

# Condominium Home Owners' Association

*Serving BC's Strata Property Owners since 1976*

Bulletin: 300-234

## Condo Smarts

Headline: Flag Days

Topic: Flags

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**Dear Condo Smarts:** Our strata community has been at war for years as to whether they would allow us to hang flags from our balconies or not. Every time a flag is flying for some nation that's politically unpopular, the council receives a number of complaints and we tend to advise only those owners that they have to remove their flags. We're not sure what to do this time. Summer brings out everyone's flags and the wars will begin once more. Last year an owner awoke to their flag in flames on their flag post. Can you offer us any advice on how to put an end to this?

- Mrs. M. Lawson, Richmond

**Dear Mrs. Lawson:** Use of common property for hanging of flags, festival lights, posters, signs and notices are all governed by your strata corporation bylaws. The strata corporation has to be extremely careful however when they are "discriminating" against owners who are permitted to fly flags and those not permitted because of the political identity of the flags.

The Canadian Charter of Rights and Freedoms imparts 34 principles of law on Canadians. The basis of the decision by the strata corporation needs to contemplate these principles and whether they are acting unfairly and in the best interest of the strata corporation. The Charter guarantees the rights and freedoms of conscience and religion, thought, belief, opinion and expression, subject to reasonable limits.

There are some practical questions that the strata should consider. How are the flags being flown? Are people screwing flag mounts into the walls or onto the rails? Are flags obstructing other owners use and enjoyment of their strata lots? Is there a limited period of time that flags can be flown?

Many strata corporations permit small flags being displayed from strata lots, and a have installed a central flag post for a Canadian flag. Whatever you do, ensure the bylaws are legally enforceable, they apply to everyone the same, and contemplate the practical and physical requirements of your buildings. Thankfully on this Canada Day we can celebrate our freedoms and respect the rights of our neighbours.

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