

What you need to know about age and pet restriction bylaws

Navigating your strata's bylaws can be tricky. Here's what you need to know before adopting Rover or letting your adult children move in



Age restriction bylaws are permitted under the *Act* only for the purpose of limiting the age of occupancy. Under the current legislation, an age restriction bylaw may apply to ages between 19 and 55, and the strata corporation sets the minimum age of occupants. This may have a significant impact on your purchase in a community, especially if you are planning a family or plan to have other occupants in your strata lot who do not comply with the age restrictions.

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When a pet bylaw or age restriction bylaw is passed, the bylaw does not apply to the current pets or any current occupants in the building who may not conform to that bylaw. If the standard bylaw applies, and an owner has one dog, and the strata corporation passes a new bylaw that prohibits dogs, the dog currently living with the owner is exempt until the pet is no longer living in the unit. That owner cannot replace the pet and must comply with the bylaws. The same conditions apply to a person who is underage at the time the bylaw is passed.

Buyers need to exercise a high standard of care when they are considering an apartment, townhouse or bare land strata. Read the current registered bylaws closely and never makes assumptions. Just because you see pets or children does not mean they are permitted under the bylaws.

By Tony Gioventu

Many people live in condominiums because they are a great lifestyle choice. As condo owners we share a broad range of facilities and assets that enable us to enjoy more leisure time and fewer of the obligations of maintaining a detached home. While we no longer have to clean the gutters, mow the lawn, or wash the windows, we do have to be reminded that, when we move into strata communities, we share the lifestyle choices of our fellow owners. In many strata corporations those lifestyle choices are controlled through the strata bylaws. The *Strata Property Act* permits both age and pet bylaws that apply to owners, tenants and occupants of the strata corporation.

The Schedule of Standard Bylaws, which form part of the *Act*, permit a reasonable

number of fish or small aquarium animals, a reasonable number of caged mammals, up to two caged birds and one cat or one dog. If your strata corporation has amended or repealed the standard bylaws, they will automatically apply; however, if your strata has passed and filed a bylaw that applies to pets, the strata bylaw will prevail, provided it complies with the *Act*, the BC Human Rights Code and any other enactment of law. There are literally hundreds of variations of pet bylaws across the province with different objectives, but each strata has to decide what works best for its community.

Before your strata adopts a new amendment to its bylaws, consider the reasons why you are doing this. You may already have a bylaw in effect that can resolve a problem without the need for additional bylaws. A common example is nuisance. There is no need to adopt a pet bylaw that requires an owner to

keep their pet quiet, when the standard nuisance bylaw is sufficient. Strata corporations also believe that if they adopt a bylaw that limits the size of a pet, it will be a solution to noise problems, without considering that a small dog that is not controlled by an owner may be just as aggressive or disruptive as a large dog. The number of pets may also be an issue. A strata may pass a new bylaw that increases or decreases the number of pets or certain pets. Strata corporations are also required to accommodate persons with certified assistance pets such as guide dogs. As a result, when considering bylaw amendments, it is always prudent to obtain legal assistance.



Tony Gioventu

is executive director of the Condominium Home Owners' Association, which promotes the interests of strata property owners by providing advice, resources and support for its members. Tony has more than 20 years of experience within the local real estate and development industry.