

Strata Living

Headline: How do we count rentals?

Topic: Rentals

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Dear Tony: Our strata council is having a struggle with our rental restriction bylaw. We have a bylaw that reads: " the total number of rentals permitted at any time is 10". We currently have 14 rentals and council have refused an owner's application to rent their strata lot; however, the owner claims we are not counting the types of rentals properly and that we have no way of knowing how many rentals we have and how to apply the bylaw. Is there a specific method in counting rentals?

Gavin M. Richmond

Dear Gavin: The Strata Property Act actually has 2 methods for counting rentals for 2 separate purposes. First, for the purpose of applying rental restriction bylaws, exemptions from the bylaw are not included in the count. Those are family rentals, hardship rentals and an owner who is exempted from a rental bylaw with the application of a valid owner developer's rental disclosure statement. The implication of these exemptions requires the strata corporation not only track the number of rentals, but the different types of rentals so they may properly apply the bylaws. It is possible that of the 14 rentals, 5 are family, there is 1 hardship, and 4 owner developer rental disclosure exemptions. That would total 10 exemptions, resulting in only 4 actual rentals that apply under the bylaw, potentially leaving room for more. The second type of method for counting rentals is

for the purpose of providing a total rental count for the Form B Information Certificate. This number is simply the total number of units that are currently rented. For the recipient of the form, this is a total number of all rentals giving the person who requested the form a clear idea of how many rentals in the strata, but not necessarily whether the total number indicates if there are any vacancies available within the limits of a bylaw. If an owner intends on renting they are still required to apply or notify council, who are required to inform the applicant of any vacancies. Whether you are a permitted rental or an exemption, you must still provide the strata corporation with a signed Form K, Notice of Tenants Responsibilities.

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