



## **KAS3134 Strata Corporation's Bylaws** *(Unofficial)*

*6<sup>th</sup> April 2021*

The official bylaws are as registered with the **Kamloops Land Title Office** (LTO). The process of registering bylaw amendments involves sending faxes of changes, so a consolidated list is not available.

At the 28<sup>th</sup> February 2019 SGM, a consolidated set of bylaws was voted through, and therefore forms the starting point for this document.

The **Design / Building Guidelines** and **Builder's Protocol** are not included in this document.

This page is not part of the bylaws.

### **General Meeting amendments to KAS3134 Bylaws:**

<b>20190228 KAS3134 2019 02 28 Minutes for SGM (FINAL).pdf</b>	<i>New consolidated bylaws</i>
<b>20190905 KAS3134 Minutes 5Sep19 AGM (FINAL).pdf</b>	<i>No changes</i>
<b>KAS3134 Minutes 2020 07 15 AGM (FINAL).pdf</b>	<i>Changes incorporated</i>
<b>KAS3134 Minutes 2020 09 17 SGM (draft 1.0).pdf</b>	<i>No changes</i>
<b>KAS3134 Minutes 2021 01 04 SGM (FINAL).pdf</b>	<i>Changes incorporated</i>

## The Owners, Strata Plan KAS3134

### Feathertop Bylaws

#### Division 1 — Duties of Owners, Tenants, Occupants and Visitors

##### 1. Payment of strata fees

- (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate. Fees must be paid by pre-authorized debit, **post dated** cheques or annually in advance.
- (2) If any owner has not either submitted properly prepared post-dated cheques or made the pre-authorized payment arrangement as aforesaid by the 1st day following such notification, a penalty of \$50.00 will be levied on the strata lot of the owner on the 21st day, and a further penalty of \$50.00 for each additional 14-day period which thereafter elapses until and including the day that either the post-dated cheques are received or the pre-authorized payment arrangement is made
- (3) If for any reason including, without limitation, any cheque for a monthly strata fee which is returned because of insufficient funds (N.S.F.), any owner has not paid his or her monthly strata fee by the 1st day of the month for which it is due, a penalty of \$50.00 will be levied on the strata lot of the owner on the 21st day, and a further penalty of \$50.00 for each additional 14-day period which thereafter elapses until and including the day that the monthly strata fee is paid.
- (4) The vote for a strata lot may not be exercised, except on matters requiring an 80% or unanimous vote, if the strata corporation is entitled to register a lien against the strata lot under section 116 (1) of the Strata Property Act.
- (5) The Corporation may charge an owner who is late in paying his or her monthly strata fee or special levy interest in the amount of 10% per annum, compounded annually.

Comment [AH1]: 'post-dated'?

##### 2. Repair and maintenance of property by owner

- (1) An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (2) An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (3) Waste & Rubbish - owner tenant, occupant, or Visitor must:
  - (a) Store all solid waste and similar refuse in containers which are designed to not be opened or readily penetrated by any scavenging or carnivorous animal, and keep all refuse in lockable containers. It is the **owners** responsibility to clean up any mess which may have been caused by animals scavenging and / or opening refuse storage containers.
  - (b) not dispose of the following through the home sewage system: chemicals, solvents, paints or other similar materials including, but not limited to, thinners, cleaning solvents, sulphides (used in winemaking), photo processing chemicals, oil, gasoline or other petroleum products,
  - (c) not throw, pile or store around the owner, tenant or occupant's strata lot, another strata lot or the common property any rubbish, garbage, boxes, packing cases or similar refuse and dispose of those materials at the owner, tenant or occupant's expense, and

Comment [AH2]: " owner's "?

- (d) ensure that ordinary household refuse, garbage, recyclable materials is securely wrapped, and packed in a suitable collection container so as to prevent the escape of foul odours, contamination and attraction of rodents or other animals.

### 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) An owner is responsible and liable for the conduct of the owner's tenants, occupants, Visitors or agents when the tenant, occupant, Visitor or agent is on a strata lot or the common property
- (4) An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset and that they remove all fecal matter from trails, pathways and all other common property.
- (5) 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 reasonable number of small caged mammals;
  - (c) up to 4 caged birds;
  - (d) up to 2 dogs and 2 cats,

provided that if Council, acting reasonably, determines that an animal permitted to be kept under this section (5) is dangerous or is an unreasonable nuisance, within 14 days following notice from the Council of such determination the owner, tenant, occupant must permanently remove or have caused to be permanently removed the animal from the strata lot.
- (6) Parking
  - (a) Parking on common property, street, lane or access **routes** of the Development is prohibited and any vehicle parked in a prohibited area will be removed at the vehicle owner/driver and the owner will be subject to fines under the Feathertop Strata standard Bylaws.
  - (b) Vehicles travelling on internal roads must not exceed the speed limit of twenty kilometers per hour
- (7) Recreational Vehicles. The use of snowmobiles, trail bikes, all terrain vehicles or any unlicensed motor vehicle is prohibited on common property.
- (8) Plants and Wildlife

Comment [AH3]: 'routes'?

