

Condo Smarts

Headline: Bylaws that work

Topic: Difficulty electing council

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A strata owner in Kelowna wrote in last week wanting to know what a strata does when they cannot elect a strata council. This problem arose in this strata after it became age-restricted to 55 or over for occupancy - a phenomenon that is becoming more common all the time.

Understandably, the intent is to maintain a retirement community of quiet living by restricting underage residents. So the strata becomes in effect a retirement community. Many such stratas across the province are self managed, but the last thing residents want to do is manage the property, go to meetings, collect fees, negotiate contracts or deal with disputes. These are all things they wanted to avoid by moving into a strata in the first place. The result was, no one wanted to be on council. How to remedy this? After much consideration, this community agreed to amend the bylaws to allow the children of the owners to be elected to council to help them with their operations.

Strata law: The Act allows bylaws that restrict the age of people who may reside in a strata lot, not the age of ownership. Persons occupying the strata lot when the bylaw comes into effect are not affected, and the bylaw must comply with other enactments of law including the BC Human Rights Code, and Residential Tenancy Act. As in this case, bylaws can also allow other types of persons to be elected to council.

Tips: An age restriction bylaw may be the perfect solution for your community, but before you make the change, consider the consequences of the bylaw. Who manages the financial operations, the building maintenance and repairs, bylaw enforcement and record-keeping are all crucial elements your community should first consider. As well, ask whether the bylaw will have an effect on owners' abilities to sell, lease or rent their properties. Finally, don't present the bylaw to the owners until your lawyer has reviewed the intended bylaw.

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