

June 30, 2020 Webinar

Bylaws, Rules and Managing Enforcement & Facilities During Covid 19

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This session is being recorded and will be hosted on the CHOA web site. If you have questions during the session, please use the Q&A function.



*We gratefully acknowledge the financial support of
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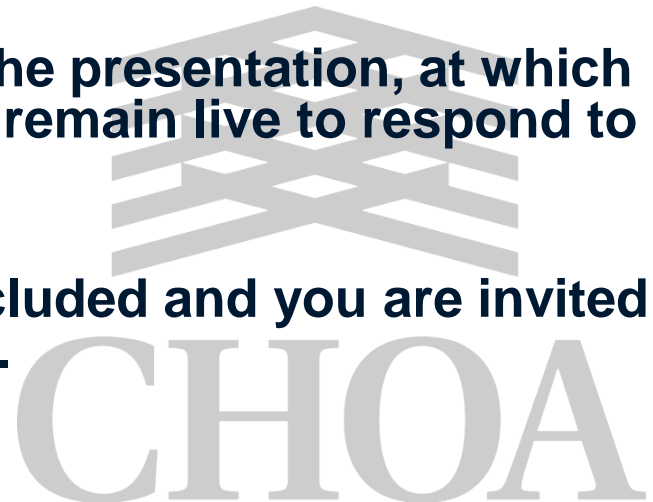
This Webinar will be recorded.

If you submit a question through Q&A, we will group and respond to questions at the end of the presentation.

For your protection, do not identify your strata plan, business or any personal information during the Webinar.

Questions will be held until the end of the presentation, at which time the facilitator and speakers will remain live to respond to questions.

Speaker email addresses have been included and you are invited to email them directly for assistance.



Bylaw Basics

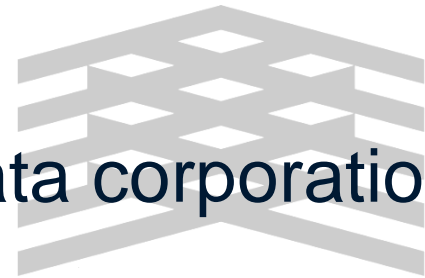
A strata corporation must have bylaws.

The bylaws provide for the control, management, maintenance, use and enjoyment of:

strata lots

common property

common assets of the strata corporation



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Bylaw Basics

We must have bylaws to manage the following issues in our strata corporation:

- Procedures and rules for council meetings and general meetings, and council elections
- How and when strata fees are paid
- Penalties for violations
- How property is used and who may use it
- The responsibility for maintenance and repairs
- How alterations to all property is regulated



The Schedule of Standard Bylaws

The Standard bylaws automatically apply to all strata corporations to the extent the strata corporation has not adopted bylaws to either amend, repeal or replace the Standard Bylaws in part or whole.

If you are in a smaller strata corporation such as a duplex, triplex, 4 plex, or smaller and you are a registered strata plan, the Standard Bylaws Automatically apply unless amended.

What makes a Bylaw Enforceable?

Amended Bylaws :

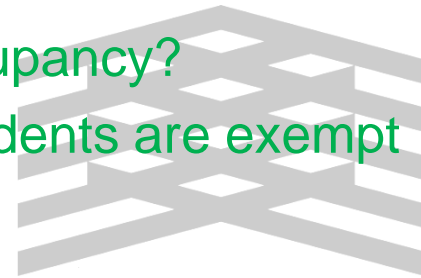
- must comply with the Strata Property Act, the regulations, the BC Human Rights Code and another enactment or law.
- cannot destroy or modify an easement under Section 69 of the Act, ie: Pipes, wires, ducts, cables, etc.
- cannot prohibit or restrict an owner to freely sell, lease, mortgage or otherwise dispose of the strata lot or an interest in the strata lot

Common Bylaw Amendments

- Rental restrictions (limit the number of rentals)
- Age restrictions (limit the age of occupancy)
- Pet Restrictions (limit the number of type of pets)
- Surveillance (required to monitor activity)
- Electronic Meetings (Covid 19 Order)
- Insurance and Damages (recovery of cost)
- Parking & Storage lockers (common property)
- Penalties and Interest (increase the values)
- General meetings (quorum, council elections, voting and council eligibility)

Common Bylaw Amendments

- Age Restrictions
 - May limit the age of occupants
 - 55 and over, 19 and over
 - Comply with the BC Human Right's Code
 - During Covid 19, does the bylaw provide for any accommodation of family members, care givers or live in support?
 - How is eligibility being applied for occupancy?
 - When an age bylaw is passed, all residents are exempt



Common Bylaw Amendments

- Pet Restrictions
 - Standard Bylaw sets limit of pets
 - Comply with the Guide Dog & Service Animal Act
 - Accommodation for pets that may be therapeutic or required for a medical condition under the BC Human Rights Code
 - Additional Limits may be adopted
 - Pets in residence at the time the bylaw is passed are exempt

Common Bylaw Amendments

- Surveillance

- If your strata corporation has installed/operates cameras, FOB system or other devices that record use you are collecting personal information and conducting surveillance
- Under the Personal Information Protection Act you must have a bylaw that permits the activity and sets out conditions for how information is gathered, who has access, the purpose of gathering information, how it is stored, destroyed, and time periods of use.

