Dear Tony: Is there any way to convince our strata corporation to adopt a bylaw that prohibits barbeques? We live on the 3rd floor of a 4 floor wood frame building, and the people below us on the ground floor are constantly using their barbeque. It usually starts up around 8pm and finishes somewhere around 9. By then everyone has run to shut their doors and windows and we all patiently wait for them to shut down so we can get some fresh air back into our building. Several of the seniors on our floor complain about the heat as our bylaws do not permit air conditioners and yet we permit barbeques! In addition, the side of the building is stained with bbq smoke and this person happens to be the brother of the council president, so complaints are ignored. We did a quick poll and almost 80% of our owners are fed up with bbqs. How to we fix this?

John A. Coquitlam

Dear John: If owners want to change their bylaws, and the council is unwilling to voluntarily put this in front of the owners, start a petition. You will require 20% of the owners of strata lots to submit a petition to the strata council, demanding a special general meeting be called and on the petition include the proposed wording of the ¾ vote resolution to amend the bylaws and adopt a new bylaw that prohibits barbeques. No one is grandfathered from the use of barbeques as it is a democratic decision of the strata corporation, and bylaws apply to all strata lots, common and limited common property. If the council does not hold the meeting within 28 days of having received the petition, the petitioners can issue notice and hold the meeting. Perhaps you may want to have owners first request a hearing with the strata council and see if there are other options. While many strata corporations have prohibited the use of barbeques on decks patios and balconies, they have installed a secure common area barbeque that still allows for outdoor cooking, but moves the barbeque away from the buildings. Talking and trying to work out solutions will contribute to better harmony in your community. Barbeques are a constant problem for many communities. If they are not meticulously maintained they will attract rats, bears, raccoons, and pose a high fire risk especially to combustible construction. Barbeques adjacent to high rise glass railings have also resulted in exploding glass when exposed to extreme heat. If all else fails and the council do not enforce the bylaws such as nuisance and damages, owners can file a claim with the Civil Resolution Tribunal to order the council to enforce the bylaws.