

**BY-LAWS OF
COLUMBIA RIDGE COMMUNITY ASSOCIATION**

Part 1. - Interpretation

1. In these by-laws, unless the context otherwise requires,
 - (a) 'Building Scheme' means any statutory building scheme registered in respect of any of the Lots;
 - (b) 'Columbia Ridge' means the residential development known as Columbia Ridge Country Estates which is situated upon those lands (and any part into which such lands may be subdivided) located in the Regional District of East Kootenay, British Columbia, which are presently legally described as follows:

Parcel Identifier 014-373-084
Lot 3
District Lot 139
Kootenay District
Plan 7078

and

Parcel Identifier 016—356-047
Parcel A (Reference Plan 40380D)
District Lot 139
Kootenay District

together with any neighboring lands owned or once owned by the Developer, as the Developer may elect, by notice to the Society, to formally include from time to time in Columbia Ridge;
 - (c) 'Common Lands' means the Lots or interests in land owned by the Society;
 - (d) 'Developer' means Columere Park Developments Ltd. and its successors;
 - (e) 'directors' means the directors of the Society for the time being;
 - (f) 'Lot' means any legal parcel of land which comprises a part of Columbia Ridge;
 - (g) 'membership interest' of a member is the figure by reference to which the member's contribution to the common expenses of the society (i.e. which are collected by means of fees or dues), and entitlement to the assets of the Society if the Society is wound up, are calculated. The membership interest of a member will be expressed as a fraction calculated as follows:

membership interest of a member = the number of lots in Columbia Ridge for which such member is the registered owner $\frac{\hspace{10em}}{\text{the total number of lots in Columbia Ridge}}$

For example, if the member owns two parcels of land, and the lands comprising Columbia Ridge have been subdivided into a total of 125 lots, then the membership interest of such member will be 2/125;

- (h) 'Owner' means the person or persons shown as the registered owner on the title to a Lot;
- (i) 'registered address' of a member means his address as recorded in the register of members;
- (j) 'Society' means the Columbia Ridge Community Association; and
- (k) 'Society Act' means the *Societies Act*, SBC 2015, c 18, from time to time in force and all amendments or replacements to it.

(2) The definitions in the Society Act apply to these by-laws.

- 2. Words importing the singular include the plural and vice versa; and words importing a male person include a female person and a corporation.

Part 2. - Membership

- 3. The members of the Society are the applicants for incorporation of the Society and those persons who subsequently become members in accordance with these by-laws, and who in either case have not ceased to be members.
- 4. Membership in the Society is restricted to the applicants for incorporation of the Society and the Owners.
- 5. Subject only to receipt by the Society of a written notice confirming the fact that an Owner has acquired a registered interest in the Lot specified in the notice, such Owner shall be thereby admitted as a member without the necessity of any formality by the directors, provided that:
 - (a) If the Owner of a Lot consists of more than one person, only one such person shall be a member, that being the person so designated in such notice from or on behalf of the registered Owners of the Lot or, failing such designation, any Owner named in the notice and designated by the directors; and
 - (b) A member who disposes of his Lot shall cause his successor in title to provide a notice pursuant to this section 5 to the Society and to in writing, should the Society so require, that such successor in title is thereby admitted as a member and therefore required to comply with the constitution of the Society and these by-laws;

The intention being that each Lot shall be represented by a member.

6. Every member shall uphold the constitution and comply with these by-laws.
7. The directors may from time to time set the fees or dues, if any, to be paid by members, but such fees or dues must be determined on the basis of each member's membership interest.
8. A person who is a member shall cease to be a member of the Society:
 - i. By delivering his resignation in writing to the secretary of the Society and upon such resignation being approved by a unanimous resolution of the members of the Society
 - ii. on his death or on his being found to be incapable of managing his own affairs by reason of mental or physical infirmity, or in the case of a corporation, on dissolution if such resignation is approved by a unanimous resolution of the members of the Society;
 - iii. on selling, transferring or otherwise disposing of (other than by way of a mortgage) such person's interest as a registered owner of a Lot; or
 - iv. on being expelled in accordance with section 9.
9. In addition to any other disciplinary option provided for in these bylaws, the Declaration of Building Scheme registered on title to the Lots as Registration No. XK6423, the Equitable Charge registered on title to the Lots as Registration No. XK6424, the Constitution of the Society or any other governing document or resolution of the Society, a member of the Society or a tenant of a Lot may be expelled, suspended or otherwise disciplined as follows:
 - (1) except where specifically stated to be otherwise in these by-laws, the Society may fine a member:
 - (a) \$200.00 for each contravention of a by-law; and
 - (b) \$50.00 for each contravention of a rule;by a member or by a member's visitors, occupants, guests, employees, agents, tenants or a member of the member's family and such fines may be imposed every seven (7) days for continuing contraventions;
 - (2) except where specifically stated to be otherwise in these by-laws, the Society may fine a tenant:
 - (a) \$200.00 for each contravention of a by-law; and
 - (b) \$50.00 for each contravention of a rule;

