

Date Delivered October 01, 2018 01:34PM

Strata Manager COLDWELL BANKER HORIZON REALTY

eStrataHub Order Number 260865

Folio Reference

Requestor Company RE/MAX DAWSON CREEK REALTY

Requested By TOM MORAN

Property Name Lake Okanagan Resort

Strata Plan # KAS322

Strata Lot # 6

Civic Address 6 2775 WESTSIDE ROAD

Documents and Files in this Container for Order 260865(Folio:)

Form B - Information Certificate

eSH260865-01-Form B - Information Certificate_KAS322 SL6 Form B.PDF

eSH260865-02-Form B - Information Certificate_2018_08- LOR.pdf

eSH260865-03-Form B - Information Certificate_Rental Disclosure Statement.pdf

Bylaws

eSH260865-04-Bylaws_KAS322 Bylaws 2018.pdf

Strata Council Meeting Minutes

eSH260865-05-Strata Council Meeting Minutes_06.23.18 AGM minutes K322.pdf

eSH260865-06-Strata Council Meeting Minutes_03.28.2018 Council Minutes K322.pdf

Rules

Not Available - The document you requested is not available for this property.

Financial Statements (most recent)

Document is not available

Document:	Rules
Property:	Lake Okanagan Resort
Strata Plan #:	KAS322
Strata Lot #:	6
Comment:	The document you requested is not available for this property.

Strata Property Act
Form B
INFORMATION CERTIFICATE
(Section 59)

The Owners, Strata Plan KAS322 certify that the information contained in this certificate with respect to Strata Lot 6 is correct as of the date of this certificate.

- (a) Monthly strata fees payable by the owner of the strata lot described above **\$466.16**
- (b) Any amount owing to the strata corporation by the owner of the strata lot described above (other than an amount paid into court, or to the strata corporation in trust under section 114 of the *Strata Property Act*)
\$330.31
- (c) Are there any agreements under which the owner of the strata lot described above takes responsibility for expenses relating to alterations to the strata lot, the common property or the common assets?
NO
- (d) Any amount that the owner of the strata lot described above is obligated to pay in the future for a special levy that has already been approved. The payment is to be made by
[month day, year]. **\$0**
- (e) Any amount by which the expenses of the strata corporation for the current fiscal year are expected to exceed the expenses budgeted for the fiscal year **\$0**
- (f) Amount in the contingency reserve fund minus any expenditures which have already been approved but not yet taken from the fund **\$49,784.66**
- (g) Are there any amendments to the bylaws that are not yet filed in the land title office?
NO
- (h) Are there any resolutions passed by a 3/4 vote or unanimous vote that are required to be filed in the land title office but that have not yet been filed in the land title office?
NO
- (i) Has notice been given for any resolutions, requiring a 3/4 vote or unanimous vote or dealing with an amendment to the bylaws, that have not yet been voted on?
NO
- (j) Is the strata corporation party to any court proceeding or arbitration, and/or are there any judgments or orders against the strata corporation?
NO
- (k) Have any notices or work orders been received by the strata corporation that remain outstanding for the strata lot, the common property or the common assets?
NO
- (l) Number of strata lots in the strata plan that are rented **3**

FORM B – PARKING

(m) Are there any parking stall(s) allocated to the strata lot? **YES**

(i) *If no, complete the following by checking the correct box*

No parking stall is available

No parking stall is allocated to the strata lot but parking stall(s) within common property might be available

(ii) *If yes, complete the following by checking the correct box(es) and indicating the parking stall(s) to which the checked box(es) apply.*

Parking stall(s) number(s) .is/are part of the strata lot

Parking stall(s) number(s) is/are separate strata lot(s) or parts of a strata lot [*strata lot number(s), if known, for each parking stall that is a separate strata lot or part of a separate strata lot*]

Parking stall(s) number(s) is/are limited common property

Two Parking stall(s) are common property. These are adjacent to the unit

(iii) *For each parking stall allocated to the strata lot that is common property, check the correct box and complete the required information.*

Parking stall(s) number(s) is/are allocated with strata council approval*

Parking stall(s) number(s) is/are allocated with strata council approval and rented at \$ per month*

Two Parking stall(s) may have been allocated by owner developer assignment

Details:

[Provide background on the allocation of parking stalls referred to in whichever of the 3 preceding boxes have been selected and attach any applicable documents in the possession of the strata corporation.]

***Note: The allocation of a parking stall that is common property may be limited as short term exclusive use subject to section 76 of the *Strata Property Act*, or otherwise, and may therefore be subject to change in the future.**

FORM B – STORAGE LOCKERS

(n) Are there any storage locker(s) allocated to the strata lot? **NO**

(i) *If no, complete the following by checking the correct box*

No storage locker is available

No storage locker is allocated to the strata lot but storage locker(s) within common property might be available

(ii) *If yes, complete the following by checking the correct box(es) and indicating the storage locker(s) to which the checked box(es) apply.*

Storage locker(s) number(s) is/are part of the strata lot

Storage locker(s) number(s) is/are separate strata lot(s) or part(s) of a separate strata lot
[strata lot number(s), if known, for each
locker that is a separate strata lot or part of a separate strata lot]

Storage locker(s) number(s) is/are limited common property

Storage locker(s) number(s) is/are common property

(iii) *For each storage locker allocated to the strata lot that is common property, check the correct box and complete the required information.*

Storage locker(s) number(s) is/are allocated with strata council approval*

Storage locker(s) number(s) is/are allocated with strata council approval and rented at \$ per month*

Storage locker(s) number(s) may have been allocated by owner developer assignment

Details:

[Provide background on the allocation of storage lockers referred to in whichever of the 3 preceding boxes have been selected and attach any applicable documents in the possession of the strata corporation.]

***Note: The allocation of a storage locker that is common property may be limited as short term exclusive use subject to section 76 of the *Strata Property Act*, or otherwise, and may therefore be subject to change in the future.**

FORM B – ATTACHMENTS:

Required Attachments: In addition to attachments mentioned above, section 59(4) of the Strata Property Act requires that copies of the following must be attached to this Information Certificate:

X The rules of the strata corporation;

X The current budget of the strata corporation;

X The owner developer's Rental Disclosure Statement under section 139, if any; and

The most recent depreciation report, if any, obtained by the strata corporation under section 94.


No depreciation report has been commissioned

Insurance Broker: Johnston Meier Agencies Group

Date: **September 26, 2018**

.....
Signature of Council Member

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


.....
Signature of Strata Manager, if authorized by strata corporation.

