

## Condo Smarts

Headline: When is enough, enough?

Topic: Noise, Bylaws; fines, Rentals; Short-term Rentals

Publication / Date: Times Colonist, Jan 5, 2017

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**Dear Tony:** Our strata has experienced several parties over the holidays that have been unbearable for the residents. One owner has rented their unit out on a short term basis and the renters have hosted several open house types of parties that have resulted in security problems, damage to an entry door, unauthorized parking and constant noise and disruptions. We immediately contacted the owner when the problems started with no success. At one point the police had to be called to clear out a party at 4am, when one of the visitors had become aggressive with the neighbours. How do we stop this from happening in our building?

*Kerry M. Victoria*

**Dear Kerry:** Unfortunately you can never stop bad behavior by owners, tenants, occupants or their visitors; however, you can enforce your bylaws that relate to nuisance or use of property and consider adopting new bylaws that prohibit short term use of strata lots for Air BnB, VRBO or hotel type use of a property. These are generally business bylaws and not rental bylaws as you do not want to provide automatic exemptions for people who may have owner developer rental disclosure exemptions. The *Strata Property Act* gives a strata corporation a fair amount of clout when they are dealing with tenants or guests of an owner. The landlord is responsible for any fines and the costs of remedying a contravention of the bylaws or rules, including any damages caused by their tenants or guests.

It is vital that your strata council documents every incident, complaint and event that occurred over the holidays and the strata council closely follow the enforcements provisions in the *Act*. Issue the owner a notice of complaint itemizing all of the complaints, dates, times, details, and the potential violations of your

bylaws and rules. The owner will then have the opportunity to respond in writing or request a hearing to address the claims. Once a reasonable period has passed, generally by the next normally schedule council meeting, if the owner has not responded or has responded in writing the council can determine the claims of the owner and if they will impose any fines or costs for the enforcement for the bylaws. If the owner requests a hearing you must hold the hearing within four weeks after the request, and the council must respond in writing within one week of the hearing if the owners requests a decision. Ultimately it is the decision of council to determine what fines or penalties to impose and whether damages can be claimed. Once those have been determined by council, document your decision in the council minutes and send the owner a notice or statement of the fines and damages.

Now with the Civil Resolution Tribunal, owners can longer ignore the enforcement of the bylaws and fines. Strata councils by majority decide on when to make an application to the CRT to collect fines, damages or to request an order for an owner or tenant to comply with the strata bylaws. To start a claim go to [civilresolutionbc.ca](http://civilresolutionbc.ca)