

**Condo Smarts**

Headline: What is a rental inventory?  
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**Dear Tony:** Our strata council has been having an ongoing dispute about how rentals in our strata are managed. The president of council and property manager say that as long as we have a bylaw that includes all rentals in the rental count, then that is what applies; however, we have read several articles and guides that indicate we are not permitted to include those rentals. At our last council meeting, an owner requested permission to rent, the strata president and manager denied the request stating we were already 3 over our maximum number of 10 rentals. The owner has demanded a copy of our rental inventory to make the council prove that all of the rentals in fact apply. As council members we know that there is 1 hardship rental, 3 family rentals, and 2 owner developer exemptions. If we count this according to the *Act* we have at least 1 exemption, but the council president and property manager refuse to release the information. How do we resolve this impasse?  
*Abby M. Abbotsford*

**Dear Abby:** The first rule of bylaws is that strata corporations cannot adopt bylaws that do not comply with the *Strata Property Act*, Regulations or any other enactment of law, and contrary to some opinions the *Act* is not a guideline, it is a provincial law. Section 142 of the *Act* specifically says that for the purpose of rentals a family member or hardship exemption is not to be considered when administering a rental count. In addition, a bylaw that prohibits or limits rentals does not apply to those exemptions created under an enforceable owner developer rental exemption. If a strata corporation has a bylaw that limits a specific number of rentals, then it will be critical that the strata maintains a rental inventory to identify: which strata lots

are rented, the status of each rental whether it is included in the count or exempt under the *Act*, and a waiting list and procedure as identified in the bylaw for those persons wishing to rent their strata lots. Under your strata bylaws, if you consider just the 3 family rentals and 1 hardship are both excluded the enforcement count, so your strata does have at least 1 vacancy available, in addition to the owner developer exemptions.

Decisions of strata councils are made by a majority vote. Neither the president or any other council member has a veto vote over the decision of the strata council, and the property manager is an agent of the corporation and follows the instructions set out by the strata council. At your next council meeting, put the rental issue on the agenda, and vote by majority that the strata either propose the bylaw to be amended or that you seek legal advice and change your practice on how the bylaw is being enforced. Rentals are a common misunderstanding and administration problem for many strata corporations.

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