Judith Gregson
Licensed Strata Manager

Balance Sheet (Accrual)
Lake Okanagan Resort KAS322 [4] - (kas322)
August 2018

Page 1
9/14/18
08:12 AM

Prepared For:
All Owners

Prepared By:
Coldwell Banker Property Management
110 - 1641 Commerce Ave.
Kelowna, BC V1X 8A9

ASSETS

CURRENT ASSETS

General Bank Account	25,346.11
Contingency Reserve Fund	8,653.98
GIC Account	41,130.68
Strata Fees Receivable	2,435.26
Prepaid Insurance	15,479.90
TOTAL CURRENT ASSETS	<u>93,045.93</u>
TOTAL ASSETS	93,045.93

LIABILITIES & EQUITY

CURRENT LIABILITIES

Accounts Payable	2,352.00
TOTAL CURRENT LIABILITIES	<u>2,352.00</u>

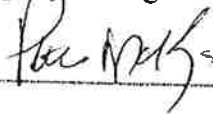
CONTINGENCY RESERVE

Contingency Reserve Opening Balance	81,849.18
Contingency Reserve - Interest Earned	23.47
Contingency Reserve YTD Appropriations	4,000.00
Contingency Fund Expenditures	-36,087.99
TOTAL CONTINGENCY RESERVE	<u>49,784.66</u>

SHAREHOLDERS EQUITY

Retained Earnings	40,909.27
TOTAL SHAREHOLDERS EQUITY	<u>40,909.27</u>
TOTAL LIABILITIES & EQUITY	<u>93,045.93</u>

Peter McKenzie
Managing Broker
Coldwell Banker Horizon Realty
Property Management Division



Cash Flow (Accrual)
Lake Okanagan Resort KAS322 [4] - (kas322)
August 2018

	Month to Date	%	Year to Date	%
REVENUE				
Residential Fees/Strata Fees	6,953.71	92.21	27,814.84	92.21
Transfer from Surplus	587.71	7.79	2,350.84	7.79
TOTAL REVENUE	7,541.42	100.00	30,165.68	100.00
EXPENSES				
UTILITIES				
Water	1,176.00	15.59	3,528.00	11.70
Garbage	0.00	0.00	504.00	1.67
TOTAL UTILITIES	1,176.00	15.59	4,032.00	13.37
INSURANCE				
Insurance	2,211.42	29.32	8,845.68	29.32
TOTAL INSURANCE	2,211.42	29.32	8,845.68	29.32
ADMINISTRATION				
Strata Management Fees	656.25	8.70	2,625.00	8.70
Bank Charges	15.00	0.20	60.00	0.20
Office Expenses	25.28	0.34	408.21	1.35
TOTAL ADMINISTRATION	696.53	9.24	3,093.21	10.25
LAND & LOT				
Roads, Walks, Parking Sweeping	0.00	0.00	236.25	0.78
TOTAL LAND & LOT	0.00	0.00	236.25	0.78
EXTERIOR R & M				
Repairs & Maintenance : General	-313.47	-4.16	82.88	0.27
TOTAL EXTERIOR R & M	-313.47	-4.16	82.88	0.27
CONTINGENCY RESERVE FUND				
Contingency Fee	1,000.00	13.26	4,000.00	13.26
TOTAL CONTINGENCY	1,000.00	13.26	4,000.00	13.26
TOTAL EXPENSES	4,770.48	63.26	20,290.02	67.26
NET INCOME	2,770.94	36.74	9,875.66	32.74
ADJUSTMENTS				
Strata Fees Receivable	2,065.71		4,617.46	
Prepaid Insurance	2,211.42		-8,845.65	
TOTAL ADJUSTMENTS	4,277.13		-4,228.19	
CASH FLOW	7,048.07		5,647.47	
Beginning Cash	18,885.75			
Ending Balance	25,346.11			



- RECORDS SEARCH STATEMENT -

Date: March 28, 2012

Request No. RDR1228

Requestor: Coldwell Banker Horizon Realty
Janet McDonald

Address: 102-1658 Commerce Avenue
Kelowna, BC V1X 8A9

Facsimile: 250-860-9521

We confirm that a search of our records, requested on January 24, 2012, found that no Rental Disclosure Statement was filed with the Superintendent of Real Estate in respect of the following development:

Filing Name/Number: KAS 0322

Developer Name:

Fee amount: \$38.00

Fee amount paid: \$38.00

Fee amount owing: \$0.00

**Financial
Institutions
Commission**

- Superintendent of Financial Institutions
- Superintendent of Pensions
- Superintendent of Real Estate
- Registrar of Mortgage Brokers
- Credit Union Deposit Insurance Corporation of British Columbia

Mailing Address:
Suite 2800, Box 12116
555 West Hastings Street
Vancouver, BC V6B 4N6
Telephone: 604 660-3555
Facsimile: 604 660-3365

Web Address:
www.fic.gov.bc.ca

KAMLOOPS LAND TITLE OFFICE

May-22-2015 15:38:21.001

STRATA PROPERTY ACT FILING
PROVINCE OF BRITISH COLUMBIA

CA4412910

PAGE 1 OF 2 PAGES

- Your electronic signature is a representation by you that:
 - you are a subscriber; and
 - you have incorporated your electronic signature into
 - this electronic application, and
 - the imaged copy of each supporting document attached to this electronic application,

Kathryn Diane
Snowsell
649M5F

c=CA, cn=Kathryn Diane
Snowsell 649M5F,
o=Lawyer, ou=Verify ID at
www.juricert.com/
LKUP.cfm?id=649M5F

- and have done so in accordance with Sections 168.3 and 168.41(4) of the *Land Title Act*, RSBC 1996, C.250.
- Your electronic signature is a declaration by you under Section 168.41 of the *Land Title Act* in respect of each supporting document required in conjunction with this electronic application that:
 - the supporting document is identified in the imaged copy of it attached to this electronic application;
 - the original of the supporting document is in your possession; and
 - the material facts of the supporting document are set out in the imaged copy of it attached to this electronic application.

Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the *Land Title Act*.

1. CONTACT: (Name, address, phone number)

Christy L. Lovig

Doak Shirreff LLP

200 - 537 Leon Avenue

Kelowna

BC V1Y 2A9

LTO: 10565

Phone: 250-763-4323

File: 125-124703-00007

Document Fees: \$25.48

Deduct LTSA Fees? Yes

2. IDENTIFICATION OF ATTACHED STRATA PROPERTY ACT FORM OR OTHER SUPPORTING DOCUMENT:

Form-V Schedule of Unit Entitlement

LTO Document Reference:

3. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

NO PID NMBR STRATA CORPORATION KAS322Related Plan Number: **KAS322**

Strata Property Act

Form I

AMENDMENT TO BYLAWS

(Section 128)

The Owners, Strata Plan KAS322 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 October 8, 2011:

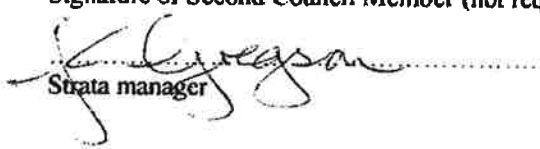
Resolution #3

Be it resolved by a 3/4 vote resolution of the eligible voters of KAS322 to amend Bylaw 5 (1) "No pets may be kept either on common property or any strata lot at any time", to "Pets are accepted within Strata KAS322. Owners shall indemnify and save harmless the Strata Corporation from any acts of damage physical or otherwise their pets incur. Owners and guests are responsible for their pets at all times, and shall be liable for any damage, mess, or action causing bodily harm their pets may inflict."

