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Form 3

NOTICE OF CHANGE OF BY-LAWS
(THE CONDOMINIUM PROPERTY ACT, S.18(4))

The Owners: Condominium Plan No: 7611160 hereby certifies that by special resolution passed on February 7, 2000 the by-laws applicable to the building referred to in the aforesaid condominium plan were repealed and replaced with the attached condominium by-laws which have been prepared and adopted pursuant to The Condominium Property Act being chapter C22 of the Revised Statutes of Alberta 1983 with amendments up to and including.

The seal of The Owners: Condominium Plan No: 7611160 was hereunto affixed on
11 day of February, 2000 in the presence of:

James Sterloff

Lee Black

001-070314-001

BY-LAWS OF THE OWNERS:
CONDOMINIUM PLAN NO. 7611160
(known as MEADOWLARK SQUARE)

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BY-LAWS OF THE

OWNERS: CONDOMINIUM PLAN NO. 7611160

(known as MEADOWLARK SQUARE)

1 (1) In these by-laws

- (a) "Act" means the *Condominium Property Act*;
 - (b) "annual general meeting" means an annual general meeting of the corporation;
 - (c) "general meeting" means a general meeting of the corporation
 - (d) "Occupant" means a person present in a Unit in or upon the real or personal property of the Corporation or a Common Property Unit with the permission of the owner.
- (2) Expressions defined in section 1 of the Act have the same meaning in these by-laws.
- (3) The rights and obligations given or imposed on the corporation or the owners under these by-laws are in addition to any rights or obligations given or imposed on the corporation or the owners under the Act.
- (4) If there is any conflict between these by-laws and the Act, the Act prevails.

Duties of the Owner

2 An owner shall forthwith:

- (a) carry out all work that may be required pursuant to these by-laws or as required by a local authority or other public authority in respect of his unit, other than any work for the benefit of the building generally; and
- (b) pay all rates, taxes, charges, and assessments that may be payable in respect of his unit;
- (c) repair and maintain his unit, including all exterior windows and doors, and keep it in a state of good repair, reasonable wear and tear and such damage as is insured against by the corporation excepted; and shall maintain in a reasonable manner any area which is located on any part of the common property to which the owner has been granted exclusive use pursuant to by-law 5(g) or which area is not accessible, in the sole opinion of the board of the corporation for cutting by power mowers, and the plants and landscaping, if any therein, and if the owner shall not maintain such lawn, the plants and landscaping to a standard similar to that of the common

property the corporation may give one month's notice to the owner to this effect and if such notice has not been complied with at the end of that month, then the corporation may carry out such work and the provisions of by-law 5(g) shall apply;

- (d) shall notify the corporation forthwith of:
 - (i) any change in the ownership of the unit; or
 - (ii) any mortgage registered against the unit.
- (e) shall not make structural, mechanical or electrical alterations to his unit or to the common property without the prior written consent of the board, which shall not be unreasonably withheld; and
- (f) not use his unit or permit it to be used in any manner for any purpose which may be illegal, injurious or that will cause nuisance or hazard to any occupier of a unit (whether an owner or not) or the family of such an occupier.

Duties of an Owner/Tenant/Occupant

3. An Owner/Tenant/Occupant:

- (a) shall permit the corporation and its agents, at all reasonable times on notice (except in case of emergency when no notice is required), to enter his unit for the purpose of:
 - (i) inspecting the unit;
 - (ii) maintaining, repairing, or replacing pipes, wires, cables, and ducts existing in the unit and used or capable of being used in connection with the enjoyment of any other unit or common property;
 - (iii) maintaining, repairing, or replacing common property; or
 - (iv) ensuring that the by-laws are being observed.

