

## Strata Living

Headline: Filing Bylaws

Topic: Bylaws

Publication date: May 24, 12

Publication: 24 Hours

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**Dear Tony:** About two years ago our strata owners petitioned to have a special general meeting to vote on a bylaw that permitted dogs. The council president and treasurer were not very happy about the petition, and surprisingly our owners approved the amendment at the meeting. Our group of petitioners went to a lawyer and had the bylaw properly drawn up along with the resolution that repealed the previous bylaws. All were approved and passed and the minutes showed that everything was successful. So here we are 2 years later and one of the owners has just received a fine because she has a dog, even though our bylaws were amended permitting one dog per strata lot. She demanded a hearing with council and was informed that no such bylaw was ever approved and no such bylaw is filed in the Land Title Registry. Guess who the president of council is? The same person who was not in favour of the bylaw in the first place. We were all at the meeting, we have minutes of the meeting showing the bylaw was approved, but the president tells us that it's only valid if it is ratified by council and filed in Land Titles, and she's refusing to file the bylaw. So where does the status of our bylaw stand?

*Kevin H. Richmond*

**Dear Kevin:** Once a bylaw amendment is passed by a  $\frac{3}{4}$  vote at a general meeting it is

essentially approved by the owners. There is no such requirement for the strata council to ratify the bylaw. It is the duty of the strata corporation to ensure that the bylaw is filed in the Land Title Registry, which then makes it an enforceable bylaw. Rather than let this deteriorate into a dispute in the strata, which could end up in a costly court battle, the owners in your strata need to take control of the situation. Simple solution for your strata owners, petition by 25% for an SGM to remove the council members who are not prepared to comply with the Strata Property Act and elect a council who will act according to the instructions of the owners and get the bylaw filed. It is also important to know now that as of May 7, 2012, several filing conditions have changed at the Land Title Registry, and strata corporations that have more than 7 strata lots, have an obligation for electronic filing of forms, which includes bylaw amendments and the form I. Only a subscriber is authorized to file the forms and amendments, which includes lawyers, notaries, and land surveyors.

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