On a motion by Hugh and seconded by Tom to: Accept Resolution #3 Held: Motion was 17 for 2 against. Approved

.....
Signature of Council Member

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


.....
Strata manager

Aug-12-2011 13:51:30.001

CA2142531

STRATA PROPERTY ACT FILING
PROVINCE OF BRITISH COLUMBIA

PAGE 1 OF 22 PAGES

- Your electronic signature is a representation by you that:
 - you are a subscriber; and
 - you have incorporated your electronic signature into
 - this electronic application, and
 - the imaged copy of each supporting document attached to this electronic application, and have done so in accordance with Sections 168.3 and 168.41(4) of the *Land Title Act*, RSBC 1996, C.250.

c=CA, cn=Christy Lynn Lovig LLQ6ZT,
o=Lawyer, ou=Verify ID at www.
juricert.com/LKUP.cfm?id=LLQ6ZT

- Your electronic signature is a declaration by you under Section 168.41 of the *Land Title Act* in respect of each supporting document required in conjunction with this electronic application that:
 - the supporting document is identified in the imaged copy of it attached to this electronic application;
 - the original of the supporting document is in your possession; and
 - the material facts of the supporting document are set out in the imaged copy of it attached to this electronic application.

Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the *Land Title Act*.

1. CONTACT: (Name, address, phone number)

Doak Shirreff LLP

200 - 537 Leon Avenue

LTO: 10565

Phone: 250-763-4323

Kelowna

BC V1Y 2A9

File: 118002

Document Fees: \$23.75

Deduct LTSA Fees? Yes

2. IDENTIFICATION OF ATTACHED STRATA PROPERTY ACT FORM OR OTHER SUPPORTING DOCUMENT:

Form-1 Amendment to Bylaws

LTO Document Reference:

3. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

{PID}

[LEGAL DESCRIPTION]

NO PID NMBR STRATA PLAN KAS322

Related Plan Number: **KAS322**

Strata Property Act

Form I

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

AMENDMENT TO BYLAWS

(Section 128)

The Owners, Strata Plan KAS322 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 August 6, 2011.

Be it resolved that the existing bylaws of the strata corporation shall be repealed, including the Schedule of Standard Bylaws and all Bylaws registered in the Kamloops Land Title Office to the date hereof, including Instrument No. KT61071 registered on June 7, 2002.

Be it further resolved that the strata corporation adopts the attached bylaws as the Bylaws of the strata corporation.

SEE ATTACHED BYLAWS.


Signature of Council Member

HUGH 2009


Signature of Second Council Member

ANNE LIVESSEY

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

STRATA CORPORATION K322

BYLAWS

DIVISION 1 – DUTIES OF OWNERS, TENANTS, & VISITOR

1. Operating Fund and Contingency Reserve Fund

- (1) Pursuant to sections 91 and 92 of the *Strata Property Act* (the “SPA”), the strata corporation is responsible for the common expenses of the strata corporation.
- (2) To meet its expenses, the strata corporation must establish, and the owners must contribute, by means of strata fees, to:
 - a) An operating fund for common expenses that usually occur either once a year or more often than once a year; and
 - b) A contingency reserve fund for common expenses that usually occur less often than once a year or that do not usually occur.
- (3) The common expenses of the strata corporation include without limitation, water, sewage and electrical supply, building insurance, security for the entire strata corporation, directors and officers insurance, garbage removal from all strata lots, spring cleaning and snow removal from access roads, steps and fire lanes and all landscaping costs for common areas not designated to individual strata lot owners for upkeep.
- (4) Bylaws 1(1) and 1(2) are unalterable as a function of their inclusion in the SPA.

2. 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. Monthly strata fees shall be deemed to be the amount for each strata lot based on the approved annual budget from time to time, including any amendments, and calculated based on the unit entitlement formula.
- (2) Any special levy shall be deemed to constitute a strata fee of the strata corporation for purposes of this bylaw. The special levy shall be deemed to be in the amount for each strata lot specified in a special resolution approved by a 3/4 vote of owners from time to time, including any amendments, and calculated based on the unit entitlement formula. The special levy shall be deemed to be due and payable on the date specified in a special resolution approved by a 3/4 vote of owners pursuant to section 108 of the SPA.
- (3) The strata corporation may charge an owner who is late paying his/her strata fees (comprised of the monthly strata fee and any special levy) interest at the rate of 10% per annum or the maximum rate of interest stipulated in the *Strata Property Regulations* from time to time.

- (4) The interest payable on a late payment of strata fees in accordance with this Bylaw is not a fine, and forms part of the strata fees for the purposes of section 116 of the SPA.
- (5) The interest payable on a late payment of a special levy in accordance with this Bylaw is not a fine and forms part of the special levy for the purposes of section 116 of the SPA.

3. Unit Entitlement

- (1) Unit entitlement of a strata lot means the number indicated in the Schedule of Unit Entitlement established under section 246 of the SPA, that is used in calculations to determine the strata lot's share of:
 - a) The common property and common assets; and
 - b) The common expenses and liabilities of the strata corporation.
- (2) Pursuant to section 246(3)(a) of the SPA, the unit entitlement of a strata lot within Strata Corporation K322 is calculated as follows:
 - a) The unit entitlement is the habitable area, in square metres, of the strata lot, as determined by a British Columbia land surveyor, rounded to the nearest whole number.
- (3) Pursuant to section 14.2 of the *Strata Property Regulation*, for the purposes of section 246 of the SPA, "habitable area" means the area of a residential strata lot which can be lived in, but does not include patios, balconies, garages, parking stalls or storage areas other than closet space.
- (4) Bylaws 3(1), 3(2) and 3(3) are unalterable as a function of their inclusion in the SPA or the *Strata Property Regulation*.

4. Repair and maintenance of property by owner

- (1) An owner must repair and maintain the owner's strata lot at their own expense, 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 at their own expense, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (3) Each owner must maintain the exterior of their strata lot at all times, including the exterior walls, the roofs, chimneys, balconies, attached patios and any lands and buildings surrounding the boundaries of their strata lot, whether common property or limited common property.
- (4) Any landscaped areas surrounding the boundaries of a strata lot, whether common property or limited common property, are to be maintained by the strata lot owner.

- a) Owners shall not introduce any plant material with aggressive growth pattern which could migrate or take over any natural plant growth in the un-groomed landscaped areas to any areas of a strata lot, common property or limited common property.
 - b) There are a variety of indigenous trees and shrubbery on the common property, which will be preserved whenever possible, unless they become a danger to a chalet or have matured to a stature which severely impedes established lake views. In both situations, an effected unit owner may make an application to the strata council to take measures to rectify the situation.
- (5) Since the units are connected to a septic tank sewage system which is designed to dispose of regular household waste only it is imperative that no washing or disposing of paint solvents or liquids other than normal household cleaning solutions enter this system. Disposal units are not allowed.

5. Use of property

- (1) No pets may be kept either on common property or any strata lot at any time.
- (2) 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.
- (3) 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 SPA.
- (4) No personal items of any kind may be hung over the railing or balcony of any strata lot.
- (5) Assigned parking, including any common property or limited common property, may not be used for long-term storage of trailers, mobile homes or boats, unless these items are stored within a garage.

- (6) All visible motor vehicles located on the strata lot or on any lands and buildings surrounding the boundaries of a strata lot, whether common property, limited common property or part of a strata lot, must be insured.

