

Strata Living

Headline: Pet's Rentals and Age: Who is exempt?

Topic: Age Restriction Bylaws; adults only, Pets; Bylaws

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Dear Tony: If a strata corporation adopts a new bylaw that applies to age restrictions how does that affect the owners of the building? Our strata has a new age restriction bylaw that limits the age of owners to 55 and over. We don't actually live in the building, our tenant is under 55 and has received a notice from the strata council that they have 1 year to move because the Act only exempts tenants for one year. We found some information about this, but are feeling pressured by the strata council over our tenant, who by the way has never caused a single issue.

Bob C. Lonsdale Quay.

Dear Bob: The Strata Property Act does permit bylaws that limit the age of occupants within a strata lot in a strata building; however, the strata corporation cannot restrict the age of owners. For example, an owner may be under 55, but their parents who are over 55 may be residing in the strata lot. It is also clearly defined in the Strata Property Act that for age restriction bylaws, pet bylaws and rental restriction bylaws, that those persons or pets who reside in the strata lot at the time the bylaw is passed are exempt. That exemption is for the duration of their continued occupancy of the strata lot. Your tenant may reside in the strata lot, barring any other enforceable bylaw conditions on the tenancy, for the next 25 years or more. It is also important for

strata corporations to remember that when they adopt rental, pet or age restriction bylaws, they need to create and maintain an inventory of all those exempt relationships at the time the bylaw is passed. Your strata corporation needs to seek legal advice on the enforceability of the bylaw, and if it does not comply with the Act, Regulations, BC Human Rights Code or any other enactment of law, they will need to convene a special general meeting to amend the bylaw and file an enforceable bylaw in the Land Title Registry.

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