

LITTLE QUALICUM RIVER VILLAGE - VIS 4673  
SCHEDULE OF BYLAWS  
Combined Bylaws as of November 24, 2019

Bylaws as of 2017-11-18 with Amendments of 2019-11-24. In the event of a discrepancy between this document and the original registered documents, the original documents will prevail.

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**PREAMBLE - for information:**

**A. Regional District of Nanaimo (RDN) Bylaws**

Little Qualicum River Village is within the jurisdiction of Electoral Area F of the Regional District of Nanaimo. As such, the overall development and each strata lot (private yard area and storage unit) in the development is subject to the applicable land use bylaws of the Regional District of Nanaimo, details of which can be found in RDN Bylaw no. 1285, and any future amendments.

LQRV Strata Bylaws refer only to the RDN zoning classification of the strata lots for permitted principal use of the private yard areas and any further restrictions defined in the LQRV Bylaws.

The Regional District of Nanaimo Bylaws permits the lawful use of any land, building or structure existing at the time of its enactment to be continued as long as it complies with the Local Government Act.

**B. Riparian Areas Regulation**

Little Qualicum River Village is located adjacent to rivers and other wetlands and, as such, the development of each private yard area is subject to the requirements of the Provincial Riparian Areas Regulation that is part of the Fish Protection Act.

**C. Strata Property Act**

The Little Qualicum River Village Schedule of Bylaws replaces the Strata Property Act Schedule of Standard Bylaws.

**D. Owner's Insurance**

The Strata Corporation VIS 4673 does not carry insurance for a strata lot owner's personal property. Each Strata Lot owner is responsible for arranging their own insurance for all personal property, e.g., buildings and liability insurance on the private yard area, vehicles, tools and other equipment.

**DIVISION 1 – Duties of Owners, Tenants and Visitors**

**Payment of Strata Fees and Fines**

1. (1) All strata fee assessments established by the Strata Corporation at each Annual General Meeting shall be paid in one annual or two semi-annual installments. The annual or first of the semi-annual installments shall be due on the 15<sup>th</sup> day of January of each year. The second installment shall be due on the 30<sup>th</sup> day of April of each year.
- (2) Fines shall be assessed for non-payment of strata fees. Notwithstanding Bylaw 28 and 29, the fine shall be \$50.00 and a further \$50.00 every month thereafter until paid.
- (3) All levies and special charges are due and payable on the date specified at an Annual General Meeting or Special General Meeting.

**Repair and Maintenance of Property by Owner**

2. (1) An owner must repair and maintain their storage unit and private yard area except for repair and maintenance that is the responsibility of the Strata Corporation.
- (2) An owner or tenant must control noxious weeds, Scotch Broom, on their private property in accordance with the *Weed Control Act* of British Columbia.<sup>1</sup>

**Use of Private Yard Areas, Storage Units and Common Property.**

3. (1) An owner, tenant, occupant or visitor must not use a private yard area and storage unit, the common property or common assets in a way that
  - (a) causes a nuisance or hazard to another person
  - (b) causes unreasonable noise and shall respect “quiet time” between 11 PM and 7 AM
  - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another private yard area and storage unit
  - (d) is illegal, or
  - (e) is contrary to a purpose for which the private yard area, storage unit or common property is intended as shown expressly or by necessary implication on the strata plan or in these Bylaws.
- (2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear or 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.
- (3) An owner is responsible for the actions of their visitors.

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<sup>1</sup> Added Bylaw 2 (2) by Resolution at AGM Nov. 18, 2018

- (4) 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, common assets or any strata lot as the result of the owner's act, omission, negligence or carelessness.

This shall only apply to such expense that is not reimbursed from proceeds received from an insurance policy. However, the owner responsible for the loss or damage that gave rise to the claim shall be held responsible for the insurance deductible portion of that claim.

This indemnification extends to an act by an owner's visitors, occupants, guests, employees, contractors, tenants, or members of the owner's family.

- (5) (a) No tents or recreational vehicles shall be used for permanent full time habitation.  
(b) Recreational vehicles must be maintained in good condition and be capable of being moved at all times.
- (6) The only manufactured home permitted shall be modular homes that meet or exceed the Canadian Standards Association code A277 for Modular Homes.<sup>2</sup>
- (7) An owner is permitted to keep a reasonable number of household pets in compliance with RDN zoning bylaws. Strata Council may, on receipt of a written complaint from an owner, determine that a pet or a number of pets are a nuisance and require remedial action or removal of the animals. Compliance with such a Council order shall be within 30 days of written notice.

