

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

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Bylaws or Rules for the Use of Common Facilities

The strata corporation has to set a method for administering the common property facilities and assets. It may be done either by a bylaw or with a rule. Each strata has specific conditions that it may want to set out, fees for the use of the facilities and limitations on the use.

Who uses the facility:

Can it be booked for private parties? Can owners/residents only book the space for use?

What is the procedure for booking the facility?

What steps do owners need to follow when they want to book the facility?

- Sample: "a written request to use the facility for private parties must be submitted no later than 14 days prior to the event. Permission will be granted on a first come first serve basis provided no other strata events are booked at the time."

Will there be a cost for booking the space or will a damage deposit be required?

How much do you want to charge?

- Sample: "Use of the facility may be booked in 5 hour blocks for a fee of \$50.00 per block. A damage deposit in the amount of \$100.00 is required in advance, which will be returned on the satisfactory inspection by council after the event."

What about the use of alcohol?

If the strata allows for alcohol consumption will there be additional insurance requirements?

Is the strata corporation covered for liability if as a result of significant alcohol consumption there is an incident that involves a claim?

Is a license to serve alcohol required as a condition of the event?

What about hours of operation and possible disruption of neighbouring units?

- Sample: "any events that have been granted permission to use the facility shall not in any manner broadcast any sound or music in a manner that may cause a nuisance to any other party in the complex. The facility must not be in use no later than (10:00 p.m.) and no earlier than (8:00 a.m.). Guests to the event must parking in the designated visitor parking areas and must be respectable of noise bylaws when entering or departing the premises.

What about the furnishing and facilities of the building?

You will need to set guidelines for the use of any fixtures or accessories in the building. Example: Furniture, dishes, kitchen areas, coffee makers, exercise equipment, games facilities like pool tables, ping pong tables. Detail to how they are used and where they should be stored should also be taken into consideration.

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Scheduled events?

A guideline for normal hours of operation should be established. What about weekly events that your strata coordinates? Dinners, games sessions, etc... In case of emergency in the facility who should be contacted in your strata/manager? Emergency numbers should be posted along with procedures.

What if an accident occurs?

Does your strata have an incident report that be completed by the parties if there is an accident? It could provide valuable information to the insurers should the case arise. Who has them? Who must complete them?

Contract or agreement?

Is there a standard agreement to be signed by the owners for their exclusive use of an event? Even though the Act requires that owners are responsible for their guests and standard agreement and form of waiver could be helpful for the strata.

Penalties?

What penalties do you wish to impose for violations? If they are rules the maximum is \$50.00 and possible suspension of use of facilities, if they are bylaws the maximum penalty is \$200.00.

Legal requirements:

Before amending your bylaws and rules and creating user agreements, CHOA advises that you seek legal advice. The only issue that becomes more contentious than a bylaw or rule violation, is a bylaw or rule that is unenforceable and cannot be used to regulate the violations.



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