

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-294

Condo Smarts

Headline: Illegal Suites

Topic: Rental Bylaws

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Dear Condo Smarts: Is there a way to enforce the illegal rental of part of a strata lot? Our strata in Esquimalt has 45 townhouses, 20 of them have basements. Three of the owners in our strata have decided to sublet their basements and set up illegal suites. Our strata corporation does not prohibit rentals, but our bylaws do require that each townhouse may be occupied by one family. The rentals have resulted in parking problems, conflicts with neighbours, and in one case an aggressive dog that has since been seized by the pound. Are there any other regulations that we can enforce that might help us resolve this problem?
Connie WG, Esquimalt

Dear Connie: Surprisingly illegal secondary suites in townhouses and even within strata corporations are a rapidly growing complaint. Just because it's a basement doesn't not make it legal or safe as a place of residence. Strata corporations with "caretaker" suites that are roughed out of the parking areas or common areas that are not legal also pose a safety risk for the occupants and building. There are several issues strata owners and council are faced with. Life safety and code compliance with each local government is a serious matter. In the event of a fire or emergency many secondary illegal suites do not have sufficient alternate exits. If there is an illegal suite contact your local bylaw enforcement officer. They may issue an order to cease occupancy and restore the space

back to its original use. Insurance for the homeowner, the tenant and the strata corporation is also a serious issue. The insurance policy may have specific restrictions or limitations if there is an illegal suite, or the condition is not disclosed to the strata insurer.

Lifestyle conditions are also a significant impact for the strata corporation. Your strata was likely not designed for secondary suites. Your water service and drainage systems, fire suppression and safety, hot water heating, building ventilation, parking, storage and common area use are designed and zoned for specific single family dwellings. Here's the worse case scenario that occurred in the Greater Vancouver area in July. A grow operation discovered in an illegal basement suite in a townhouse complex. The result has been restoration requirements to 4 of the additional adjacent townhomes and no insurance coverage. The strata corporation is faced with the bills and hoping to recover enough proceeds from the sale of the strata lot once it is restored to cover their costs. Four families have had to move until the repairs and inspections are complete. They are told it may be up to a year before they may be able to reoccupy. If you want to live in a strata with a suite as a mortgage helper consult your real estate agent. They do exist, especially near universities and colleges, and might be the investment you're looking for.

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