**Permitted Use of Private Yard Areas of Strata Lots 2 to 8, 12 to 24, 27 to 37, 39 to 44, 48 to 89, 136, 232 to 243, 287, 288,**

- (8) (a) The above listed private yard areas are zoned by the RDN as R-1.  
(b) The private yard area of Lot 136 is zoned by the RDN as R-1.20.

**Permitted Use of Private Yard Areas of Strata Lots 1 and 45**

- (9) The private yard areas of Lots 1 and 45 are zoned by the RDN as C-1. The permitted principal uses are restricted to care services, dwelling unit, personal services, retail store, restaurant.

**Permitted Use of Private Yard Areas of Strata Lots 46 and 47**

- (10) The private yard areas of Lots 46 and 47 are zoned by the RDN as T-1. The permitted principal uses are restricted to care services, dwelling unit, public assembly, recreation facility.

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<sup>2</sup> Bylaw 3 (6), which previously disallowed manufactured homes, was repealed and replaced with wording allowing manufactured homes meeting CSA A277 by Resolution at AGM on Nov. 5, 2016.

**Permitted Use of Private Yard Areas of Strata Lots 9 to 11, 38, 90 to 135, 137 to 170, 187 to 231, 244 to 260, 285 and 286.**

- (11) (a) The private yard areas of the above listed lots are zoned by the RDN as RC-3. The permitted principal uses are restricted to one dwelling unit (no tourist accommodation).
- (b) Recreational vehicles or tents are not permitted on vacant lots.<sup>3</sup>

**Permitted Use of Private Yard Areas of Strata Lots 171 to 186 and 261 to 284**

- (12) (a) The private yard areas of the above listed lots are zoned by the RDN as RC-3.1. The size of dwelling units and accessory buildings may be restricted by specific guidelines as approved by the Strata Council.
- (b) Private yard areas for lots 185, 186, 268, 271 to 274, 276, 279 to 281, 283, and 284 are restricted to Recreational Vehicle or Yurt.

**Inform Strata Corporation – Name**

4. (1) Within two weeks of becoming an owner, the owner shall inform the Strata Corporation of their name, strata lot number, mailing address if outside the strata development, their telephone number, e-mail address if one is available. Further an owner shall advise the Strata Corporation in the event of changes to that information.
- (2) Within 45 days of becoming an owner, the owner shall provide the Strata Corporation with a copy of a Certificate of Title of the strata lot.
- (3) The Strata Corporation shall keep this personal information confidential other than that it is required to release under the Act.

**Approval to Alter Strata Lot**

5. An owner must comply with the requirements of division 10 of these bylaws prior to making changes to a Strata Lot to ensure compliance with all applicable Bylaws, Regulations, Codes, and guidelines.

**Approval to Alter Common Property**

6. (1) (a) The approval of the Strata Corporation must be obtained before making a significant change in the use or appearance of common property.
- (b) If the change is requested by an owner, the Strata Corporation may require as a condition of its approval that the owner agrees, in writing, to take responsibility for any expenses relating to the alteration.
- (2) The Strata Corporation may acquire or provide easements in accordance with the provisions of the Strata Property Act and Regulations.

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<sup>3</sup> Bylaw 3 (11) was changed to (11) (a), and 11 (b) was added by Resolution at AGM Nov. 7, 2015.

- (3) No vegetation shall be removed from any common property without having first received the written permission of the Strata Council. This permission may only be granted for routine cleanup or to ensure safety or to prevent significant loss or damage.

### **Permit Entry**

7. (1) An owner, tenant, occupant or visitor must allow a person authorized by the Strata Corporation to enter the private yard area or storage unit,
  - (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 or by mutual agreement, to inspect, repair or maintain common property, common assets and any portions of a private yard area and storage unit that are the responsibility of the Strata Corporation to repair and maintain under these bylaws.
- (2) The notice referred to in subsection 1(b) must include the date and approximate time of entry, and the reason for entry.

