

17 AUG 2010 08 52

FB366906

August 13, 2010

Land Titles and Survey Authority of BC
P.O. Box 9255
Victoria, BC V8Z 1B4

To Whom It May Concern:

Enclosed please find Form I – Amendment to Bylaws, a copy of the amended bylaws for Strata Plan 1969, and a cheque for \$23.75 to cover registration costs.

At the July 29, 2010 Annual General Meeting the Owners passed the following resolution.

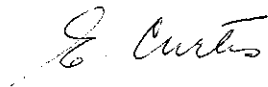
10/11
Moved -Eileen Curtis, Seconded Sheila Sanders - That all previous bylaws be rescinded and replaced with the current bylaws entitled Holmes Creek Estate Bylaws (adopted July 29, 2010) CARRIED

MOTION: Be it moved that the new bylaws be registered at the Land Titles Office. Moved by Barb Ready seconded by Midge Filleul. CARRIED

Please advise if there are further costs and when the document is registered.

Thank you for your attendance to this matter.

Sincerely yours,



Eileen Curtis
Treasurer
Owner's Strata Plan 1969
45 -3144 Sherman Road
Duncan, BC V9L 4B4

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Strata Property Act

Form I

[am. B.C. Reg. 312/2009, s. 7.]

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AMENDMENT TO BYLAWS

(Section 128)

The Owners, Strata Plan 1969[the registration number of the strata plan]
certify that the following or attached amendments to the bylaws of the strata corporation were approved by a resolution
passed in accordance with section 128 of the *Strata Property Act* at an annual or special general meeting held
on JULY 29, 2010[month day, year]*:

SSanders [wording of bylaw amendment]

Signature of Council Member

E. Curtis

Signature of Second Council Member (not required if council consists of only one member)

* Section 128 (2) of the Act provides that an Amendment to Bylaws must be filed in the land title office.

**Moved -Eileen Curtis, Seconded Sheila Sanders - That all
previous bylaws be rescinded and replaced with the current bylaws entitled
Holmes Creek Estate Bylaws (adopted July 29, 2010) CARRIED**

Holmes Creek Estate Bylaws (Adopted July 29, 2010) – pages 1 through 6 attached.

HOLMES CREEK ESTATE BY-LAWS

(Adopted July 29, 2010)

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.
- 2) The fee set forward in each assessment shall be payable to the Strata Corporation, in advance.

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 exclusive use of common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- 3) An owner shall not allow his strata lot or his common property to become untidy. The Strata Corporation shall be at liberty to remove any rubbish or clean up a strata lot to its satisfaction and may charge the expense to the owner.
- 4) An owner will be responsible for any spillage and related costs that may affect the streets, sewers, and storm drains of the strata corporation.
- 5) An owner must maintain his lawn on a regular basis. The strata corporation shall be at liberty to mow lawns not maintained to its satisfaction and may charge the expense to the owner.
- 6) An owner will not permit maintenance work on vehicles, trailers, campers or motor homes on his strata lot unless it is performed within an enclosed garage.

3 Use of Property

- 1) This age bylaw is intended to prohibit a person less than forty-five (45) years of age from living in the strata corporation on a permanent basis.
 - a) Each strata lot is reserved for the use by a person or persons 45 years and older.
 - b) A person, excluding a spouse, under the age of 45 years shall not be permitted to reside in a strata lot.
 - c) A guest of the owner shall be permitted to use the strata lot for a period of no more than thirty (30) days in a calendar year, or as otherwise approved in writing by the Strata Council.

