



**STRATA PLAN BCS2237  
THE GALLERIA**

**BYLAWS**

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

### **1. Payment of strata fees**

- (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate.
- (2) The owners who have arranged the Pre-authorized Payment Plan with the strata corporation or management company authorize the strata corporation or management company to transfer fund from their financial institute automatically for strata fees adjustment and deficit repayment. **(Amended – AGM April 23, 2012)**

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

- (1) An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (2) An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

### **3. Use of property**

- (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that
  - (a) causes a nuisance or hazard to another person,
  - (b) causes unreasonable noise,
  - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
  - (d) is illegal, or
  - (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.
- (2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.
- (3) An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset.

- (4) An owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following:
  - (a) a reasonable number of fish or other small aquarium animals;
  - (b) a reasonable number of small caged mammals;
  - (c) up to 2 caged birds;
  - (d) one dog or one cat.

#### **4. Inform strata corporation**

- (1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and mailing address outside the strata plan, if any.
- (2) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.
- (3) Within two weeks of renting a strata lot, the owner must file a copy of form k - notice of tenant's responsibilities with the strata corporation, in accordance with section 146 of the act.
- (4) Where a strata lot fails to comply with bylaw 4.(1) or (2), in the event of the emergency, if the owners/residents are unreachable, the strata corporation may obtain access to the strata lot by force and the related expenditures will be charged back to the strata lot.
- (5) A strata lot contravening bylaw 4.(3) will be subject to a fine of \$50.00 per month and the owner must rectify the noncompliance immediately. Otherwise, as from the following month, the noncompliance will be dealt with as per bylaw 24 - continuing contravention till such a form k is filed.  
**(Section 4(3) – 4(5) were added at the May 20, 2020 AGM)**

#### **5. 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 Act.

- (2) The strata corporation must not unreasonably withhold its approval under subsection (1), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.
- (3) This section does not apply to a strata lot in a bare land strata plan.

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

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

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

- (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot
  - (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
  - (b) at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act.
- (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.

### **Division 2 — Powers and Duties of Strata Corporation**

#### **8. Repair and maintenance of property by strata corporation**

The strata corporation must repair and maintain all of the following:

- (a) common assets of the strata corporation;
- (b) common property that has not been designated as limited common property;
- (c) limited common property, but the duty to repair and maintain it is restricted to
  - (i) repair and maintenance that in the ordinary course of events occurs less often than once a year, and
  - (ii) the following, no matter how often the repair or maintenance ordinarily occurs:
    - (A) the structure of a building;
    - (B) the exterior of a building;
    - (C) chimneys, stairs, balconies and other things attached to the exterior of a building;

- (D) doors, windows and skylights on the exterior of a building or that front on the common property;
  - (E) fences, railings and similar structures that enclose patios, balconies and yards;
- (d) a strata lot in a strata plan that is not a bare land strata plan, but the duty to repair and maintain it is restricted to
- (i) the structure of a building,
  - (ii) the exterior of a building,
  - (iii) chimneys, stairs, balconies and other things attached to the exterior of a building,
  - (iv) doors, windows and skylights on the exterior of a building or that front on the common property, and
  - (v) fences, railings and similar structures that enclose patios, balconies and yards.

### **Division 3 — Council**

#### **9. Council size**

- (1) Subject to subsection (2), the council must have at least 3 and not more than 7 members.
- (2) If the strata plan has fewer than 4 strata lots or the strata corporation has fewer than 4 owners, all the owners are on the council.

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

- (1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- (2) A person whose term as council member is ending is eligible for re-election.

#### **11. Removing council member**

- (1) Unless all the owners are on the council, the strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members.
- (2) After removing a council member, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.

