

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

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Condo Smarts

Headline: Strata rules need to be clear, correct

Topic: Rules

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Recently, a greater Vancouver townhouse complex was faced with a major wall repair because of one nail.

The strata had allowed owners to hang Christmas lights from the face boards in front of the hidden gutters. To avoid any damage to the walls, the strata passed a rule that only 1 ½ inch galvanized screws could be used. They provided each owner with a sufficient supply of screws and reasonable instructions on installation. The problem was, one owner ran out of screws and used three long nails, one of which passed through the board and punctured the base of the drain. No one noticed the hole until this fall when, during repairs, the damage was discovered. After a year of water seeping into the walls behind the vinyl siding, the strata was faced with an \$8,500 repair bill.

Strata Law: The strata property act allows the strata council to make rules that regulate the use and enjoyment of common property and common facilities. The exterior of most townhouse complexes is common property, so the strata was within its rights to create the rule. The rule was also ratified by the owners at the annual general meeting in July. So the rule was basically enforceable. The problem is, how can the rule be enforced? Is someone going to inspect each screw to ensure they conform with

any of the installations to confirm they were correct. The rule also stipulated that if there were any violations, they would be subject to a fine, which in this case was \$10. So the strata agreed to pay the bills for a rule that was almost impossible to regulate.

Tips: When creating rules and bylaws, there are three important principles. First, rules must be enforceable, which basically requires that they comply with the Strata Property Act, any other enactment of law and the BC Human Rights Code. Second, they have to be realistic. A bylaw or rule that is too complicated will create serious conflicts and excessive costs for the strata owners and may have any effect on property values. Keep them simple. Third, they must be practical. In this case, punching holes in the building exterior is never a good idea. Consider the cause and effect of bylaws and rules before they're implemented.

the rules? No one from the strata ever inspected

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