

**Condo Smarts**

Headline: When council don't enforce bylaws against council  
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**Dear Condo Smarts:** Our strata corporation is 233 units, and has an annual budget of \$900,000 . At our AGM an owner started asking questions about the balance sheet that went with the financial statements as we noticed the arrears is currently over \$60,000. The treasurer spoke to the matter and indicated that there were a number of owners currently in arrears and the strata corporation was working on collecting the fees. After the meeting, we asked the treasurer who the owners in arrears were. He told us the strata could not indicate who owed money because of the privacy laws, but he encouraged us to demand more information from the strata council. We attended the next council meeting, at which we had demanded a hearing, and inquired about the arrears. We were told the same thing about the privacy issues. We demanded to know if any of the strata council members were in arrears. The president told us it was a private matter, but the property manager indicated that yes there were three council members in arrears, and she had raised the matter regarding the bylaws earlier in the year but was told to keep quiet. Here is the problem. The strata corporation has a duty to collect fees, and a duty to enforce bylaws. We have a bylaw that deems a council member cannot continue to stay on council if the strata corporation is entitled to file a lien against that strata lot. If that is the case, does this not mean that several council members are intentionally not enforcing the bylaws so they can stay on council and avoid paying the fines and penalties? *Sharon Fields*

council members just like any other owner. When the property manager provides the strata corporation with the financial statements, and they provide the strata council with the arrears list, this is basically a complaint list about the arrears and possible bylaw violations under Section 135 of the Strata Property Act. The strata council members who are not part of the arrears list or complaint, would meet to decide upon the next steps, including notice of bylaw violation and notice of intent to file a lien. At this point, the strata corporation would be meeting their obligations to enforce the bylaws, the owner/council member would be entitled to a hearing or written response to address the matter and either remedy the arrears removing the risk, or 14 days would pass from the notice of lien, and the bylaw regarding council eligibility would then take effect. There are no special exemptions for council members, and if a complaint is made about a council member, the council member must not participate in a decision made under Section 135 of the Act. If all else fails and the council refuses to enforce the bylaws, owners always have the option to petition for a special general to remove the council and elect a new council who will comply with the bylaws of the strata corporation.

**Dear Sharon:** You are absolutely correct, and as council members they should make every effort to ensure the bylaws are applied against the

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