by the tenant, an occupant or by a person who is visiting the tenant or was admitted to the Lot or Common Lands by the tenant for social, business or family reasons or any other reason and such fines may be imposed every seven (7) days for continuing contraventions;

(3) the Society may, for a reasonable length of time, deny use of the Common Lands against:

(a) a member and a member's visitors, occupants, guests, employees, agents, tenants and members of the member's family; or

(b) a tenant, an occupant or by a person who is visiting the tenant or was admitted to the Lot or Common Lands by the tenant for social, business or family reasons or any other reason;

if such person or persons have contravened a bylaw or rule relating to the Common Lands;

(4) the Society may take such action or perform such repairs as is reasonably necessary to remedy a breach of the by-laws or rules and may recover the reasonable costs of such actions or repairs from the applicable member or tenant, which costs shall constitute a debt due by the member or tenant to the Society payable upon demand;

(5) the Society may proceed under the Small Claims Act (British Columbia) without further authorization by the members, to recover from a member, a tenant or other person, by an action in debt in Small Claims Court, money owing to the Society for any reason, including but not limited to money owing as annual membership fees, administration fees, special assessments, levies, subscriptions, bank charges, fines, penalties, interest or the costs, including legal costs on a solicitor and own client full indemnity basis, of remedying a contravention of the bylaws or rules and to recover money which the Society is required to expend as a result of the member's act, omission, negligence or carelessness or by that of a member's visitors, occupants, guests, employees, agents, tenants or a member of the member's family; and

(6) by special resolution of the members of the Society, a member may be expelled, suspended or otherwise disciplined if such member is, in the opinion of the members as evidenced by special resolution, guilty of conduct which is likely to endanger the interest or reputation of the Society or is in breach of these by-laws or the rules;

but a member or tenant may not be expelled, suspended or otherwise disciplined until:

(7) the Society has received a complaint about the contravention of the bylaws or rules;

(8) the alleged offending member or tenant has been provided with a written warning from the directors, which shall include:

(a) details of the complaint; and

(b) a reasonable timeline for the alleged offending member to comply;

if the person is a tenant, a copy of the written warning must be provided to the person's landlord and to the Owner as well;

- (9) if the alleged offending member or tenant does not comply within the timeline provided in the written notice under section 9(8)(b), the alleged offending member shall be provided with a reasonable opportunity to answer the complaint, including a hearing at a directors' meeting if requested by the alleged offending member or tenant. For greater clarity, the quorum required for such directors' meeting is a majority of the directors;
- (10) the directors shall make a determination if the alleged offending member or tenant has committed the alleged offence and provide written notice of their decision to the member or tenant as soon as is feasible; if the person is a tenant, a copy of the decision must be provided to the person's landlord and to the Owner as well;
- (11) once the Society has complied with this Section 9 in respect of a contravention of a bylaw or rule, it may impose a fine or other penalty for a continuing contravention of that bylaw or rule without further compliance with this section;
- (12) if the enforcement option under Section 9(6) will be proceeded with by the Society, the offending member shall be provided with the opportunity to be heard by the other members at the meeting of the members of the Society at which the special resolution is proposed to expel, suspend or otherwise discipline the member;
- (13) for greater clarity, if the Society fines a tenant or requires a tenant to pay the costs of repairs or remedying a contravention of the by-laws or rules, the Society may collect the fine or costs from the tenant, that tenant's landlord and the Owner, but may not collect an amount that, in total, is greater than the fine or costs.