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

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

### **13. Officers**

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

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

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

- (ii) are unavailable to provide consent after reasonable attempts to contact them.
  - (4) The council must inform owners about a council meeting as soon as feasible after the meeting has been called.
- 15 Requisition of council hearing**
- (1) By application in writing, stating the reason for the request, an owner or tenant may request a hearing a council meeting.
  - (2) If a hearing is requested under subsection (1), the council must hold a meeting to hear the applicant within one month of the request.
  - (3) If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within one week of the hearing.
- 16. 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.
- 17. Council meetings**
- (1) At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.
  - (2) If a council meeting is held by electronic means, council members are deemed to be present in person.
  - (3) Owners may attend council meetings as observers.
  - (4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:
    - (a) bylaw contravention hearings under section 135 of the Act;
    - (b) rental restriction bylaw exemption hearings under section 144 of the Act;
    - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.
- 18. Voting at council meetings**
- (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.

- (2) Unless there are only 2 strata lots in the strata plan, if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- (3) The results of all votes at a council meeting must be recorded in the council meeting minutes.

**19. Council to inform owners of minutes**

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.

**20. 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.

**21. 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.

**22. 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**

**23. Maximum fine**

The strata corporation may fine an owner or tenant a maximum of

- (a) \$50 for each contravention of a bylaw, and
- (b) \$10 for each contravention of a rule.

**24. Continuing contravention**

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

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

**25. 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.

**26. Quorum**

- (1) A quorum for an annual or special general meeting is eligible voters holding 25% of the strata corporation's votes, present in person or by proxy.
- (2) If within 15 minutes from the time appointed for an annual or special general meeting a quorum is not present, the eligible voters present in person or by proxy constitute a quorum.

**27. 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.

## **28. 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) If there are only 2 strata lots in the strata plan, subsection (5) does not apply.
- (7) 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.

## **29. Order of business**

The order of business at annual and special general meetings is as follows:

- (a) certify proxies and corporate representatives and issue voting cards;
- (b) determine that there is a quorum;
- (c) elect a person to chair the meeting, if necessary;
- (d) present to the meeting proof of notice of meeting or waiver of notice;
- (e) approve the agenda;
- (f) approve minutes from the last annual or special general meeting;
- (g) deal with unfinished business;
- (h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;
- (i) ratify any new rules made by the strata corporation under section 125 of the Act;

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

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

#### **30. Voluntary dispute resolution**

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

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

#### **31. Display lot**

- (1) An owner developer who has an unsold strata lot may carry on sales functions that relate to its sale, including the posting of signs.
- (2) An owner developer may use a strata lot, that the owner developer owns or rents, as a display lot for the sale of other strata lots in the strata plan.

### **Division 8 — Strata Lot Allocation**

#### **32. Strata lots**

- (1) The owners recognize that strata lots 1 to 23 are apartment strata lots (the “Apartment Strata Lots”) and that strata lots 24 to 27 are townhouse strata lots (the “Townhouse Strata Lots”)
- (2) The Apartment Strata Lots and the Townhouse Strata Lots are hereby recognized as different types of strata lots pursuant to section 6.4(2) of the Regulations of the Strata Property Act.
- (3) Pursuant to section 6.4(2) of the Regulations to the Strata Property Act, Certain contributions to the operating fund that relate to and benefit only one type of strata lot are only shared by owners of strata lots of that type and each strata lot’s share of that contribution is to be calculating in accordance with the following formular:

$$\frac{\text{Unit entitlement of strata lot}}{\text{total unit entitlement of all strata lots of the type to which the contributions relates}} \times \text{Contribution to operating fund}$$

- (4) The following operating expenses relate to and benefit only the Apartment Stata Lots and will be share only among the Apartment Strata Lots:
  - (a) Gas
  - (b) Carpet Cleaning; and
  - (c) Elevator Maintenance and license
- (5) Certain other operating expense accrue disproportionately to the types of the strata lots and will be budgeted and assessed separately to the different types of the strata lots and paid for the owners of that type of strata lot.

