

## Strata Living

Headline: Fines and Penalties for Tenants

Topic: Bylaws; fines, Rental Bylaws

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**Dear Tony:** I own 2 strata lots in a downtown building in Vancouver. I have been renting them both for the past 5 years and have not had any issues with my tenants or the strata corporation. One of my tenants recently moved, and after they had left the building, the strata corporation sent me an invoice for \$5,500 for past fines, penalties and damages that were claimed to be caused by my tenant. I have never received any notice of this information and the strata manager has informed me that the tenant was sent all of the notices and chose not to respond. It has also been advised that the strata is not responsible for the tenants and it is our duty to monitor our tenants activities. These claims have evidently occurred over the past 3 years, but we have found nothing in the minutes that indicate there were any decisions of council. How do we dispute this claim?

*Greg Morrison*

**Dear Greg:** Strata corporations may fine a tenant, or a person who is visiting the tenant or admitted into the building by the tenant for social, business or family reasons, in the event they have breached one of the bylaws or rules of the strata corporation. Before a fine is imposed the *Strata Property Act* requires that the particulars of the complaint first be issued to the tenant in writing and the

tenant is provided an opportunity to respond in writing or request a hearing to address the complaint. The Act also requires that if the person is a tenant, the strata corporation must also give notice of the complaint to the person's landlord and to the owner. This potentially requires three separate notices being issued. This process prevents strata corporations from claiming violations or losses after the departure of a tenant, without having given notice to the landlord and owner. Ultimately the owner of the strata lot may be responsible for fines and costs incurred by the tenant if the strata corporation has followed the proper procedures and the claims are valid. As an owner you may wish to challenge whether the procedures of the Act were followed and demand a detailed copy of all of the alleged complaints and claims. If you disagree with the claim of the strata corporation, you may wish to consider a further action to dispute the amounts claimed either through arbitration or Provincial Court.

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