Additional Duties of the Owner/Tenant/Occupant

4 (1) In addition to those duties as set out in paragraph 2 herein, an owner/ tenant/ occupant shall not

- (a) use his unit for commercial or professional purposes without approval of the board;
- (b) use his unit for any purpose which may be illegal or injurious to the reputation of the condominium project;

- (c) make or permit noise in or about any unit or the common property which in the opinion of the board is a nuisance or unreasonably interferes with the use and enjoyment of a unit or the common property by any other owner. No instrument or other device shall be used within a unit which in the opinion of the board causes a disturbance or interferes with the comfort of other owners;
- (d) keep any animal or pet of any kind in his unit or the common property unless specifically approved in writing by the board, which approval the board may arbitrarily withhold and may, if given, withdraw anytime on seven (7) days notice to that effect, nor keep an animal in his unit or on the real property of the corporation or the common property after a date specified in a notice given to him by the board;
- (e) permit his unit to be occupied as a place of residence by more than seven (7) persons (whether adult or minor) at any given time without the consent in writing of the board;
- (f) do any act or permit any act to be done, or alter or permit to be altered his unit in any manner, which will alter the exterior appearance of the structure comprising his or any other units;
- (g) permit laundry to be hung other than inside the unit;
- (h) permit, erect or hang over or from or cause to be erected or to remain outside any window or door or any other part of a unit or on the common property, fences, barriers, partitions, awnings, shades or screens or any other matter or thing without the consent in writing of the board first had and obtained. No television antenna, satellite dish, or similar structure or appurtenances thereto shall be erected on or fastened to any unit except in connection with a common television antenna, satellite dish or cable system as authorized by the board and then only in accordance with the regulations therefor which may be established by the board;
- (i) do anything or permit anything to be done in his unit or the common property which will or would tend to increase the risk of fire or the rate of fire insurance premiums with respect thereto;
- (j) do anything or permit anything to be done by any occupier of his unit in his unit, the common property that is contrary to any statute ordinance, by-law or regulation of any government authority whether Federal, Provincial, Municipal, or otherwise;
- (k) do or permit anything to be done that may cause damage to trees, plants, bushes, flowers, or lawns and shall not place chairs, tables, children's play things, devices, or toys or other objects on the lawns and grounds so as to damage them or to prevent growth or to interfere with the cutting of the lawns or the maintenance of the ground generally;

- (l) deposit household refuse and garbage outside his unit other than in the manner prescribed by the board;
- (m) erect, place, allow, keep or display signs, billboards, advertising matter, or other notices or displays of any kind on the common property or in or about any unit in any manner which may make the same visible from the outside of the unit without the prior approval of the board;
- (n) use any part of the common property other than designated parking stall or stalls or privacy areas, which may be designated for and assigned to an owner by the board, for the parking or operation of any motor vehicle except in accordance with permission in writing from the board nor shall he obstruct or permit any sidewalk, walkways, passages or driveways, or parking areas to be obstructed by his family, guests, or visitors;
- (o) shake mops or dusters of any kind nor throw anything out any windows in his unit or on common property, nor permit anything of this kind to be done;
- (p) allow his unit or privacy area to become unsanitary or unsightly in appearance;
- (q) make or cause to be made any structural alteration or addition to his unit without first having the design and specifications of such alteration or addition approved in writing by the board. Any alteration or addition made by an owner without such approval may be restored or removed by the board or its duly authorized representative or representatives and any costs incurred by the corporation as a result therefore shall forthwith be paid by such owner to the corporation and shall bear interest thereon at an annual rate of 3 percent in excess of the prime lending rate from time to time charged by the Canadian Imperial Bank of Commerce on the unpaid amount or deficiency from the date it was properly due until paid. Whenever such interest is calculated over a period in excess of one year, it shall be compounded annually;
- (r) permit any member of his household, guests, or visitors to trespass on the part of the parcel to which another owner is entitled to exclusive occupation;
- (s) when the purpose for which a unit is intended to be used is shown expressly or by necessary implication on or by the registered condominium plan, use his unit for any other purpose or permit the same to be so used;
- (t) wash cars except in such a manner as, in the sole opinion of the Board, will not cause nuisance or annoyance to other owners and in such place and at such times as the board may from time to time by regulation set forth or direct and no repairs or adjustments to automobiles shall be carried out on the project, nor shall any commercial vehicles be brought on to the project without the written consent of the board or a manager or

nominee thereof save in the course of delivery to or removal from the respective premises;