6. Indemnification

- (1) An owner is responsible for any damage caused by occupants, tenants or visitors to the owner's strata lot.
- (2) An owner shall indemnify and save harmless the Strata Corporation from the expense of any maintenance, repair or replacement rendered necessary to the common property, limited common property, common assets or to any strata lot by the owner's act, omission, negligence or carelessness or by that of an owner's visitors, occupants, guests, employees, agents, tenants or a member of the owner's family, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, and for the purposes of Bylaws 3(3) and 4(1), any insurance deductible paid or payable by the strata corporation shall be considered an expense not covered by the proceeds received by the strata corporation as insurance coverage and will be charged to the owner.
- (3) Bylaw 6(2) does not limit, in any way, the ability of the strata corporation to sue an owner pursuant to section 158(2) of the SPA.

7. Rentals of Strata Lots

- (1) Strata lot owners are personally responsible for any tenant and their behavior on the strata lot as well as any common property, including, without limitation, any parking or pet violations.
- (2) No more than 8 people may occupy a standard sized strata lot.
- (3) Cooking is not allowed in any strata lot without a kitchen.
- (4) Owners must notify the strata corporation of the number of units to be used for rental and the number of tenants allowed.
- (5) Strata fines for breaking of bylaws or rules by a tenant will be applied to the corresponding owner.
- (6) The strata corporation may request the names and contact information of any tenants.

8. 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) Within 1 week of becoming a tenant, a tenant must inform the strata corporation of the tenant's name, the strata lot number that the tenant occupies and the proposed mailing address of the tenant, if different from the strata lot.

9. Obtain approval before altering a strata lot

- (1) An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves any of the following:
 - a) the structure of a building;
 - b) the exterior of a building;
 - c) chimneys, stairs, 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 SPA.
- (2) The strata corporation must not unreasonably withhold its approval under Bylaw 9(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.

10. 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.

11. Application of Strata Lot Owner to Alter the Strata Lot, Common Property or Limited Common Property

- (1) The application of the unit owner(s) for an alteration to the strata lot or to common property, including limited common property pursuant to Bylaws 9 and 10 (the "Alteration") shall be in writing and shall enclose the following (the "Application"):
 - a) details of the proposed Alteration;
 - b) a plan showing the proposed location of construction of the Alteration and nature of the change, including details of the proposed materials and dimensions;

- c) a copy of the building permit or other permits required by the municipality of the authority having jurisdiction;
 - d) name of qualified/licensed contractor(s) who will perform the work; and
 - e) any other documents or information which the strata council may reasonably require in order to grant permission;
- (2) Upon receipt of an application for an Alteration, the strata council shall within four (4) weeks from the date of receipt of the Application or an Amended Application either request further information, approve or reject the Application or Amended Application in writing.
- (3) Strata lot owners approved for the Alteration shall:
- a) perform the work or cause the work to be performed at the unit owner's sole cost;
 - b) ensure that the work or cause the work to be performed in a good and workmanlike fashion and in accordance with all applicable laws, statutes, bylaws and the Design Guidelines for the Strata Corporation, which are attached to, and form part of, these Bylaws, as Schedule "A";
 - c) produce a copy of a valid building permit to the strata council prior to the commencement of the work, if required by the local municipality;
 - d) employ qualified and licensed contractors or contractors approved by the strata council, acting reasonably, to perform the work;
 - e) employ at the unit owner's sole cost a qualified building envelope professional, if required in the sole discretion of the strata council, to prepare specifications and provide inspection services for the work;
 - f) rectify deficiencies to the work in a timely fashion and to the satisfaction of the strata council, failing which the strata corporation may perform the work and collect the costs of same from the owner, including costs as between a solicitor and his or her own client;
 - g) observe and repair and maintenance schedule or policy imposed by the strata corporation from time to time for the works;
 - h) indemnify the strata corporation and its council members and save them harmless from any and all liability associated with the work, including legal costs as between a solicitor and his or her own client; and
 - i) provide the strata corporation with a written assurance upon completion of the Alteration compliance with the terms of this bylaw and, where applicable, section 70(4) of the SPA.

- (4) If an Alteration has been installed or constructed without the prior written permission of the strata council ("Unauthorized Alteration"), then the owner of that strata lot may apply to the strata corporation for permission to retain the Unauthorized Alteration.
- (5) The strata council may unreasonably refuse to approve the Unauthorized Alteration, but if it is approved, then approval must be on the same terms and conditions as outlined in this bylaw.
- (6) The strata council is authorized in its sole discretion to take legal proceedings, including an application to the Supreme Court pursuant to section 171(1)(b) of the SPA, against the owners of Unauthorized Alterations for any remedy, judgment or order recommended in the opinion of legal counsel and available to the strata corporation by law, including an application for a mandatory injunction to compel removal of the Unauthorized Alteration.

12. Permit Entry to Strata Lot

- (1) An owner, tenant, occupant or visitor must allow a Strata Property Manager or a person designated and 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;
 - 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 SPA; and
 - c) At a reasonable time on 48 hours' notice to ensure compliance with the SPA and the bylaws.
- (2) The notice referred to in sections (1)(b) and (1)(c) must include the date and approximate time of entry, and the reason for entry.
- (3) An owner or tenant who fails or refuses to provide access contrary to Bylaw 12(1) shall be responsible for any damages or additional costs incurred by the strata corporation as a result of the failure to allow an authorized person access. The strata corporation may commence court proceedings to compel access to the strata lot, and the unit owner or tenant who unlawfully refused access shall not only be responsible for damages, but also for the legal costs of the strata corporation as between a solicitor and his or her own client.

DIVISION 2 – POWERS AND DUTIES OF STRATA CORPORATION

13. Repair and maintenance of property by strata corporation

- (1) Pursuant to section 72 of the SPA, and subject to Bylaw 4(2), the strata corporation must repair and maintain common property and common assets.

- (2) The strata corporation may, by bylaw, make an owner responsible for the repair and maintenance of limited common property that the owner has a right to use, or common property other than limited common property only if identified in the regulations and subject to prescribed restrictions.
- (3) The strata corporation may, by bylaw, take responsibility for the repair and maintenance of specified portions of a strata lot.
- (4) Bylaws 13(1), 13(2) and 13(3) are unalterable as a function of their inclusion in the SPA.
- (5) The strata corporation must repair and maintain all of the following, to the extent that a strata lot owner has not been made responsible for the repair and maintenance, pursuant to bylaw 4:
 - a) common assets of the strata corporation and common property that has not been designated as limited common property, including without limitation, drainage/sewage/water or electrical supply or underground storage that is used to the benefit of all strata lot owners, access roads and emergency fire lane, public rights of way including steps leading to and from same, and common landscaped or natural areas not designated to individual strata lot owners; and

DIVISION 3 – COUNCIL

14. Council size

- (1) The council must have at least 3 and not more than 7 members.

15. 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 reelection.

16. 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

17. Replacing council members

- (1) If a council member resigns or is unwilling or unable to act for a period of 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 SPA, the regulations and the bylaws respecting the calling and holding of meetings.

18. 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.

19. 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.

20. 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.

21. Council meetings

(1) At the option of the council, council meetings may be held by electronic means, so long as all council members and 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 SPA;
- b) rental restriction bylaw exemption hearings under section 144 of the SPA;
- c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

22. Voting at council meetings

- (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting. Note that proxies are not permitted at council meetings.
- (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) Results of all votes at a council meeting must be recorded in meeting minutes.

