

**SIENNA RIDGE
BYLAWS**

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

Payment of maintenance fees

1 (1) An Owner must pay fees by monthly pre-authorized bank debit on the first day of the month to which the maintenance fees relate.

Repair and maintenance of property by Owner

2 (1) An Owner must repair and maintain the Owner's Lot, except for repair and maintenance that is the responsibility of the Homeowners' 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 Homeowners' Corporation under these bylaws.

(3) The Homeowners' Corporation shall designate from time to time a landscaping company authorized to perform landscaping and yard maintenance work within the development and a day on which such work shall be performed. An Owner may only use the landscaping company designated by the Homeowners' Corporation for landscaping and yard maintenance and landscaping and yard maintenance must be performed on the day designated by the Homeowners' Corporation.

Use of property

3 (1) An Owner, tenant, occupant or visitor must not use a 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 Lot;

(d) is illegal; or

- (e) is contrary to a purpose for which the Lot or common property is intended.
- (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 Lot which the Homeowners' Corporation must repair and maintain under these Bylaws.
- (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 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) two dogs or two cats or one dog and one cat.
- (5) An Owner, tenant, occupant or visitor may not place any signs on a Lot or in the window of any building of a Lot without the prior written approval of the Homeowners' Corporation which may be unreasonably withheld.

Inform Homeowners' Corporation

- 4 (1) Within 2 weeks of becoming an Owner, an Owner must inform the Homeowners' Corporation of the Owner's name, Lot number and mailing address outside the development, if any.
- (2) On request by the Homeowners' Corporation, a tenant must inform the Homeowners' Corporation of his or her name.

Obtain approval before altering common property

- 5 (1) An Owner must obtain the written approval of the Homeowners' Corporation before making an alteration to a Lot or common property, including limited common property, or common assets.
 - (a) Fence Installations: Back yard fences may be approved by the Homeowners' Corporation on a lot by lot basis. Fences on side lot lines to enclose a backyard must be returned to the side wall of the home within a maximum distance of 1 meter from the backyard along the side wall of the home. For greater certainty, side and front yards shall not be enclosed.

- (b) Fence Materials and Colors: Materials and colors must be those approved by the Homeowner's Corporation for consistency throughout the Sienna Ridge community.
- (c) Landscaping Design: Owner or tenant installed landscaping shall be professionally designed and submitted to the Homeowner's Corporation for approval prior to installation.
- (d) Landscaping Completion: Owner or tenant landscaping shall be completed within 6 months of the date of possession of the home.

(2) The Homeowners' Corporation may require as a condition of its approval, in writing, that the owner agree, to take responsibility for any expenses relating to the alteration.

Permit entry to Lot

6 (1) An Owner, tenant, occupant or visitor must allow a person authorized by the Homeowners' Corporation to enter the 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 Lot that are the responsibility of the Homeowners' Corporation to repair and maintain under these bylaws.

(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 Homeowners' Corporation

Repair and maintenance of property by Homeowners' Corporation

7 The Homeowners' Corporation must repair and maintain all of the following:

- (a) common assets of the Homeowners' 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 or screen patios, balconies and yards.

Division 3 –Directors

Number of Directors

8 (1) Subject to subsection (2), the Homeowners' Corporation must have at least 3 and not more than 7 Directors.

Term

9 (1) The term of office of a Director ends at the end of the annual general meeting at which the new Board of Directors is elected.

(2) A person whose term as director is ending is eligible for re-election.

Removing a Director

10 (1) The Homeowners' Corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more Directors.

(2) After removing a director, the Homeowners' Corporation must hold an election at the same annual or special general meeting to replace the Director for the remainder of the term.

Replacing a Director

11 (1) If a Director resigns or is unwilling or unable to act for a period of 2 or more months, the remaining Board of Directors may appoint a replacement Director for the

remainder of the term.

(2) A replacement Director may be appointed from any person eligible to sit on the Board of Directors.

(3) The Board of Directors may appoint a Director under this section even if the absence of the member being replaced leaves the Board without a quorum.

(4) If all the Directors of the Board resign or are unwilling or unable to act for a period of 2 or more months, persons holding at least 25% of the Homeowners' Corporation votes may hold a special general meeting to elect a new Board of Directors in a manner which complies with the holding of such meetings.

