

## Strata Living

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**Dear Tony:** Our strata corporation adopted 3 new bylaws at our AGM in April to bring our pet, rental and parking bylaws up to date and then filed in the Land Title Registry the following week. A buyer who was reviewing our bylaws prior to closing the deal has asked us a question about one of our bylaws that prohibit the use of barbeques on our balconies. Problem is, we have never had any such bylaw, and we have no balconies. We looked at our newly filed bylaws and discovered that our 3 amendments were updated and filed but also consolidated to a complete set of bylaws that were actually a template we reviewed and never adopted a few years ago. There are also a number of other bylaws that the strata corporation refused, which are now also filed as being current. So how do we fix this problem? The property manager suggested we just file a correct version, but Land Titles say the strata has to approve them. What is the correct procedure?

*Kira J.*

**Dear Kira:** Bylaw amendments that are adopted by the strata corporations are enforceable once they are filed in the Land Title Registry. The Land Title Office is correct. The problem with simply filing a correction is that you would be once again filing a change to bylaws that the owners had not properly approved at an annual or special general meeting. If a strata corporation approves a new bylaw, that is the only bylaw that is filed in the Land Title Registry, not a reconsolidation of existing bylaws as they were not approved at that general meeting as prescribed in the proper form. Not only is

the filing of bylaws not approved at that meeting not in compliance with the Act, but it also greatly increases the risk of misfiling errors, amendments or omissions that were never approved by the owners of existing bylaws. To verify the errors, I reviewed Kira's existing bylaws just filed and the previous filed bylaws. Except for the 3 new bylaws, the new consolidated version has 27 variances and errors from the previous consolidated set that were never approved by the owners at a general meeting and do not exist in any previous bylaw filings. The best solution when you get to this situation is to consult with your lawyer and create a clean set of bylaws that include only those amendments approved by the owners, and then schedule a special general meeting of the owners to approve the bylaw amendments and corrections in one final version.

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