10. All members are in good standing except a member who:

- (1) has failed to pay his current annual membership fee, if any, or any other fee, due, subscription, levy, special assessment or other debt due and owing by him to the Society and he is not in good standing so long as the debt remains unpaid; or
- (2) is currently suspended or otherwise disciplined under section 9 of these by-laws.

11. Any member who ceases to be a member of the Society forfeits all rights, claims, privileges or interests arising from membership in the Society, including such member's membership interest.

12. The Society shall have the duty and obligation, subject to the restrictions set out in the Building Scheme, to do and perform each and every of the following for the benefit of the members and for the maintenance of the Common Lands:

- i. the Society shall accept all Owners as members, subject to the expulsion provisions of section 9;

- ii. the Society shall actively enforce the restrictions set out in the Building Scheme;
- iii. the Society shall accept title to all Common Lands from time to time conveyed to it pursuant to these by-laws;
- iv. unless the directors resolve otherwise, the Society shall obtain and maintain in force policies of insurance with respect to liability arising out of the use of the Common Lands; and
- v. the Society shall from time to time make, amend and repeal rules with respect to the use of the Common Lands.

13. The Society may acquire Common Lands as follows:

- (a) one or more members may from time to time petition the Society for the acquisition of property or an interest in land to include in the Common Lands;
- (b) such petition shall be in such form and shall contain such information as the Society may require, including, among other things, the following:
 - i) the names and address of the petitioning members, and
 - ii) the location of the property and the nature of the interest in land (eg. a lease);
- (c) the Society may from time to time and on its own motion move for the acquisition of property or interest in land to include in the Common lands, in which case such motion shall be treated as if it were a petition submitted by one or more Owners;
- (d) the Society shall give approval to the petition if the acquisition is compatible with the purposes of the Society as set out in the Constitution;
- (e) the Society shall maintain, or provide for the maintenance of, the Common Lands, and all improvements of whatever kind and for whatever purpose from time to time, located thereon, in good order and repair, and
- (f) the Society shall pay all real property taxes and assessments levied upon any Common Lands or any improvement thereon.

Part 3. - Meetings of Members

14. General meetings of the Society shall be held at such time and place, in accordance with the Society Act, as the directors decide.

15. Every general meeting, other than an annual general meeting, is an extraordinary general meeting.

16. The directors may, whenever they think fit, convene an extraordinary general meeting.

17. (1) Notice of a general meeting shall specify the place, the day and the hour of meeting, and, in the case of special business, the general nature of that business, and shall be given to all members at least fourteen (14) days prior to the date of the meeting.
- (2) The accidental omission to give notice of a meeting to, or the non-receipt of a notice by, any of the members entitled to receive notice does not invalidate proceedings at that meeting.
18. The annual general meeting of the Society shall be held at least once in every calendar year, and not more than 15 months after the adjournment of the previous annual general meeting.

Part 4. – Proceedings at General Meetings

19. Special business is:
- i. all business at an extraordinary general meeting except the adoption of rules of order, and
 - ii. all business that is transacted at an annual general meeting except:
 - a) the adoption of rules of order,
 - b) the consideration of the financial statements,
 - c) the report of the directors,
 - d) the report of the auditor, if any,
 - e) the election of directors,
 - f) the appointment of the auditors, if required, and
 - g) such other business as, under these by-laws, ought to be transacted at a general meeting, or business which is brought under consideration by the report of the directors issued with the notice convening the meeting.
20. (1) No business, other than the election of a chairman and the adjournment or termination of the meeting, shall be conducted at a general meeting at a time when a quorum is not present.
- (2) If at any time during a general meeting there ceases to be a quorum present, business then in progress shall be suspended until there is a quorum present or until the meeting is adjourned or terminated.
- (3) Subject to section 21 a quorum is 5 members in good standing or 30% of the members in good standing, whichever is the greater, present in person.
21. If within 30 minutes from the time appointed for a general meeting a quorum is not present, the meeting, if convened on the requisition of one or more members, shall be terminated; but if not convened on the requisition of one or more members, it shall stand adjourned to the same day in the next week, at the same time and place, and if, at the adjourned meeting, a quorum as defined in subsection 4.2(c) is not present within 30 minutes from the time appointed for the meeting, the members present constitute a quorum.