Officers

12(1) At the first meeting of the Board of Directors held after each annual general meeting of the Homeowners' Corporation, the Board 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 Board may appoint a replacement officer from among themselves for the remainder of the term.

Calling meetings

13 (1) Any Director may call a Board meeting by giving the other Directors 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 Board meeting may be held on less than one week's notice if

(a) all Directors consent in advance of the meeting; or

- (b) the meeting is required to deal with an emergency situation, and all Directors either
 - (i) consent in advance of the meeting; or
 - (ii) are unavailable to provide consent after reasonable attempts to contact them.
- (4) The Board must inform owners about a Board meeting as soon as feasible after the meeting has been called.

Quorum of Board meetings

14 (1) A quorum of the Board is

- (a) 1, if the Board consists of one Director;
 - (b) 2, if the Board consists of 2, 3 or 4 Directors;
 - (c) 3, if the Board consists of 5 or 6 Directors; and
 - (d) 4, if the Board consists of 7 Directors.
- (2) Directors must be present in person at the Board meeting to be counted in establishing quorum.

Board meetings

- 15** (1) At the option of the Board, Board meetings may be held by electronic means, so long as all Directors and other participants can communicate with each other.
- (2) If a Board meeting is held by electronic means, Directors are deemed to be present in person.
- (3) Owners may attend Board meetings as observers.
- (4) Despite subsection (3), no observers may attend those portions of Board meetings that deal with any of the following:
- (a) bylaw contravention hearings;
 - (b) rental restriction bylaw exemption hearings;
 - (c) any other matters if the presence of observers would, in the Board's opinion, unreasonably interfere with an individual's privacy.

Voting at Board meetings

- 16** (1) At Board meetings, decisions must be made by a majority of Directors present in person at the meeting.
- (2) If there is a tie vote at a Board meeting, the president may break the tie by casting a second, deciding vote.
- (3) The results of all votes at a Board meeting must be recorded in the Board meeting minutes.

Board to inform owners of minutes

- 17** The Board must inform Owners of the minutes of all Board meetings within 2 weeks of the meeting, whether or not the minutes have been approved.

Delegation of Board's powers and duties

- 18** (1) Subject to subsections (2) to (4), the Board may delegate some or all of its powers and duties to one or more Directors or persons who are not members of the Board and may revoke the delegation.
- (2) The Board 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) 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 Board 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 area.

Spending restrictions

19 (1) A person may not spend the Homeowners' Corporation's money unless the person has been delegated the power to do so in accordance with these bylaws.

(2) Despite subsection (1), a Director may spend the Homeowners' 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.

Limitation on liability of Director

20 (1) A Director 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 Board.

(2) Subsection (1) does not affect a Director's liability, as an owner, for a judgment against the Homeowners' Corporation.

Division 4 — Enforcement of Bylaws and Rules

Maximum fine

21 The Homeowners' Corporation may fine an Owner or tenant a maximum of

- (a) \$100 for each contravention of a bylaw; and
- (b) \$50 for each contravention of a rule.

Continuing contravention

22 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

Person to chair meeting

23 (1) Annual and special general meetings must be chaired by the president of the Board.

(2) If the president of the Board is unwilling or unable to act, the meeting must be chaired by the vice president of the Board.

(3) If neither the president nor the vice president of the Board 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.

Participation by other than eligible voters

24 (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.

Voting

25 (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 the Board or any other vote must be held by secret ballot, if the secret ballot is requested by an eligible voter.

Order of business

26 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 Board 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 Homeowners' Corporation;
- (j) report on insurance coverage, if the meeting is an annual general meeting;
- (k) approve the budget for the coming year, if the meeting is an annual general meeting;
- (l) deal with new business, including any matters about which notice has been given as may be required;
- (m) elect a Board, if the meeting is an annual general meeting;
- (n) terminate the meeting.

Division 6 — Voluntary Dispute Resolution

Voluntary dispute resolution

27 (1) A dispute among Owners, and the Homeowners' Corporation 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 bylaws or the rules.

(2) A dispute resolution committee consists of

- (a) one Owner of the Homeowners' Corporation nominated by each of the disputing parties and one Owner 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

Display lot

- 28** (1) An Owner developer who has an unsold Lot may carry on sales functions that relate to its sale, including the posting of signs.
- (2) An Owner developer may use a Lot, that the Owner developer owns or rents, as a display lot for the sale of other Lots in the development