

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-309

Condo Smarts

Headline: Open House Bylaws

Topic: Open Houses

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Dear Condo Smarts: Our strata corporation passed a new bylaw package back in July of this year, and one of the bylaws, that was quietly passed without question, prohibits open houses for sales of units. How are we expected to sell our units with a reasonable showing, without being able to hold an open house? Our agent has asked permission of council to provide an additional security person to escort prospective purchasers to and from our residence, and still the council refuse to permit access for an open house. What are we supposed to do?
Gary W., Victoria

Dear Gary: Here's a direct quote from the Strata Act. *"The strata corporation may pass a bylaw governing activities relating to the sale of a strata lot, including locations for the posting of signs and times for the showing of common property and holding of open houses, but the bylaw may not prohibit or unreasonably restrict those activities."* In essence, the strata corporation cannot prohibit open house activities, but they

can limit those activities. Owners who are not attempting to market their homes have a reasonable expectation of privacy and security. Careless open house or marketing activities frequently force strata corporations to adopt stringent bylaws relating to marketing. The strata corporation may wish to adopt a bylaw that sets out specific times permitting open houses, the requirement to escort open house visitors to and from the secured entrance, and limitations on signage and parking for visitors. If your strata corporation has adopted a bylaw that prohibits an open house, I would recommend that they seek a legal opinion on the enforceability of the bylaw because a bylaw is not enforceable if it contravenes the Strata Act. It's a serious dilemma for a seller to attempt to sell their strata unit and at the same time be commencing a court action against the strata corporation for an unenforceable bylaw, but they may be forced into legal action if the strata won't act reasonably. Everyone wins with enforceable bylaws, everyone pays if they're unenforceable.

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