

Strata Living

Headline: What's the Hype Over Air B&B's?

Topic: Rentals and rental bylaws

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Dear Tony: There has been a significant amount of attention to air B&B's in the news this week. Our high rise in Vancouver have been talking about this issue, but our owners are either residents or landlords with long term tenants. We're concerned that the B&B issue will become a problem for our residents, so how do we control the short term use of rentals and businesses in the strata?

BJ Roland

Dear BJ: Air B&B's are just the next trend of short term use of strata lots that has become a potential dispute for residents in strata buildings. Unless specifically zoned and licensed, residential strata buildings are not intended for short term use or hotel type purposes. There is an assumption that conventional strata rental bylaws will prohibit short term rentals, or hotel use; however, strata lots and strata lot owners are frequently exempt from these bylaws if the strata lots were exempt under the rental disclosure filed by the developer. The rental disclosure filed before 2010 gives the first purchaser an exemption for the duration of the ownership or time period limited in the document, and the disclosure filed as of January 1, 2010 or later creates an exemption for the established period of time for the strata lot. While your rental bylaw may prohibit long and short term rentals, it becomes complicated when half of the owners or all of the strata lots are exempt from the bylaw. A business use bylaw is a much more effective way of dealing with the issue. Bylaws are usually responsive to a problem or an intended life style for a

community, so before you run out to adopt a new bylaw, assess whether it really is necessary for your community. Start with the type of business or activity the strata wants to regulate or restrict, such as

Air B&B, hotel use, educational home stay, home businesses that impact the strata residents and operations. Assess whether there are actually any issues or concerns that arise resulting from any of these activities. Consider reviewing security, distributions of keys or access fobs, parking, any noise complaints, or other activities that may come to the strata attention. This will help your strata to identify if there really is a need for such bylaws. It also important to contemplate how you will enforce the bylaws. A bylaw that is difficult to enforce will eventually result in higher legal costs for actions than the problems you were trying to solve in the first place. The solutions may be found in bylaws that effectively parking, security and access to buildings.

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