

# Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-032

## Condo Smarts

Headline: Strata laws need to be fair to all residents

Topic: Bylaws and Human Rights

Publication date: June 20, 2003

Publication: The Province

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Earlier this year, a Chilliwack senior discovered her strata corporation had installed a timer on the door system denying buzzer permission for entry between the hours of 8 p.m. and 8 a.m. Owners had to go to the main door themselves to open it.

This owner has a physical disability and is unable to do so, whether for visitors or emergencies. The strata council had implemented the timer policy without properly notifying the residents, and once installed, were unprepared to remove or disconnect the timer.

With few options left, the owner proceeded with a complaint with the B.C. Human Rights Tribunal. The tribunal declared that the strata council discriminated against the resident because of her physical disability. The timer was ordered removed, and the corporation ordered to pay half the residents legal costs and damages for "injury to dignity, feelings and self respect."

**Strata Property Law:** Strata bylaws & rules of strata corporations are often contentious. Unfair enforcement is also a contentious matter. Bylaws and rules adopted by the strata must not only comply with the act & regulations, but with any other enactment or law and with the Human Rights Code. Significant changes in the use or appearance of common property or common

assets must also be approved by three-quarter vote of the owners at an annual or special general meeting.

**Tips:** Councils and strata employees often feel empowered to write bylaws, rules or covenants that are restrictive, technically demanding, cross the boundaries of authority, and place unrealistic prohibitions on residents.

Try to avoid the potential conflicts that will be both costly and destructive to your community. Before your strata proceeds with bylaws that adversely affect the rights of owners - such as limited use of property, rentals, age restrictions, pets, courts actions, recovery of costs, or access to strata lots - have your lawyer review the final draft.

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