetings to owners within two weeks of the meeting.

## **24 Delegation of Council's powers and duties**

24.1 Subject to bylaws 24.2, 24.3 and 24.4, 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.

24.2 The council may delegate its spending powers or duties, but only by a resolution that:

- 1) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
- (2) delegates the general authority to make expenditures in accordance with bylaw 24.3

24.3 A delegation of a general authority to make expenditures must

- (1) set a maximum amount that may be spent and
- (2) indicate the purposes for which, or the conditions under which, the money may be spent.

24.4 The council may not delegate its power to determine, based on the facts of a particular case,

- (1) whether a person has contravened a bylaw or rule
- (2) whether a person should be fined, and the amount of the fine.
- (3) Repealed
- (4) Repealed

## **25 Spending Restrictions**

25.1 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.

25.2 Despite bylaw 25.1, Two council members, 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. When this happens, a report much be included in the next

council minutes which includes the amount of money spent, whether funds were withdrawn from the contingency reserve fund and what ongoing expenses may result.

25.3 If any two council members are related or share a partnership, only one may sign Strata cheques.

## **26 Limitation of liability of council member**

26.1 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 of intended performance of any duty of the council.

26.2 Bylaw 26.1 does not affect a council member's liability, as an owner, for a judgement against the Strata Corporation.

26.3 Repealed

## **Enforcement of Bylaws and Rules**

### **27 Maximum Fines**

27.1 The Strata Corporation may fine an owner or tenant:

- a) \$50.00 for a contravention of a bylaw and
- b) \$10.00 for a contravention of a rule.

27.2 and 34.1 (a) Repealed

### **28 Continued Contravention**

28.1 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.

## **Annual and Special General Meetings**

### **29 Person to chair meeting**

29.1 Annual and special general meetings must be chaired by the president of the council who may invite someone to moderate. For the purposes of this Bylaw 29.1, "moderate" means to assist the president, as requested by the president, in the mechanics of chairing the general meeting.

29.2 If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council who may invite someone to moderate. For the purposes of this bylaw "moderate" has the same meaning as in bylaw 29.1.

29.3 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.

### **30 Participation by other than eligible voters**

30.1: Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.



30.2 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.

30.3 Persons who are not eligible to vote must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

### **31 Voting**

31.1-31.2 Repealed

31.3 If within 15 minutes from the time appointed for an Annual or Special General Meeting a quorum is not present, the meeting stands adjourned for 15 minutes. The meeting shall be reconvened 30 minutes from the appointed time at the same place and if a quorum is still not present, the eligible voters present in person or by proxy shall be deemed to constitute a quorum.

31.4 At an Annual or Special General Meeting, voting cards must be issued to eligible voters present in person at the meeting. People in attendance by electronic means shall vote by roll call or, if present by video, may vote with voting card equivalents.

31.5 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.

31.6 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.

31.7 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.

31.8 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.

31.9 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.

### **32 Electronic attendance at Annual and Special General meetings**

32.1 A person who is eligible to vote may attend an annual or special general meeting by electronic means so long as the person and the other participants can communicate with each other.

32.2 If an Annual or Special General Meeting is held by electronic means with a person, the person is deemed to be present in person for the purposes of the meeting.

32.3 If a person attends an Annual or Special General Meeting by electronic means, registration may proceed by voice or video recognition, or by a series of questions and responses agreed upon before hand.

32.4 For a person to give their proxy to someone who will attend by electronic means, a copy of their proxy must be received by the secretary of the council at least 24 hours before the Annual or Special General Meeting.

32.5 If a secret ballot is requested, people in attendance by electronic means, may type their response, via Zoom (or equivalent, if using), email or text message, and forward to the meeting administrator. The vote may also be registered via

a phone call to the administrator and confirmed by a second person involved in recording votes.

