

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

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Condo Smarts

Headline: Straightforward law clears up confusion

Topic: Rental exemptions and family

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Renting out units in strata building is a confusing process but when it comes to applying exemptions, things can become especially complex.

Recently, a North Vancouver strata council attempted to evict an owner's in-laws, claiming the owner's spouse was not a legal spouse as her name wasn't registered on the strata title.

This strata has a bylaw that prohibits rentals unless they are to legitimate family members. The strata council found it was in violation of the act for even demanding it screen potential tenants, which is a privilege limited to only the landlord or an agent of the landlord. As well, the strata discovered that the in-laws and the spouse did qualify for the exemptions -- they were within their rights to rent the suite. Even if the owners had been in violation of the rental-restriction bylaw, eviction was not permitted.

Strata law: Family members exempted under the act include the children or parents of an owner or the spouse of an owner. The rental to a family member also creates a situation in which the owner's powers and duties are assigned to the renter and may include voting representation and election to council.

Tips: Whether a tenant is a family member or not, the landlord (owner) is obliged to provide the tenant with copies of the current rules and bylaws, and a signed copy of a form-K within two weeks of the rental. The forms are easily accessible through the CHOA website or through www.fic.gov.bc.ca

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