

Condo Smarts

Headline: Christmas Tree Rules
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Dear Condo Smarts: Over the last weekend we purchased a Christmas tree to decorate our condo. The strata corporation have a tree in the lobby and we saw several owners bringing trees into their units. On Monday morning we received a notice from the strata that we were in violation of the building regulations regarding live cut trees. The notice specifically indicated that live cut Christmas trees are prohibited, so we contacted the president of council who told us that these were always the regulations, and that our tree had to go and we were going to be responsible for the cost of the clean-up of needles and carpet cleaning. We are very concerned that we are good neighbours, so we proceeded to remove our tree. Being a bit of a stickler for the rules, I decided to contact our property manager who advised the regulations were available on our web site, and yes live trees were prohibited. When we printed off the list, we found nothing that prohibited live Christmas trees. No one seems to know where this regulation came from or where we can obtain a copy for our records. Are we missing a document that we should have received when we purchased in the fall of 2010?
Sarah M. Richmond

Dear Sarah: Many strata corporations often quote "rules & regulations" for their strata as part of the strata governance; however, the Strata Property Act permits only bylaws, which are passed by a three quarters vote at an annual or special general meeting and which are filed in the Land Title Registry, or, the "rules" of the strata corporation which are passed at a council meeting and then just later ratified by the owners at a general meeting by majority vote, and not filed anywhere other than in the minutes and records of the strata corporation. Regulations cannot be created by a strata corporation as they are part of the legislation created as part of the Act by provincial cabinet. Bylaws apply to every part of strata property including a strata lot. Rules only apply to the use and enjoyment of common property or a common asset. A rule that prohibits live cut Christmas trees in a strata lot is unenforceable because rules cannot apply to strata lots. A rule may prohibit the transfer of a live cut tree in an elevator that is common property of the

corporation, and it may be used to regulate the disposal of trees on common property. Bylaws often prohibit live cut trees because of the fire safety risks and janitorial problems that are associated. Rules must be included with a copy of a Form B information certificate, when requested by an owner or their agent(s), including an authorized purchaser's agent. The Form B itself does not physically include an item that stipulates the inclusion of rules, so strata corporations frequently forget to include the rules; a common complaint of new owners. I was curious about the application of the rules in Sarah's strata, and did a bylaw check of Sarah's bylaws since the first bylaws were filed in 1997. There is nothing that limits or prohibits live trees in strata lots. Her strata property manager was just as interested, so provided us with copies of all of the minutes of meetings, and there is nothing in either the minutes of council or general meetings that ever showed any rules about Christmas trees. Turns out the Christmas tree issue is a bit of an urban myth in their strata, as well as their "rules & regulations" which appear to be referred to in council minutes, but don't seem to officially exist. There is a simple solution to prevent this confusion in any strata corporation. Many of us have served on boards for associations, and we always receive a governance binder that is our tool box about the association business and governance. Strata councils need the same tools. Because strata council are responsible to enforce and apply the bylaws and rules of the corporation, every council member should always have a complete copy of the current rules and bylaws of your strata.

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