

# Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-021

## Condo Smarts

Headline: Fines, lawsuits the next course

Topic: Enforcing bylaws

Publication date: April 4, 2003

Publication: The Province

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Last week, a North Vancouver owner was horrified to discover cockroaches in her kitchen, silverfish in her bathroom and worms in her closet.

The strata unit looked extremely clean, and there is no sign of moisture from the interior or exterior of the building. It turned out the bugs came from upstairs where the owner above has been reclusive for several years and had not discarded garbage or newspaper for an extended period. The owner now refuses to allow the strata or their agent to enter the unit or to clean up the refuse. He has no living family or friends. What does the strata corporation do next?

**Strata Law:** According to both the act and the bylaws, owners must maintain and repair their strata lots. They must not use the property in a manner that causes a nuisance to any other owner or resident. Owners of strata lots may also be found liable for any damages caused by themselves, visitors, or tenants. The strata council has no choice but to enforce the bylaws with fines. Because of the ongoing risk and damages to the building they may also have to seek a court order for the safe removal of the debris and compliance with the bylaws. If there is any resistance strata councils may wish to consult with a municipal health officer or their lawyer before they proceed with direction action against the owner.

**Tips:** Good stratas, like good neighbours, maintain a balance between privacy and co-operation. To prevent unhealthy living conditions, many strata corporations have set up buddy systems to routinely check in with the seniors, single-parent families and residents with disabilities. A voluntary phone tree could be a life saving measure and may save the owners significant costs from damages or repairs due to neglect. It's a win-win situation, which contributes to the quality of life of all strata owners.

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