### **Storage Units**

8. (1) Storage Units shall be used for the storage of chattels and vehicles and for no other purposes unless written approval is received from the Strata Council.
- (2) No storage or dumping shall take place on common property outside a storage unit.
- (3) An owner may lease their storage unit for a period not exceeding the period of his ownership of such storage unit and shall register the names of those leasing the storage unit with the Strata Council. Existing lease agreements are grandfathered.
- (4) No alteration of the exterior of a storage unit shall be undertaken without the written approval of the Strata Council.

**DIVISION 2 - Powers and Duties of Strata Corporation**

**Repair and Maintenance by Strata Corporation**

9. The Strata Corporation must repair and maintain all common property and common assets of the Strata Corporation.

**Duties of Strata Corporation**

10. The Strata Corporation shall:

- (1) Control, manage and administer the common property, common facilities or other assets of the Strata Corporation for the benefit of all owners.
- (2) Keep in a state of good and serviceable repair and properly maintain all common areas, all common facilities and recreation facilities and their fixtures and fittings and other apparatus and equipment used in connection with the common property, common facilities and other assets of the Strata Corporation including all landscaped areas, parking and storage areas, utility services and roads, and the structure and exterior of the storage units.
- (3) On the written request of an owner or mortgagee of a strata lot, to produce to them, or to a person authorized in writing by them, the insurance policies effected by the Strata Corporation and the receipts for the last premiums.
- (4) Collect and receive all contributions toward the common expenses levied by the Strata Corporation and paid by the owners and deposit the same with a chartered bank or trust account or credit union or other financial institution established in the legislation.
- (5) Render accounts for, collect and receive all contributions assessed for garbage disposal, potable water usage for each private yard area connected to any of the potable water systems and for use of any sewerage disposal systems provided or operated by the Strata Corporation.
- (6) Pay all sums of money properly required to be paid on account of all services, supplies and assessments pertaining to, or for the benefit of, the Strata Corporation.
- (7) Obtain and maintain insurance for all common buildings, common facilities and any insurable improvements owned by the Strata Corporation to their replacement value against fire and against other perils as are usually the subject of insurance in respect of similar properties and obtain and maintain insurance against other perils, including a minimum of \$2,000,000 liability insurance.
- (8) Review the adequacy of any such policies of insurance on an annual basis.
- (9) Be responsible for the naming of all common property areas.
- (10) Adhere to our Personal Information Protection Policy in accordance with the Personal Information Protection Act (PIPA) of British Columbia.<sup>4</sup>

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<sup>4</sup> Added bylaw 10 (10) by Resolution at AGM on Nov. 2, 2013.



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10 (11) Because of their inherent intrusiveness, video surveillance systems shall only be used as a gate monitoring system and should the need arise ( and only if agree by a majority of owners at an AGM or SGM) to monitor problems in common areas for specific concerns, once all other less privacy-invasive measures have failed to address a serious problem.

- All recordings will be digital format;
- Members of Strata Council, and authorized persons such as, but not restricted to, the Regional District of Nanaimo Bylaw Enforcement and the RCMP, will have access to the recordings in the event of theft, burglary, vandalism, illegal dumping, damage to property or unauthorized access;
- Video surveillance will be operational 24hours a day, 7 days a week;
- Unless required for an ongoing investigation and /or legal proceedings, recordings will be deleted after 4 weeks maximum;
- Recordings will be password protected;
- Owners, tenants, and visitors will be advised that a video surveillance system is in operation through signage;
- Video will not be used to levy fines for minor bylaw enforcement, only as evidence of illegal activity;
- Video will not be viewed by anyone except when there has been other evidence of illegal activity;
- Video from these cameras will be kept for a maximum of 28 days, unless required to be kept for an investigation or legal proceeding, and will be securely deleted after that time; and
- Cameras will be aimed such that they minimize capture of images of anyone not visiting the specific areas covered.<sup>56</sup>

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<sup>5</sup> Added Bylaw 10 (11) by Resolution at AGM Nov. 8, 2014

<sup>6</sup> Revised Bylaw 10 (11) by Resolution at AGM, Nov. 18, 2018

**DIVISION 3 - Strata Council**

**Council Size**

**11.** The council will normally consist of nine members but shall be at least five members.

**Council Members' Terms**

- 12.** (1) The term of office of an elected council member shall end at the end of the second anniversary of the Annual General Meeting at which the council member was elected.
- (2) A person whose term as council member is ending is eligible for re-election.