- (a) Harm, damage, trapping or destruction of wildlife on the property is prohibited
  - (b) Other than within the approved building envelope, the cutting or removal of plants, trees or bushes on private of common property is prohibited, without prior written consent of the strata council
  - (c) The use of plant, animal or insect poison on common property is prohibited without prior written consent of the strata council
- (9) Firearms. The discharge of projectiles of any kind (guns, bows and arrow, slingshots ect) on the property is prohibited
- (10) Decks, Patios and Balconies. Decks, patios and balconies must be kept clean and tidy condition free of debris and must not be used for storage purposes
- (11) Vehicles and Access. (10) An owner tenant or occupant shall not on a vacant lot:
- (a) keep or permit to be kept or store:
    - (i) any motor vehicles other than on his or her strata lot;
    - (ii) in the yard or on the street outside of an owner's lot, any stored vehicle, trailer, boat, vans with exterior structural conversions, motor homes, camper, camper-vans, vehicles under repair or waiting for repair, radically modified vehicles beyond original manufacturer's specifications, dune buggies, or unlicensed motor vehicles regardless of its size, purpose or frequency of use.
  - (b) permit:
    - (i) other than for an emergency, repairs to motor vehicles or other mechanical equipment to be carried out on the common property or lot or strata lot;
    - (ii) guests to park motor vehicles on any common property on an ongoing basis, or any member of his/her household, guest or Visitor to operate any unregistered or unlicensed motorized vehicle regardless of its size, purpose or frequency of use.
- (12) An owner tenant or occupant of a lot with a constructed home may keep or permit to be kept or store:
- (a) on a paved driveway of an owner's lot, any stored vehicle, trailer boat, van, motor home, camper or camper-vans.
  - (b) any vehicle up to 1 ton capacity
- (13) Safety & General Appearance
- (a) An owner, tenant, occupant or Visitor must not hinder the use of, or restrict access to or the use of, roadways and any other parts of the common property
  - (b) An owner, tenant, occupant or Visitor must use and store any hazardous and environmentally damaging materials on their strata lot in accordance with any manufacturers' recommendations for safe use or any requirements specified by law, whichever is the higher standard, and must ensure that any hazardous materials do not escape to or are released onto the strata lot, the common property or the environment
  - (c) An owner, tenant, occupant or Visitor are permitted to have a fire pit provided it is not larger than 1 meter in diameter, they follow the Big White fire bylaws and the posted Big White Fire danger rating. Only clean wood is to be burned, no garbage or plastics. An owner, tenant, occupant

Comment [AH4]: 'or'?

Comment [AH5]: 'etc.'?

Comment [AH6]: Error? Delete?

or Visitor must not start or maintain an open fire of any kind on the common property or on any adjacent property.

#### 4. Inform strata corporation

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

#### 5. Obtain approval before altering a strata lot

- (1) Only one single-family dwelling may be constructed on each strata lot. Multifamily or duplex dwellings ~~and prohibited. 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;
  - (g) those parts of the strata lot which the strata corporation must insure under section 149 of the Act.
  - (h) ~~preparation work for building on a strata lot, including:~~
    - (i) ~~removal of trees~~
    - (ii) ~~excavation~~
    - (iii) ~~any alteration of grade on a strata lot including common property.~~
- (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) This section does not apply to a strata lot in a bare land strata plan.~~

Comment [AH7]: "are"?

Comment [AH8]: Added SGM 7.2 4<sup>th</sup> January 2021

Comment [AH9]: Removed SGM 7.2 4<sup>th</sup> January 2021

#### 6. Obtain approval before altering common property

- (1) An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.
- (2) The strata corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

#### 7. Permit entry to strata lot

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

- (b) at a reasonable time, on 48 hours' written notice, 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**

### **8. 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;
      - (D) doors, windows and skylights on the exterior of a building or that front on the common property;
      - (E) fences, railings and similar structures that enclose patios, balconies and yards;

## **Division 3 — Council**

### **9. Council size**

- (1) Subject to subsection (2), the council must have at least 3 and not more than 7 members.
  - (a) If the strata plan has fewer than 4 strata lots or the strata corporation has fewer than 4 owners, all the owners are on the council.
- (2) The spouse of an owner may be a council member
- (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 Strata Property Act

### **10. Council members' terms**

- (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.

