

June 23, 2020 Webinar

Rentals, Air BnB and Managing Transient Accommodations During Covid-19.

Guest Speaker: Lisa Mackie, Lawyer, AHBL Vancouver
lmackie@ahbl.ca

Host: Tony Gioventu, Executive Director CHOA
tony@choa.bc.ca



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.



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Lisa Mackie



Alexander Holburn
Beaudin + Lang LLP

Direct: 604.484.1759

Email: lmackie@ahbl.ca

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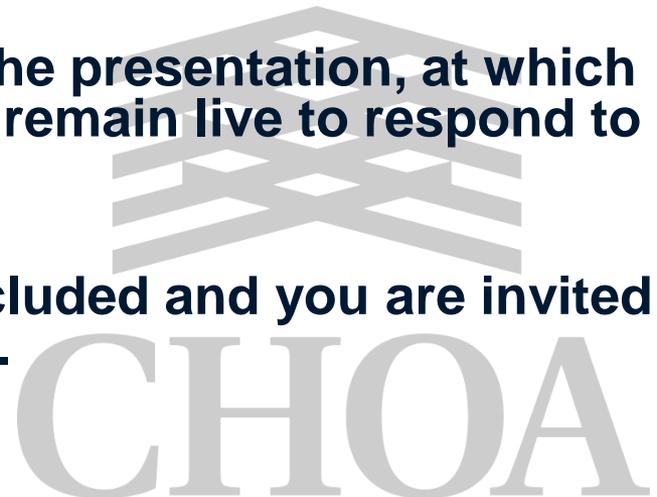
This Webinar will be recorded.

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.



Rentals: First the Basics

The Strata Property Act permits a strata corporation to adopt a bylaw that limits the number of rentals in a strata corporation or prohibits rentals in a strata corporation.

The bylaw must include the limit either by a number or percentage of units and must include a method for applying the allocation of rentals, such as a priority waiting list and how it is administered.

Exemptions

There are 3 exemptions that apply to rental bylaws.

- Family rentals, where a tenant is the child or parent of the owner or the spouse of an owner
- Hardships rentals, where the applicant has been granted an exemption for a verified hardship or the strata corporation failed to meet the hardship request conditions and the applicant is automatically granted permission
- Owner developer exemptions

Owner developer exemptions

For strata corporations filed and operational before January 1, 2010, only the first purchaser is exempt from rental bylaws if the owner developer has filed a rental disclosure exemption with the Superintendent of Real Estate.

For strata corporations filed and operational after January 1, 2010, the strata lot is exempt for the period stated in the rental disclosure if the owner developer has filed a rental disclosure exemption with the Superintendent of Real Estate.

Counting Rentals

If your strata corporation has a bylaw that limits rentals to specific number, the rental bylaw count for the purpose of enforcing the bylaw does not include the following:

- Family rentals
- Hardship exemptions
- Owner Developer Exemptions
- All rentals however must still be counted as they are reported on a Form B Information Certificate



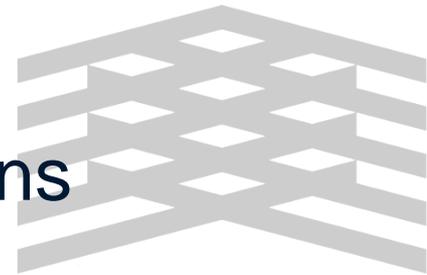
Counting Rentals

Example of counting Rentals:

The bylaw limits rentals to a maximum of 20 at any time. There are currently

- 17 rentals, with 3 vacancies
- 7 family rentals exempted
- 0 hardship rentals exempted
- 11 owner developer exemptions

- Total Rentals 35



Counting Rentals

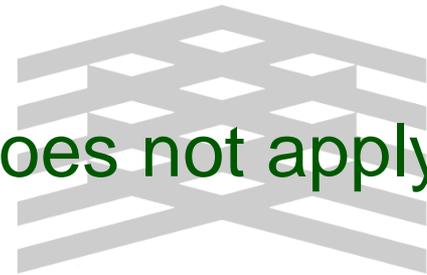
All landlords, whether your strata corporation has a rental bylaw or not must provide a Form K Notice of Tenant's Responsibilities to the strata corporation within 2 weeks of a rental. This verifies the landlord has provided a copy of the bylaws and rules to the tenant and identifies the strata lot and the name of the tenant and contact information for the purpose of bylaw enforcement, and provides the strata corporation with accurate information on the total number of rentals for reporting on a Form B.

Short Term Accommodations

- Short term accommodations such as Air BnB or VRBO are not rentals
- They are a business activity and may be restricted or prohibited in a bylaw of the corporation
- Short term vacation use may be a zoning condition of your strata corporation depending on location, and is also subject to local government bylaws for permits and licensing

Enforcement and Penalties

- Rental bylaws may be amended to permit a fine of up to \$500 per 7 days
- Short Term accommodation bylaws may be amended to fine up to \$1,000 per day
- The Residential Tenancy Act does not apply to short term accommodations



Bylaw Enforcement

The conditions of bylaw enforcement under section 135 of the Strata Property Act apply to all bylaws including rental restrictions and short-term accommodations.

- Notice of complaint is issued to the owner
- The owner 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

Tenants and Landlords

A tenant may be fined for the violation of a bylaw or rule. Section 135 applications for enforcement still apply; however, the landlord must also be given notice of the complaint and the opportunity to respond as well.

In the event the tenant refuses to pay the cost for the violations, the landlord is responsible to the strata corporation.

Can we apply bylaws or rules differently to tenants?

Tenants retain the same rights of use of property and access to amenities and facilities as owners.

When an owner assigns their rights through a tenancy agreement to a tenant the tenant retains the same rights of access, use and enjoyment of property, including the ability to file an application with the Civil Resolution Tribunal to dispute bylaw enforcement claims.

Can we apply bylaws or rules differently to short term rentals?

Short term rentals do not transfer or convey the rights of use of a tenant. Transient use of property during the Covid 19 restrictions requires an active method of screening, access and identification.

Facilities such as pools, fitness facilities and recreational areas may be restricted to residents only to enable the strata corporation to control and manage screening property use.

Can we control or limit moving?

Tenants who are moving into or out of a strata corporation have the same rights as owners moving in or out of buildings.

While the strata corporation cannot prohibit moves, the strata corporation may establish protocols for access, use of elevating devices and delivery services, and sanitization protocols that apply to all moves.

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:

Bylaw Enforcement



CHOA₁₈

Thank you



Condominium Home Owners' Association

1.877.353.2462

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200 – 65 Richmond St.
New Westminster, B.C.
V3L 5P5
604.584.2462

222-1175 Cook St.
Victoria, B.C.
V8V 4A1
250.381.9088

26-1873 Spall Rd
Kelowna, B.C.
V1Y 4R2
250.868.1195