### **33 Order of Business**

33.1 The order of business at Annual and Special General Meetings is as follows:

- (1) certify proxies and corporate representatives and issue voting cards
- (2) determine that there is a quorum
- (3) elect a person to chair the meeting, if necessary
- (4) present to the meeting proof of notice of meeting or waiver of notice
- (5) approve the agenda
- (6) approve minutes from the last Annual or Special General Meeting
- (7) deal with unfinished business
- (8) receive reports of council activities and decisions since the previous Annual General Meeting, including reports of committees, if the meeting is an Annual General Meeting.
- (9) ratify any new rules made by the Strata Corporation under section 125 of the Act
- (10) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an Annual General Meeting.
- (11) approve the budget for the coming year in accordance with section 102 of the Act, if the meeting is an annual general meeting.
- (12) deal with new business, including any matters about which notice has been given under section 45 of the Act
- (13) elect a council, if the meeting is an Annual General Meeting.
- (14) terminate the meeting.

### **Voluntary Dispute Resolution**

#### **34 Voluntary dispute resolution**

34.1 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.

34.2 A dispute resolution committee consists of

- (1) 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
- (2) any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties.

34.3 The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

### **35-36 Repealed**

### **Insurance**



37.1 The Strata Corporation must insure against major perils, as set out in regulation 9.1(2) of the Strata Property Act, including, without limitation, earthquakes.

### **Parking and Vehicles**

38.1 An owner, tenant or occupant shall use only the parking stall assigned to their strata lot, or a visitors parking spot if more than one vehicle is associated with a strata lot. Vehicles must display the parking placard matching the stall in which they are parked.

38.2 An owner, tenant or occupant may not bring an oversized, commercial or recreational vehicle into the Estates, except when moving into or out of the Estates.

38.3 No person may store an unlicensed or uninsured vehicle in the Estates.

38.4 An owner or tenant with a vacant parking stall attached to their lot, may lease it, but they remain responsible for it.

38.5 Repealed

38.6 No person may park or leave a vehicle unattended where it interferes with parking stall access, full width of access lanes or it is longer than 30 minutes in a restricted parking stall or no park zone, except where permitted by council.

38.7 A vehicle parked in violation of bylaw's 38.1 and 38.6 will be subject to removal by a towing company authorized by council, and all costs associated with such removal shall be charged to the owner of the vehicle.

38.8 No person may use any parking area or common property as a work area for carpentry, renovations, repairs or work on vehicles involving any automotive fluids or paints, motor tune ups or mechanical repairs.

38.9 Repealed

38.10 Owners and tenants will be responsible for the clean up of oil spills on common or limited common property.

38.11 Repealed

38.12 No vehicle may exit through the entrance of the strata property, and no vehicle may enter through the exit of the strata property.

38.13: The speed limit in the Estates is 10 km/hr

38.14 Repealed

### **39 Repealed**

### **Cleanliness**

40.1 An owner, tenant, occupant, or visitor must not allow a strata lot to become unsanitary.

40.2 An owner, tenant, occupant, or visitor must ensure that ordinary household refuse and garbage is securely wrapped and placed in the containers provided for that purpose, and recyclable material is kept in designated

areas and owners, tenants, occupants and visitors comply with the local government's recycling program as it is implemented.

- 40.3 Any waste material other than ordinary household refuse and normally collected recycling materials shall be removed from the Estates by the owner, tenant, occupant or visitor.
- 40.4 An owner, tenant, occupant, or visitor may only use balconies, patios or common property contained within a privacy fence, for limited storage. Balconies are only permitted to have reasonable amounts of patio furniture and temporary drying racks.

