

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

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Condo Smarts

Headline: Strata limited in influencing rental units

Topic: Rental restrictions

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If you want to rent out your strata lot, there is much to consider.

A White Rock apartment owner who had recently lost her job requested permission to rent her unit. She was told she could rent her unit only if the strata council approved of the renter and the terms of the rental agreement, and that she must list her unit sale at a price satisfactory to the strata. After several interviews with potential renters, she was ready to surrender her apartment to the bank because the strata wouldn't approve any of the tenants. To avoid defaulting on her mortgage payments, she was forced to sell below market value

beyond the authority of the strata and an owner should seek legal assistance.

Tips: Rental restriction bylaws in their simplest form are very complicated. They administer limits, may set out time periods for which strata lots may be rented, and must include a procedure to be followed by the strata in administering those limits. Many past rental bylaws no longer meet the requirements of the Act.

Strata Law: The Strata Property Act sets out very specific limits for rental bylaws and the actions of the strata. The strata is permitted to have a bylaw that prohibits or limits rentals, but in the event of a hardship application, the strata must reasonably grant the hardship exemption. The process may include the council requesting additional verification of the hardship and, perhaps, the applicant requesting a hearing with council. The strata must not screen tenants, establish screening criteria, require the approval of tenants, or require insertion of terms in tenancy agreements. Requiring the sale of a strata lot as a condition of the exemption may be

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