
Strata Living

Headline: Forced Labour?

Topics: Bylaws

Publication / Date: 24 Hours, May 5, 2016

Written by: Tony Gioventu

Dear Tony: Our strata has adopted a bylaw that requires owners to give a full day's labour each month in the summer for gardening and building maintenance. If they don't, they will be fined \$100 for every day they miss. I was away on holiday when the bylaw was passed, but now several owners are claiming the bylaw didn't pass, and everyone wants out of this stupid idea. We have at least 8 owners who are seniors and not capable of working in the yard safely and are feeling bullied and intimidated. Is this type of bylaw enforceable?

Ms. W. Lee, Richmond

Dear Ms. Lee: This is not an enforceable bylaw because the strata corporation does not have any authority to compel people to work as labourers. What were they thinking? 20% of the owners can petition for a special general meeting and vote to repeal the bylaw. Just because several strata owners don't want to pay for their share of the common expenses is no reason to attempt to bully other people into working. The strata corporation is responsible to maintain and repair common property and common assets. They are permitted to budget for those items and pay for the expenses from the common budget that everyone pays for as part of their strata fees. One of the best parts of strata living is not having to deal with plugged gutters, cutting the lawn, cleaning windows, snow removal and building maintenance. The principle reason for living in a strata is collective housing affordability and collective ability to pay for someone else to do that work, with more assets and services. A word of caution to consumers using the internet for advice and information on strata living. Our office had several calls in the past few weeks about the same issue and discovered a trail of blogs and advice from a clearly

unqualified individual recommending this type of bylaw to help strata corporations reduce costs and make owners responsible for their property. Creative bylaws are only beneficial if they are enforceable. Once the Civil Resolution Tribunal is in effect later this year, owners and tenants will be able to compel strata corporations into disputes over the enforceability of bylaws for a nominal cost and minimal time. Strata disputes that involve strata corporations, councils, owners and tenants will be mandatory if a complaint is commenced in the CRT.