- (u) allow the area around his premises to become untidy. The board shall be at liberty to remove any rubbish or clean up the common property in close proximity to an owner's premises to its satisfaction and charge the expense to the owner;
 - (v) do any act or thing or neglect or fail to do any act or thing which would render invalid any insurance in force and maintained by the corporation or which would increase the premium therefor;
 - (w) be responsible for ice and snow removal other than from the front steps and front walkway of his own unit and connecting walks to designated parking area;
 - (x) allow trailers, campers, boats, snowmobiles, trail bikes, all terrain vehicles or similar vehicles or equipment to be parked or stored other than in an area designated by the board;
 - (y) allow or cause any household or personal effects or articles belonging to him to be kept anywhere except inside his respective unit when not in actual use, the exception being seasonal items which are to be used out of doors and which may be stored in privacy areas during the seasons of use; and each owner will comply with all reasonable requests of the board or its representatives that all household or personal effects belonging to an owner's household be put away inside such unit when not in actual or seasonal out-of-doors use;
 - (z) prevent or prohibit access to an use of common exterior water taps on his unit for purposes of maintaining common property;
 - (aa) use a toilet, sink, tub, drain, or other plumbing fixture for a purpose other than that for which it is constructed; and
 - (bb) act upon board approval of a specific application until 48 hours after the distribution and receipt of the minutes of the meeting at which the approval was granted, and shall not proceed if notified of disapproval under section 19 (e) of the by-laws until such time as the board may reaffirm the approval.
- (2) The assignment of parking stalls shall be as follows
- (a) Twenty parking stalls with electrical plug-ins are assigned one to each of the twenty units and identified by unit number;
 - (b) The ten extra parking stalls may be assigned to the exclusive use of owners under the conditions that:
 - (i) only one extra stall may be assigned to a unit;
 - (ii) application is made to the condominium management, or to the board if there is no manager;

- (iii) applications shall constitute a waiting-list in the order received;
 - (iv) assignment will be for twelve months only; at the end of the twelve month period, the owner may re-apply and resume his place on the waiting-list;
 - (v) the parking stall does not include the use of an electrical plug in; and
 - (vi) extra stalls which are assigned to owners shall be identified with the owner's unit number; identification is to be carried out by the manager or by the board if there is no manager.
- (3) Each unit owner(s) and/or occupant shall have the use of the area between the privacy screens on the courtyard side of the respective unit for the owner's and/or occupant's exclusive use, subject to any restrictions noted in these by-laws.
- (4) Owners are permitted to proceed with the installation of plantings and patios in privacy areas facing the courtyard and within 8 feet (2.44 meters) of the side of their units receiving mail delivery without seeking board permission, so long as the installations do not interfere with other owners' enjoyment of the common property, and subject to the following conditions
- (a) maintenance of the installations is the responsibility of the owner and subsequent owners of the unit;
 - (b) if a majority of owners find the installations un-aesthetic, offensive, or unsafe, an owner can be required by the board to remove the installation at the owner's own expense; and
 - (c) fencing and other structures are excluded from the above and still require board approval as to design.

Powers of the Corporation

5 The corporation may

- (a) acquire personal property to be used:
 - (i) for the maintenance, repair, or replacement of the real or personal property of the corporation or the common property; or
 - (ii) by owners in connection with their enjoyment of the real and personal property of the corporation or the common property;
- (b) borrow money required by it in the performance of its duties or the exercise of its powers;
- (c) secure the repayment of money borrowed by it and interest on that money by negotiable instrument, a mortgage of unpaid contributions (whether

levied or not), or a mortgage of any property owned by it or by any combination of those means;

