

## Condo Smarts

Headline: Bylaws and the Civil Resolution Tribunal

Topic: Bylaws, Civil Resolution Tribunal

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**Dear Tony:** We have a simple question about the Civil Resolution Tribunal. When it comes into effect next year, will the tribunal be able to determine whether a bylaw is enforceable or not? Our strata corporation has adopted a bunch of wonky bylaws over the years, and every time they want to target someone over an issue, they trot one of these bylaws out and start harassing people endlessly. Most people eventually sell, but we're ready to fight back. For example, we have a bylaw that gives council discretion to determine whether a person should have a pet or not? It actually does not limit pets of any type, so how could that be an enforceable bylaw?

Anne A.

**Dear Anne:** To currently challenge a bylaw requires either an Action in the Supreme Court of British Columbia or Arbitration under the *Strata Property Act*. The costs can easily be \$10-25,000 and take months and even years to resolve.

The *Civil Resolution Tribunal* will be able to determine whether a bylaw:

- a) is enforceable
- b) was amended properly
- c) was enforced by the council properly
- d) was enforced fairly and
- e) order the council to enforce the bylaws.

The Tribunal will also be able to order either the council or an owner, tenant or occupant to do or stop doing something as it relates to the bylaws. The introduction of the CRT will make a significant change to strata operations. The Tribunal will provide a quick and cost effective solution for disputes that relates to the *Act*, bylaws and operations. Once in effect, strata councils for a minimal cost will be able to use the Tribunal and the strata council will no longer require a three quarters

vote of the owners to proceed with a bylaw enforcement application. Owners and tenants will have quick and affordable access to obtain orders for strata councils to comply with the *Act* and the bylaws, and orders for them to enforce bylaws if they are failing to act. The Tribunal will also be able to make decisions on financial matters such as claims of damages, insurance deductibles, fines, strata fees, special levies and user fees. In addition the Tribunal will be able to order a strata corporation to do repairs or remedy damages that are the responsibility of the strata.

From the start of an adjudicated dispute to a decision will be around a 60 day window and the costs will be comparable to small claims court. The real benefit of the tribunal will be the online user service. From the comfort of your home or council meeting, the parties will be able to use the resources of the Solution Explorer to analyze their complaint, identify the options for problem solving, and even file their complaint to start an adjudication process. Disputes will generally be managed entirely on line, so each party will be entitled to file their information and claim, and the adjudicators will issue decisions. An order for access to a strata lot will go from a costly, time consuming process to a quick application on the decision of council with minimal cost.

With more strata units than any other type of housing being built in BC each year, this is an ideal option for problem solving in strata corporations and greater harmony in communities. For more information about the Civil Resolution Tribunal, go to:

[www.civilresolutionbc.ca](http://www.civilresolutionbc.ca)