

Condo Smarts

Headline: Election Signs

Topic: Elections

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Dear Condo Smarts: With the looming Federal election in the Fall of 2019, our strata council, which manages over 500 units, is discussing a plan to manage political signs and the requests from candidates who want to address our owners and residents. During the last provincial election, our building hosted a successful candidates' debate night; however, council advised owners that our rules only permitted residents to display a sign no larger than a sheet of paper in their windows. That resulted in a number of protests from residents and several complaints about everyone's right to express their political beliefs. We would like to find a harmonious solution for our residents and respect everyone's rights. Our AGM is in September and it would be a good time to make any changes or adjustments to our bylaws. Any suggestions would be very helpful.

Marjorie T.

Dear Marjorie: A strata corporation cannot prohibit election signs during federal, provincial, or municipal elections that are displayed from a strata lot. Section 228.1 of the *Election Act* permits a landlord, a person or a strata/condo corporation to limit the size of a sign by setting reasonable conditions; however, what a strata corporation must remember is that to set conditions on a strata lot requires a duly ratified bylaw by $\frac{3}{4}$ vote at a general meeting that has been registered in the Land Title Registry, before it is enforceable.

There is a chronic misunderstanding about the purpose and the role of rules in strata corporations. Rules cannot be used in connection with the application or use of a strata lot. Their intent is use and enjoyment of common/limited common property and common amenities. For example, the hours of the pool, or use of parking and storage lockers that are designated as

common property. A strata corporation may prohibit signs, or restrict them in size or location on common property including common areas within a building. A rule is approved by council by majority vote at a council meeting, and then must be ratified at the next general meeting by majority vote to continue to be enforceable. The strata must also inform owners and tenants of any new rules or bylaws as soon as feasible after they are passed or ratified.

It is important for each strata corporation to consider the type of strata you live in, before you adopt new rules or bylaws. The limitations of a highrise building will vary greatly from a bareland strata where each strata lot is 5 acres. A sign no larger than a piece of letter paper is not reasonable as it cannot be seen. If it cannot be seen, it is not freedom of expression. A reasonable limitation permitting election signs will discourage residents from attaching or posting a 4 x 8 sign on their balcony, where a sign that is up 1m sq, may be easily displayed from a strata lot window and may be a reasonable solution for the duration of an election period.

A strata council cannot enforce random policies. Adopt bylaws that apply to strata lots and rules that apply to common property, or include all limitations within the body of a single bylaw. It is the decision of the owners to decide the outcome of the limitations.