

# Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-132

## Condo Smarts

Headline: Be sure to check all covenants

Topic: Restrictive covenants

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Written by: Tony Gioventu

Every week we receive letters from owners who have just purchased a strata unit only to find out the strata bylaws will compromise their lives or plans in some way. Pet owners who inadvertently move into stratas that prohibit pets are faced with having to part with their pet, sell their new home or pay penalties; people with underage kids can find themselves violating age bylaws; and people who work from home may discover there are bylaws against home-based businesses.

The restrictions don't end at bylaws, however. One remote Fraser Valley strata is embroiled in a dispute over a restrictive covenant on the property limiting the age of inhabitants to 55 years and older. When the complex was to be built, the municipality had not wanted to incur the future risks of additional school and service costs for children's facilities, so the developer agreed to this covenant.

Over the years, many owners purchased homes there without any of their representatives advising them of the covenant. Now the community, which does indeed house a growing population of young families, is faced with fighting over the enforcement and validity of the restrictive covenant.

**Legislation:** Restrictive covenants are limitations placed on the use of property contained in the title for that property. Historically, restrictive

covenants were widely used in residential areas to regulate the uses to which land could be put. Common examples are bare land stratas where covenants prohibit the keeping of cattle, swine or fowl. Restrictive covenants like the age restriction described above are unusual, but by no means unique.

**Tips:** When you are viewing a property, and before you complete an agreement for sale, check and double-check that you have all of the information necessary to make a sound decision. Have you read all of the registered bylaws? Are there any restrictive covenants or limitations on the land use? Are there any easements, leases or sub-use agreements attached to the property? Do you understand their present and future implications? Most of all, get your answers in writing and obtain valid copies of all of the documents.

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