
Strata Living

Headline: Council Rules: A Disaster

Topics: Rules

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Written by: Tony Gioventu

Dear Tony: A few years ago our strata council tried to adopt bylaws that would prohibit rentals, pets and an age restriction of 55 and over. At the time our owners were strongly opposed to any such restrictions as we had never had any problems with tenants, pets or younger owners. Finally the council let the matters drop and all has been peaceful. Our strata council in their short sighted wisdom decided they would pass new regulations this summer, all of which target pets, age and rentals. They adopted regulations that only permits owners' use of parking, prohibits pets on common property and prohibit children from playing in common areas. Our ownership are now in full confrontation, all of which we suspected was council's plan. How do we deal with these rules? Several buyers have walked away because of the conflicts and our once content community is very tense.

Stephen M. Victoria

Dear Stephen: There are very specific limitations to the application and enforcement of rules. They are not called regulations as those are the prescriptions of the *Strata Property Act*. Rules only apply to the use and enjoyment of common property or limited common property. Like bylaws they must comply with the *Act*, the BC Human Rights Code and any other enactment of law. It is impossible for a strata corporation to prohibit rentals entirely as there is always the possibility of exemptions such as hardship, family rentals and owner developer rental disclosures. Rentals of strata lots entitles the tenant to the same access of use of common property as any other resident. A strata corporation cannot treat tenants differently than

owners or residents of owners. The bylaws and rules of a strata apply to everyone equally. New rules are only in effect until the next general meeting where they must be approved by a majority vote of the owners. If you wish to expedite the approval, 20% of the owners may sign a petition demanding a special general meeting to approve/defeat the rules. If the rules are ratified by majority vote, the rules like bylaws may be challenged through the Civil Resolution Tribunal.