

Strata Living

Headline: Landlord Blues
Topic: Rentals & Rental Bylaws
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Dear Tony: I own three strata lots in a Burnaby condo building and have been elected to the strata council on many occasions over the years. Since 2010 there has been a trend to eliminate rentals in our building, so both my tenants and I have been the target of the anti tenant campaign launched by council. I purchased my first strata lot from the developer in 1995, and was fortunate to purchase two more units in the following years. Every chance the strata council get, they come up with a claim that my tenants are breaking the bylaws, and I now have over \$1,500 in fines imposed against my units. To date nothing has been proved, and I have long term tenants who have been very responsible. The strata has a new bylaw they are proposing to prohibit tenants, which requires the termination of all tenancies if it is passed. As an investor, do I have any options?

Mark P.

Dear Mark: While strata corporations may adopt bylaws that limit or prohibit the number of rentals, the strata corporation will never be able to entirely eliminate rentals. As a first purchaser, if the bylaw is adopted, you retain the benefit of the rental disclosure exemption that was filed by the owner developer for your first unit; however, when one of your tenants vacates from the 2nd or 3rd rental unit, you will only have 1 year remaining to rent your those units. There will always be exemptions for family rentals, which are the children or parents of the owner or owner's spouse, hardship rentals, and exemptions where a qualified rental exemption was filed by the owner developer.

For valid rental disclosure exemptions filed before 2010 the exemption applies only to the first purchaser. For valid rental disclosure exemptions filed on or after January 1st, 2010, the exemption for the period applies to the strata lot and continues with subsequent purchasers. Landlords are ultimately responsible for bylaws fines, user fines, damages and penalties incurred by a tenant; however, the strata corporation must also notify the landlord of any complaints or claims, so the landlord has the right to dispute and challenge the claims. Verify that the bylaw enforcement process has been applied correctly and review the council minutes to identify where council members have actually made the decision to fine your tenants, the amounts on which alleged violations occurred.

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