

# Condominium Home Owners' Association

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Bulletin: 300-251

## Condo Smarts

Headline: Bylaws often block rentals

Topic: Rental restriction bylaws

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**Dear Condo Smarts:** I own a number of strata units in Metro Vancouver and I am finding it increasingly difficult to rent out my units because of bylaws.

They always seem to start out the same -- with no rental restrictions. In a short period of time, however, the strata decide they don't want any renters so they pass a bylaw that limits rentals to a silly low number or prohibits them entirely.

I have been fortunate in each case to be able to quickly sell my units but was recently told that as long as I am the first owner, the strata can never prevent me from renting my unit.

Is this true? I have tried to get a straight answer but no one seems to be able to tell me the conditions of the exemptions.

-- Don Severs

**Dear Don:** Without a doubt, rental-restriction bylaws and their exemptions are the most complicated part of Strata Legislation in B.C.

Here are the basics of rental restrictions, but remember, every strata has slightly different bylaws and the interpretations will vary from strata to strata.

The Act permits a strata to limit or prohibit rentals through a bylaw. The limitation may be a specific number or percentage of units - for example, five units or 10 per cent of the units if there are 50 units. There are three types of possible exemptions.

- Family rentals: Owners may rent to the children or parents of themselves or their spouse.
- Hardship rentals: Owners may under hardship circumstances make a request to council for a hardship exemption to rent their unit, and council must not unreasonably refuse to grant the exemption.
- Rental disclosure by owner-developer: If owner-developers have properly filed a rental disclosure statement with the superintendent of real estate when they market their development, the exemption created under the rental disclosure statement may exempt the developer and first purchaser to whom the title is transferred, for the period set out in the rental disclosure.

Here again there is confusion. Every strata is different so anyone questioning if they can rent as the first purchaser should first obtain a copy of the "rental disclosure statement," if one was ever filed.

Contact the Superintendent of Real Estate at 604-953-5300. Have your strata plan number ready and request a copy of the filed form. There is a fee for the service and once you have obtained the form you may wish to visit your lawyer to see if a valid exemption exists.

Investors must remember that if they are not exempt, a rental bylaw may alter their ability to rent to new tenants once the bylaws have been passed and filed in Land Titles.

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