22. The president of the Society, the vice-president, or in the absence of both, one of the other directors present shall preside as chairman of a general meeting; but if at a general meeting there is no president, vice-president, or other director present within 15 minutes after the time appointed for holding the meeting, or the president and all the other directors present are unwilling to act as chairman, the members present shall choose one of their number to be chairman.
23. (1) A general meeting may be adjourned from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (2) When a meeting is adjourned for ten (10) days or more, notice of the adjourned meeting shall be given as in the case of the original meeting.
- (3) It is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned general meeting except as provided in this by-law.
24. (1) No resolution proposed at a meeting need be seconded and the chairman of a meeting may move or propose a resolution.
- (2) In case of an equality of votes the chairman shall not have a casting or second vote in addition to the vote to which he may be entitled as a member.
25. (1) A member in good standing present at a general meeting is entitled to one vote.
- (2) At a general meeting, voting is by show of hands except that if, before or after such a vote, two (2) or more voting members request a secret ballot or a secret ballot is directed by the chairman of the meeting, voting must be by a secret ballot.
- (3) A member in good standing may in writing appoint another member in good standing as proxy, and such proxy may vote on behalf of the other member at a general meeting, but any form of proxy purporting to entitle the proxy to vote at other than one meeting and any adjournments thereof is void.
- (4) The chairman of a general meeting must announce the outcome of each vote and that outcome must be recorded in the minutes of the meeting.
- (5) The Society must, for at least three months after a meeting of members, keep each ballot cast on a poll and each proxy voted at the meeting, and, during that period, make them available for inspection during normal business hours by any member or proxyholder entitled to vote at the meeting. At the end of such three month period, the Society may destroy such ballots and proxies.
26. The authorized representative of a corporate member is entitled to speak, vote and in all other respects exercise the right of the corporate member, and that representative shall be reckoned as a member for all purposes with respect to a meeting of the Society.

Part 5. – Directors

27. (1) The directors may exercise all such powers and do all such acts and things as the Society may exercise and do, and which are not by these by-laws or by statute or otherwise lawfully directed or required to be exercised or done by the Society in general meetings but subject, nevertheless, to the provisions of:
- (a) all laws affecting the Society;
 - (b) these by-laws; and
 - (c) rules, not being inconsistent with these by-laws, which are made from time to time by the Society in general meetings.
- (2) No rule, made by the Society in general meeting, invalidates a prior act of the directors that would have been valid if that rule had not been made.
28. (1) The members may by ordinary resolution from time to time determine the number of directors, but there shall be at least 3 directors.
- (2) Any member in good standing is eligible for election or appointment as a director.
 - (3) A director may resign by sending a notice in writing to the Secretary of the society, and the Secretary may resign by sending a notice to the President of the Society.
 - (4) The directors may expel a director who is absent without reasonable excuse from 3 successive meetings of the directors, or whom the directors unanimously find to be of unsound mind, or who is no longer eligible as a member of the Society.
 - (5) Any director who is expelled from membership in the Society or who ceases to be a member in good standing is deemed to have resigned as a director.
29. (1) The directors shall retire from office at each annual general meeting at which time their successors shall be elected, and a retiring director is eligible for re-election.
- (2) An election may be by acclamation; otherwise it may be by show of hands unless a member in good standing demands a ballot in which case the election shall be by ballot.
 - (3) If no successor is elected or appointed the person previously elected or appointed continues to hold office.
30. (1) The directors may at any time and from time to time appoint a member as a director to fill a vacancy in the directors.
- (2) A director so appointed holds office only until the conclusion of the next following annual general meeting of the Society, but is eligible for re-election at the meeting.

31. (1) If a director resigns his office or otherwise ceases to hold office, the remaining directors shall appoint a member to take the place of the former director.
- (2) No act or proceeding of the directors is invalid only by reason of there being fewer than the prescribed number of directors in office.
32. The members may, by special resolution, remove a director before the expiration of his term of office, and may elect a successor to complete the term of office, but no director shall be removed by vote of the members until he has been given notice of the proposed action and an opportunity to be heard by the members at a general meeting.
33. No director shall be remunerated for being or acting as a director but a director shall be reimbursed for all expenses necessarily and reasonably incurred by him while engaged in the affairs of the Society, and the Society may purchase and maintain insurance for the benefit of a director against personal liability incurred by him as a director, at the discretion of the directors.

