

Who decides the consequences when someone violates the bylaws?

For the time being you need to turn to your strata council when conflict arises

By Tony Gioventu

Strata living provides us with many advantages that enable property owners to share in the benefits of recreation facilities and the shared used and maintenance of property. These often provide us with a higher level of security and services. A common benefit of strata living is that the buildings (except for a bare land strata) are common property. That means things like the gutter and window cleaning, roof inspections, tree pruning, landscaping and snow removal are all a part of our common services.

The collective services are affordable and reduce our obligations; they're attractive features of strata living. But what about when conflicts happen? How do we resolve disputes when an owner, tenant or occupant behaves in such a way that affects the use and enjoyment of our strata lot or the common facilities?

A strata corporation is a simple form of government that is governed by the Strata Property Act, the Regulations and the bylaws of the strata corporation. The Act contains a Schedule of Standard Bylaws that automatically applies to all strata corporations, until a strata corporation adopts amendments. The bylaws regulate the use and enjoyment of strata lots, common and limited common property, common



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assets and recreational facilities, and the administration and governance of the strata corporation.

So what does this mean to a strata lot owner when the neighbour decides to do renovations at 3 am, or their dog barks all day while they are at work, or someone has parked in the wrong place?

Enforcement options

Under the Act, the strata corporation, represented by the strata council, must enforce bylaws. They may impose fines or penalties or deny the use of recreation facilities and even in some cases take court action, but the council has no choice; they must deal with bylaw enforcement.

The Act sets out a mandatory step-by-step process which requires a complaint to be received or filed by the council. A notice of the complaint

including the details must be issued to the owner or the tenant, and they are entitled to respond in writing to the complaint or request a hearing which must occur within four weeks after the request.

Once the strata council has issued the complaint and reviewed a written response or held the hearing, the council meets to determine if a bylaw or rule was violated. Council members determine the action of the strata and the decision whether a person has violated a bylaw or a rule cannot be delegated to any other party. The Standard Bylaws permit

finest of up to \$50 per week or complaint, and \$10 per rule; however, these can be amended in the bylaws up to \$200 per week or event and \$50 per rule, and \$500 per week for violation of rental bylaws.

A common error of strata corporations is to automatically apply bylaw fines for items such as late payment of strata fees. Even a bylaw that creates “automatic fines” cannot be imposed without following the enforcement procedures. Whether strata council members agree or not, they are required to act as the enforcement, the judge and the jury to determine if someone is at

fault for violating bylaws or rules, and the consequences.

Change is coming

Once the Civil Resolution Tribunal comes into effect later this year, the dynamics of enforcement will change dramatically. Owners and tenants will be able to make an application to the tribunal regarding bylaws and rules to challenge the decision of their council. The tribunal can determine whether bylaws and rules are being properly and fairly enforced, if they are enforceable, and can order the strata to comply with the bylaws and rules to order enforcement. The strata council will be able to make an application to order an owner or tenant to comply with bylaws and rules and to collect fines and penalties associated with bylaw enforcement. For more information, go to www.civilresolutionbc.ca.



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