

## Strata Living

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**Dear Tony:** We are in a bizarre dispute with our strata council and the source of the problem is how the strata provides bylaws to the owners. We moved into our building 18 months ago and upon arrival were given a helpful package of information by the strata that included instructions on the use of property, rules and bylaws of the strata. Everyone in the building has been given the same package. We officially asked the council by email for a copy of the most updated bylaws and the manager responded that the bylaws we received in the home owner package are the most recent. These bylaws include instructions on replacing carpet with hard surface floors and do not require the previous approval of council. We had a laminate floor installed with a very good sound barrier and didn't think anything else of it. We received a notice from council advising that we had broken the bylaws and informed we would be fined up to \$200 per week until the floors were removed. We contacted the council in writing and explained the situation and were told those bylaws were not official and the bylaw around flooring was repealed years ago. It seems we are caught by following the bylaws that are not accurate. How can we resolve this?

*Lance V. Burnaby*

**Dear Lance:** It is very helpful for the owners and the strata council if there is a complete consolidated set of current bylaws that are in effect. However, if the consolidated set are not adopted and filed in the Land Title Registry at the same time, there is a significant risk that the historic bylaws that are in effect may be accidentally

omitted or changed when they are combined with the rest. If the strata manager is the official address/email for the strata corporation, then the response you received would have essentially been that of the strata corporation. I was curious to see if there were other errors or omissions in your bylaws and printed the bylaws filed in Land Titles and compared them to your home owner package. There are 7 bylaws in the homeowner package that have never been filed in Land Titles. They may have been ratified at a general meeting at some point, but they are not enforceable until they are filed. Before your strata corporation proceeds any further I would recommend that they undertake a detailed bylaw review of the current bylaws filed in the Land Title Registry to determine what is actually in effect, what is filed, and what is not filed, and get legal advice on enforcement.

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