23. 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.

24. 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.

25. 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.

26. 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

27. Fines

- (1) The strata corporation must not impose a fine for a contravention of a bylaw or rule unless the strata corporation has received a complaint about the contravention and given the owner or tenant the particulars of the complaint, in writing, and a reasonable opportunity to answer the complaint, including a hearing, if requested by the owner or tenant.
 - a) If the person is a tenant, the strata corporation must give notice of the complaint to the person's landlord and to the owner.
 - b) The strata corporation must promptly give notice in writing of a decision to the tenant or owner.
 - c) Once the requirements referred to in this section have been complied with, the strata corporation may impose a fine for a continuing contravention of that bylaw or rule without further compliance with this section.
- (2) Failure to pay strata fees on the first day of each month contrary to Bylaw 2 shall be deemed to constitute a complaint for purposes of Bylaw 27(1).
 - a) In addition to any other rights available to the strata corporation, the strata corporation may in its sole and absolute discretion levy a fine in an amount not to exceed \$25 for each late payment of strata fees and the fine shall be levied on the 7th day following the day that the strata fees were due and payable.
 - b) Each consecutive month that the strata fees are paid late or are unpaid shall constitute a separate infraction and each infraction shall be subject to a fine as

provided in this Bylaw. Fines shall be added to the strata fees of the offending owner and shall be due and owing on the day that the fine is levied.

(3) Subject to compliance with Bylaw 27(1), the strata corporation, in addition to any other rights or remedies that it has available in law, may levy a fine in its sole and absolute discretion in an amount not to exceed a maximum of \$50.00 (up to \$200.00) for each contravention of a bylaw of the strata corporation and \$10.00 (up to \$50.00) for each contravention of a rule.

a) Prior to taking enforcement proceedings, the strata corporation may provide the person in violation of a bylaw or rule with notice of the infraction and may give that person time to comply with the bylaw or rule, pursuant to section 129(2) of the SPA.

28. 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.

29. Small Claims Actions

(1) Pursuant to section 171 of the SPA, the council may commence a proceeding under the Small Claims Act against an owner or other person to collect money owing to the strata corporation without further authorization from the strata corporation. The council may commence the proceedings to collect monies owing to the strata corporation for any reason, including but not limited to monies owing by an owner or tenant for a fine or to recover the deductible portion of an insurance claim and any uninsured amounts if the person is responsible for the loss or damage that gave rise to the claim.

DIVISION 5 – ANNUAL AND SPECIAL GENERAL MEETINGS

30. 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.

31. Participation by other than eligible voters

(1) Tenants and occupants 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 occupants, 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 occupants, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

32. Electronic Attendance at Meetings

- (1) An owner may attend at an annual or special general meeting by telephone, teleconference, or any other method as determined by the chairperson of the meeting, if the method permits all persons participating in the meeting to communicate with each other during the meeting.
- (2) All electronic communications issued during the course of a general meeting pursuant to this Bylaw shall be deemed to form part of the strata corporation's meeting minutes and records.

33. Voting

- (1) At an annual or special general meeting, voting cards must be issued to eligible voters.
- (2) 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.
- (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 resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.
- (5) If there is a tie vote at an annual or special 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.
- (6) Despite anything in this section, an election of council or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.
- (7) The vote for a strata lot may not be exercised, except on matters requiring a unanimous vote, if the strata corporation is entitled to register a lien against that strata lot.

34. 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 SPA;
- j) report on insurance coverage in accordance with section 154 of the SPA, if the meeting is an annual general meeting;
- k) approve the budget for the coming year in accordance with section 103 of the SPA, 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 SPA;
- m) elect a council, if the meeting is an annual general meeting;
- n) terminate the meeting.

DIVISION 6 – VOLUNTARY DISPUTE RESOLUTION

35. 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 SPA, the regulations, the bylaws or the rules.
- (2) A dispute resolution committee consists of
 - c) 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

- d) 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.
- (4) Bylaw 24(4) does not apply to the voluntary dispute resolution provisions under this section.

SCHEDULE "A" – DESIGN GUIDELINES

I. Purpose of the Design Guidelines

The purpose of these design guidelines is to assist homeowners of Strata Plan K322 with the design of improvements and alterations, so that all development will enhance the identity, character and quality of this special community, while meeting the individual residential needs and protecting property values for all.

Creating a strong sense of community identity, character, and quality requires coordination of exterior design throughout Strata Plan K322. The design criteria given in these guidelines provide parameters for architecture, landscaping, lighting, signage, and maintenance (should we add these items as well?) that must be followed by each homeowner to ensure design coordination.

These guidelines govern the exterior design of all buildings, building additions, landscaping, driveways, walkways, patios, pools, ponds, utilities, mechanical equipment, lighting, signage, and any other exterior development, change, alteration, and maintenance that can be seen from, or may create an impact on, the outside of the homesite or its neighborhood. These guidelines do not address or control any building interiors.

In the event a design issue is not specifically addressed by these guidelines, the criteria for evaluating approval shall be whether the proposed design factor is appropriate to the overall spirit, character, identity and quality of the community.

Design review approval refers only to adherence to the criteria given in these guidelines. It does not imply technical design approval of site development, structure, roofs, utilities, mechanical systems or safety requirements, or adherence to jurisdictional codes and regulations.

These guidelines may be adjusted or updated from time to time by the Architectural Review Committee in conjunction with the approval of a majority of owners within Strata Corporation

II. Related Controls

All development within Strata Corporation K22 must comply with the codes and regulations of all governing bodies, including local, provincial, and federal jurisdictions. These guidelines are to be used in conjunction with the Building Scheme and the Schedule "A" attached to it. Together, they form the minimum standards for development within the Strata lands

To the extent that these guidelines provide a more stringent development standard than any applicable local, provincial, or federal regulation, these guidelines shall control. To the extent that any applicable local, regional, provincial, or federal regulation is more stringent, it shall control.

III. Architectural Standards

1. Exterior Material

All materials used for structures shall be new and of a quality consistently associated with that used on superior custom-designed homes. A list of approved colors will be maintained and made available to the owners through the council and may be changed from time to time at the direction of a majority of the owners at a properly called annual or special general meeting.

a. Approved colors shall be:

- i. White; and
- ii. Benjamin Moore Color Palette No: 2126 – Black Tar; 2134 – 30 Iron Mountain; 2134 – 20 Midsummer Night; 2134 – 10 Night Horizon; HC – 85 Fairview Taup.

b. Deck Material:

- i. Wood;
- ii. Waterproof vinyl deck covering;
- iii. Smooth finished or stamped concrete;
- iv. Washed aggregate;
- v. Tile or stone.

c. Railings for Balconies:

- i. Wood construction;
- ii. Metal and/or wrought iron;
- iii. Glass panels with wood or metal railing;
- iv. Combination of any above materials;
- v. Combination of any two of approved color choices.

d. Exterior Stucco

- i. White in color;
- ii. Rock finishes may be used as an accent only and must be in the same color palette as the approved colors.

e. Exterior Wood Finishes

- i. Natural wood finish in a clear or cedar stain;
- ii. Dark Brown, white, or other approved color.

f. Roofing Material

- i. Cedar shake with fire retardant factor of 5;
- ii. Composite material that resembles cedar shake, weathered-wood in color, or similar.

