Strata Property Act

FORM I

AMENDMENT TO BYLAWS

(Section 128)

The Owners, Strata Plan **KAS1733** certify that the 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 Monday, August 14th, 2017.

Signature of Strata Council

Signature of Second Strata Council

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

i) Bylaw Revision: Pet Bylaw Amendment: "Be it resolved by ¾ vote resolution of The Owners, Strata Plan KAS 1733 that Bylaw 3.1 approved at the April 29th, 2017 Special General Meeting be repealed in its entirety and replaced with the following bylaw 3.1:

Pets

3.1

(1) No person may have any pet or other live animal within a strata lot, on common property, limited common property, or on land that is a common asset other than as permitted in up to two of the following categories:

(a) up to two tanks of up to 30 gallons total capacity containing plants, fish and/or other small aquarium animals, excluding venomous animals;
(b) up to 4 small caged mammals, excluding rats or mice;
(c) up to 2 caged birds; and/or
(d) one dog or one cat, which must be licensed and kept in accordance with any applicable municipal or regional district requirements as amended from time to time.
(e) Dogs occupying or visiting a strata lot must not exceed 60cm height at the shoulder when standing on four legs.

For greater clarity, the pet limits indicate the maximum number of pets of each type per strata lot, and no other animals are permitted.

(2) A pet which is otherwise permitted within the bounds of the strata plan is only allowed on common property, including limited common property, subject to the following conditions:

(a) The pet is securely hand leashed or properly secured within an appropriate container;
(b) The pet is under the control of a responsible owner, tenant, occupant or visitor at all times when on common property;
(c) The responsible owners, tenant, occupant or visitor must make all reasonable efforts to prevent the pet from defecating on common property or within land that is a common asset, including for example the beach area, and in case of accidental soiling of common property, must immediately clean up after the pet;
(d) The responsible owner, tenant, occupant or visitor must ensure that the pet does not create a nuisance or disturbance; and
(e) The responsible owner, tenant, occupant or visitor must ensure that the pet does not enter uninvited within a strata lot or the limited common property of another owner.

(3) It is the responsibility of each strata lot owner to ensure that the pets belonging to or under the control of the owner or their co-occupants, tenants, agents, invitees, guests and/or visitors shall not cause a nuisance, damage to any strata lot, common property, or personal property, injury or death to any person, or any liability whatsoever for the Strata Corporation. The strata lot owner must fully indemnify the Strata Corporation for any liability incurred as a result of the pet's presence within the bounds of the strata plan, including the Strata Corporation's legal costs on a "solicitor and own client" basis.

(4) If the Strata Council receives a complaint about a pet posing a risk to person or property, causing a nuisance, or unreasonably interfering with any person's right to use or enjoy portions of the strata plan, the Strata Council may report the complaint to local animal control officers and/or may permit a bylaw enforcement hearing to be held in accordance with the provisions of the Strata Property Act. At the end of the hearing, the Strata Council may take no action, fine the owner, require the person to pay the costs of remedying the contravention, and/or if authorized by the bylaws in the manner set out below, order the removal of the pet from the strata lot in which case the owner, tenant or occupant must promptly and permanently remove the pet from the strata plan.

(5) In order for the Strata Council to order the removal of a pet from the strata plan, the Strata Council must conclude that a bylaw contravention relating to the pet has occurred, less dramatic steps have no reasonable prospect under the circumstances of resolving the bylaw contraventions, and any one or more of the following circumstances apply:

(a) The Strata Council concludes that the bylaw contravention relating to the pet is serious, and poses a risk to person or property, and/or creates a real and significant risk of liability for the Strata Corporation;

(b) The Strata Council concludes that the pet owner has clearly displayed or expressed inability or unwillingness to prevent further breaches of the bylaws in relation to the pet; and/or

(c) The same or equivalent breaches of bylaws have occurred in relation to the same pet or a similar pet owned or controlled by the same person in at least two separate prior findings of bylaw contravention.

(6) Before acting on any order to remove a pet, the Strata Council must make reasonable efforts to notify the strata lot owner and tenant (if any), as well as the owner of the pet (if a different person) about the outcome of the hearing in writing, and offer the recipients of notice an opportunity to request in writing a further hearing before the Strata Council, at which hearing the Strata Council may in appropriate circumstances decide to:

(a) Continue with reasonable efforts to enforce the order;

(b) Provide an extension of time to comply with the order; or

(c) Rescind or modify the order, either with or without conditions.

(7) Notwithstanding the foregoing, it is not the purpose of this bylaw to encourage or compel any person to disrupt the natural movement or inhabitation of outdoor portions of the strata plan by wild animals, however no owner, tenant or occupant may feed birds or other wild animals from any part of the strata plan, or otherwise encourage or discourage their presence - except as permitted by law and with the written permission of the Strata Council.

(8) Pets brought or kept within the bounds of the strata plan must not be neglected or mistreated and must be kept in reasonably good health, including being provided timely vaccinations if and as recommended by a veterinarian or as required by law.

(9) Nothing in this bylaw shall prevent an owner or resident from keeping a properly trained animal which is prescribed by a physician in writing to assist an owner or resident with a disability. Such an animal and its owner must comply with the provisions of the bylaws, except to the minimum extent that the animal and owner need to be exempted to enable the animal to assist the owner or resident as directed by the physician.