**Removing Council Member**

- 13.** (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.
- (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.

**Replacing Council Member**

- 14.** (1) 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 to serve until the next AGM.
- (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 two 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 Strata Property Act, the Regulations and the bylaws respecting the calling and holding of meetings.

### **Council Officers**

- 15.** (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 while the president is absent or is unwilling or unable to act.
- (4) The treasurer shall be the designated insurance administrator for the Strata Corporation.

### **Calling Council Meetings**

- 16.** (1) All regular council meetings shall be held on a routine, scheduled basis.
- (2) Any member of council may call an extra council meeting provided seven days notice with reasons for the meeting is given to the other council members.
- (3) An extra council meeting may be held on less than seven days 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 to the meeting or
- (ii) are unavailable to 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.

### **Requisition of Council Hearing**

- 17.** (1) An owner or tenant may request a hearing at a council meeting by application in writing, stating the reason for the request.
- (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 or in the case of a matter concerning rental within three weeks of the request.
- (3) If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within one week of the hearing.

### **Quorum of Council**

- 18.** (1) A quorum of council is
- (a) five (5), if there are more than seven council members
  - (b) four (4), if council temporarily consists of seven members
  - (c) three (3), if council temporarily consists of five or six members
  - (d) two (2), if council temporarily consists of two to four members
- (2) Council members must be present in person at a council meeting to be counted in establishing a quorum.

### **Council Meetings**

- 19.** (1) Owners may attend council meetings as observers.
- (2) Despite subsection (1), no observers may attend those portions of council meetings that deal with any of the following:
- (a) bylaw contravention hearings,
  - (b) rental restriction bylaw exemption hearings,
  - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.
- (3) Council meetings shall be conducted by the Robert's Rules of Order.
- (4) Council may, by a majority vote, invite guests to participate in meetings.
- (5) At the option of the council, council members may attend council meetings by video conferencing or teleconferencing so long as all council members have been advised ahead of time.<sup>7</sup>
- (6) Council members who attend a council meeting by video conferencing or teleconferencing will be deemed to be present in person.

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<sup>7</sup> Added bylaw 19 (5) and (6) by Resolution at AGM on Nov. 2, 2013.

### **Voting At Council Meetings**

- 20.** (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 chair may break a 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.
- (4) If the Strata Corporation is entitled to register a lien against an owner of a strata lot, the owner of that strata lot shall not be permitted to become a member of the strata council and if a member, shall not be permitted to vote, or take part in, any council meeting.

### **Inform Owners of Minutes**

- 21.** (1) The council must make available to owners the minutes of all council meetings within two weeks of the meeting, whether or not the minutes have been approved.
- (2) The council must issue draft Annual or Special General Meeting minutes to all owners within four weeks of the meeting.

### **Delegation of Council's Powers and Duties**

- 22.** (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. This delegation shall be subject to terms of reference issued by Council.
- (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 common property or a common asset.

### **Spending Restrictions**

- 23.** (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.
- (3) Any expenditure under subsection (2) shall be the minimum amount needed to ensure safety or prevent significant loss or damage and shall not exceed \$5,000 in any fiscal year
- (4) The Strata Corporation must inform the owners as soon as feasible about any expenditure made under subsection (2)

### **Remuneration of Council Members**

- 24.** (1) Remuneration can be paid to a council member for performance of council duties or exercise of council powers. This remuneration must be approved in advance in the budget, or in the bylaws, or by a 3/4 vote of a resolution at an AGM or SGM.
- (2) (a) A council member who provides separate services for the Strata Corporation can be paid for these services.
- (b) These costs shall be shown in the annual budget and/or financial statements.

### **Conflict of Interest**

- 25.** Any council member who wishes to pursue a personal action of any nature against the Strata Corporation, another owner, or a company or individual contracted to the Strata Corporation shall immediately declare a conflict of interest.

### **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 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.

### **Financial Statements**

- 27.** Council shall arrange for the preparation of all financial statements of the Strata Corporation and a pro forma operating budget for the next fiscal year for inclusion in the notice of the Annual General Meeting.