2. Location

No building, improvement, alteration, addition shall be located on any lot nearer than 15 ft to the street lot line or side or rear lot lines except in special geographical, topographical, or physical circumstances or conditions affecting the lot and then only with the approval of the adjacent neighbors, and subject to a $\frac{3}{4}$ resolution in accordance with the SPA.

a. Garage

All garages must have an overhead garage door enclosing the space. Detached garages shall be of the same design and exterior finish as the chalet design.

b. Air Conditioning System

Prior to the installation of air conditioning systems, the owner shall secure the approval of the Strata council as to the location and type of system unless it is a central system. Air conditioning systems shall be of such a design and installation as to prevent or reduce noise.

c. Satellite Dishes, Antennas

Satellite receiving dishes shall not be greater than 18 inches in diameter and shall not be mounted on rooftops or in any yard areas fronting or flanking onto Main Street.

No exterior radio antenna, cb antennas, televisions antennas or other antennas of any type shall be erected or maintained on any lot.

3. Landscaping Standards

- a) Thirty days after completion of any construction (weather permitting) all portions of the lot not covered by driveway, sidewalk, ornamental rocks, etc. shall be properly cultivated to grow and maintain lawn, ground cover, shrubs, trees, plants, or flowers.
- b) Each homeowner is responsible for the maintenance and irrigation of their individual landscaping.
- c) All building sites within the Strata were designed to provide as many lake, golf course, and mountain views as possible. View corridors, building height, and landscaping height must be maintained. Trees, shrubs, landscaping materials shall not be planted in a way that will impinge upon any neighbors view. Any owner that plants trees or shrubs that grow higher than 6 feet and/or affect a neighbor's view shall be responsible for trimming to the specified height.
- d) Indigenous trees shall be protected whenever possible. All indigenous tree removal, trimming, and replacement shall be approved by the Strata Council.

- e) Only hedges are permitted to fence in the property. Any approved walls and incidental garden structures shall be designed so as to be attractive from both viewable sides with the height limit of 6 feet as measured from the existing or approved grade level. (This clause came from the original documents (prospectus) filed by the developer and forming the Architectural Guidelines, Section II, C .1.)
- f) All retaining walls exceeding 4 feet in height shall be designed by an architect or structural engineer to ensure stability (2 feet was the height stated in the original Guidelines). All retaining walls shall be constructed of approved material, (natural river rock, quarried rock, Allen block) and if such wall is located at the street frontage the area between the wall and the property line shall be adequately landscaped.
- g) No wall or other structure and no hedge or continuous type planting shall be placed or planted on any lot nearer than 10ft to the rear and front property lines unless approved by the Design Committee. (This is also taken from the original Architectural Guidelines which formed part of the Prospectus, and the restricted measurement was 10 feet)

4. Lighting

- a) All exterior lighting must be low level, soft lighting and in an approved color palette.

5. Scheduling Construction Work

- a) All work shall be done between October 1st and May 1st, and shall be done as quickly and unobtrusively as possible.
- b) Construction is allowed between 9:00 am and 6:00 pm only.

SCHEDULE "A" – DESIGN GUIDELINES

I. Purpose of the Design Guidelines

The purpose of these design guidelines is to assist homeowners of Strata Plan K322 with the design of improvements and alterations, so that all development will enhance the identity, character and quality of this special community, while meeting the individual residential needs and protecting property values for all.

Creating a strong sense of community identity, character, and quality requires coordination of exterior design throughout Strata Plan K322. The design criteria given in these guidelines provide parameters for architecture, landscaping, lighting, signage, and maintenance (should we add these items as well?) that must be followed by each homeowner to ensure design coordination.

These guidelines govern the exterior design of all buildings, building additions, landscaping, driveways, walkways, patios, pools, ponds, utilities, mechanical equipment, lighting, signage, and any other exterior development, change, alteration, and maintenance that can be seen from, or may create an impact on, the outside of the homesite or its neighborhood. These guidelines do not address or control any building interiors.

In the event a design issue is not specifically addressed by these guidelines, the criteria for evaluating approval shall be whether the proposed design factor is appropriate to the overall spirit, character, identity and quality of the community.

Design review approval refers only to adherence to the criteria given in these guidelines. It does not imply technical design approval of site development, structure, roofs, utilities, mechanical systems or safety requirements, or adherence to jurisdictional codes and regulations.

These guidelines may be adjusted or updated from time to time by the Architectural Review Committee in conjunction with the approval of a majority of owners within Strata Corporation

II. Related Controls

All development within Strata Corporation K22 must comply with the codes and regulations of all governing bodies, including local, provincial, and federal jurisdictions. These guidelines are to be used in conjunction with the Building Scheme and the Schedule "A" attached to it. Together, they form the minimum standards for development within the Strata lands

To the extent that these guidelines provide a more stringent development standard than any applicable local, provincial, or federal regulation, these guidelines shall control. To the extent that any applicable local, regional, provincial, or federal regulation is more stringent, it shall control.

III. Architectural Standards

1. Exterior Material

All materials used for structures shall be new and of a quality consistently associated with that used on superior custom-designed homes. A list of approved colors will be maintained and made available to the owners through the council and may be changed from time to time at the direction of a majority of the owners at a properly called annual or special general meeting.

a. Approved colors shall be:

- i. White; and
- ii. Benjamin Moore Color Palette No: 2126 – Black Tar; 2134 – 30 Iron Mountain; 2134 – 20 Midsummer Night; 2134 – 10 Night Horizon; HC – 85 Fairview Taup.

b. Deck Material:

- i. Wood;
- ii. Waterproof vinyl deck covering;
- iii. Smooth finished or stamped concrete;
- iv. Washed aggregate;
- v. Tile or stone.

c. Railings for Balconies:

- i. Wood construction;
- ii. Metal and/or wrought iron;
- iii. Glass panels with wood or metal railing;
- iv. Combination of any above materials;
- v. Combination of any two of approved color choices.

d. Exterior Stucco

- i. White in color;
- ii. Rock finishes may be used as an accent only and must be in the same color palette as the approved colors.

e. Exterior Wood Finishes

- i. Natural wood finish in a clear or cedar stain;
- ii. Dark Brown, white, or other approved color.

f. Roofing Material

- i. Cedar shake with fire retardant factor of 5;
- ii. Composite material that resembles cedar shake, weathered-wood in color, or similar.

2. Location

No building, improvement, alteration, addition shall be located on any lot nearer than 15 ft to the street lot line or side or rear lot lines except in special geographical, topographical, or physical circumstances or conditions affecting the lot and then only with the approval of the adjacent neighbors, and subject to a $\frac{3}{4}$ resolution in accordance with the SPA.

a. Garage

All garages must have an overhead garage door enclosing the space. Detached garages shall be of the same design and exterior finish as the chalet design.

b. Air Conditioning System

Prior to the installation of air conditioning systems, the owner shall secure the approval of the Strata council as to the location and type of system unless it is a central system. Air conditioning systems shall be of such a design and installation as to prevent or reduce noise.

c. Satellite Dishes, Antennas

Satellite receiving dishes shall not be greater than 18 inches in diameter and shall not be mounted on rooftops or in any yard areas fronting or flanking onto Main Street.

