
Strata Living

Headline: Do buyers qualify for bylaw exemptions?

Topics: Buying & Selling, Bylaws

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Dear Tony: What is the role of the strata council when a buyer asks us for an exemption from a bylaw? A buyer has approached our council with a request for an exemption from the pet bylaws. Our bylaws permit one cat or one dog. These buyers have 2 dogs, and their realtor has suggested that they can request an exemption because they still fit the basic limit of two pets. How does our strata council manage this situation?

Grace J. Abbotsford

Dear Grace: Strata councils are frequently requested to consider "accommodations" to bylaws from buyers; however, the strata corporation to the extent that it is complying with the *Guide Dog & Service Dog Act* and the BC Human Rights Code has a duty to uphold and enforce the bylaws of the strata corporation. With the exceptions provided in the legislation, the strata council do not have the authority to exempt owner, tenants or occupants from bylaws. The strata corporation's general response is to provide the bylaws on request and nothing more. Refer the buyers to the Land Title Registry to obtain an official copy of the bylaws. If the buyer becomes the owner and they have a request for an exemption or a qualified accommodation they can provide that information to the strata council who are then in a position to deal directly with the new owner of the strata lot. Always exercise caution in engaging with potential buyers as the strata corporation has no relationship those parties and could potentially undermine a sale causing a greater liability for a seller and the strata corporation. The BC Human Rights Code applies to accommodation and the intent to occupy.

If owners claim they have certified assistance pets that fall under the exemptions, or evidence of a Human Right's accommodation provide that information to the

strata corporation. The exemptions under the *Guide Dog Service Dog Act* apply to the certified assistance pet and its owner. If the strata applies the bylaws unfairly the owners may commence a claim with the Civil Resolution Tribunal or the BC Human Rights Tribunal to resolve the matter. It would also be wise to recommend to the buyers they seek legal advice on the application of the bylaws and their perceived exemption conditions.