

Strata Living

Headline: Secret renters
Topic: Rentals and rental bylaws
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Dear Tony: Our strata corporation has a bylaw that limits rentals in our 108 unit building to 5 at any given time. We currently have the 5 rented, with 4 on the waiting list, and 13 other exemptions. An owner requested permission, or rather informed us he was going to have someone move into his unit. We advised that to rent the unit he would be required make an application to the strata, get on the waiting list, and wait till a vacancy was available, otherwise we would be potentially fining him if he violated the bylaws. He told us it was a friend just staying there with no furniture move and not renting. So how do we enforce this? We did fund a rental posting on a web site for this unit about 3 weeks ago.

Margot H. Burnaby

Dear Margot: In any potential bylaw infraction it is imperative that your strata closely follow the requirements of the Act. When the strata council has a complaint about the alleged tenants, they are obliged to write a letter to the landlord and owner of the strata lot first. In the letter you point out the particulars of the complaint. It is also valuable to remind them of the bylaw that is claimed to be the alleged infraction. That owner/landlord is then entitled to respond in writing to council or request a hearing to dispute the claim. At that

time, once the council has gathered the evidence, they will then determine whether an infraction has occurred, and if so, proceed with the options of fining or more severely the options of court enforcement of the bylaws. Your decisions regarding the enforcement should also be recorded in the minutes of the council meetings as they impact the strata lot and provide instructions to a council member, strata manager or legal counsel regarding enforcement actions. Staying off the radar screen and renting furnished units to people is not an option and is still a rental. If they have an exemption, it is their obligation to provide evidence of the exemption. For all tenants, including exemptions, the landlord is still required to provide and file a signed Form K, Notice of Tenant's responsibilities with the strata corporation within 2 weeks of renting all or part of a residential strata lot.

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