**DIVISION 4 – Enforcement of Bylaws and Rules**

**Nonpayment Fines, Fees and Charges**

- 28.** (1) Schedule of fines, fees and charges are set out as follows:
- (a) Non payment of garbage fees – \$10.00 per month for each month outstanding.
  - (b) Non payment of water charges – \$10.00 per month for each month outstanding.
  - (c) Contravention of a bylaw – \$100.00
  - (d) Contravention of a rule – \$50.00
  - (e) Charge for removal of an unlicensed vehicle, recreational vehicle, rubbish, hazardous material, or other debris – cost of removal.
  - (f) Charge for illegal dumping – cost of removal plus \$200.00
- (2) Fines relating to subsection (1) will be assessed seven days after delivery of a notice of contravention, unless the contravention is remedied.
- (3) Any fine levied by the strata council against an owner shall be due and payable within five days following the date of its assessment and delivery of notice to the owner.
- (4) Council shall advise an owner of their right to a hearing.<sup>8</sup>

**Continuing Contravention**

- 29.** If an activity or lack of activity that constitutes a contravention of a bylaw continues, without interruption, for longer than seven days, a fine may be imposed every 7 days without further notice.

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<sup>8</sup> Bylaw 28 Revised by Resolution at AGM Nov. 18, 2018 to change fines and add 28 (1) (f)

**DIVISION 5 – Annual and Special General Meetings**

**Person to Chair Meeting**

- 30.** (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 is able or willing to chair 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.
- (4) If within one half hour from the time appointed for an Annual or Special General Meeting a quorum is not present, the meeting stands adjourned for one half hour on the same day at the same place but, if at that time a quorum described in subsection 48(2) of the Strata Property Act is not present, the eligible voters present in person or by proxy constitutes a quorum.<sup>9</sup>

**Participation by Other Than Eligible Voters**

- 31.** (1) Tenants and guests 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 guests, 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 guests, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.
- (4) Save and except on matters requiring a unanimous vote, if the Strata Corporation is entitled to register a lien against a private yard area and storage unit, the owner, or tenant acting on the owner's behalf, shall not be permitted to vote as a member of the Strata Corporation.

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<sup>9</sup> Bylaw 30 (4) was altered to reduce the adjournment time from two hours to one half hour by resolution at AGM Nov. 5, 2016



### **Voting at an Annual or Special General Meeting**

- 32.** (1) At an Annual or Special General Meeting, voting cards must be issued to eligible voters who register.
- (2) At an Annual or Special General Meeting a vote is decided on a show of voting cards, unless an eligible voter or the Chair requests a precise count when the outcome of the vote is unclear.
- (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 motion 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 a tie by casting a second, deciding vote.
- (6) Despite anything in this section, an election of council must be held by secret ballot, if the secret ballot is requested by an eligible voter.
- (7) (a) Proxy votes cannot be exercised on behalf of an owner at an Annual General Meeting or Special General Meeting unless they are registered prior to the commencement of the meeting.
- (b) Proxy votes cannot be exercised if the owner is present at the meeting.

### **Order of Business - Annual and Special General Meetings**

- 33.** The order of business at Annual and Special General Meetings is as follows:
- (1) Register Owners, Certify proxies 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 Strata Property Act.
- (10) Report on insurance coverage in accordance with Section 154 of the Strata Property Act, if the meeting is an Annual General Meeting.

LITTLE QUALICUM RIVER VILLAGE - VIS 4673

SCHEDULE OF BYLAWS

Combined Bylaws as of November 24, 2019

- (11) Approve the budget for the coming year in accordance with Section 103 of the Strata Property Act, if the meeting is an Annual General Meeting.
- (12) Call for nominations to replace retiring council members.
- (13) Close nominations and introduce candidates.
- (14) Vote for new council members.
- (15) Deal with new business, including any matters about which notice has been given under Section 45 of the Strata Property Act.
- (16) Announce new council members.
- (17) Terminate the meeting.

**DIVISION 6 – Voluntary Dispute Resolution**

**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 Strata Property 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, for example a mediator from the BC Arbitration and Mediation Institute.
- (3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.
- (4) This bylaw does not apply to a dispute between an owner and their tenant.

**DIVISION 7 – Marketing Activities**

**Sale of Lot**

- 35.** An owner who wants to sell his strata lot may carry on sales functions that relate to its sale, including the posting of signs on their private yard area. Advertising, other than real estate company signs, must be approved by the Design Review Committee.

