STRATA PLAN NW2040
MOUNTAINGATE

RULES

INTRODUCTION

These Rules represent a spirit of common agreement about the nature of the relationship and conduct between various owners and occupants of Strata Plan NW2040. By setting reasonable standards, new owners and occupants are aware of the type of development they are moving into, and the necessary regulations required. Many of these Rules are common sense, and it is the intention of residents that they should not be particularly onerous, but should provide for the peace and enjoyment of the property for all owners and occupants.

The *Strata Property Act*, 1998, governs the implementation of Rules at a Strata Property. **Section 125** states:

1) The strata corporation may make rules governing the use, safety and condition of the common property and common assets.
2) A rule is not enforceable to the same extent that a bylaw is not enforceable under section 121(1). (inter alia, if it contravenes the Strata Property Act and the Regulations, the Human Rights Code or any other enactment or law)
3) All rules, including those posted on signs, must be set out in a written document that is capable of being photocopied.
4) The strata corporation must inform owners and tenants of any new rules as soon as feasible.
5) If a rule conflicts with a bylaw of the strata corporation, the bylaw prevails.
6) A rule ceases to have effect at the first annual general meeting held after it is made, unless the rule is ratified by a resolution passed by a majority vote
    a) at that annual general meeting, or
    b) at a special general meeting held before that annual general meeting.
7) Once a rule has been ratified under subsection (6), it is effective until it is repealed, replaced or altered, without the need for further ratification.

PREAMBLE

- Mountain Gate was designed using Victorian styling and all future development shall be consistent with the original design.
- The Mountain Gate site was designed as an ‘open park-like’ setting and all future development shall reflect this principle.
- Mountain Gate was designed as an owner-occupied community, therefore rental units will be limited. The Mountain Gate design is such that the living rooms and the back patios face the same direction. It therefore follows that standards of maintenance, storage and usage reflect this fact in usage and any storage on the patio areas.

RULES

1. **Roadways, Driveways, and Sidewalks**
   1.1. The roadways, driveways and sidewalks of the common property may not be obstructed.

2. **Use of Property**
   2.1. No owner shall do anything or permit anything to be done on the strata property that is contrary to any of the rules, provisions, or ordinances of any Statute or Municipal Bylaw.
   2.2. No owner shall use their strata lot or permit same to be used for commercial purposes.
   2.3. Owners are responsible for adequately securing plants or other articles to balcony railings. Damage or injuries resulting from falling articles are the liability of the owner.
   2.4. Owners are responsible for keeping their property clean and disposing of any refuse and waste in suitable containers to be removed by the Burnaby sanitation department at the next pick-up date.
   2.5. Large household items which require disposal are not to be stored in the carport or on sidewalks but are to be kept indoors until the day they are being picked up by a disposal agent.

3. **Exterior Appearance**
   3.1. No laundry, washing, clothing, bedding or other articles shall be hung or displayed from windows, balconies, or other parts of the building so that they are visible from the outside of the building.
   3.2. No shades, awnings, balcony guards, supplementary heating shall be used or installed in or about the strata plan except those that are approved in writing by the council.
   3.3. No television, radio antenna, satellite dish or similar structures or appurtenances shall be erected or fastened to any unit.
   3.4. No signs, billboards, notices, or other advertising matter of any kind shall be placed on common property or any part of the unit that is visible from the outside of the building without the written consent of the council. Real estate “for sale” signs shall not be permitted other than as provided on the structure erected for this purpose at the entrance to the relevant street.
   3.5. No structural alteration, plumbing, or electrical work shall be made to the interior of any strata lot within any bearing or party wall, without the prior written consent of the council.
   3.6. Balconies and patios are not to be used for storage. They should be kept neat and free of items other than barbecues, patio furniture, gardening equipment, and recreational or play equipment. All items must fit within the boundaries of each owner’s limited common property and must not occupy common property.
   3.7. There are no storage areas on the exterior of the strata units unless an owner has constructed a regulation storage unit in the carport. In particular, carports and areas underneath front porches shall be kept neat and free of stored items, except for garbage containers, recycling containers, large recreational equipment, a garden hose, a carport storage unit and neatly stacked firewood.

Other exceptions require the approval in writing of council, such approval not to be lightly granted.

3.8. Exterior decorations on the front of strata units, including strings of lights, are permitted for a period of up to 2 months. Exceptions require approval in writing from council.

4. Exterior Alterations

4.1. Any and all alterations to the exterior of any strata unit at Mountain Gate must be approved in writing by council, as governed by the Act and the Bylaws of NW2040. All approved alterations must meet standard specifications, so that the overall design at Mountain Gate remains consistent throughout the property.