Part 6. – Proceedings of Directors

34. (1) The directors may meet together at such places as they think fit, adjourn and otherwise regulate their proceedings, as they see fit.
- (2) The directors may from time to time fix the quorum necessary for the transaction of business and unless so fixed the quorum shall be a majority of the directors then in office.
- (3) The president shall be chairman of all meetings of the directors; but if at any meeting the president is not present within 30 minutes after the time appointed for holding the meeting, the vice-president shall act as chairman, but if neither is present the directors present may choose one of their number to be chairman at that meeting.
- (4) A director may at any time and the secretary, on the request of a director, shall convene a meeting of the directors.
35. (1) The directors may delegate any, but not all, of their powers to committees consisting of such director or directors as they think fit.
- (2) A committee so formed in the exercise of the powers so delegated shall conform to any rules imposed on it by the directors, and shall report every act or thing done in exercise of those powers to the earliest meeting of the directors to be held next after it has been done.
36. (1) Questions arising at any meeting of the directors or of a committee of directors shall, except as otherwise provided in these by-laws, be decided by a majority of votes.
- (2) In case of an equality of votes the chairman does not have a second or casting vote.
37. A committee shall elect a chairman of its meetings; but if no chairman is elected, or if at a meeting the chairman is not present within 30 minutes after the meeting appointed for

holding the meeting, the directors who are members of the committee shall choose one of their number to be chairman of the meeting.

38. The members of a committee may meet and adjourn as they think proper.
39. For a first meeting of directors held immediately following the appointment or election of a director or directors at an annual or other general meeting of members, or for a meeting of the directors at which a director is appointed to fill a vacancy the directors, it is not necessary to give notice of the meeting to the newly elected or appointed director or directors for the meeting to be constituted, if a quorum of the directors is present.
40. A director who may be absent temporarily from British Columbia may send or deliver to the address of the Society a waiver of notice, which may be made by letter, telegram, telex or cable, of any meeting of the directors and may at any time withdraw the waiver, and until the waiver is withdrawn:
 - i. no notice of meeting of directors shall be sent to that director; and
 - ii. any and all meetings of the directors of the Society, notice of which has not given to that director shall, if a quorum of the directors is present, be valid and effective.
41. Questions arising at a meeting of directors or committee of directors need not be seconded and the chairman of a meeting may move or propose a resolution.
42. Resolution in writing, signed by all the directors or all of the members of a committee, and placed with the minutes of the directors is as valid and effective as if regularly passed at a meeting of directors or of a committee.

Part 7. – Duties of Officers

43. The directors shall appoint such persons as they see fit to hold the offices of president, vice-president, secretary and treasurer, such offices to be held at the pleasure of the directors.
44. (1) The president and vice-president shall at all times be directors and if the president and vice-president, or either of them, ceases to be a director then they shall also cease to hold the office of president or vice-president, as the case may be.
 - (2) The president shall preside at all meetings of the society and of the directors.
 - (3) The president is the chief executive officer of the Society and shall supervise the other officers in the execution of their duties.
45. The vice-president shall carry out the duties of the president during his absence.
46. The secretary shall:

- i. conduct the correspondence of the Society,
- ii. issue notices of meetings of the Society and directors,
- iii. prepare and keep minutes of all meetings of the Society and directors,
- iv. have custody of all records and documents of the Society except those required to be kept by the treasurer,
- v. have custody of the common seal of the Society, and
- vi. maintain the register of members.

47. The treasurer shall:

- i. keep such financial records, including books of account, as are necessary to comply with the Society Act, and
- ii. render financial statements to the directors, members and others when required.

48. In the absence of the secretary from a meeting, the directors shall appoint another person to act as secretary at the meeting.

49. The offices of secretary and treasurer may be held by one person who shall be known as the secretary-treasurer.

50. The directors may appoint other such officers, consultants, committees, agents, or persons as they think fit, and define the duties, responsibilities, remuneration and authority of such persons.

Part 8. – Signatures and Seal

51. Contracts, documents or other instruments in writing requiring the signature of the Society shall be signed by any two of the president, vice-president, secretary or treasurer, and all contracts, documents and instruments in writing so signed shall be binding on the Society without any further authorization or formality.

52. The directors may provide a common seal for the Society and they shall have power from time to time to destroy it and substitute a new seal in place of the seal destroyed.

53. The common seal shall be affixed only when authorized by a resolution of the directors and then only in the presence of the persons prescribed in the resolution or if no persons are prescribed, in the presence of the president and any other director, the vice-president and any other director, or the secretary and any other director.