**DIVISION 8 – Rental, Pets, Vehicle Use and Parking**

**Renting or Leasing of Private Yard Areas**

36. (1) An owner is responsible for the actions of their tenants.
- (2) An owner who wishes to lease or rent their private yard area for a term of more than one month shall:
- (a) prior to renting to a prospective tenant, comply with Section 146 of the Strata Property Act by giving the prospective tenant;
    - (i) the current bylaws and rules (available from council at a standard fee), and
    - (ii) a Notice of Tenant's Responsibilities (Form K);
  - (b) provide the Strata Corporation with the Form K signed by the tenant within two weeks of renting all or part of the private yard area.
  - (c) within two weeks of becoming a tenant, the tenant must inform the Strata Corporation of the tenant's name, strata lot number, phone number, and mailing address if different from the strata lot address.
- (3) Contravention of this bylaw shall be subject to a fine of \$200.00. This fine shall be assessed two weeks after delivery of notice of contravention unless remedial action has been taken. Continuing contravention shall be subject to an additional fine of \$200.00 per month.

**Vehicle Use and Parking**

37. (1) All vehicles operated on common property shall abide by any vehicle weight limits posted by the Strata Corporation.
- (2) All motor vehicles operated on common property must be registered, licensed and insured pursuant to the BC Motor Vehicle Act.
  - (3) All drivers of motor vehicles operated on common property must be licensed pursuant to the BC Motor Vehicle Act.
  - (4) The maximum speed for any vehicle of any kind traveling on any road or on any common property shall not exceed 30 kilometres per hour.
  - (5) All vehicles operated on common property must comply with traffic control signs and one-way streets.
  - (6) No vehicles of any kind shall be parked on any part of the common property for more than eight continuous hours unless approved by the Strata Council.
  - (7) Overnight storage of commercial vehicles on common property shall be in an area designated by Strata Council.
  - (8) No major repairs or adjustments shall be made to motor vehicles on any part of the common property or on any part of a private yard area unless within a garage or screened from view except in emergencies or with the approval of the Strata Council.

LITTLE QUALICUM RIVER VILLAGE - VIS 4673

SCHEDULE OF BYLAWS

Combined Bylaws as of November 24, 2019

- (9) An owner shall be responsible for any and all costs, charges and expenses for the clean up and/or payment of damages for any oil, fuel or toxic spills for which they are responsible in any part of the development.
- (10) All recreational vehicles and motor vehicles unlicensed for a period of six months or more shall be stored within an enclosed garage, storage unit or screened from view.

**Pets on Common Property**

- 38.** (1) All dogs shall be on a leash and under the owner's control when on common property.
- (2) Owners and tenants are responsible for the repair of damage by their pets or by their guests' pets.
  - (3) Owners and tenants are responsible for the removal of waste of their pets or their guests' pets.

**DIVISION 9 - Miscellaneous**

**Authorization To Sue – Small Claims Act**

- 39.** The Strata Council is hereby authorized in its sole discretion to commence legal proceedings in the Small Claims Court to collect money owing to the Strata Corporation without the requirement for a vote or approval of the owners at an Annual or Special General Meeting, providing Council has given the owner a minimum of two weeks notice in writing of its intention and provided no fees for legal services are incurred.

**Cleanliness and Waste Management**

- 40.** (1) No rubbish or debris of any kind shall be allowed to accumulate on common property or on a strata lot.
- (2) All household refuse shall be contained in suitable containers and deposited for garbage pick-up only on the days of the week specified by the Strata Council.
- (3) Any waste material other than ordinary household refuse and garbage shall be removed by the owner or resident of the strata lot and shall not be deposited anywhere on the common property.

**Fire Risk**

- 41.** (1) No unsupervised open fires, including fires for cooking, are permitted when the fire risk posted at the gate as high or extreme, as determined by the Ministry of Forests Protection Branch.
- (2) All owners with dwelling units shall place reflective or illuminated street numbers on their driveways for emergency purposes.
- (3) The Dashwood Volunteer Fire Department and the Ministry of Forests and Range shall have continuous and unfettered access to private yard areas in the case of an emergency.

**Hazardous Materials**

- 42.** (1) Dangerous goods, as defined in the Transportation of Dangerous Goods Regulations shall be transported in conformity with those Regulations.
- (2) Dangerous goods shall be stored in conformity with the BC Fire Code Regulations.
- (3) When dangerous goods are stored in a storage unit a Dangerous Goods Safety Mark shall be placed on the front of the storage unit.