No exterior radio antenna, cb antennas, televisions antennas or other antennas of any type shall be erected or maintained on any lot.

3. Landscaping Standards

- a) Thirty days after completion of any construction (weather permitting) all portions of the lot not covered by driveway, sidewalk, ornamental rocks, etc. shall be properly cultivated to grow and maintain lawn, ground cover, shrubs, trees, plants, or flowers.
- b) Each homeowner is responsible for the maintenance and irrigation of their individual landscaping.
- c) All building sites within the Strata were designed to provide as many lake, golf course, and mountain views as possible. View corridors, building height, and landscaping height must be maintained. Trees, shrubs, landscaping materials shall not be planted in a way that will impinge upon any neighbors view. Any owner that plants trees or shrubs that grow higher than 6 feet and/or affect a neighbor's view shall be responsible for trimming to the specified height.
- d) Indigenous trees shall be protected whenever possible. All indigenous tree removal, trimming, and replacement shall be approved by the Strata Council.

- e) Only hedges are permitted to fence in the property. Any approved walls and incidental garden structures shall be designed so as to be attractive from both viewable sides with the height limit of 6 feet as measured from the existing or approved grade level. (This clause came from the original documents (prospectus) filed by the developer and forming the Architectural Guidelines, Section II, C.1.)
 - f) All retaining walls exceeding 4 feet in height shall be designed by an architect or structural engineer to ensure stability (2 feet was the height stated in the original Guidelines). All retaining walls shall be constructed of approved material, (natural river rock, quarried rock, Allen block) and if such wall is located at the street frontage the area between the wall and the property line shall be adequately landscaped.
 - g) No wall or other structure and no hedge or continuous type planting shall be placed or planted on any lot nearer than 10ft to the rear and front property lines unless approved by the Design Committee. (This is also taken from the original Architectural Guidelines which formed part of the Prospectus, and the restricted measurement was 10 feet)
4. **Lighting**
- a) All exterior lighting must be low level, soft lighting and in an approved color palette.
5. **Scheduling Construction Work**
- a) All work shall be done between October 1st and May 1st, and shall be done as quickly and unobtrusively as possible.
 - b) Construction is allowed between 9:00 am and 6:00 pm only.

Strata Corporation KAS322
ANNUAL GENERAL MEETING
Minutes
June 23, 2018

1. **Certify Proxies, Corporate representatives, issue voting cards:** Judith Gregson, Strata Manager verified proxies and issued voting cards.
2. **Determine if Quorum present:** Be it noted that there were 14 owners present, 9 in person, 5 by proxy constituting a quorum as required by the Bylaws for KAS322. Therefore we as owners declare the meeting valid.

Motion by SL5 to accept the sign in sheet as proof of attendance. Seconded by SL8. **14 in favor. 0 opposed. 0 abstentions. Carried.** The meeting was called to order at 9:12am.

3. **Elect a Chairperson, if necessary:** The meeting was chaired by Hugh Ross, Council President
4. **Approval of Proof of Notice:** Motion by SL5 that the notice of meeting dated and distributed on or before June 1, 2018 is accepted as proof of notice. Seconded by SL8. **14 in favour. 0 opposed. 0 abstentions. Carried.**
5. **Approval of Agenda:** Motion by SL9 to approve the agenda. Seconded by SL5. **14 in favour. 0 opposed. 0 abstentions. Carried.**
6. **Approval of the minutes from the AGM of June 24, 2017:** Motion by SL5 to approve the minutes of June 24, 2017. Seconded by SL9. **14 in favour. 0 opposed. 0 abstentions. Carried.**

7. **Unfinished Business:** None at the time of the meeting

8. **Reports:**

a. **Presidents report:** The presidents report was presented by Hugh Ross with the following highlights:

- ✓ The management of the resort remains a concern
- ✓ There were serious concerns over the water quality, a boil water advisory was in effect from May 7 to June 21, 2018. Is there an associated issue with the water treatment plant for LOR.
- ✓ There was a serious water leak between Chalets 6 & 16
- ✓ The Valley View sewage treatment plant continues to be a concern due to the aging holding tank. However, Corix has confirmed the tank is not leaking.
- ✓ Grounds keeping continues to be a concern, SL6 & SL19 are not maintaining the grounds around their chalet. Areas on the golf course require pruning and course itself is showing signs of pet holes.
- ✓ The area around the LOR maintenance yard is messy.
- ✓ There are concern over the upkeep of the marina
- ✓ There are still concerns with the speed of traffic on the main road. LOR will be requested to post speed signage.
- ✓ The railway ties on the complex are infested with carpenter ants and will be removed by the Strata Corporation.

Strata Corporation KAS322
ANNUAL GENERAL MEETING
Minutes
June 23, 2018

✓ Many positive things have taken place at KAS322:

- The remediation of Chalet 6.
- Owner Mike Clegg has cut down many dangerous trees
- Last year the playground was removed and is now a nice grassed area and of no further liability to the strata corporation.
- The paving is completed on chalet Alley and Chalet Crescent. Terrific job.

b. Financial report: The yearend financials were presented with the notice of meeting. The balance in the Contingency Reserve Fund as of April 30, 2017 was \$73,404.46 if there are no emergencies or other withdrawals the balance of the Contingency Reserve Funds will be approximately \$85,404.46 at the end of the current fiscal year.

During the discussion of the financial report a concern was raised over the expenditure for cleaning out the septic tanks. Measures are being taken to have the tanks cleaned at the same time in order to reduce the cost of the clean out.

A concern was raised over the outstanding strata fees arrears for several strata lots and what measures are in place to collect the arrears. The bylaws for KAS322 describe the procedures for collecting on arrears.

c. Insurance: Johnson Meier Insurance Agencies is the insurance broker for KAS322. A copy of the insurance coverage attached to the notice of meeting expires on April 5th, 2018. The total insured value is set at \$9.750 million. Coverage for General Liability is \$5,000,000 and Directors' and Officers' Liability is \$2,000,000. Owners are advised to carry separate insurance for their personal contents, and to review the amount of their insurance to ensure they are adequately covered. It is in the owners' best interests to make certain their chalet insurance covers the strata corporations' deductible should they be held responsible or proven to be negligent. The deductible for water or sewer backup damage is \$10,000.00.

Owners are reminded to ensure that their personal insurance for their chalet covers all improvements. All insurance claims are to be reported to the strata manager. There has over the past several years a lot of claims due to water damage due to the failure of hot water tanks. The life expectancy of a hot water tank is 8-10 years. Owners are reminded to check their hot water tanks regularly and to turn off the water main if your chalet is vacant and then open the outside tap. Turning off the main decreases the frequency of scheduled visits to check on vacant chalets.

During the discussion of the insurance report a concern was raised over the liability to the strata corporation of the pine needles on the roof of SL11.

A directive was given to the incoming council to send a letter to the owner of SL11 to clean the pine needles from the roof of the chalet due to the perceived fire hazard.

9. Ratify any new rules made by the Strata Corporation: None at the time of the meeting

10. New Business:

a. ¾ vote Resolution #1 - To Opt out of a Depreciation Report

Strata Corporation KAS322
ANNUAL GENERAL MEETING
Minutes
June 23, 2018

BE IT THEREFORE RESOLVED as a $\frac{3}{4}$ vote resolution of the Owners KAS322, to opt out from undertaking a Depreciation Report.

