
Strata Living

Headline: Who's in and who's out: age, rental and pet bylaws

Topics: Pet Bylaws

Publication / Date: 24 Hours, Sept 8, 2016

Written by: Tony Gioventu

Dear Tony: Our strata corporation gave notice of a special general meeting on September 20th, for the owners to consider a new set of bylaws for our strata. In the proposed changes voters will be asked to vote on bylaws that restrict the number of pets from 2 cats and 2 dogs, to 1 cat or 1 dog. We understand that these are only proposed amendments at this time, but one owner who is concerned that the bylaws may passed has suddenly adopted 2 cats and 2 dogs, and another owner has added 2 dogs to her 2 cats she already has in her suite. The council has sent a notice to the owners advising they are not permitted to adopt any pets until the bylaws have been voted on. Would that not be the same as enforcing a bylaw that is not yet in place?

Kelly J.

Dear Kelly: Proposed bylaws have no effect until they have been voted on by a three quarters vote at an annual or special general meeting. They are not enforceable until they have been filed in the land title registry, and cannot be enforced retroactively. There is one condition that applies to pet, age and rental restriction bylaws that is different from the other types of bylaws. For example, pet, rental or age bylaws are passed at a general meeting, any pets, tenants, or persons under the age restriction are exempt for the duration of their occupancy of the strata lot. If your strata passes, the pet limitation bylaw on September 20th, any pets currently residing in the building will be exempt. This is where many strata corporations have difficulty in enforcing their bylaws. If you are amending or changing your age, pet or rental bylaws, it will be essential to complete an inventory of the pets, the age of the persons residing in the building or tenants. If you have amended your bylaws, and have not created the inventory, how will your strata corporation be able to confirm who was or was not residing in the building at

the time the bylaw was passed? If your strata is in a phased development that is not yet completed and on schedule, you are not permitted to adopt bylaws that relate to pets, age or rental restrictions unless the final phase is completed and the subsequent annual general meeting has been held or the owner developer gives written permission for the amendments.