### **Community Water System**

- 43.** (1) The occupant of a private yard area shall use the community water supply to that property
- (a) in conformance with water conservation restrictions that will be in place from time to time.
  - (b) without waste such as allowing water to run off on to roadway or ditch.
  - (c) with a hand held or automated shut off device on any water hose
- (2) No person other than the Strata Corporation or a person authorized by the strata council shall connect any pipe or other fittings to the water system, nor shall tamper with or damage any part of the domestic and fire hydrant water systems.
- (3) Access to the water meters shall be maintained at all times. Strata Corporation may charge an owner for any work associated with gaining access to the meter.
- (4) The water supply to a private yard area is to be used for that area and for no other purpose except in the case of an emergency.
- (5) An occupant of a private yard area shall not fill a pond or pool or create any other major demand on the water supply system without first notifying the Strata Council.
- (6) An owner may apply, in writing to Strata Council, to be disconnected from the water system and shall apply, with due notice, when he desires to be reconnected. All associated costs will be charged to the owner.
- (7) Excess Water Fees: Base amount of 200 cubic metres of water annually will be provided to each lot using the water system at no charge. Meters will be read annually at the end of June and lots using more than the base amount will be charged \$.75 per cubic metre for all usage over 200 cubic metres. The excess water fees will be deposited to the Water System reserve fund.<sup>10</sup>

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<sup>10</sup> Added bylaw 43 (7) to formalize Excess Water Fees by Resolution at AGM on Nov. 5, 2016. Also throughout this document changed the spelling of “metre” to Canadian style from American to clearly differentiate the distance measurement from the measuring device.

**DIVISION 10 – Design Review Committee**

**Design Review Committee Terms of Reference**

44. (1) The Design Review Committee (DRC) shall be comprised of four persons appointed by the Strata Council and shall be chaired by a member of council. The committee is delegated its responsibilities and terms of reference from Strata Council in compliance with Bylaws 22 and 23.<sup>11</sup>
- (2) The DRC is responsible for overseeing common property and common assets including water drainage, fire risk, hazardous materials and cleanliness of property. The DRC is also responsible for duties as outlined in these bylaws and delegated, from time to time, by Strata Council.
- (3) Communication with the Design Review Committee shall be the same as that for the Strata Council.

**Construction, Additions, and Improvements to Private Yard Areas**

45. (1) An owner shall, prior to commencing work on a new building, or making any alteration to his private yard area that may affect common property or common assets, either physically or aesthetically, submit a completed application for construction approval on the prescribed form to the DRC and receive approval for the same.
- (2) A letter of approval or a letter outlining modifications to be made to the building shall be issued by the DRC to an owner within fourteen calendar days of receipt of the plans. The DRC shall be deemed to have approved the application of the owner if the DRC has not, within 14 calendar days, after the date of receipt of the application, either requested additional information or delivered a letter of rejection to the owner with reasons in writing.
- (3) If the DRC requires additional information in accordance with paragraph 2 and this information has been provided by the owner and if the DRC does not respond in writing within ten calendar days after the date of receipt, then the DRC shall be deemed to have approved application.
- (4) Approval by the DRC of the building plans of an owner shall expire six months from the date of such approval unless in the meantime the owner has received a building permit and/or has commenced construction of the work.
- (5) All exterior building work shall be completed within 24 months of the start of construction except landscaping, driveways, fencing and screening.
- (6) No work shall be conducted on a strata lot unless the work is commenced, continued and completed in full compliance with:
- (a) the application approved by the DRC; and
- (b) all applicable laws, bylaws, ordinances, rules, regulations and orders of any and all governmental bodies or authorities having jurisdiction over the strata lots.

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<sup>11</sup> Bylaw 44 (1) was altered to increase the number of DRC members from three to four by Resolution at AGM on Nov. 7, 2015.



