

# Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-042

## Condo Smarts

Headline: Bylaws say it all – but they must be filed

Topic: Bylaws

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Whether we like it or not, bylaws influence strata living more than anything else. They affect sales and purchases, financial management and operations, maintenance and repairs, and the daily use of your strata lot.

A Cranbrook area strata have been fining an owner \$100.00 per week for barbecuing on his balcony. The strata passed a bylaw in March prohibiting cooking on balconies & patios because of fire hazards and damaged caused by smoke and grease. Only now they have discovered they forgot to file the bylaw. As a result the fines are not enforceable.

**Strata Law:** Even if bylaws comply with the Act, regulations, BC Human Rights and any other enactment of law, they may still be unenforceable. Bylaws must be filed in the Land Title Registry within 60 days of the amendment being approved, and they have no effect until they are filed.

**Tips:** Filed bylaw amendments frequently become outdated or conflict with legislation or previously filed bylaws that were never repealed. It is important to review bylaws regularly to ensure council is working with enforceable bylaws. Bulletins on human-rights decisions and court decisions are helpful tools with bylaw assessments.

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