4.2. Fencing. No additional fencing is to be installed on the site without the written permission of council. In circumstances where such fencing has been approved and is to be installed, the owner must agree to the following terms:

4.2.1. the fence must meet exact specifications set out in figure 1: Specifications – Fencing.

4.2.2. all costs are to be borne by the owner.

4.2.3. the owner agrees to be responsible for the maintenance of the extra fencing, and to notify future owners of their responsibility to do the same, save for subsequent painting where the strata corporation will include the area in the overall job.

4.2.4. should the completed fence not meet the specifications prescribed by council, the owner will be responsible to have the construction corrected.

4.2.5. the care of plants and shrubs within the patio area are to become the exclusive responsibility of the owner and all future owners.

4.2.6. no structural changes may occur within the enclosed area, pursuant to these Rules and the Bylaws.

Figure 1: Specifications - Fencing

A. The new fence portion must match the existing fencing in the back area, including materials, height and construction methods.

B. A latched gate of approximately 36 inches must be installed in the new portion, leading to the outside of the patio area.

C. The distance from the building must be exactly the length of the existing dividers - no extensions will be permitted.

4.3. Balconies. All end units may have balconies. Should an owner wish to construct such a balcony on an end unit, they must meet all of the following terms:

4.3.1. obtain all necessary permits from any municipal or other lawful authority.

4.3.2. obtain the written permission of council.

4.3.3. obtain the specifications for said balcony by having their contractor measure and note the specifications on an existing balcony.

4.3.4. ensure that all work is done in strict compliance with the specifications of other balconies on the property, including dimensions, materials, trim, door, and colour.

4.4. Under no circumstances may or will council permit altered specifications in terms of size or appearance in the construction of new balconies. Any breach of the

exact specifications will, upon notice of the council in writing, be corrected to standard by the owner at their own cost.

4.5. Carport Storage Unit. Should an owner wish to construct a carport storage unit as approved at the annual general meeting of November 19, 1999, and clarified and ratified at the annual general meeting of November 7, 2001, they must meet all of the following terms:

4.5.1. obtain all necessary permits from any municipal or other lawful authority.

4.5.2. obtain written permission of council.

4.5.3. follow the exact specifications as set out in figure 2: Specifications-carport storage unit.

4.5.4. build the unit fully at the owner's expense.

4.5.5. take full responsibility for complying with specifications, and any alterations required due to a failure to comply with those regulations will be completed at the owner's expense.

4.5.6. agree to maintain said storage unit (with the exception of regular painting conducted by the strata corporation) at their own expense, and to notify prospective purchasers of that same responsibility.

Figure 2: Specifications – Carport Storage Unit

A. Storage unit to be built on the side wall farthest from the door, or along the back wall.

B. Floor to ceiling height, with white trim at top of storage unit.

C. Siding to be identical to that on the building itself.

D. Finished length of unit, including trim: 97 inches to 107 inches

1. in the event there is an existing vertical support post the storage unit is to be built to the edge of the support but not encompass it.

E. Finished width of unit, including trim: 34 to 42 inches.

F. All trim and finish to be identical to the trim and finish on the buildings.

G. All paint to match the colour of the owner's unit.

H. A white, solid core, 6 panel door is to be installed on the long wall matching the existing basement door. The door must be equipped with a keyed or electronic lock.

I. Exterior carport lighting is to be relocated straight out form its original location to the outer wall of the storage unit, if the storage unit is built on the back wall.

4.6. Carport Storage Boxes – storage boxes, also known as outdoor storage deck boxes, made of polyethylene or resin construction in black, grey, tan to dark brown or mid green tone or darker measuring no more than 30 inches deep by 72 inches wide by 30 inches height may be placed at the end or side wall of a carport.

4.7. Front door retractable screens – front door exterior mounted retractable screens are permitted provided they are the RectraView product supplied and installed by Wizard Screens or a council approved supplier in the absence of Wizard Screens. Hardware must be white in colour while the screen material may be white or black in colour.

5. Hazards

5.1. Barbecue propane tanks are to be kept outside and are under no circumstances to be stored inside dwelling units.

5.2. It is the responsibility of each owner, occupant or tenant of a strata lot to keep the interior of their dwelling free of hazardous materials.

5.3. It is strongly recommended that each strata dwelling contain at least three smoke detectors, one at each level of the unit.

5.4. It is strongly recommended that each strata dwelling contain at least two fire extinguishers in working order: one in the kitchen and another in the basement.

5.5. It is strongly recommended that owners have their fireplace chimneys cleaned once a year, especially if they are used regularly.

