

**Condo Smarts**

Headline: Corporate Suites: Do rentals Apply?

Topic: Rentals and Rental Bylaws

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Written by: Tony Gioventu

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**Dear Condo Smarts:** Our company owns 3 corporate suites in a high rise building in Vancouver. We have used them for housing for our employees who are transferred to the city for short term periods of 3 months to a year. The strata council has notified us that we have to apply to be able to rent them in accordance with the strata bylaws and that we must provide a Form K, for tenants. When we purchased the units, we were told by the realtor, that as a corporate owner the rental bylaws did not apply to our units. Is that not the case? We cannot seem to get a straight forward answer from *anyone*.

*John, ACL Industries*

**Dear John:** Employees of a company, residing in a strata lot, are tenants and not owners, and as a result, the strata bylaws do apply. There are no special exemptions for corporate owners of residential strata lots, other than those that apply to all owners under the legislation or the strata corporation's bylaws. The Strata Property Act and Regulations provide for 3 possible exemptions if a strata corporation adopts a bylaw that limits the number of rentals or prohibits rentals. They are: 1) family members, as defined by the regulations as children or parents of an owner or owner's spouse, 2) hardship rental application exemptions, and 3) exemptions created by an owner developer's rental disclosure statement (RDS). Family rentals would be a complicatedly and unlikely argument and hardship would require a specific application for an exemption. The likely exemption would be, if the owner developer filed an RDS that applies to your strata lots. The conditions are different depending on when the statement was filed. Rental disclosure statements filed

before January 1, 2010, apply to the first purchaser for the period of time prescribed on the form, and rental disclosure exemptions filed from January 1, 2010 forward apply to the identified strata lots until the date of expiry on the form. Depending on when your strata corporation was created, and if you were the first purchaser, will determine if your company is exempt from the bylaws. If an RDS exists, the strata corporation should be able to provide you with a copy, or you may contact the office of the Superintendent of Real Estate to obtain a copy. Even if you are exempt, anyone renting their strata lots must still provide a copy of a Form K, Tenant's Responsibilities, as required by section 146 of the Act. One other option to check is the registry of rentals. Family, hardship, and RDS exemptions are not included in the count of strata lots being rented, for the purpose of their application to rental bylaws. They are simply added to the total number of units being rented on a Form B Information Certificate. This requires the strata corporation to maintain active inventories of strata lots being rented, and whether they are captured by the rental bylaw or not, for the purpose of applying the bylaw. The strata corporation must disclose, on the request of an owner or tenant, a list of names of tenants. This would obviously have to include whether the strata lot is exempt or not, for the purpose of applying a rental bylaw.

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