
Strata Living

Headline: Can strata screen buyers and tenants?

Topics: Rentals & Rental Bylaws, Buying & Selling, Bylaws; Enforcement,

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Dear Tony: Our strata corporation has a bylaw that requires buyers and potential tenants to be screened by the strata council before the purchase or enter into a tenancy agreement. The bylaw also requires the buyer/tenant must undergo a criminal record check. A new buyer has moved in and the council have sent him notice of pending fines of \$200 a week until he agrees to undergo a criminal record check. We cannot believe in this day and age that a strata council has the authority to screen occupants?

LJR Vancouver

imposing unenforceable bylaws that violate the rights of occupants is not a solution. Landlord BC provides excellent guides for landlords to screen and qualify tenants.

When it comes to buyers, unfortunately no one knows until they have moved in as even sellers rarely ever meet buyers. If your strata has a bylaw that is unenforceable, being enforced unfairly or failing to be enforced, owners and tenants may commence a claim through the Civil Resolution Tribunal of BC. Go to www.civilresolutionbc.ca to start your claim.

Dear LJR: The *Strata Property Act* explicitly prohibits a strata corporation from screening tenants or imposing restrictive conditions on the sale of strata lots. *"The strata corporation must not screen tenants, establish screening criteria, require the approval of tenants, require the insertion of terms in tenancy agreements or otherwise restrict the rental of a strata lot except as provided in the Act, and, a bylaw is not enforceable to the extent that it prohibits or restricts the right of an owner of a strata lot to freely sell, lease, mortgage or otherwise dispose of the strata lot or an interest in the strata lot."*

Essentially your strata corporation has an unenforceable bylaw. I would not begin to imagine what a strata council would do with any of the information they obtained or how they would even consider what types of offences would merit denial of accommodation. Encourage your strata council to seek legal advice as soon as possible to repeal this bylaw before you are facing a costly lawsuit for the frustration of a sale of a strata lot, a Human Rights complaint for discrimination or a Civil Resolution Tribunal complaint challenging the enforceability of the bylaw. Everyone wants to ensure we have great neighbours, but