

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-024

Condo Smarts

Headline: Age Restrictions must be stated in bylaws

Topic: Age Restrictions

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Have you ever wondered where your strata council gets their information? Surprisingly, many councils and owners make decisions without ever reading their bylaws, the legislation or doing any investigating when in doubt. A Penticton strata council recently refused a potential purchaser access to the building for inspection because the purchasers had children. The council advised the potential purchaser that the strata had an adults only rule, and that any residents must be 19 years of age and over. The purchasers were unaware of any such rule as it had not been disclosed to them. Result: the sale collapsed, and the vendors are suing the strata corporation for the loss of the sale.

Strata Law: The Strata Property Act does allow for a bylaw that restricts the age of persons who may reside on a strata lot. However, it must be a bylaw and not a rule. Only bylaws may provide for the control, management, maintenance, use and enjoyment of strata lots. Rules may only govern the use, safety and condition of the common property and common assets.

In addition to the Strata Property Act, age-restriction bylaws may also be affected by the Human Rights Code and the Residential Tenancy Act.

Tips: Education, advisory services and resources provide invaluable tools for strata corporations and their councils for their maintenance and repairs, application of bylaws, and use of the legislation. Our association conducts a variety of workshops throughout the province each year. This weekend, we are holding a full day Strata Symposium at the New Westminster Quay Hotel. Twelve sessions addressing strata law and operations are open to the public. For registration and fees, call our toll free line or check out our web site at www.choa.bc.ca.

For more information on CHOA resources and benefits visit www.choa.bc.ca
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