- (d) grant a lease to an owner under section 41 of the Act;
- (e) charge interest under section 32 of the Act on any contribution owing to it by an owner;
- (f) make an agreement with an owner or tenant of a unit for the provision of amenities or services by it to the unit or to the owner or tenant of the unit;
- (g) assign portions of the common area to an owner as a privacy area or parking stall, subject to amendment by the board and the board may, from time to time, designate and assign to an owner a portion of the common property to be used exclusively by such owner as a patio, back yard or front yard area which is sometimes referred to herein as a privacy area and also a parking stall or stalls. While neither such privacy area nor parking stall is included in the registered condominium plan as part of a condominium unit the privacy area and parking stall shall be maintained at the sole expense of the owner to whom it has been assigned for the duration of the term it is so assigned. If the owner shall fail to properly maintain the privacy area and parking stall assigned to him after ten (10) days notice to him to correct any maintenance problem set forth in said notice from the board, then the board or its representative may order the maintenance corrected and the owner affected shall reimburse the board for all monies expended and all costs incurred in correction in order to rectify said maintenance problem and pay interest thereon at an annual rate of 3 percent in excess of the prime lending rate from time to time charged by the Canadian Imperial Bank of Commerce on the unpaid amount or deficiency from the date it was properly due until paid. Whenever such interest is calculated over a period in excess of one year, it shall be compounded annually;
- (h) make such rules and regulations as it may deem necessary or desirable from time to time in relation to the use, enjoyment and safety of the common property and do all things reasonably necessary for the enforcement of the by-laws and for the control, management, and administration of the common property generally;
- (i) and the corporation shall maintain and repair the exterior of the buildings (excluding windows and doors unless insured by the corporation).

Election of the Board

- 6 (1) The board shall consist of not less than 3 and not more than 7 individuals.
- (2) Notwithstanding subsection (1), if there are not more than 2 owners, the board may consist of one or more individuals not to exceed 7 in number.

- (3) An individual shall not be a member of the board unless that individual is 18 years of age or older.

Eligibility to Sit on the Board

- 7 (1) A person does not need to be an owner in order to be elected to the board.
- (2) Notwithstanding subsection (1)
- (a) if a unit has more than one owner, only one owner in respect of that unit may sit on the board at one time; and
 - (b) an owner who has not paid to the corporation the contributions due and owing in respect of his unit is not eligible for election to the board.

Voting

- 8 At an election of members of the board, each person entitled to vote may vote for the same number of nominees as there are vacancies to be filled on the board.

Term of Office

- 9 (1) Subject to subsection (2), a member of the board shall be elected at an annual general meeting for a term expiring at the conclusion of the annual general meeting convened in the 2nd year following the year in which he was elected to the board.
- (2) At the first general meeting convened after July 1, 1996
- (a) not more than 50% of the members of the board shall be elected for a term expiring at the conclusion of the annual general meeting convened in the year following the year in which they were elected; and
 - (b) the balance of the members shall be elected for a term expiring at the conclusion of the annual general meeting convened in the 2nd year following the year in which they were elected;
- (3) Each member of the board shall remain in office until
- (a) the office becomes vacant under section 11 of these by-laws;
 - (b) the member resigns;
 - (c) the member is removed under section 10 of these by-laws; or
 - (d) his term of office expires; whichever comes first.

Removal of a Member of the Board

- 10 Except when the board consists of less than 3 individuals, the corporation may, by resolution at a general meeting, remove a member of the board before the expiration of his term of office and appoint another individual in his place to hold that office for the remainder of the term.

Vacating of the Office of a Member of the Board

- 11 The office of a member of the board is vacated if he
- (a) becomes bankrupt under the *Bankruptcy and Insolvency Act(Canada)*;
 - (b) is more than 30 days in arrears in payment of any contribution required to be made by him as an owner;
 - (c) is the subject of a certificate of incapacity issued under the *Dependent Adults Act*;
 - (d) is convicted of an indictable offense for which he is liable to imprisonment for a term of not less than 2 years;
 - (e) resigns his office by serving notice in writing on the corporation; or
 - (f) is absent from 3 consecutive meetings of the board without permission of the board and it is resolved at a subsequent meeting of the board that his office be vacated.

Vacancy

- 12 When a vacancy occurs on the board under section 11 of these by-laws, the board may appoint an individual to fill that office for the remainder of the former member's term.

Officers of the Corporation

- 13(1) At the first meeting of the members of the board held after the general meeting of the corporation at which they were elected, the board shall designate from its members a president, vice-president, secretary, and treasurer of the corporation.
- (2) Notwithstanding subsection (1), the board may designate one person to fill the office of secretary and treasurer.