Motion by SL5 to approve the resolution as presented. Seconded by SL8. **14 were in favour. 0 opposed. 0 abstentions. Carried.**

b. Discussion and review of costs for the 2018/19 Service agreement between KAS322 & Lake Okanagan Resort (attached).

The cost for the services to KAS322 from LOR are still billed as per the service agreement of 2017/18. LOR has been advised that the proposed service agreement for 2018/19 is not acceptable and will not be signed. LOR has been specifically advised that security services to KAS322 are no required.

KAS322 will approach LOR to negotiate the charges for the service agreement for 2018/19.

During the discussion on the service agreement for 2018/19 a concern was raised over the electrical charges.

A directive was given to the incoming council to source the original documents for KAS322 from the Regional District that provide information on the location of the electrical infrastructure. If no documents are available then McMinn Enterprises will be retained to locate all electrical & TELUS services. McMinn will be asked if they are equipped to locate sewer services.

A directive was also given to the incoming council to send a letter to LOR requesting the installation of updated electrical meters.

11. Approve the budget for the fiscal year commencing May 1, 2018.

a. BE IT THEREFORE RESOLVED as majority vote of the Owners, Strata Plan KAS322 – that; the 2017/18 fiscal year surplus of \$5,324.58 be transferred the Contingency reserve Fund.

Motion by SL9 to approve the resolution as presented. Seconded by SL12. **14 in favour. 0 opposed 0 abstention. Carried.**

Following the vote on the fiscal year end surplus of 2017/18 a concern was raised by one of the owners present that perhaps a more prudent use of the surplus would be to bring the surplus into revenue for the 2018/19 budget. The re-negotiation of the costs in the service agreement for 2018/19 may still result in an increase in costs. The surplus would cover the increases.

Motion by SL12 to rescind the approval to transfer the surplus from the fiscal year of 2017/18 to the CRF. Seconded by SL8. **14 in favour. 0 opposed 0 abstention. Carried.**

Motion by SL5 to transfer the surplus from the fiscal year 2017/18 into revenue for the budget of 2018/19. Seconded by SL9. **14 in favour. 0 opposed 0 abstention. Carried.**

b. BE IT THEREFORE RESOLVED as majority vote of the Owners, Strata Plan KAS322 – to; approve the budget as presented in the meeting package.

Motion by SL12 to approve the budget as amended. Seconded by SL8. **14 in favour. 0 opposed 0 abstention. Carried.**

Strata Corporation KAS322
ANNUAL GENERAL MEETING
Minutes
June 23, 2018

- 12. Election of council, nominations from the floor (majority vote):** The following retiring council members allowed their names to stand for the 2018/19 fiscal year:

Anne Livesey
Tom Shields
Hugh Ross
Harry Kung
Mike Clegg
Bruno Richards

SL9 nominated Donna Radzichowsky of SL10 - nomination accepted

Motion by SL5 to cease nominations from the floor. Seconded by SL12. **14 in favour. 0 opposed 0 abstention. Carried.**

Motion by SL5 that Anne Livesey, Hugh Ross, Harry Kung, Mike Clegg, Tom Shields, Bruno Richards & Donna Radzichowsky act as the Strata Council for 2018/19 fiscal year. Seconded by SL9. **14 were in favour. 0 opposed. 0 abstentions. Carried**

- 13. Termination of Meeting:** Meeting was terminated at 11:55am

Note: The positions to be held on Council are as follows:

President	Hugh Ross
Vice President	Mike Clegg
Treasurer	Tom Shields
Secretary	Anne Livesey
Director	Harry Kung
Director	Bruno Richards
Director	Donna Radzichowsky

Strata Corporation KAS322
Council Meeting Minutes of
March 28, 2018

1. **Call the Meeting to Order:** The meeting was called to order at 1:15 PM.
2. **In Attendance:** Mike Clegg, Hugh Ross, Anne Livesey, Harry Kung, Bruno Richards, Tom Shields & Judith Gregson – Strata Manager.
 - a) **Resignation:** Lisa Schaffer has resigned from the Council.
3. **Approve the Agenda:** Motion made, seconded and upon vote. **Carried.**
4. **Approve the Council Minutes of July 12, 2017:** Motion made, seconded and upon vote. **Carried.**
5. **Review of financial position:** Treasurer, Tom Shields presented a review of the financial position of KAS322 to date. Motion made to accept the review, seconded and upon vote. **Carried.**
6. **In Camera Meeting:** None at the time of the meeting.
7. **Correspondence:** None at the time of the meeting
8. **Old business:**
 - a) **Septic tank charges:** The strata corporation has been paying for and will continue to pay for the cleaning of septic tanks located on KAS322.
 - b) **Asphalt repairs:** Report from Council Treasurer Tom Shields as follows:
 - ✓ On April 10, 2018, Westlake Paving (LaFarge) advised they wished to do the excavating and paving on Chalet Crescent as per their quotation.
 - ✓ Upon inspection by their project foreman he felt it was necessary to determine where the utility lines were in order to prevent any damages upon excavation - i.e. Interruption of services such as electricity lines, and to a lesser extent water/ sewer.
 - ✓ Upon their query, I advised I believe no one within our strata had this information showing the positions of the respective utility lines- particularly electricity lines.
 - ✓ He advised he could call B.C. One to find out if they had the information. I agreed.
 - ✓ I have no progress to report as of this date.
 - ✓ I also contacted Glenn Cross (maintenance LOR) to determine if he had details per the utility locations. He has agreed to supply what he has to Steve from Around the House Maintenance Services.
 - ✓ I have put Steve (Around House Maintenance) in the loop re: this project.
 - ✓ To date, no response regarding the above, hence, everything is on hold until we can determine where the utility lines are.
 - ✓ Stay tuned.
 - c) **Roof leak SL 17:** Tabled
 - d) **Clean up/Lavender invoice SL6:** Two invoices for \$1200 were submitted for the cleanup of the debris around SL6. One of the invoices was paid by the owner. The second invoice is still under review.
 - e) **Potential sewage leak, valley view plant, soil testing:** Corix has confirmed that the holding tank for the Valley View plant is not leaking.
9. **New Business:**
 - a) **Bad behavior of the resort staff: action for 2018.** A letter will be sent to the owners of the resort outlining the issues regarding noise and parking issues originating from Unit #18 which was occupied

Strata Corporation KAS322
Council Meeting Minutes of
March 28, 2018

by the staff of the resort during the 2017 season. Should the same issues arise in the summer of 2018, fines will be levied for violating the Strata bylaws.

- b) **Parking in alleyway prohibiting snow removal:** 2 complaints we received this past winter of a tenant parking in the alleyway. This matter is being handled.
- c) **AGM date:** The AGM is scheduled for June 23, 2018. Date, time and venue to be confirmed by the delivery of the AGM Notice
- d) **Ants:** SL7 will be advised that dealing with an ant infestation inside a strata unit is the responsibility of the owner.

10. Adjournment of Meeting: Motion made, seconded and upon vote. **Carried.** The meeting was adjourned at 2:42 PM.