
Strata Living

Headline: What if the strata won't enforce bylaws?

Topics: Bylaws

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Dear Tony: I live in a high rise building in Burnaby on the 24th floor. There is an owner on the 25th floor that is a chronic problem. There are constant noise problems and there have been a number of hostile confrontations in the elevator over the loud parties and the heavy pot smoking on the balcony at night with his friends. None of the council members live near this guy, so never have to deal with his issues, and while a number of people on floors 24-26 have complained the council have done nothing. Their excuse is that it will cost more to enforce the bylaws than we can recover so why bother? A small group of owners are pretty frustrated and have gone to see a lawyer, but the cost estimates are very high. Is there no one who can force the strata to simply enforce the bylaws?

Christine W.

Dear Christine: Your strata council was correct. To enforce a bylaw and obtain a court order, the strata corporation would have been required to either make an application to the Supreme Court of BC or to commence an Arbitration. Either action would have required a three quarter's vote at a general meeting, and the funding to proceed with the action. As a result there have been very few such actions, and in most cases, strata corporations have voted down the applications because the majority of owners are rarely affected by the actions of one chronic bylaw violator, and don't want to be part of a court application or approve the funding. Owners share the same limitations. The cost of ordering the strata corporation to enforce bylaws has been prohibitive.

The Civil Resolution Tribunal (CRT) has dynamically changed the landscape for strata owners, tenants and councils. The (CRT) has the authority to order a strata corporation, owner, tenant or occupant to do or to stop

doing something. These orders can include, ordering an owner to comply with the bylaws and pays fines, or if the application is made by an owner or tenant, the strata corporation may be ordered to enforce the bylaws. In comparison to a Supreme Court application which may have cost upwards of \$25,000 and take 6-18 months to resolve, a CRT application will cost either the owner, tenant, or the strata a few hundred dollars, be resolved in a few months, and the strata council can start the application by a simple majority vote, or an owner or tenant may make their own application. Once issued, the order is enforceable through the courts like any other decision. The CRT is now open for business so go to: www.civilresolutionbc.ca and click on get started.