

**Condo Smarts**

Headline: Form B Rentals: What is the real number?  
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**Dear Condo Smarts:** We bought a condo in Parksville in January. At the time the Form B we requested showed that there were three units rented in the strata. The bylaws limit the number of rentals to 10, so we thought we could move in for 6 months, then travel for a year or 2 while we rent. We were informed by the property manager that there are currently 13 rentals and that we would have to be on the waiting list. The minutes require that an owner apply to rent, and council must grant permission if there is a vacancy. However, when we reviewed the minutes, there is no indication of any decision of council for additional rentals, since January of this year. We requested and were granted a hearing of council in late August and were informed that the number recorded did not include private/family rentals and at this time there is no rental vacancy. We're confused. Who and how exactly is the rental number of the Form B created? Shouldn't the strata corporation know the number and the types of rentals? Kerri Evans

**Dear Kerri:** First the basics of rentals. Strata corporations may adopt bylaws that prohibit or limit the number of rentals. In your case the bylaws limit the number of rentals to 10. It does not grant any exemptions; however, the Strata Property Act, specifically exempts family rentals, owners developer disclosure exemptions for the first owner, and those rentals that have been granted a hardship exemption from being counted in the number of rentals for the purpose of bylaw enforcement. In the example of Kerri's strata, of the 13 rentals, 4 are qualified family

and 6 are owner developer exemptions, then technically only 3 of the permitted 10 rentals are occupied under the bylaws, leaving 7 openings. This is where the serious complication arises. The strata corporation must maintain an active updated list of rentals, and their status, to be able to enforce the bylaw or prohibit a rental. The landlord must provide a Form K to the strata which identifies the renter, and from those the strata can create a rental inventory.

According to Adrienne Murray, a strata lawyer in White Rock, "the confusion that faces buyers is understanding the difference between the number of rentals shown on the Form B and the number of rentals permitted by a rental bylaw. The number on the Form B is not intended to reflect the number of permitted rentals. Instead it is intended to show the number actual rentals. It appears that the strata actually disclosed the number of rentals that were approved under the bylaw, but not the other rentals. This is not what the Act requires. The Form B requires that the total number of strata lots in the strata plan that are rented be shown. That would include all of the rentals, not just those permitted under the bylaws. The real caution that buyers must remember is that the Form B is not intended to inform you whether you may or may not be able to rent, as those conditions may change within days. The Form B is only intended to provide the total number of rented strata lots.

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