

Strata Living

Headline: Condo Living
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Dear Tony: We are in the process of selling our unit and have put a real estate sign on the lawn in front of our town house. The strata council have fined us \$100 for placing the sign without the written permission, and told us we have to remove the sign immediately. How are owners expected to sell or market their units without any signs?

Marco V. Burnaby

Dear Marco: The use of common property is controlled by the strata corporation and determined through the provisions of the bylaws of your strata corporation. Many of the questions that I receive often relate the bylaws or rules of a strata corporation, and the first thing to do is obtain a copy of the bylaws and rules, which the strata corporation must provide on request. You may also obtain the bylaws as registered with the Land Title Registry. The Schedule of Standard Bylaws of the Strata Property Act automatically applies to every strata; however, each strata is entitled to amend or repeal those bylaws, and adopt bylaws that are specific to their needs. The Standard Bylaws do not regulate the placement of signage on property, but they do address the use of property. On reviewing both your bylaws and rules, I discovered a bylaw that limits the location of real estate signs to only the sign tree located near the front gate of

your strata. The strata council do not have the authority to grant other locations as your rule, which has been ratified by the owners at a general meeting, specifically prohibits any other locations for signage. The challenge with a rule is that in your case the fine for a rule in your bylaws is limited to \$25. Before a strata corporation imposes a fine or penalty, the strata corporation must first give written notice of the complaint, with the details of the complaint and entitle an owner to request a hearing or respond in writing to the complaint. This would be a good opportunity for you to request a hearing of the strata council to address the complaint, and clarify that the fine limit is only \$25 under your bylaws. The *Strata Property Act* only permits a fine for a rule to a maximum of \$50 per violation as set out in the bylaws of the strata corporation.

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