**(Amended – Section 32 Disclosure Statement)**

### **Division 9 — Moving**

33. Moving fees and damage deposits

- (1) Strata lot owners of Apartment Building (5689 Kings Road), excluding the ground floor, must pay a Fifty Dollars (\$50) moving fee to the Strata Corporation for each move-in and move-out. **(Amended – AGM April 9, 2014)**
- (2) Strata lot owners of Apartment Building (5689 Kings Road) are responsible to pay a damage deposit of Two Hundred Dollars (\$200) to the Strata Corporation before residents move in or move out. Strata lot owners are also responsible for all cost for repairing the damage made by moving. **(Amended – AGM April 9, 2014)**

## **Division 10 - Key Fobs and Video Camera System**

### **34 Key Fobs and Video Camera System**

- (1) For the security of the residents of Galleria II and for the protection of the common property and personal assets of the residents of Galleria II, the Strata Corporation has installed the security systems mentioned in Bylaw 34(2) and (3).
- (2) Key Fobs System: This system gives security access to the parkade as well as other common areas. As a function of this system, the system monitors and records where the key fobs are used and the date and time of such use. Reports may be printed of the activity of any particular fob, if this information is required.
- (3) Video Camera System: This system monitors and records the areas where the cameras are located. The video camera system records exterior access points to the building as well as several common areas inside the building.
- (4) This Bylaw 34 authorizes the strata corporation to use both the key fob and the video camera system to record and monitor the movement of the key fobs and the movement of all individuals entering the parkade and other common areas of Galleria II. Both the key fob entry system recordings and video camera system recordings are used to enhance the security of the facilities, as well as for the security of individuals and assets present in the facilities. Such recordings may capture entry and exit times from facilities and may also be used to investigate any criminal activity, thefts, security incidents, emergency situations and bylaw and rules infractions. In such cases, this information may be shared with appropriate law enforcement agencies and emergency workers upon their written request. Furthermore, where video information reveals evidence of illegal activity, employee misconduct or accidents, or bylaw and rule infractions, the recordings may be disclosed to the strata corporation, enforcement or investigative bodies for further investigations, charges or disciplinary actions.
- (5) The information captured on both the fob and the video camera system may also be used and disclosed in accordance with the *Personal Information Protection Act* (PIPA).

**(Amended – Section 34 were added at the October 30, 2018 Special General Meeting)**

## **Division 11 - Insurance and Indemnity**

### **35. Insurance and Indemnity**

- (1) An owner is deemed to be responsible for any loss of damage caused to the common property, limited common property, common assets or to any strata lot, and/or personal injury or death, where the cause of such loss or damage originated within the owner's strata lot and the loss or damage is not covered and paid by any insurance policy.
- (2) An owner is also deemed to be responsible for any loss or damage to the common property, limited common property, common assets or to any strata lot, and/ or personal injury or death, where the cause of such loss or damage is the result of an act, omission, negligence or carelessness of the owner, and/or owner's tenants, co-occupants, family members, employees, agents, contractors, guests or invitees and the loss or damage is not covered and paid by any insurance policy.
- (3) If any loss or damage deemed to be the responsibility of an owners under subsection (1) and / or (2) of this bylaw results in a claim against any insurance policy held by the strata corporation, that owner shall save harmless and indemnify, and is strictly liable to reimburse the strata corporation for the full amount of any insurance deductible, any portion of insurance coverage declined and/ or any amount by which the loss or damage exceeds the insurance coverage.
- (4) If any loss or damage deemed to be the responsibility of an owner under subsection (1) and or (2) of this bylaw does not exceed the insurance deductible for an insurance policy held by the strata corporation, that owner is strictly liable and shall fully indemnify and save harmless the strata corporation for any resulting expense for maintenance, repair or replacement rendered necessary, including legal costs incurred in relation to defending any claim against the strata corporation, and/ or prosecuting any claim made against the owner, such indemnity to be on a solicitor and client basis, including disbursements, expenses, taxes, filing and / or Court fees, all of a full indemnity basis.

**(Amended – Section 35 were added at the October 30, 2018 Special General Meeting)**