

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-130

Condo Smarts

Headline: Review rules and bylaws but don't go crazy

Topic: Bylaws and rules

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One Victoria strata highrise has created more than 200 rules for everything from pets, smoking, and parking to the colours of flowers on balconies, to the times when owners can play their pianos or the colour of their blinds. The owners here would not be blamed for getting the feeling there's a rule for everything in life.

Although the council has enthusiastically tried to run everyone's life, many of the rules are routinely flouted and so many rules have just caused confusion rather than the order the council desired.

More critically, the council did not check on the limits of their powers. They created a number of rules that conflict with the filed bylaws of the strata, and the rules that regulate individual strata lots or limited common property cannot be enforced.

Strata law: Bylaws and rules have different purposes, and are created differently. Rules are created by a majority of council and must be ratified by owners at the next general meeting by majority vote to continue being enforced. Rules that impose user fees must first be ratified by the owners at a general meeting before any fee is charged and the rule is enforced. Rules are not registered at the land title office the way bylaws are, and they must be provided to the owners and residents before they are enforced. Bylaws must be amended by 3/4 vote of the owners at a general meeting, they must be registered at the

land title office within 60 days. As they can affect all property use, lifestyle behaviour and governance of the strata, all bylaws and rules must comply with the strata act, the regulations any other enactment of law and with the BC Human Rights Code.

Tips: Rules regulate the use and enjoyment of common property, assets and facilities, such as the hours of operation of swimming pools, visitor parking, laundry room use, or clubhouse use. While rules are important to provide a stable level of harmony, in excess they can also be a burden. Rules are also often called regulations, which is misleading and is no longer a term for rules under the strata act. Laws change as do court decisions on bylaws and rules. Strata corporations should consider reviewing their bylaws and rules on a regular basis.

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