Part 9. – Finances

54. In order to carry out the purposes of the Society the directors may, on behalf of and in the name of the Society, raise or secure the payment or repayment of money in such manner as they decide and in particular but without limiting the generality of the foregoing, by the issue of debentures.
55. No debenture shall be issued without the sanction of a special resolution of the members, which resolution may refer to a particular issue of debentures or may confer on the directors a general power to issue debentures for a period not exceeding one year from the date on which the resolution is passed.
56. The members may by special resolution restrict the borrowing powers of the directors but a restriction so imposed expires at the next annual general meeting, and no such restriction is effective against any person other than a member or a director of the Society.

Part 10. – Auditor

57. This Part applies only where the Society is required or has resolved to have an auditor.
58. The members, by ordinary resolution, shall appoint an auditor annually at the annual general meeting, and shall fill any vacancy in the office of the auditor.
59. An auditor may be removed at any time by a special resolution of the members or by a 3/4 vote of the directors.
60. An auditor shall be informed forthwith in writing of appointment or removal.
61. The auditor may attend and speak at general meetings and is entitled to receive every notice and other communication relating to a meeting that a member is entitled to receive in like manner as a member.

Part 11. – Records

62. Documents of the Society shall be kept at the registered office of the Society unless the directors resolve otherwise.
63. A director and the auditor may inspect documents of the Society during normal business hours.
64. A member may inspect any documents of the Society during normal business hours at the place where the records of the Society are kept if he has served the Society with 2 clear days a notice of intention to inspect, in writing, stating the documents to be inspected, but the directors may determine that no member may inspect minutes of a meeting of the directors or a committee of directors.

65. Upon request, members and directors shall be given copies of any documents open to their inspection upon payment of not more than 50 cents per page.

Part 12. – Notices of Members

66. Unless otherwise specified in the Society Act or these by-laws, a notice required to be given to a member must be in writing and is sufficiently given if it is:

- (1) delivered personally to the person;
- (2) delivered personally to the person's last known address, as recorded on the Society's register of members or other record of the Society;
- (3) mailed to the person's last known address, as recorded on the Society's register of members or other record of the Society;
- (4) sent to the person by facsimile transmission to a telephone number provided for that purpose; or
- (5) sent to the person by e-mail to an e-mail address provided for that purpose.

67. Notice may be given to the directors or to the Society by mail to the registered address of the Society.

68. A notice given in accordance with Section 66 or Section 67 is deemed to have been given as follows:

- (1) A notice given in accordance with Section 66(1) or Section 66(2) is deemed received when it is delivered;
- (2) A notice given in accordance with Section 66(3) or Section 67 is deemed received on the second day, not including Saturdays, Sundays or holidays in the Province of British Columbia, after the date of mailing on which the notice is posted, provided that the notice was properly addressed and put in a Canadian post office receptacle;
- (3) A notice given in accordance with Section 66(4) or Section 66(5) is deemed received at the time the notice is sent by facsimile or e-mail.

69. Notice of general meeting shall be given to:

- i. every member shown on the register of members on the day notice is given; and
- ii. the auditor, if Part 10 applies.

Part 13. – By-laws

70. On being admitted to membership, a member is entitled to and the Society shall give him, without charge, a copy of the constitution and by-laws of the Society.

71. These by-laws shall not be altered or added to except by special resolution.

Part 14. – Winding-up or Dissolution of the Society

72. Upon the winding-up or dissolution of the Society all of its funds and assets which remain after the payment of:

a. all costs, charges and expenses properly incurred in such winding-up or dissolution;

and

b. all debts of the Society,

shall be distributed to the members of the Society in proportion to their membership interests as defined in the bylaws of the Society. This provision is unalterable in accordance with section 22 of the Society Act.

