
Strata Living

Headline: Hardship Applications

Topics: Hardship

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Dear Tony: We have an owner who is renting out their unit and has claimed that they are in a hardship. We don't really know if they are or not because they have never provided any information to the strata corporation. The owner has informed us that they gave notice in writing to the treasurer of council, she spoke with the owner about having received the request, and nothing was done for a month so the owner just assumed they could go ahead and rent. We did eventually receive the letter, but our bylaws do not permit any rentals, so this claimed hardship is a bit of a problem for our council. The owner did not go through the normal channels so council is planning on denying this claim and fining them for renting in violation of the bylaws. Before we do, how should we proceed?

Gloria M. North Vancouver

Dear Gloria: When an owner makes an application to the strata corporation for an exemption from a bylaw that prohibits owners from rentals on the grounds that the bylaw causes a hardship, the strata corporation has a limited period of time to respond to the request or the hardship exemption is automatically permitted. The application must be in writing and state the reason the owner thinks the exemption may be made. That may be related to financial circumstances or some other condition in the opinion of the owner constitutes a hardship. The owner must stipulate whether they request a hearing or not. If no hearing is requested, the exemption is automatically allowed if the strata does not reply to the request of the owner within 2 weeks after the application is given to the strata, and if a hearing is requested, it must be held within 4 weeks of the request, and the strata does not give an answer to the owner within 1 week of the hearing. The strata has the ability to request personal information including

medical records, tax returns, credit card statements and credit reports.

The error unfortunately rests with your treasurer for not immediately forwarding the request to council. A notice or document required under the Act may be issued by leaving it with a council member, in addition to mailing to the strata address, property manager, or other council members, or by faxing or emailing it to the addresses provided by the strata. Unfortunately, when the strata fails to meet the requirements for the exemption requirements, they may also be forfeiting the ability to limit the time for the exemption.