

Strata Living

Headline: What's the deal with Policy Manuals?

Topic: Rules, Bylaws

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Dear Tony: Our strata corporation of 38 units has developed a policy manual over the past 2 years to help owners understand the operation of our property and to control how people use their strata lots and the common property. We have a new owner who took possession of their unit in August and is challenging the policy manual. Our manual has a clear list of conditions that any owner must follow before they consider any alterations to their strata lot. This owner has decided to upgrade the carpets and repaint their strata lot without the permission of the strata council. Several owners complained about the type of paint used and the odour, and the debris in the hallways during the construction. Council sent the owner a letter outlining the violations of the policy manual advising of the complaints and imposing a number of fines. The owner's response was rude, to the extent that the policy manual does not apply and that we might wish to find a place to put our policy manual. Help,

Margot W. Vancouver

Dear Margot: While policy manuals may be helpful by providing basic instructions and operations guidelines for owners, they are usually unenforceable because the policies have not been ratified by the owners as rules, or bylaws. To ensure the policies of your strata corporation are enforceable they must be either a rule, which may be passed by council but must be ratified by majority vote of the owners at the next general meeting of the strata, or they must be a bylaw which when passed by $\frac{3}{4}$ vote resolution of the owners at a general

meeting, must be filed in the Land Title Registry to be enforceable.

A common error made by strata corporations, is that matters relating to strata lots or administration of the strata corporation may be adopted as rules or in a policy manual. Matters relating to strata lots or the administration of the strata corporation must be bylaws. Rules are only for the purpose of governing the use, safety and condition of the common property and common assets.

Policy manuals are often misleading and imply authority that does not exist. Before you enforce any further policy from your manual, I would recommend you get some legal advice on the enforceability of the manual. It is possible that the bylaws of your strata and the Standard Bylaws of the Act may have some application to the alleged violations. While being rude solves nothing and simply cultivates an adversarial relationship with the council, the owner is correct, your policy manual has no enforcement in any case as it was never ratified as a rule or passed as a bylaw where applicable.

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