### **11. 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.

#### **12. Replacing council member**

- (1) If a council member resigns or is unwilling or unable to act for a period of 2 or more months, or is in arrears in strata fees or other assessments for 2 or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.
- (2) A replacement council member may be appointed from any person eligible to sit on the council.
- (3) The council may appoint a council member under this section even if the absence of the member being replaced leaves the council without a quorum.
- (4) If all the members of the council resign or are unwilling or unable to act for a period of 2 or more months, persons holding at least 25% of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings.

#### **13. Officers**

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

#### **14. Calling council meetings**

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

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

#### **15. Quorum of council**

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

#### **16. Council meetings**

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

#### **17. 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.

#### **18. 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.

#### **19. 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.
- (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.

#### **20. 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.

#### **21. Limitation on liability of council member**

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

### **Division 4 — Enforcement of Bylaws and Rules**

#### **22. Maximum fine**

- (1) The strata corporation may fine an owner or tenant a maximum of
  - (a) \$200 for each contravention of a bylaw, and
  - (b) \$50 for each contravention of a rule.

#### **23. Continuing contravention**

- (1) If an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than 7 days, a fine may be imposed every 7 days

### **Division 5 — Annual and Special General Meetings**

#### **24. 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.

#### **25. Participation by other than eligible voters**

- (1) Attendance at an annual or special general meeting by telephone conference call is permitted, provided all persons participating in the meeting can communicate with each other during the meeting.
- (2) Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.
- (3) 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.
- (4) 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.

## **26. Voting**

- (1) If within 15 minutes from the time appointed for an annual or special general meeting, a quorum is not present, the meeting shall be terminated if the meeting was convened upon the request of members; but in any other case, if a quorum is not present for the meeting within 15 minutes from the time appointed, the eligible voters present in person or in proxy shall constitute a quorum.
- (2) At an annual or special general meeting, voting cards must be issued to eligible voters.
- (3) 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.
- (4) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, ballot or some other method.
- (5) 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.
- (6) 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.
- (7) If there are only 2 strata lots in the strata plan, subsection (5) does not apply.
- (8) Despite anything in this section, an election of council or any other vote must be held by ballot, if the ballot is requested by an eligible voter.

## **27. Order of business**

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

- (i) ratify any new rules made by the strata corporation under section 125 of the Act;
- (j) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
- (k) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
- (l) deal with new business, including any matters about which notice has been given under section 45 of the Act;
- (m) elect a council, if the meeting is an annual general meeting;
- (n) terminate the meeting.

## **Division 6 — Voluntary Dispute Resolution**

### **28. Voluntary dispute resolution**

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

## **Division 7 — Marketing Activities by Owner**

### **29. Marketing**

- (1) An owner who has an unsold strata lot may carry on sales functions that relate to its sale, including the posting of signs.
- (2) Signs. No signs will be permitted except for:
  - (a) The rental manager's signs identifying and promoting rental of the strata lots. Sign size not to exceed 1 foot by 2 feet.
  - (b) One for sale sign on the strata lot not to exceed 2 feet by 3 feet-  
suspended from one vertical and one horizontal post; and
  - (c) One sign with the chalet name not to exceed 2 feet by 3 feet.

**Comment [AH10]:** Added AGM 12.2  
15<sup>th</sup> July 2020

## **Division 8 — Building Guidelines**

### **30. Building Guidelines**

- (1) The Building Guidelines adopted at the February 28, 2019 Special General Meeting, and any subsequent amendments, form part of the strata corporation's bylaws, with any breach in the Building Guidelines to be treated as a breach of the strata corporation's bylaws. Existing structures in place at the time the Building Guidelines are approved by the strata corporation will be exempt from the Building Guidelines where the improvements differ from the Guidelines;

however on undertaking major repairs, deviations from Building Guidelines will need to be rectified where ever possible.

Where a proposed building design is not in compliance with the Building Guidelines, but in the view of the architect acting for the strata corporation in reviewing building plans the variance is not at odds with the intent of the Building Guidelines, then Council may if so recommended by the architect grant a variance to the Building Guidelines, with each such variance approval documented in Council meeting minutes. A variance so granted shall not be considered a change to the Building Guidelines for all such future requests, but stand on its own merit based on circumstances unique to the strata lot and building design for which it is granted.

- (2) An Owner of a strata lot where a dwelling is to be constructed, is to provide any building company contracted to undertake construction with a copy of the most recent 'Builder's Protocol', approved by a resolution passed in accordance with section 128 of the Strata Property Act at an annual or general meeting.

**Comment [AH11]:** Added AGM 12.4  
15<sup>th</sup> July 2020

**Comment [AH12]:** Added AGM 12.3  
15<sup>th</sup> July 2020