

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-133

Condo Smarts

Headline: Ignore the bylaws, you'll get burned

Topic: Bylaws, BBQ's and tenants

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It's barbecue season once again, and avid warrior chefs are torching everything on their decks and balconies, including the walls and buildings.

Last weekend a Richmond tenant, contrary to the building bylaws, was using a gas barbecue on his balcony. Result: one dozen overcooked hot Italian sausages, indigestion for days and a melted vinyl wall, with smoke damage to three neighbouring strata lots that's going to cost more than \$5,000 to repair. The offender, who is a tenant, claims he had permission from his landlord to barbecue and is refusing to pay the cost of the damages or the bylaw fines.

Strata law: Bylaws that prohibit the use of barbecues because of fire safety, nuisance and potential damage and wear to buildings can be enforceable.

Moreover, tenants who violate the bylaws can find they are facing the costs of the fines and the enforcement of the bylaws along with the related damages.

Bottom line: if you burn it, you pay for it. However, if a tenant refuses to do so, the landlord can be forced to pay.

Tips: Claiming ignorance over bylaws is not a reasonable defence. Tenants and owners should ensure they have - and read - a copy of the current strata's bylaws and rules. Many strata corporations send out reminder notices at the beginning of each season to remind people of significant bylaws such as those bylaws restricting barbecue or the hanging of lights, baskets and planters.

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