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## Strata Living

Headline: How rentals are counted

Topics: Rentals and Rental Bylaws

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**Dear Tony:** If a strata permits 15 rentals at any time, how could they have 27 current rentals? We are looking at buying into a building in Coquitlam that is 80 units, but do not understand why there are so many rentals? The bylaw was passed in 2005 and at the time they only had 10 rentals. Are they not enforcing their bylaws properly?

*Kari S.*

**Dear Kari:** There are three types of rentals that are exempt from rental restriction bylaws and these explain why the strata has additional rentals.

- 1) Family rentals, where the children or parents of the owner or spouse of the owner.
- 2) Hardship exemptions, where an owner has made an application to be exempt from the bylaws due to a hardship claim.
- 3) Rental disclosure exemptions established by the owner developer.

For family rentals the owner of the strata lot will be required to verify for the strata the family relationship. This could be included on the Form K Notice of Tenant's Responsibilities that must be provided for all rentals.

For a hardship exemption, an owner must apply in writing to the strata for an exemption from a bylaw that prohibits or limits rentals on the grounds that the bylaws causes hardship to the owner and must state the reasons for the request and whether the owner wishes a hearing. The strata must hold a hearing if requested within 4 weeks, and respond in writing to the owner within 1 week of the hearing or 2 weeks after a written

request. If the strata fails to meet the deadlines the exemption is automatically granted.

The owner developer exemption on a rental disclosure has 2 different time periods. When a developer files their disclosure statement, they may include a rental disclosure exemption. If the form exempts strata lots from rental bylaws, the first purchaser of a strata disclosure filed before December 31, 2009 is exempt from the bylaws, and any owner is exempt for the period set out in disclosure filed on or after January 1, 2010.

The strata currently has 27 rentals, 8 are owner developer exemptions and 13 are family rentals, so there are only 6 strata lots rented under the strata bylaw limiting the number to 10. The strata maintains an updated rental inventory and current register of Form K's. An indication they are a well managed property.