- (3) In addition to those duties assigned to the officers by the board
- (a) the president or, in the event of his absence or disability, the vice-president:
 - (i) is responsible for the daily execution of the business of the corporation; and
 - (ii) shall act as chairman of the meetings of the board.
 - (b) the secretary or, in the event of his absence or disability, another member of the board designated by the board:
 - (i) shall record and maintain all the minutes of the board;
 - (ii) is responsible for all the correspondence of the corporation; and
 - (iii) shall carry out his duties under the direction of the president and the board.
 - (c) the treasurer or, in the event of his absence or disability, another member of the board designated by the board, shall:
 - (i) receive all money paid to the corporation and deposit it as the board may direct;
 - (ii) properly account for the funds of the corporation and keep those books as the board directs;
 - (iii) present to the board when directed to do so by the board, a full detailed account of receipts and disbursements of the corporation; and
 - (iv) prepare for submission at the annual general meeting:
 - (A) a budget for the forthcoming fiscal year of the corporation; and
 - (B) an audited statement for the most recently completed fiscal year of the corporation.
- (4) A person ceases to be an officer of the corporation if he ceases to be a member of the board.
- (5) If a person ceases to be an officer of the corporation, the board shall designate from its members a person to fill that office for the remainder of the term.
- (6) If a board consists of not more than 3 persons, those persons may perform the duties of the officers of the corporation in such manner as the board may direct.

Majority Vote and Quorum of the Board

- 14(1) At meetings of the board, all matters shall be determined by majority vote and in the event of a tie vote, the chairman is entitled to a casting vote in addition to his original vote.
- (2) A quorum for a meeting of the board is a majority of the members of the board.

Written Resolutions

- 15 A written resolution of the board signed by all of the members of the board has the same effect as a resolution passed at a meeting of the board duly convened and held.

Seal of the Corporation

- 16(1) The corporation shall have a corporate seal that shall not be used except
- (a) under the authority of a resolution of the board given prior to its use; and
 - (b) in the presence of not less than 2 members of the board who shall sign the instrument to which the seal is affixed.
- (2) Notwithstanding subsection (1), if there are not more than 2 members of the corporation, one member may be authorized by the board to use the corporate seal and sign the instrument to which the seal is affixed.

Signing Authority

- 17 The board shall prescribe, by resolution,
- (a) those officers or other persons who are authorized to sign cheques, drafts, instruments, and documents not required to be signed under the corporate seal, and
 - (b) the manner, if any, in which those cheques, drafts, instruments, or other documents are to be signed.

Powers of the Board

18(1) The board shall

- (a) meet at the call of the president to conduct its business and adjourn and otherwise regulate its meetings as it thinks fit; and
 - (b) meet when a member of the board gives to the other members not less than 7 days' notice of a meeting proposed by him, specifying the reason for calling the meeting.
- (2) The board may employ on behalf of the corporation any agents and employees it thinks necessary to control, manage, and administer the real and personal property of the corporation and the common property and in that respect may authorize those persons to exercise the powers of and carry out the duties of the corporation.
- (3) The board may, subject to any restriction imposed on it or direction given to it at a general meeting of the corporation, delegate to any of its members or to other persons any or all of its powers and duties as it thinks fit, and may at any time revoke that delegation.

Duties of the Board

19 The board shall

- (a) cause proper books of account to be kept in respect of all money received and expended by it and the matters in respect of which the receipt and expenditure take place;
 - (b) prepare financial statements relating to all money of the corporation, and the income and expenditures of the corporation, for each annual general meeting;
 - (c) maintain financial records of all the assets, liabilities, and equity of the corporation;
 - (d) submit to the annual general meeting an annual report consisting of the financial statements and other information as the board may determine or as may be directed by a resolution passed at a general meeting; and
 - (e) postpone any decision for re-examination in the event that at least 3 written disapprovals of the decision are received by the chairman or acting chairman of the board within 48 hours of delivery and receipt of the minutes of that board meeting at which the decision to be re-examined was made; the board shall inform the parties to the decision immediately the disapprovals are received, and the owners within 24 hours.

