
Condo Smarts

Headline: Holidays can present potential conflicts for stratas

Topic: Holiday Tips

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Dear Tony: What types of decorations are a strata allowed to put up during the holiday seasons? Our condo has traditionally decorated our lobby and club rooms for Halloween, Christmas and Easter, but this year our strata council has told us that due to too many conflicts with the owners, we will not be able to host any events and put up decorations. Our bylaws clearly permit the hanging of decorations for festival periods and they must be removed within 7 days of the festival. Is council entitled to override the private bylaws of the strata corporation? Our owners are expecting a Christmas dinner along with the usual decorations and festivities, so do we just cancel the plans?

Margo W.

Dear Margo: The strata council must comply with the bylaws of the Strata Property Act in the same manner as every other owner while at the same time they are responsible for the use and enjoyment, and maintenance and repair of common property. The challenge they are facing is the awkward situation around holidays that recognize some religious traditions while excluding other religious traditions. This is where there is potential conflict for your strata corporation. Whether it is events, decorations or other observances that recognize a religious or cultural tradition while excluding or discriminating against others, strata corporations are still subject to complaints under the BC Human Rights Tribunal. As a result, strata corporations and its members are not private to the exemption of other legislation. They are essentially their own public.

As we are in the midst of year end approaching for many strata corporations, it is the ideal time to have a look at your bylaws and consider amendments that may still permit celebrations for all owners and all faiths and traditions; however, when your strata starts balancing

celebrations of a variety of traditions in your common/public areas, the easiest solution may indeed be no celebration of traditions either by culture or faith, anywhere other than individual strata lots to avoid conflict.

Bylaws must comply with the *Strata Property Act*, The BC Human Rights Code and all other enactments of law. These are not bylaws for the armchair strata council member to write. At the very least allocate some legal funds in your annual budgets and direct your strata council to review the bylaws under the supervision of an experienced lawyer. If you are going to permit festival decorations, at the very least be inclusive of all requests.