Part 15. – Rental Restrictions on Lots

73. Notwithstanding any other provision in these by-laws, the rules, the Declaration of Building Scheme registered on title to the Lots as Registration No. XK6423 (the "Building Scheme"), the Equitable Charge registered on title to the Lots as Registration No. XK6424, the Constitution of the Society or any other governing document or resolution of the Society:

- (1) It is prohibited for an Owner to use all or part of a Lot for remuneration as vacation, travel or temporary accommodation.
- (2) The number of Lots that may be rented at any one time is limited to twelve (12) and a Lot may only be leased by the Owner to a person or persons by written leases with a minimum and maximum term of one year, in accordance with Part 15 of these by-laws, other than exempt leases pursuant to by-law (3) and (6) of Part 15 of these by-laws.
- (3) A Lot may be leased by the Owner to a family member without complying with Part 15 of these by-laws. For greater clarity, a "family member" under this Part 15 of these by-laws means a spouse of the Owner (and "spouse" includes an individual who has lived with the Owner for a period of at least two years at the relevant time, in a marriage-like relationship), a parent or child of the Owner, or a parent or child of the spouse of the Owner.
- (4) An Owner wishing to rent a Lot must apply in writing to the directors of the Society for permission to rent before entering into a tenancy agreement. An Owner must have been an Owner of the Lot for one (1) calendar year prior to applying in writing to the directors for permission to rent. Upon receipt of an application, the directors must respond in writing to the Owner within thirty (30) days.
- (5) If the number of Lots rented at the time an Owner applies for permission to rent

has reached the limit stated in by-law (2) of Part 15 of these bylaws, excluding exempt Lots pursuant to by-laws (3) or (6) of Part 15 of these by-laws, the directors of the Society must refuse permission and notify the Owner in writing within the time period set out in by-law (4) of Part 15 of these by-laws stating that the limit has been reached or exceeded and place the Owner of the Lot on a waiting list to be administered by the directors of the Society based upon the date of the request for permission to rent. For greater clarity, an Owner renting a Lot in accordance with Part 15 of these by-laws who is applying to renew an existing tenancy with the same tenants will have priority over new applications for permission to rent, even if the new applications are already on the wait list, provided that there were no breaches or contraventions of these by-laws, the rules and Declaration of Building Scheme, including without limiting the generality of the foregoing, Part 15 of these by-laws, by the Owner or existing tenants.

- (6) An Owner may apply to the directors of the Society for an exemption to the limit in by-law (2) for permission to rent on the grounds that the limit in by-law (2) causes hardship to the Owner. If the exemption is granted, all other provisions in this Part 15 shall apply to the rental by the Owner of the Lot, *mutatis mutandis*. The application must be in writing and must state the reason the Owner thinks an exemption should be made and whether the Owner wishes a hearing. The Owner is responsible for providing the directors of the Society with sufficient evidence to show hardship to the Owner in the application, including, but not limited to, financial information such as tax returns, bank statements, mortgage documentation, and proof of employment income. If the Owner wishes a hearing, the directors of the Society must hear the Owner or the Owner's agent within four (4) weeks after the date the application is given to the directors of the Society. The directors of the Society must not unreasonably refuse to grant an exemption under this by-law (6) of Part 15 of these by-laws. For greater clarity, the exemption will be automatically allowed if:

- (a) the directors of the Society do not give their decision in writing to the Owner, if a hearing is held, within one (1) week after the hearing;
- (b) the directors of the Society do not give their decision in writing to the Owner, if no hearing is requested, within two (2) weeks after the application is given to the directors of the Society; or
- (c) the Owner requests a hearing under this by-law (6) and the directors of the Society do not hold a hearing within four (4) weeks after the date the application is given to the directors of the Society.

"Hardship" for the purposes of this by-law (6) of Part 15 of these bylaws is defined as "hardship of fate or circumstance; severe toil; suffering; or extreme privation as a result of the limit in by-law (2) of Part 15 of these by-laws".

- (7) If the limit stated in by-law (2) of Part 15 of these by-laws has not been reached at the time the Owner applies for permission to rent, excluding exempt Lots pursuant to by-laws (3) or (6) of Part 15 of these by-laws, the directors of the Society may grant permission and notify the Owner of the same in writing within the time period

set out in by-law (4) of Part 15 of these by-laws.