Procedure

- 20 All meetings of the board and general meetings shall be conducted according to the rules of procedure adopted by the board.

General Meetings other than an Annual General Meeting

- 21 The board
- (a) shall, on the written request of the owners entitled to vote and who represent not less than 15 percent of the total unit factors for the units, convene a general meeting; and
 - (b) may, whenever it considers it proper to do so, convene a general meeting.

Notice of General Meeting

- 22(1) When an annual general meeting or a general meeting is to be convened, the board shall, not less than 7 days prior to the day on which the meeting is to be convened, give to each owner written notice of the meeting stating
- (a) the place, date, and time at which the meeting is to be convened; and
 - (b) the nature of any special business, if any, to be brought forth at the meeting.
- (2) In computing the number of days notice of a general meeting required under these by-laws, the day on which the notice is deemed to have been received and the day of the meeting shall be counted.
- (3) On being notified by a mortgagee entitled to vote under section 21 of the Act that it wishes to be notified of general meetings, the board shall give to that mortgagee the same notices required to be given to the owner under subsection (1) of this section.
- (4) An annual general meeting or a general meeting or anything done at that meeting is not invalid by reason only that
- (a) a person, by accident, was not, in respect of that meeting, given a notice under subsection (1); or
 - (b) a person did not in fact receive a notice given under subsection (1) in respect of that meeting.

Quorum

- 23(1) Except as otherwise provided by these by-laws, no business shall be transacted at an annual general meeting or a general meeting unless a quorum of persons entitled to vote is present or represented by proxy, at the time when the meeting commences.
- (2) A quorum for an annual general meeting or a general meeting consists of not less than 50 percent of all the persons entitled to receive notice under section 21 of these by-laws being present in person or represented by proxy at that meeting.
- (3) If within 30 minutes from the time appointed for the commencement of an annual general meeting or a general meeting a quorum is not present, the meeting shall stand adjourned to the corresponding day in the next week at the same place and time and if at the adjourned meeting a quorum is not present within 30 minutes from the time appointed for the commencement of the meeting, the persons entitled to vote who are present or represented by proxy constitute a quorum for the purpose of that meeting.

Chairman of General Meetings

- 24(1) The president or, in the event of his absence or disability, the vice-president or other person elected at the meeting, shall act as chairman of an annual general meeting or a general meeting.
- (2) The order of business at an annual general meeting and, as far as practicable at any other general meeting, shall be as follows
- (a) call to order by the chairman;
 - (b) calling of the roll and certifying of proxies;
 - (c) proof of notice of meeting, waiver or proxies, as the case may be;
 - (d) reading and disposal of any unapproved minutes;
 - (e) reports of officers;
 - (f) report of committees;
 - (g) election of members of the board;
 - (h) unfinished business;
 - (i) new business; and
 - (j) adjournment.

Show of Hands

- 25(1) At an annual general meeting or a general meeting, a resolution shall be voted on by a show of hands unless a poll is demanded by a person entitled to vote and present in person or by proxy, and unless a poll is so demanded, a declaration by the chairman that a resolution has on the show of hands been carried is conclusive proof of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.
- (2) If a person demands a poll, that person may withdraw that demand and on the demand being withdrawn the vote shall be taken by a show of hands.

Taking of Poll

- 26 A poll, if demanded, shall be conducted in a manner as directed by the chairman, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

Tie Vote

- 27 In the case of a tie in a vote taken at an annual general meeting or a general meeting, whether on a show of hands or on a poll, the chairman of the meeting is entitled to a casting vote in addition to his original vote.

Number of Votes

- 28(1) If a vote is taken by a show of hands, each person entitled to vote has one vote.
- (2) If a vote is taken by a poll, the number of votes that a person may cast shall correspond to the unit factors for the respective units represented by that person.

Votes at an Annual General Meeting or a General Meeting

- 29 Except for matters requiring a special resolution or unanimous resolution, all matters shall be determined by a majority vote.