- d) An owner who permits a person to reside in his or her strata in contravention of this bylaw shall be liable to a fine in the amount of \$200.00 for each seven day period that this bylaw is being violated.
 - e) An occupant, including an owner, spouse or a family member residing in a strata lot shall provide adequate proof of age within a reasonable period of time after a written request from the Strata Council.
 - f) All occupants of a strata lot must meet the criteria provided for in this bylaw, except for those, if any, grandfathered pursuant to the provisions of the Strata Property Act.
 - g) Subject to section 3 1) c) an owner shall not use or permit the strata lot to be used for any purpose other than a private dwelling for the owner or the owner's family.
- 2) An owner, occupant or visitor must not use a strata lot, the common property or common assets in a way that
 - a) causes a nuisance or hazard to another person,
 - b) causes unreasonable noise,
 - c) unreasonably interferes with the rights of 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.
 - 3) An owner 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) An owner shall not erect, place, allow, keep or display signs, billboards, advertising matter or other notices or displays of any kind on the common property or in or about any strata lot in any manner which may make the same visible from the outside of a strata lot. A sign designating the owner's name may be erected on the premises. Such sign is to be no larger than 12 x 18 inches.
 - 5) Notwithstanding the provisions of Section 2(4), an owner may post and display a "FOR SALE" sign not larger than 18 x 30 inches upon or about his Strata lot.
 - 6) An owner shall not erect antennas for radio, television, citizen band or other forms of transmitting devices on a strata lot without prior written approval of the strata council.
 - 7) No outdoor clothes line or poles shall be erected or used on a strata lot save and except for an umbrella or collapsible type of clothes line erected and positioned in such a manner so as not to be visible from the common property roadway on which the strata lot is situated.
 - 8) Exterior appearance of a dwelling shall not be altered to accommodate the storage or parking of vehicles.
 - 9) Exterior colour changes to any building shall not be made without prior written approval of the strata council.

- 10) The style, size (maximum six (6) feet in height), material used and colour of any fence to be erected between strata lots shall be subject to the written approval of the strata council.
- 11) No garbage receptacle, wood storage, incinerator, compost box or heap shall be kept on any strata lot. A properly designed and environmentally approved compost container is acceptable.
- 12) Temporary structures shall not be erected on the strata lot without the prior written approval of the strata council.
- 13) Permanent structures, whether attached or detached from the main residence, shall not be erected on the strata lot without prior written approval from the strata council and written approval by the applicable municipality, if required.
- 14) An owner or visitor shall not allow children to play on the common property, streets, parking lots or driveways.
 - a) Such activities as skateboarding, roller-skating, roller blading, hockey, bicycle riding, ball games, and similar activities are not allowed on common property as they create undue hazards and liability against both the strata corporation and the strata owner.
 - b) Children may play on the clubhouse lawns under the supervision of an owner or responsible adult known to an owner.
- 15) An owner shall not do anything or permit anything to be done on his strata lot or the common property that will or would tend to increase the risk of fire or the rate of fire insurance premiums or any other premiums with respect thereto.

4 Pets

- 1) An owner may keep up to two pets only consisting of 1 dog, 1 cat or 2 small dogs or 2 cats. An exemption to this bylaw requires written permission of council.
- 2) An owner is required to register all pets with the strata council for safety purposes.
- 3) An owner 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.

5 Inform strata corporation

- 1) Within two (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.

6 Obtain approval before altering strata lot

- 1) An owner must obtain the written approval of the strata council 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; or
 - c) common property located within the boundaries of a strata lot.

- 2) The owner must obtain a building permit from the applicable authority, if required.
- 3) Any alteration or addition made by an owner without such approval may be restored or removed by the strata council or its duly authorized representative or representatives. Such owner shall forthwith pay any costs incurred by the strata council as a result thereof to the strata corporation.

7 Obtain approval before altering common property

- 1) An owner must obtain the written approval of the strata corporation before making any alteration to 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.

8 Permit entry to strata lot

- 1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot
 - a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
 - b) at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act.
- 2) The notice referred to in subsection (1) b) must include the date and approximate time of entry, and the reason for entry.
- 3) In the event of an emergency emanating from a strata lot whose owner cannot be contacted, access by the strata council or its designated representative or representatives for the protection of common property or safety may have to be gained by force at the owner's expense. Where the emergency is determined to be common property related, the Strata Corporation will pay the expenses incurred. Where the emergency is determined to be strata lot related, the Strata Corporation may elect to charge related expenses to the strata lot owner.

