

Condo Smarts

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Dear Condo Smarts: Our strata corporation adopted a bylaw two years ago that prohibits the display of signs for provincial and municipal elections, and prohibits access to our building for campaigning. They have always cited that the Federal Election Act did not apply to provincial or municipal elections. Now we've heard that the laws have changed, so what happens to our bylaw, and what happens if we don't repeal it?
Nadia Mzlovich, Vancouver

Dear Nadia: The provincial elections legislation was recently amended, and it now includes the applications to strata corporations as well as rental/tenancy buildings. The application for the Election Act is to a Provincial General Election, Provincial By-Election, Provincial or Local Government Referendum, and Local Government Elections and By-Elections. Section 228.1 Tenant and strata election advertising:

- (1) A landlord or person acting on a landlord's behalf must not prohibit a tenant from displaying election advertising posters on the premises to which the tenant's tenancy agreement relates.
- (2) A strata corporation or any agent of a strata corporation must not prohibit the owner or tenant of a strata unit from displaying election advertising posters on the premises of his or her unit.

(3) Despite subsections (1) and (2), a landlord, a person, a strata corporation or an agent referred to in that subsection may

- a) set reasonable conditions relating to the size or type of election advertising posters that may be displayed on the premises, and
- b) prohibit the display of election advertising posters in common areas of the building in which the premises are found.

The Election Act is silent on the topic of right of access to properties for election purposes; however, there is an applicable provision within the Residential Tenancy Act, which allows for political campaign access to residential rental properties.

The Strata Act stipulates that a bylaw that does not comply with any enactment of law is unenforceable. This is perfect example of why strata corporations must maintain a current complete set of all bylaw amendments that are in force, and review them every year. Laws change, conditions on properties change, and it's easy to add one or two housekeeping amendments to your AGM to stay current.

If you have any questions regarding the Election Act and their strata corporation you can call 1-800-661-8683, Elections BC.

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