- (8) An Owner receiving permission to rent a Lot must exercise the permission within ninety (90) days from the date that the directors granted the permission, otherwise the permission expires. During the 90 days immediately following the grant of permission, the Lot will be deemed rented for the purposes of the limit stated in by-law (2) of Part 15 of these by-laws.
- (9) Permission to rent a Lot granted pursuant to this Part 15 of these bylaws ceases on the earlier of:
 - (a) the end of the tenancy entered into immediately following the grant of permission to rent;
 - (b) the date on which the Owner who received permission to rent ceases to be a registered owner of the Lot;
 - (c) the date on which the Owner who received permission to rent commences residing in the Lot; and
 - (d) the date that is ninety (90) days following the grant of permission to rent if such permission is not exercised within that time period.
- (10) An Owner must include the following terms in the written tenancy agreement for the Lot:
 - (a) the tenant acknowledges receipt of and agrees that it shall comply with the bylaws, rules and Declaration of Building Scheme registered on title as Registration No. XK6423 of Columbia Ridge Community Association (the "Declaration of Building Scheme");
 - (b) the current bylaws, rules and Declaration of Building Scheme may be changed by Columbia Ridge Community Association, and if they are changed, the tenant must comply with the changed bylaws, rules and Declaration of Building Scheme; and
 - (c) if a tenant or occupant of the rental unit, or a person visiting the tenant or admitted by the tenant for any reason, contravenes a bylaw, rule or provision of the Declaration of Building Scheme, the tenant is responsible and may be subject to penalties, including fines, denial of access to recreational facilities, and if Columbia Ridge Community Association incurs costs for remedying a contravention, payment of those costs.
- (11) An Owner must not assign any or all of the powers and duties of the Owner that arise under the Society Act, these by-laws, the rules, the Building Scheme, the Equitable Charge registered on title to the Lots as Registration No. XK6424, the Constitution of the Society or any other governing document or resolution of the Society.

- (12) Prior to possession of a Lot by a tenant, an Owner must deliver to the tenant the current by-laws, rules and Building Scheme of the Society and a Notice of Tenant's Responsibilities in the form attached hereto as Appendix "A".
- (13) Within two weeks of renting a Lot, the Owner shall give the directors of the Society a copy of the Notice of Tenant's Responsibilities signed by the tenant and the Owner.
- (14) Where an Owner leases a Lot in contravention of any of by-laws (2), (4), (5), (7), (8), (9), (10), (11), (12) or (13) of Part 15 of these by-laws, the Owner is subject to a fine of \$500.00 (and such fine may be imposed every seven (7) days for continuing contraventions) and the Society may take all necessary steps to terminate the lease or tenancy, including, but not limited to, seeking a declaration or court injunction to enforce this by-law, provided the terms of Sections 9(7) to 9(13) of these by-laws are complied with, *mutatis mutandis*.
- (15) Where an Owner uses all or part of a Lot in contravention of by-law (1) of Part 15 of these by-laws, the Owner is subject to a fine of \$1,000.00 (and such fine may be imposed daily for continuing contraventions), provided that the terms of Sections 9(7) and 9(13) of these by-laws are complied with, *mutatis mutandis*.
- (16) Any legal costs incurred by the Society to enforce Part 15 of these bylaws shall be the responsibility of the contravening Owner and recoverable from the Owner on a solicitor and own client full indemnity basis by the Society.

Appendix “A”

Notice of Tenant’s Responsibilities – Columbia Ridge Community Association

Re: Residential Lease of Lot _____ *[insert lot number]* by _____ *[name of landlord/Owner]*

Municipal Address of Lot	
Name(s) of tenant(s)	
Date tenancy commencing <i>[month, day, year]</i>	

IMPORTANT NOTICE TO TENANTS:

1. A tenant of a lot in the Columbia Ridge Community Association **must** comply with the bylaws, rules and Declaration of Building Scheme registered on title as Registration No. XK6423 of the Columbia Ridge Community Association that are in force from time to time (current bylaws, rules and Declaration of Building Scheme attached).
2. The current bylaws, rules and Declaration of Building Scheme may be changed by Columbia Ridge Community Association, and if they are changed, the tenant **must** comply with the changed bylaws, rules and Declaration of Building Scheme.
3. If a tenant or occupant of a lot in the Columbia Ridge Community Association , or a person visiting the tenant or admitted by the tenant for any reason, contravenes a bylaw, rule or provision of the Declaration of Building Scheme, the tenant is responsible and may be subject to penalties, including fines, denial of access to recreational facilities, and if Columbia Ridge Community Association incurs costs for remedying a contravention, payment of those costs.

Date:*[month day, year]*.

..... Address of Landlord, or agent of Landlord:

Signature of Landlord, or Agent of Landlord

.....
.....

.....
Signature of Tenant

.....
Signature of Tenant