#### **Residential Rentals**

- 41.1 Prior to possession of a strata lot by a tenant, an owner must deliver to the tenant the current bylaws and rules of the Strata Corporation and a Form K – Notice of Tenant's Responsibilities.
- 41.2 Within two weeks of renting a strata lot, the owner of that strata lot, or his agent, must give the secretary of the strata council a copy of the Form K – Notice of Tenant's Responsibilities, signed by the tenant, in accordance with Section 146 of the Strata Property Act.
- 41.3 Repealed

#### **Noise and Safety**

- 42.1: Owners and tenants residing in the Estates are responsible for the conduct and noise level of themselves and their visitors. Strata may impose fines for noise that affects the rights of others for quiet enjoyment. The Estates are also within the Municipality Port Hardy which has a \$200 maximum fine for noise disturbance, and the RCMP will respond to phone calls containing a noise complaint, especially after 11.30 pm.
- 42.2: Parents are responsible for the conduct and noise level of children residing in, or visiting, their strata lot. On request, council shall indicate the areas of the Estates where shift workers may be sleeping so that children avoid playing in those parts of the Estates.
- 42.3 Parents are responsible to assume liability for and properly supervise the activities of children, including, but not exhaustively, bicycling, skateboarding and hockey. Parking areas may not be used for any form of play or other activities other than parking of vehicles.
- 42.4 Cycling on the common property other than the driveway is prohibited.

#### **Miscellaneous**

- 43.1 Repealed
- 43.2 An owner, tenant, occupant, or visitor must not hinder or restrict sidewalks, entrances, exits, halls, passageways, stairways and other parts of the common property. Hindrance and restrictions includes the keeping of personal items and garbage.
- 43.3 Repealed



- 43.4 With the exception of one for sale sign for a strata lot, a resident or owner must not erect or display or permit to be erected or displayed any signs, fences, billboards, placards, advertising, notices or other fixtures of any kind on the common property or in a strata lot, unless authorized by the council.
- 43.5 No laundry, flags, bedding or other articles may be hung or displayed from windows, patios or balconies.
- 43.6 Any draperies or window coverings that are visible from the exterior of any Strata lot shall be a solid colour and must end at least 10cm (4 inches) above baseboard heaters and away from electric wall heaters.
- 43.7 An owner, tenant, occupant, or visitor must not display or erect permanent fixtures, poles, clotheslines, or racks, on limited common property, common property or land that is a common asset.
- 43.8 No awning, shade screen, smoke stack, satellite dish, radio or television antenna shall be hung from or attached to the exterior of the strata lot, without prior written consent of the Strata Council
- 43.9 Repealed
- 43.10 No balcony or deck shall be used for the purpose of storing bicycles or for general storage purposes.
- 43.11 Mops or dusters of any kind shall not be shaken, and nothing shall be thrown out of any window, door, passage, or other parts of the Strata Lot or the common property.

#### **Hazards**

- 44.1 Fire hazards must be minimized. No item shall be brought onto or stored in a strata lot of the common property which will in any way increase or tend to increase the risk of fire or the rate of the insurance policy held by the strata corporation, or which will invalidate any insurance policy.
- 44.2 Owners, tenants, occupants and visitors who smoke are not to throw cigarette butts or matches from any part of a strata lot, limited common property or common property. They may bring receptacle for cigarette butts onto common and limited common property but these receptacles may not be left there.
- 44.3 No barbecues other than those fueled by propane or natural gas or electricity may be used. No owner shall operate his barbecue in a manner which, in the opinion of the Strata Council, interferes with another owner's enjoyment of his Strata Lot. All barbecues must be kept a meter away from the building exterior walls when in use, and until they have cooled down. Strata Lot owners are financially responsible for repairs due to heat damage to the building envelope.

#### **Common Areas**

- 45.1 The Strata Council shall administer all common areas and any rules and regulations formulated by the Strata Council from time to time shall be binding upon all owners, residents and visitors.
- 45.2 Repealed

**Damage to Property**

46.1 An owner, tenant occupant, or visitor must not cause damage to trees, plants, bushes, flowers, or lawns and shall not place chairs, tables or other objects on lawns or grounds so as to damage them or prevent growth.

**47 Repealed**

*End of Bylaws*