
Condo Smarts

Headline: Bylaw Updates and Election Laws

Topic: Bylaws, Elections

Publication / Date: Province, Aug 25, 2022

Written by: Tony Gioventu

Dear Tony: After 10 years, our strata corporation of 118 units is undertaking a bylaw review. We realized many of our bylaws are out of date resulting from changes in legislation, decisions in the courts and in the tribunal. Is there a “one place fits all” or publications that catch all these changes to cross reference for updates?

Marlo V. Abbotsford

Dear Marlo: Great to hear your strata is being proactive about bylaw updates. I recommend all strata corporations routinely review and upgrade their bylaws. Updates can easily be planned for the next scheduled general meeting, or a special general meeting may be planned just for the purpose of amending bylaws to keep them current with legislation, case law, and the changing needs of your community. Owners must be informed about pending changes and proposed updates, and town hall or info meetings where owners may openly discuss bylaw updates are an excellent start.

Strata councils underestimate the value of consulting with a lawyer when they are ready to review their planned updates, but their key role is to cross reference compliance with all legislation and enforceability. In addition to the *Strata Property Act*, every other enactment of law and the BC Human Right Code, applies to strata corporations. There is no value in home grown bylaws that end up being unenforceable or result in your community being dragged into the courts or tribunal complaints. They are costly, divert much needed resources and energy away from operations and maintenance of property, and must be disclosed to potential buyers requesting Information Certificates from your strata. Growing disputes and conflicts complicate the ability of homeowners selling their property and affect property values.

Aside from the Standard Bylaws of the Act, take an inventory of your additional community bylaws. They

often relate to pets, parking, rentals, alterations to property, insurance and damage liability, conduct of general meetings and voting, smoking, barbecues, and use and enjoyment of amenities and property. In addition to resources published by associations, articles and columns, *The Strata Property Act: A Guide to Bylaws*, is a helpful resource in reviewing bylaws, but none of these are a substitute for legal advice.

For example, to ensure conformity in appearance, strata corporations often restrict or prohibit the placement of signage on property, or activities of canvassers and campaigning during elections. The *Elections Act* of Canada and BC, prohibit a strata corporation from restricting or displaying election signs from a strata lot. The rights of a person to express their political support and beliefs cannot be censored by a strata corporation bylaw during an election period.

Access for campaigning or authorized canvassers cannot be restricted. The *Local Government Act* was amended to include the following:

(2)The following individuals and organizations must not unreasonably restrict access to residential property by a candidate or an authorized canvasser for the purposes of canvassing electors and distributing candidate information: a housing cooperative or individual acting on behalf of a housing cooperative; a landlord or individual acting on behalf of a landlord; a strata corporation or individual acting on behalf of a strata corporation. The canvasser or campaigner must produce government issued ID, and the period applies from 9am – 9pm daily.

The municipal campaign period starts September 17 and runs to election day. Are your bylaws current?