Common Bylaw Amendments

- **Electronic Meetings (Covid 19 Order)**
 - Under the Ministerial order, strata corporations may conduct general meetings electronically, provided there is a method enabling participants to communicate with each other.
 - Post Covid 19, adopt a bylaw that permits electronic meetings, the method to be used and address any technical matters that may arise such as:
 - how voting is conducted,
 - secret ballots do not apply,
 - how council is elected,

Common Bylaw Amendments

- Insurance and Damages (recovery of cost)

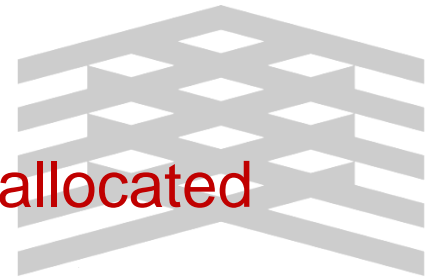
What happens when an owners causes damages, a claim on the strata insurance policy?

Address liability issues, the liability of owners to pay for the cost of damages and an insurance deductible in the event they are responsible.

Adopt bylaws that identify clearly owner responsibility if there are increased risks, such as hot water tanks within a strata lot

Common Bylaw Amendments

- Parking & Storage lockers (common property)
 - If your parking and / or storage lockers are common property, the regulated use is applied through the enforcement of a bylaw or rule
 - Identifies users
 - Conditions of use if any
 - How the parking and storage is allocated
 - User fees if they apply
 - Additional conditions such as electric vehicle charging stations



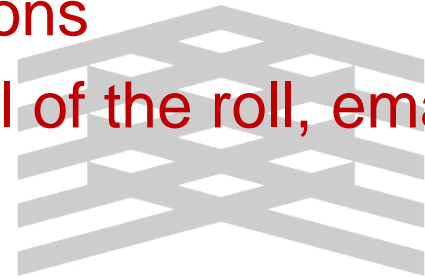
Common Bylaw Amendments

- Penalties and Interest (increase the values)
- *Interest maximum for late payment of strata fees and special levies is 10% per year calculated monthly compounded annually*
- **Rules maximum \$50/ violation**
 - Denial of access to recreational facility
- Bylaws may be increased to:
 - \$200 per violation with frequency of once every 7 days for ongoing violations
 - \$500 per violation for rentals, with frequency of once every 7 days for ongoing violations
 - \$1,000 per day Short Term Accommodations



Common Bylaw Amendments

- General meetings (quorum, council elections, voting and council eligibility)
 - Define how council is elected
 - Quorum for a general meeting
 - Voting methods
 - Removal of secret ballot provisions
 - Method for electronic voting, call of the roll, email ballot, showing of voting cards,



Bylaw Enforcement

The conditions of bylaw enforcement, under section 135 of the Strata Property Act apply to all bylaws and rules including the collection of strata fees. It is a 3 step process:

- Written notice of complaint : issued to the owner, and tenant if the tenant is in violation
- The owner/tenant of the strata lot is entitled to respond in writing disputing the allegation or request a hearing
- The strata corporation makes a decision on the information and determines if fines or penalties are imposed

Principles of Bylaw Enforcement

- Enforcement is applied equally and fairly
- The strata council is subject to the same enforcement as all owners
- Notice is issued in writing
- Decisions relating to enforcement , application of fines or denial of access to a recreational facility is voted on by council and recorded in the minutes
- Hearings are conducted as a council meeting and a written response is issued within 7 days



How are we managing common facilities during Covid 19 ?

- The opening of facilities such as: pools, hot tubs, gyms, reception rooms, guest suites, and other shared recreational facilities is a significant pressure for strata councils
- Rules may be adopted by council to address use of space, conditions, hours of operation, capacity of space, sanitization protocols, masks
- When a rule is passed by council, it is enforceable to the next AGM at which time it must be ratified by majority vote of the owners
- Must give notice to all owners and tenants

How are we managing common facilities during Covid 19 ?

- Include in Rules for common facilities:
 - Screening procedures
 - Registry and Documentation
 - Managing Visitors and Guests
 - Prohibition of visitors and guests
 - Sanitization and station limitations
 - Limits on access and occupancy
 - Requirements for Masks/face protection
 - Employee protection



Questions

- Please submit your questions through the Q&A portal
- This webinar will be posted to the CHOA web site and accessible through our You tube channel
- Please feel free to share this video and the resources with your council and fellow owners
- Additional questions: please email info@choa.bc.ca

Next week's Webinar:

- Accommodation and the BC Human Right's Code with Adrienne Murray, Hamilton Law New Westminster

Thank you



Condominium Home Owners' Association

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