6. Parking and Vehicles

6.1. Private vehicles only shall be parked on common property in designated parking spaces. No motor vehicle, trailer, boat, or equipment of any kind shall be stored on any common property or in any carport. All vehicles on common property must be in operating condition and properly licensed and insured for current driving. In the event that it becomes necessary for an owner to temporarily store a motor vehicle for a limited time inside a carport, they must notify council in writing that such storage will be taking place, and how long it is expected to last. It is the responsibility of the owner to insure a temporarily stored vehicle and keep proof of such insurance inside the front window where it can be seen.

6.2. No lengthy repairs or adjustments to motor vehicles or other mechanical equipment shall be carried out on common property. Owners shall ensure that vehicles do not leak oil or other fluids onto driveways, carports or streets. In the event such leakage occurs, the owner must have it cleaned immediately.

6.3. Owners are entitled to exclusive use of their carport parking for one vehicle. One additional owner's vehicle may be parked, subject to availability, in a designated parking stall located within the common property. All other vehicles belonging to the owner's household, and all guest vehicles, are to be parked off the common property.

6.4. There is no guest parking at Mountain Gate.

6.5. Article 6.4 does not apply to reasonable temporary use of common parking areas by contractors completing work inside a strata unit.

6.6. For the purposes of easy access by owners, for appearances, and to allow emergency vehicles unimpeded entry to the complex, all roadways and sidewalks are to be kept clear of vehicles at all times. Owners are responsible to ensure that their guests and contractors do not use sidewalks or roadways for parking.

7. Pets and Animals

7.1. No strata lot owner, occupant or tenant shall feed any animal or bird (beyond pets or hummingbirds) from their strata lot or anywhere in close proximity to the strata plan or within the strata plan boundaries.

7.2. Owners shall not permit their pets to foul common areas. In the event that a pet does so, the owner will be responsible to clean up.

7.3. No dog is to be allowed loose on the property. All dogs shall be controlled by a leash while on common property.

7.4. If a pet is a nuisance on the property, or causes danger to others, that pet shall be removed from the property within 15 days of notice in writing to that effect, given to the owner of the strata lot where the animal is kept.

8. Rentals

8.1. In instances where a rental has been approved pursuant to the Bylaws, an owner or the owner's agent will:

8.2. provide the prospective tenants with a copy of the Bylaws and Rules and have the tenant sign a Form K, Notice of Tenant's Responsibilities.

8.3. provide council with the Form K, to be kept on file in the strata records.

8.4. provide council with the owner's new address and particulars on contacting the owner, or in the alternative, the address and particulars of the owner's agent if that person is to assume responsibility.

8.5. No monetary or for-profit rentals for transient, short-term accommodations, hotel-like uses, motel-like uses, bed and breakfasts, and other type of licensing arrangements or purposes are allowed. The exception are home exchange arrangements (home swap) and student homestays with a minimum 14-day prior notification, in writing, to the council.

9. Landscaped Areas

9.1. All areas were originally landscaped by the developers. It is recognized that owners often like to personalize their garden beds, and this usually contributes positively to the appearance of the strata property.

9.2. An owner who wishes to personalize their garden areas may do so only if they are prepared to take responsibility for the future upkeep of those areas, and to notify future owners of their continuing responsibility to do the same.

9.3. In the event that an owner neglects their personalized garden space, and it requires extraordinary care or replanting, this will be undertaken by the strata gardeners at the request of council and, where relevant, extra costs will be charged to the strata owner.

10. Maintenance Contributions

10.1. At each Annual General Meeting, or shortly thereafter, the council will inform owners of the timing of any increase to the strata fees collected by pre-authorized debit. New owners must provide the strata council will a pre-authorized debit form to ensure the timely collection of monthly maintenance contributions. A change in pre-authorized debit accounts requires 30-days notice to ensure transaction are processed appropriately.

11. Communication

11.1. Communication between owners and council shall be in writing, or where appropriate, by email.

12. Fines and Penalties

12.1. Pursuant to the Strata Property Act and Regulations, and the Bylaws of the Strata Corporation, Council may impose fines and other penalties in order to enforce the Rules.

12.2. Parking. When vehicles or other equipment are improperly parked on the roadways or parking areas of the strata property in violation of Article 6 of these Rules, council may, without notice, call a tow truck to have them removed at the owner's risk and expense.

12.3. NSF Pre-Authorized Debits. A charge of $25.00 will be levied against an owner whose maintenance fees, for any reason, are returned by the bank, thereby causing expense to the strata corporation.

12.4. Fines. Maximum fines are set out in the Bylaws and may be imposed by council at its discretion on the breach of these Rules or of the Bylaws.