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## Strata Living

Headline: Charging extra fees

Topics: Strata Fees, Bylaws; rental bylaws

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**Dear Tony:** I have rented out my unit since I purchased in 2004. I was the first buyer and the developer filed a rental disclosure that exempted first buyers. Our strata corporation has tried several times to pass bylaws prohibiting rentals without success. Now a new twist on their old campaign. They are proposing a bylaw that requires anyone who rents their strata lot to pay an additional \$50 per month for the rental surcharge plus the tenant will be required to pay \$100 a month for a parking space, even though our parking is limited common property and I have 2 spaces designated to my unit. Would such a bylaw be enforceable?

*Craig D. New Westminster*

**Dear Craig:** There are several types of fees permitted under the *Act*, but a surcharge on use of a strata lot is not one of them. Strata lot owners pay for the annual operating costs or a special levy based on unit entitlement or any amendments filed in the Land Title registry. Bylaws cannot change the allocation of common expenses or impose additional user costs for rentals. Strata corporations are permitted to charge user fees for amenities or services which are not part of those common expenses and that relate to use and enjoyment of common property or a common asset. For example, if a strata has 5 additional parking spaces that are common property, they could make them available at a user fee that has been approved in a bylaw or rule. Those spaces would be available to everyone. Strata corporations cannot impose a user fee on limited common property that has been designated for the exclusive use of a strata lot(s) as the strata has no jurisdiction over the use of that parking space and tenants have basically the same rights as an owner when it comes to use of common property and common assets. A tenant may make an application to the Civil Resolution Tribunal to resolve a dispute with a strata in

the same manner as an owner. In the event your strata corporation does pass a 3/4 vote to approve these proposed bylaws, either you or your tenant could start a dispute to challenge the enforceability. In the duration, encourage your strata to seek legal advice before voting on this bylaw.