

Strata Living

Headline: Form K For Rentals

Topic: Form K, Rental and Rental Bylaws; exemptions

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Written by: Tony Gioventu

Dear Tony: Since our purchase of a rental unit for retirement purposes in 2008, our son, with a written assignment to the strata, has resided in the unit as a family member and has over the time served on council, attended all of the general meetings of the corporation, and has been the safety captain for a building that is predominantly residents over 70. With the instructions of the property manager, the newly elected strata council in January of this year have sent us a notice that we have to provide a Form K under the rental bylaw, and if we fail to provide the Form K, we are subject to the \$500 fine of the rental bylaw. We have no such bylaw, other than that which prohibits rentals. So how does the strata corporation impose this requirement?

John P. Port Coquitlam

Dear John: The requirement to provide a Form K, Notice of Tenant's Responsibilities, is under the Strata Property Act and is not a rental bylaw. The Act, only permits a fine of \$500 if the claim is for renting a unit in violation of a rental restriction bylaw, not for conditions of bylaws that are unrelated to the prohibited rental. As a family member your son is automatically exempt from the rental restriction bylaw; however, family owners are still required to provide the Form K, to ensure the tenant/family member is aware of the bylaws and rules, and the strata corporation has contact information.

If an owner fails to provide the Form K, the strata corporation may approach the tenant, deliver them the rules and bylaws and have them sign the Form K. In any event, if a tenant breaches a bylaw or a rule, the owner of the strata lot is still responsible for the costs of the penalties and enforcement. Considering the circumstances of the fine, and the history of your son on council, I would recommend that you and your son demand a hearing with council regarding the letter indicating the fine and have this resolved. The strata corporation cannot impose any fines until they have first given notice to a tenant/owner of the allegation or complaint of alleged bylaw violation and then provided an opportunity for a hearing or response in writing to dispute the claim.

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