Manner of Voting

- 30 On a show of hands or on a poll, votes may be given either personally or by proxy.

Appointment of Proxy

- 31 An instrument appointing a proxy shall be in writing under the hand of the person making the appointment or his attorney, and may be either general or for a particular meeting, but a proxy need not be an owner.

Restrictions on Voting

- 32(1) Except as provided for in subsection (2) of this section or section 21 of the Act, there are no restrictions or limitations on an owner's rights to vote at an annual general meeting or a general meeting.
- (2) If, at the time of an annual general meeting or a general meeting, an owner has not paid to the corporation all contributions that are due and owing in respect of his unit, that owner is ineligible to cast a vote at that meeting in respect of any resolution other than a special resolution or a unanimous resolution.
- (3) An owner's ineligibility to cast a vote does not affect the right of the mortgagee first entitled in priority in respect of a mortgage registered against the title of that owner's unit to vote in accordance with the Act.

Vote by Co-owners

- 33(1) If a unit is owned by more than one person, those co-owners may vote personally or by proxy and
- (a) in the case of a vote taken by a show of hands, those co-owners are entitled to one vote between them; and
- (b) in the case of a vote taken by a poll, a co-owner is entitled to that portion of the vote applicable to the unit as is proportionate to his interest in the unit.
- (2) A co-owner may demand that a poll be taken.

Signed Resolution -- Majority Vote

- 34 If a resolution of the members of the corporation requires a majority vote, that resolution signed in person or by proxy by all the persons who, at a properly convened annual general meeting or general meeting, would be entitled to vote, has the same effect as a resolution duly passed at the meeting.

Capital Replacement Reserve Fund

- 35(1) The board shall establish and maintain a fund called a "Capital Replacement Reserve Fund" to be used for the repair and replacement of
- (a) any real and personal property owned by the corporation; and
 - (b) the common property, when the repair or replacement does not occur annually.
- (2) The board may by resolution determine the minimum amount that may be paid from the Capital Replacement Reserve Fund in respect of a single expenditure.

Failure to Comply with By-laws

- 36 The board may exercise the powers provided for in section 29 of the Act as follows:
- (1) If an owner, tenant or other person residing in a residential unit contravenes a by-law, the corporation may take proceedings under Part 4 of the *Provincial Court Act* to recover from the owner or tenant or both a penalty up to an amount but not more than specified in the Act, in respect of that contravention.
 - (2) In an action under subsection (1), the corporation must establish to the satisfaction of the provincial judge hearing the matter that:
 - (a) the by-law was properly enacted, and
 - (b) the by-law was contravened by the owner, tenant or other person residing in the residential unit.
 - (3) On hearing the matter, the provincial judge may:
 - (a) give judgment against the defendant in the amount being sued for or any lesser amount as appears proper in the circumstances, or
 - (b) dismiss the action.
 - (4) A corporation may not commence an action under this section unless it is authorized by by-law to do so.

- (5) For the purposes of subsection (2)(a), a copy of the by-law that is certified by the Registrar as being a true copy of the by-law filed at the land titles office is prima face proof:
- (a) of the contents of the by-law, and
 - (b) that the by-law was properly enacted.
- (6) The commencement of an action against a person under this section does not restrict, limit or derogate from remedy that an owner or the corporation may have against that person.

Tenants

- 37 The corporation is authorized to
- (a) impose and collect deposits under section 44 of the Act;
 - (b) give notices to give up possession of residential units under section 45 of the Act; and
 - (c) make application to the Court under section 46 and 47 of the Act.

Amendment of By-laws

- 38 Notwithstanding section 22 of these by-laws, if a by-law is to be amended, repealed, or replaced, the persons entitled to vote shall be given written copies of the text of the proposed amendment, repeal or replacement not less than 14 days prior to the day on which the special resolution is to be voted on.
- 39 The following by-laws are hereby repealed
- (a) By-laws of the Owners: Condominium Plan No. 7611160 (known as Meadowlark Square). Schedules "A" and "B" which were registered at the South Alberta Land Registration District on the 29th day of November, 1976, and any amendments thereto.

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