

Strata Living

Headline: What restricts the sale of a strata lot?

Topic: Buying & Selling

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Dear Tony: Our strata corporation of 14 units has only ever adopted 3 bylaw amendments: a rental bylaw limiting the number of rentals to 3 at any time, a parking bylaw that ensures no residents park in visitor parking, and a pet bylaw that limits the number of pets to 1 dog or 2 cats.

One of our owners has just listed their unit and an offer has been made subject to the purchaser being able to bring in their 2 dogs. Council agreed to considering a bylaw amendment at a general meeting if other 13 owners were in some consensus. We contacted all 13 other owners (including those on council) who opposed any such amendment. We have advised the seller that the strata corporation will not be convening a meeting to amend the bylaw. The real estate agent of the vendor has contacted us and advised that if the sale does not complete because of the bylaw which he claimed was invalid because of the change in legislation, we would be sued for the loss of the sale. Our strata corporation has had this bylaw in effect since 1988, and other than limiting the number of pets, has no other conditions. Is it true that we can be sued by the vendor for having adopted a bylaw that is permitted by the legislation?

Donna RL.

Dear Donna: The *Strata Property Act* specifically refers to bylaws that limit or

prohibit pets and the application of the *Schedule of Standard Bylaws*, which by default limits the number of dogs and cats to only 1 cat or 1 dog. If the argument of the agent applies, and your previously amended bylaw was not in effect, the Standard Bylaw would automatically apply unless repealed or amended, limiting the number of dogs to only 1 in any case, so the argument is simply a bullying tactic. Bylaws amended under the *Condominium Act* continue to be in effect under the *Strata Property Act* provided they do not contravene the *Act*, the regulations, the *Human Rights Code* or any other enactment of law.

There may be occasions when a strata corporation will have to make special accommodations for owners, residents, or buyers, if there is a requirement due to a disability or limitation under the *Human Rights Code*. Buyers and sellers often try to get council to bend the rules or bylaws to accommodate their needs; however, the strata council must comply with the bylaw conditions, unless the corporation have adopted an amendment at a duly convened meeting, or there is some evidence requiring accommodation under the *Human Rights Code*.

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