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## Strata Living

Headline: Christmas Trees

Topics: Bylaws, Rules

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Written by: Tony Gioventu

**Dear Tony:** Our strata president came to our home last night and told us we were being fined for having a live Christmas tree in our strata lot. He produced a copy of the strata regulations created by council, which we have never seen, and an invoice for \$50 fine. He said if we didn't remove the tree we would be fined \$50 every week until it was removed and would be responsible for the pressure washing cost of the corridors to remove the needles. We bought our town house unit in September and read all of the bylaws and information provided by the strata before we made our decision. We were not provided with a list of the regulations. The president said that only the rules of the strata are attached to the forms and we should have requested a copy of the regulations. Help!

*Connie M. North Vancouver*

**Dear Connie:** The *Strata Property Act* only permits bylaws & rules. Bylaws are approved by a 3 / 4 vote at general meetings and filed in the Land Title registry. Rules are passed by council and ratified by the owners at the next general meeting to continue being in effect. Bylaws apply to all property, including strata lots and administration of the strata. Rules apply only to the use and enjoyment of common property, assets or facilities.

There is no such thing as "Regulations" created by the strata council. Regulations are created by government as part of the *Strata Property Act* and approved at cabinet meetings. Regulations are the "instructions or details" interpreting *Strata Property Act*. I suspect your strata misinterpreted the application of rules. The easy solution is for the council to produce them as rules, make sure they only apply to common property, assets or facilities, and present them to the owners for a vote at your next general meeting. Important to understand that the strata cannot use rules to impose condition or

use of strata lots. In your case this is not an applicable rule, and it has not been adopted as a bylaw or filed in the Land Title Registry.

Before a strata is permitted to impose a fine or penalty for alleged bylaw or rule violation they must:

- 1) receive a complaint about the alleged violation
- 2) give written notice of the complaint including the details of the complaint to the owner, tenant, landlord and
- 3) provide that person with a reasonably opportunity to respond in writing or request a hearing with the strata council.

Individual council members don't have the authority to just pitch up and fine you, they must follow the procedures. Stratas are permitted to have bylaws that control the use and enjoyment of strata lots which could include prohibiting live Christmas trees.