

Strata Living

Headline: Rental bylaws
Topic: Rentals and Rental Bylaws
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Dear Tony: Our strata corporation passed a rental bylaw 3 years ago that reduced the number of rentals in our building from 25 to 5. All of the owners who were renting their units at the time understood we were grandfathered until we sold our units. In fact, our minutes of the meeting read as follows: "Under the Strata Property Act, the current owners renting their units will be grandfathered." Now we have all received a notice advising that we will have to apply to council if we want to rent our units if a tenant moves out. Council indicate in the letter this is a new part of the legislation. What's the right answer?

Ed T. Burnaby

Dear Ed: The *Strata Property Act* does not grandfather anyone from bylaw amendments, and does not use the term grandfather. The Act creates conditional exemptions which apply to owners of strata lots who rent or wish to rent their units. Under the *Strata Property Act*, a rental bylaw may limit the number of rentals or a percentage of units to be rented, and must include procedures for how the rental bylaw is being administered. When a rental restriction bylaw is passed, those tenants currently renting strata lots are exempt, and when those tenants move out, the strata lot owner may rent for one more year, unless a rental vacancy is available.

Strata corporations often write other conditions of exemption or grandfathering into their bylaws which can seriously complicate the enforcement of bylaws and create confusion. Information that is placed into the minutes of council meetings or general meetings that contradicts bylaws will also cause confusion and conflict for the strata corporation and owners. Your owners and strata will need some legal advice to sort this mess out.

Don't forget, family rentals, hardship exemptions and owner developer rental disclosure exemptions, as defined by the Act, are exempt from the rental count.

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