

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-147

Condo Smarts

Headline: Enforce or change bylaws

Topic: Bylaw enforcement

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Dear Condo Smarts: We have lived in a very nice strata building with 52 units for over 20 years. Everyone has respected their neighbours and got along very well - until four lots recently sold.

The new owners were keen to help out and quickly became involved in the strata council. Even though we have a bylaw that prohibits pets, we suddenly find we have six dogs in our building, all of them belonging to the new owners.

When we filed a complaint with council, we were told the bylaws were just guidelines and that the new bylaws allowed pets, so we had no choice. Ever since, our strata has melted into anarchy. No-one complies with the bylaws any more, nothing is maintained and everyone is at each other's throats. Is there anything we can do?

- Julie R. in Burnaby.

Dear Julie: Every strata is subject to change and not all owners' intentions are honourable. That is why we have legislation and bylaws.

The strata act, regulations and standard bylaws all set out the requirements for bylaws and the enforcement process. The standard bylaws of the act still apply unless your strata have adopted a different bylaw regarding pet prohibition, or have repealed the standard bylaws. These changes would have had to be passed by a three-quarter

vote of all present at a meeting, so perhaps the problem is only with enforcement.

If you have a council not willing to enforce the bylaws you will have to take other action. Remember, there are 52 owners in total, so your first option would be to consider removing this council and electing a new council who are prepared to enforce the bylaws and protect your investment.

Under the act, if a complaint regarding a bylaw is filed against a council member, that council member must not participate in a decision concerning the complaint. Bylaws can also be enforced through the courts.

Strata corporations frequently struggle with the drafting and enforcement of bylaws. Wisely invested consultation with your lawyer can prevent costly and unfortunate mistakes. A general meeting of the owners would likely be helpful. Either the bylaws are enforced or perhaps its time to consider amendments.

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