9 Parking

- 1) Parking is allowed in the common areas as follows:
 - a) Designated area inside the front gate, opposite the mailboxes.
 - b) The gravel parking area in front of the clubhouse.
 - c) Vehicles 25 feet or over in length may be parked in area (a) or (b) with permission of the council.
- 2) **Owners, tenants or occupants must ensure that their vehicles or those of their visitors do not impede safe traffic flow nor impose a safety hazard to others.** Parking on common property roadways by owners, tenants, occupants, or visitors is limited to 4 hours. It is the responsibility of the owner, tenant, or

occupant to direct visitors to the correct parking areas, particularly overnight. There is no overnight parking allowed on common property roadways.

- 3) The paved laneway between houses #30 and #31 (strata lots #7 & #8) is a dedicated **fire lane** and as such is a prohibited parking area at all times.
- 4) An owner, tenant, occupant or visitor shall not park or store any trailer, travel trailer, truck larger than a ¾ ton pickup, camper, motor home, or boat on his strata lot unless it is within an enclosed garage or on a designated parking area approved by strata council. Any unlicensed vehicle must be enclosed within a garage.
- 5) An owner, tenant, occupant or visitor shall not park, or allow to be parked, any commercial vehicles or equipment on or about his strata lot or the common property (including bulldozers, earth movers, excavators, logging trucks, or other off road equipment) unless such vehicles or equipment is temporarily parked for the purpose of construction or maintenance work that is being carried out to improve or benefit the strata lot or common property or conducting regular business with an owner of a strata lot or the strata council.
- 6) Failure to abide by this bylaw will result in the owner, tenant, or occupant being assessed a fine of \$25.00 for a first violation and a fine not to exceed \$100.00 for a second or subsequent violation.

10 Rental Limitation Bylaw

i) Purpose of the Bylaw

- (a) The Strata Corporation wishes to limit the number of strata lots that may be rented at any one time for the following reasons:
- (b) To protect the preferred lifestyle of the community by encouraging owner-occupation of residential strata lots;
- (c) To exclude speculators from purchasing strata lots for the purposes of rental and resale; and
- (d) To define the procedure to be followed by the strata lot owner and the strata council in administering the rental limitation.

ii) Rental Prohibited

- (a) Pursuant to Section 141 of the Strata Property Act (the "Act") and subject to any exemptions provided under the said Act, the leasing out or renting out of lots within the Strata Corporation by the owners of the lots is prohibited.
- (b) Owners who are presently renting or leasing (House 25, Lot 43) may continue to do so until such time as their property is sold to a new Owner.

iii) Bylaw Exemption to Family or Family Members

- (a) This bylaw does not apply to prevent the rental of a strata lot to a Family Member of an owner.
- (b) The definitions in section 3 (1) of this bylaw apply to this section 10.

iv) Hardship

- (a) An owner may provide a written application to the Strata Corporation for permission to rent on grounds of hardship stating the following:
 - (i) the owner thinks an exemption should be made: and
 - (ii) whether the owner wishes a hearing.
- (b) The application of the owner should include documentation in support of the reasons for exemption on the grounds of hardship.
- (c) If the owner wishes a hearing, the Strata Corporation must hear the owner or the owner's agent within one (1) month after the date the application is given to the Strata Corporation.
- (d) The Strata Corporation must provide a written decision to the owner within one (1) week after the hearing if one is requested, or within one (1) month after the date the application and required supporting documentation is given to the Strata Corporation if a hearing is not requested, failing which the application shall be deemed to be allowed.
- (e) An exemption granted by the Strata Corporation may be for a limited time.
- (f) The Strata Corporation may not unreasonably refuse to grant an exemption.

v) Fines

- (a) An owner who leases a strata lot in contravention of this bylaw may be subject to a fine in the discretion of the strata council in an amount not to exceed \$500.00 for each seven-day period that the strata lot is rented out in contravention of these bylaws.

End of Document