

Form I
Strata Property Act
[am. B.C. Reg. 312/2009, s. 7.]

AMENDMENT TO BYLAWS

(Section 128)

The Owners, Strata Plan VIS 954 certify that the following or attached amendments to the bylaws of the strata corporation were approved by a resolution passed in accordance with section 128 of the Strata Property Act at an annual or special general meeting held on September 16, 2021

Resolution:

The following shall be added to the bylaws filed in the Victoria Land Title office as a bylaw 136 (1)-(11):

136 Smoking & Cultivation Prohibition Bylaw

- (1) An owner, tenant or occupant (“Resident”) or visitor prohibited from smoking in the following areas of the Strata Corporation:
 - a. in a strata lot, including inside any strata unit;
 - b. on a patio, deck or balcony,
 - c. within six (6) meters of an exterior door, window or air intake and,
 - d. on the interior of the building, including foyers, hallways, stairs, common rooms, parking areas and other interior common areas.
- (2) “Smoking: for the purposes of this bylaw, means releasing into the air gases, particles, or vapors as a result of combustion, electrical ignition or vaporization, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of the by-products, except when the combusting or vaporizing material contains no tobacco, nicotine, cannabis, marijuana or other prohibited materials and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term “Smoking” includes, but is not limited to, smoking using electronic vapors, bidis, hookahs, vaporizers, bongs, tobacco smoking, marijuana smoking, crack cocaine smoking, heroin smoking and smoking other similar substances whether legal or not.
- (3) A Resident shall not at any time plant, grow or cultivate a marijuana or cannabis plant on a strata lot, common property or limited common property, excluding medical cannabis with the prior written approval of council which may be granted subject to conditions.
- (4) Subject to the *Human Rights Code*, all persons, including, but not limited to Residents and visitors must comply with this bylaw.
- (5) The council may upon written application from a Resident provide reasonable accommodation to the applicant, with or without conditions, with respect to the use or cultivation of medical marijuana, smoking tobacco or cannabis or the use of tobacco or cannabis in relation to a traditional aboriginal cultural activity where the applicant forms part of a prescribed group and intends to smoke for a prescribed purpose.

- (6) Once council establishes that an applicant qualifies to smoke and/or cultivate medical marijuana, suffers from a disability aggravated by smoke or qualifies for an exemption to smoke in relation to a traditional aboriginal cultural activity, then council must determine the nature and extent of any accommodation based on a review of all the facts and circumstances and may provide reasonable accommodation including, but not limited to, the following:
 - a. Require a Resident to take timely steps to mitigate against the escape of second-hand smoke from his or her strata lot and if such steps are unsuccessful, then restrict smoking to a certain area in a strata lot, or as a last resort, prohibit smoking altogether in a strata lot;
 - b. Allow smoking in a designated area of the common property;
 - c. Impose conditions to the location, scope, duration and purpose for the accommodation and any requirement to reapply for future accommodation; and/or,
 - d. Impose any other conditions required to grant reasonable accommodation.
- (7) A Resident residing in a strata lot on the date that this bylaw is adopted and who continues to reside there will be grandfathered from subsection 1(a) of this bylaw and may smoke in his or her strata lot provided that he or she registers in writing with the Strata Corporation within 30 days from the date of approval confirming that he or she is a smoker and agreeing to comply with the following conditions:
 - a. Doors and windows will be closed at all times when smoking; and,
 - b. An AHAM certified Air Purifier approved in writing by council will be used at all times to eliminate smoke.
- (8) A Resident, including a person granted reasonable accommodation, must not cause a fire hazard, nuisance or allow smoke or smoking debris to unreasonably interfere with the use and enjoyment of the common property, limited common property or a strata lot by another Resident.
- (9) If council determines that this bylaw has been violated, then the responsible owner or tenant must take active and timely steps to mitigate against the escape of smoke, fire risk or nuisance within the time set out in a written notice to that effect from council, failing which council may impose additional restrictions or, in appropriate circumstances, prohibit or restrict smoking or cultivation in the strata lot, common property or limited common property.
- (10) If there are reasonable grounds to believe that there has been a violation of this bylaw, an authorized representative of the Strata Corporation may after providing appropriate notice access the strata lot to conduct an inspection.
- (11) An owner is responsible to ensure that his or her occupants, tenants, visitors and prospective purchasers are made aware of, and comply with, this bylaw. A tenant is responsible to ensure his or her occupants and visitors comply with this bylaw.