- (7) An owner, or anyone acting on behalf of an owner, shall:
  - (a) Provide necessary portable washrooms for their construction workers.
  - (b) Provided potable water service is available, arrange with a person approved by Strata Council to have a water meter installed, at their own expense, during the course of construction of any building on a private yard area that requires potable water, and shall promptly connect to the community potable water system

### **Construction related to Common Property**

**46.** An owner, or anyone acting on behalf of an owner, shall not:

- (1) Permit any work to be done on a private yard area and storage unit or on common property which might interfere with or interrupt the natural flow of any water course without having first received the written permission of the DRC.
- (2) Permit any work to be carried on outside the boundaries of a private yard area and storage unit nor permit any material excavated from a private yard area to be deposited outside the boundaries of a private yard area without having first received the written permission of the DRC.
- (3) Cause any damage to any common facilities erected, constructed or placed on, over, across or under common property, including common facilities constructed on easement areas in favor of the Strata Corporation.
- (4) No tracked vehicles shall be operated on common property unless with the approval of the Strata Council.

### **Sewerage Disposal**

**47.** An owner shall not discharge any waste water or any sewerage of any kind on or from their private yard area unless written approval has been received from the appropriate licensing authorities to construct a sewerage disposal facility and that development has received final approval from the appropriate authorities.

### **Vegetation**

**48.** No vegetation shall be removed from any part of a private yard area that has a grade steeper than 35% without first having received written approval of the DRC. The DRC may require the work be approved by a qualified geotechnical engineer and may require that the work be carried out under the supervision of that engineer.

**Building Setbacks**

- 49.** (1) No building shall be located closer than 3.0 metres to any private yard area boundary line on any private yard area of less than 4,047 m<sup>2</sup> (1.0 acres).
- (2) No building shall be located closer than 7.6 metres to any private yard area boundary line on any private yard area between 4,047 m<sup>2</sup> (1.0 acres) and 1.6 hectares (4.0 acres).
- (3) No building shall be located closer than 15.2 metres to any private yard area boundary line on any private yard area greater than the 1.6 hectares (4.0 acres).
- (4) The DRC may, in its sole discretion, permit the positioning of a building closer than the permitted distance to a private yard area provided an owner making this request can properly justify the request and has received the consent of all owners of adjoining private yard areas that are affected.

**Damage to Property**

- 50.** Where the Strata Corporation is required to enter a private yard area, after complying with bylaw 7, for the purpose of maintaining, repairing or renewing common property or common assets, either existing or for future use, in the private yard area, the Strata Council and its agents shall, in carrying out any work or repairs do so in a proper and workmanlike manner and shall make good any damage to the private yard area occasioned by such works and restore the private yard area to its former condition

**Appeal from DRC**

- 51.** The Strata Council shall hear an appeal from any decision of the DRC within 14 days of Council receiving that appeal. The Strata Council shall, within 14 days, convene a hearing excluding DRC members. A decision shall be made by a simple majority of those present.

**DIVISION 11 - Definitions**

52. Except as otherwise listed below the Definitions in Section 5 of the Regional District of Nanaimo Bylaw No. 1285 are adopted along with any future amendments.

“Accessory Building” means a building that is accessory to a permitted principal use on the private yard area and does not exceed a combined floor area of 200 m<sup>2</sup> per lot.

“Building Plans” means all plans and specifications required to be submitted by an owner for written approval by the Strata Council.

“Building Scheme” means the Declaration of Building Scheme and the Schedule of Restrictions attached thereto and registered against the title of all strata lots.

“Common Property” means and includes all those parts of the development designated as “C.P.” or “Common Property” on the Strata Plan, and, including pipes, wires, cables, chutes, ducts and other facilities for the passage or provision of water, sewage, drainage, gas, oil, electricity, telephone, radio, television, garbage, heating and cooling systems, or other similar services.

“Easement” means an interest in land owned by another that entitles the holder to specific and limited use or enjoyment of such land.

“Private Yard Area” means that part of a strata lot illustrated as private yard area on the Strata Plan.

“Sewerage Permit” means and includes a permit or form of written consent authorizing the installation and operation of a sewerage collection and disposal facility for one or more private yard areas issued by a registered on-site Wastewater Practitioner or its duly authorized agents or assigns charged with this responsibility.

“Storage Unit” means and includes any one or more of the 286 Strata Lot Buildings included in the Strata Plan.

"SPA" means the Strata Property Act (BC).

“Strata Plan” means Strata Plan No. VIS 4673.

"Yurt" means a lightweight circular frame structure with radial rafters and a frame door set up on a raised wooden platform. It is covered with a durable fabric and the complete unit can be easily erected or disassembled.