
Strata Living

Headline: The difference between bylaws and rules

Topics: Bylaws, Rules

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Written by: Tony Gioventu

Dear Tony: We live in a typical Kitsilano townhouse complex. We are only 24 units and have generally used the Standard Bylaws to govern our business. Over the years we have adopted a number of rules to help supplement the bylaws to address some issues and that has worked well. We now have a problem with an owner who is not complying with the rules and is claiming we never passed them properly. We have a rule that prohibits the use of screens or any obstruction on decks and patios that blocks the use and enjoyment of other strata lots. The rules were approved by council and the owners at a general meeting voted on them by majority vote. What else can we do to enforce the rules?

Phil D.

Dear Phil: Many strata corporations have adopted rules that are often unenforceable because they attempt to regulate strata lots or the administration of the strata corporation. Rules are enforced in the same manner as bylaws, with a fine limit of \$50. A complaint is received, a notice of complaint is sent to the strata lot owner/tenant, they are entitled to a hearing or respond to the complaint in writing, and the strata council eventually determines if a fine may be imposed or other penalties. Rules are created by the strata council by majority vote, and they must be ratified at the next general meeting of the strata by majority vote to continue to be enforceable. Rules are not filed in the Land Title Registry; however, a copy of the rules must be maintained by the strata corporation and must be attached to a Form B Information Certificate, or

provided to an owner or tenant if requested. Rules may only apply to the use and enjoyment of common property or common assets of the strata. Typically rules apply to regulate common area uses such as parking, swimming pools, guest rooms and club houses. In your complex your decks and balconies are actually part of your strata lots as shown on your strata plan. As a result, your rules cannot apply and must be bylaws. Check your bylaws to see if you have a nuisance bylaw that may be enforced, and conduct a thorough review of your rules to ensure they are enforceable. Always identify what type of property you are trying to regulate, before your strata adopts new rules.