

Bylaw 133

STRATA BYLAW - A bylaw to in respect to the installation of water systems and supply of water to bare land strata subdivisions of land in the area comprising the Qualicum Bay Horne Lake Water District

– Adopted -
November, 2010

1. For the purpose of this bylaw:

- (a) “Bare Land Strata Plan” means a strata plan on which the boundaries of the strata lots are defined on a horizontal plane by reference to survey makers, and not by reference to the floors, walls and ceilings of a building.
- (b) “Strata Lot” means a lot shown as such in a bare land strata plan.
- (c) “Common Property” means so much of the land and buildings designated on the bare land strata plan, or designated by the strata corporation for the use of the strata lot owners.
- (d) “Strata Corporation” means the corporation created by the Strata Property Act.
- (e) “Strata Council” means the Council designated or elected pursuant to the bylaws
- (f) “Subdivision” means the subdivision of land under the Strata Property Act by the bare land strata plan.
- (g) “District “ means the Qualicum Bay Horne Lake Waterworks District.
- (h) “Fire Department” means the Bow Horne Bay Fire Department.
- (i) “Standards” means Design Standards and Construction Specifications

2. Every owner of a proposed subdivision must submit for approval to the District, following submission of the same to the Ministry of Transportation for approval of such subdivision plan under the Land Title Act the following:

- (a) the necessary bare land strata plan of the subdivision of lands, showing each and every lot, including all common property situated therein, and
- (b) a plan of the waterworks system, including any and all fire hydrants, sprinklers or swimming pools to be connected to the system within such subdivision.
- (c) Every submission must include a calculation of the peak hourly water demand and pressure requirement for the ultimate development of the parcels and sufficient information, plans and drawings for the District to determine whether the proposed works comply with this bylaw. Note that the District must approve a subsequent proposal for a change of use that would result in increased water consumption.

3. Every owner of a proposed subdivision and every owner of land who subdivides any parcel of land within the District must install, at his own expense and at no cost to the Improvement District, all water mains, fire hydrants, meters and other fittings and appurtenances deemed necessary by the District’s Standards to

provide an adequate supply of water for domestic, commercial and fire protection use as is necessary for present use, and for the future growth or expansion of said subdivision, and must pay for all engineering and legal costs.

During construction and prior to connection, the developer must:

- (a) refer to the Standards Product List,
- (b) notify the Fire Department Fire Chief prior to new hydrants being installed,
- (c) ensure full inspection and testing of both pipe and hydrants by the agency responsible or the Fire Department, and,
- (d) provide copy of results of inspection and tests to the Fire Department and the District's Engineer.

Connection to the Qualicum Bay Horne Lake Water District main line must be made under the supervision of the Improvement District or their representative.

The Strata Development must have one meter for each strata lot within the development. All additional water services will also require a meter, payable by the Strata Corporation.

4. Upon registration of the bare land strata plan, and completion of the waterworks system, the Strata Corporation will be subject to all Improvement District bylaws, and will be responsible for the payment of all tolls, taxes or other charges levied by the Improvement District and will operate and maintain the works within the subdivision in a manner satisfactory to the Improvement District.

5. Following the election or designation of the Strata Council, all terms and conditions set out in Section 4 above will become the responsibility of the Strata Council.

6. To assure adequate maintenance of the distribution mains, fire hydrants and other fittings within the subdivision, the Improvement District may enter into a legal agreement with the Strata Corporation of Strata Council respecting maintenance and repair of the works.

7. A person who commits an offense under this bylaw is liable, on summary conviction, to a penalty in accordance with the Offense Act.

8. This bylaw may be cited as the "Bare Land Strata Subdivision Water Regulation Bylaw No. 133".

INTRODUCED and given first reading by the Trustees on the 20th Day of October, 2010

RECONSIDERED and finally passed by the Trustees on the 24th Day of November, 2010