

Condo Smarts

Headline: Election Signage

Topic: Elections

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Dear Condo Smarts: On Sunday our strata council sent a notice to all of the owners that reminded us of our signage rules. The rules said, "no sign, real estate signs, billboards, posters or notices of any type may be displayed anywhere on the property of the strata corporation or visible from the strata corporation." The notice also advised owners that if anyone displayed any signs that were visible from the exterior the strata corporation would fine them in accordance with the rules of \$50 per day. Several owners immediately took down their election signs, but we have refused citing the Charter of Rights and Freedoms. Do we have any rights as condo owners? Joyce Hetherington, North Vancouver

Dear Joyce: Since 2002, I have written this same column for every municipal, provincial and federal election, and every season there seems to be a new crop of strata councils that think they can prohibit owners' rights. The strata corporation cannot prohibit election signs during a federal election that are displayed from a strata lot. Section 228.1 of the Election Act permits a landlord, a person or a strata corporation to limit the size of a sign by setting reasonable conditions; however, what a strata corporation has to remember is that to set conditions on a strata lot would require a duly ratified bylaw by $\frac{3}{4}$ vote at a general meeting that has been registered in the Land Title Registry, before it could be enforced. There is a chronic misunderstanding about the purpose and the role of rules in strata corporations. Rules cannot be

used in connection with the application of use for a strata lot. Their intent is use and enjoyment of common property and common amenities. For example, the hours of the pool, or use of parking and storage lockers that are designated as common property. A strata corporation may prohibit signs on common property including common areas of a building, and that may be either the creation of a rule by council. The new rule must also be properly ratified by the owners, by majority vote, at the next general meeting. The strata must also inform owners and tenants of any new rules as soon as feasible. It is important for each strata corporation to consider the type of strata you live in, before you adopt new rules or bylaws. The needs of a high rise may be quite different from a bare-land strata where each strata lot is five acres. A signage bylaw that prohibits real estate signs may unfairly restrict the ability to freely sell a strata lot. The strata must reasonably accommodate owners. A bylaw that limits real estate signage, could also make provisions for a common real estate board, or specifically identified locations for real estate signage. A reasonable limitation on the size of election signs will discourage residents from attaching or posting a 4 x 8 sign on their balcony, but a sign that is 3 x 3, could be displayed from a strata lot window, may be a reasonable solution for the duration of the election period. Whatever your strata considers, don't prevent owners and tenants from expressing their political support.

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