

Condominium Home Owners' Association

A non-profit association serving strata owners since 1976

Bulletin: 300-160

Condo Smarts

Headline: Better check your signage bylaw before imposing fines

Topic: Election signs

Publication date: January 15, 2006

Publication: The Province

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Dear Condo Smarts: During the last municipal election, our strata council invoked our bylaw that states that no signs are allowed to be displayed from a strata lot or on the common property at any time.

Two owners were fined for having campaign signs and are now disputing the bylaw, stating it violates their rights under Canadian Charter of Rights and Freedoms. Our council is at a stalemate. Does our bylaw apply or is there other legislation that can help us out of this dispute?

-- Dave H., Surrey BC

for provincial and municipal elections: the Provincial Election Act does not restrict specifically the limitation of signs or canvassing for provincial or municipal elections. I would recommend that you have a legal review of your signage bylaw before you impose any additional fines.

The *Strata Property Act* stipulates a bylaw is not enforceable if it contravenes the Act, Regulations, The Human Rights Code or any other enactment of law.

Dear Dave: Under the Canada Elections Act the answer is simple. Your bylaws cannot over ride section 322. The *Canada Elections Act* states that "no landlord or person acting on their behalf may prohibit a tenant from displaying election advertising posters on the premises to which the lease relates."

As well, "no condominium corporation or any of its agents may prohibit the owner of a condominium unit from displaying election advertising posters on the premises of his or her unit."

That said, the permitted restrictions include making sure election posters are of "reasonable" size or type, and posters may be prohibited from being displayed in common areas of the building.

So for this national election you're within your rights to display a reasonably-sized poster on you own unit. But here's a quirk

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