Dear Tony: Are you able to do a piece on strata council who do not apply bylaws to themselves as they would to owners? Our president decided to get a dog that belonged to a family member and claimed the pet was a therapy dog and as a result was exempt from the bylaw and required for his health. The president did not recuse himself from the meeting when any decisions about the pet were being made, and since then 2 or 3 other owners have brought in dogs. A group of owners have filed a complaint but the council have refused to do anything about this. We talked to a lawyer and our only recourse is to go to Supreme Court to obtain an enforcement order at a cost of $10-25,000 dollars. This seems unfair just because a person in a position of power uses it for their own benefit. How does a strata determine how a service dog is qualified?

Connie L.

Dear Connie: Your complaint about the council enforcement, or rather failure to enforce bylaws against each other is very common. Strata council members who use their power to gain personal benefits and exemptions are the same council members who refuse to comply with the Strata Property Act, Regulations and Bylaws of the strata corporation. A conflict of interest is simple enough to understand, especially when the result is so blatant. It is the exercise of control or authority over an outcome where the party has a personal interest or benefit. The Act sets out clear requirements requiring strata council members to declare an interest in a matter and to remove themselves from council meetings where a decision results in a benefit or enforcement decision affecting them or their strata lot. Basically, council members don't get to decide their own bylaw enforcement or exemptions. Your strata corporation does have other another option if you have a strata council unwilling to comply with the bylaws. Strata owners, by 20% may petition for a special general meeting to remove the council, by majority vote, and elect a new council who will enforce the bylaws; however, it relies upon your owners to take charge of your strata corporation and be willing to be elected to council.

Tony Gioventu