

Strata Living

Headline: How rentals are counted

Topic: Rentals and rental bylaws

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Dear Tony: Our 91 unit townhouse complex adopted a bylaw 3 years ago that limits the number of rentals to 10 at any time. I have been transferred to an overseas posting for 2 years, and requested permission to rent our unit from the strata council. The strata council advised there are no vacancies as there are currently 17 rentals and our request was denied. We asked for a listing of the rentals and the types of rentals and they have also denied access to records. One of the council members told us off the record, that council has not maintained a list so they really don't know. If the strata has no inventory of rentals, how can they deny an owner's application for a rental? We would appreciate some advice on this issue as we have to leave by November 1st and are hoping to have this issue resolved in advance.

Jeremy C. Vancouver

Dear Jeremy: The application of rental bylaws, rental inventories and exemptions are often incorrectly applied by strata councils. The Strata Property Act requires that the strata corporation maintain a list of rentals, and because of the three exemptions provided by the Act, they will also have to classify the rentals to ensure they are not counting the exemptions as part of the limit of 10. An owner who rents to a family member, which is a parent or child of an

owner or the spouse of the owner, a hardship exemption granted by the strata corporation, and an exemption granted by the owner developer through a rental disclosure statement, are all exempt from the rental limitation /restriction bylaw and are not counted in the total number of rentals. Once the inventory is created, and the exemptions are itemized, the strata council may then be able to establish whether the limit of 10 rentals has been reached or not. It is essential for the strata council or their strata manager to maintain an updated inventory of the rentals so they may provide accurate information to the owners. For example, the total number of rentals shown on a Form B Information Certificate, simply indicates to the person requesting the form the total number of rented units. While your strata may have 17 rentals, it is likely a number are original owners exempted by your owner developer rental disclosure statement, and several may be family rentals, as there are a number of retired families in your complex. Encourage your strata council to update their rental inventory list and request a list of the current rental units and their status of exemption.

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