
Condo Smarts

Headline: How Rental Bylaws Change under Bill 44

Topic: Rentals

Publication / Date: Province, December 15, 2022

Written by: Tony Gioventu

Dear Tony: If a strata corporation has a bylaw that permits 25% rentals, will that continue under the change in legislation? Our understanding is that the changes removed bylaws that prohibited rentals. Some of the on-line chatter and information from real estate agents has made this confusing. Are we able to limit rentals to a minimum of one year to ensure there are stable tenants?

Ginny W. Pt Moody

Dear Ginny: A strata corporations ability to adopt rental bylaws have been repealed entirely by the amendments of the *Building and Strata Statutes Amendments Act*. *"No restriction of rentals by strata corporation: The strata corporation must not screen tenants, establish screening criteria, require the approval of tenants, require the insertion of terms in tenancy agreements or otherwise restrict the rental of a strata lot."*

If your strata corporation has a bylaw that sets any restrictions or limitations on rentals, that bylaw is no longer enforceable. This applies to all strata lots across the province from duplexes to bare land developments to community developments over 1,200 units. A bylaw that prohibits short term accommodations, such as Air BnB and VRBO, are still enforceable, and if the bylaw permits it a strata corporation may still continue to impose fines for up to \$1,000 per day of violations.

Vigilant communication, notice and enforcement of bylaws applied to all owners, occupants and tenants, will be important to ensure our communities continue to run smoothly. A landlord will still be required to provide a signed *Form K Notice of Tenant's Responsibilities* to the strata corporation. This form notifies the strata that the tenant has been given a copy of the recent bylaws and rules and identifies who the tenant(s) is for the strata corporation. A strata corporation will no longer be

required to identify the total number of rentals on a *Form B Information Certificate*; however, as part of the mandatory record keeping, the strata corporation must continue to maintain a list of the owners and tenants. These are records that must still be provided to an owner or their agent on written request.

A few quick tips to help navigate the increase in tenants for many communities:

1. Maintain a complete copy of bylaws and rules that are easily accessible to all owners and tenants to ensure the correct information is provided to all new owners and tenants.
2. Review move in / move out bylaws and costs if elevators and loading areas have requirements for access and security.
3. Provide routine updates about waste management, building upgrades, parking and storage allocations, and servicing and access to strata lots.
4. If you are required to issue a notice of complaint about a bylaw or rule violation, always include the landlord/owner.

In the event a tenant is fined and they neglect to pay fines, the cost of damages, or comply with bylaws, a strata corporation may commence a complaint in the Civil Resolution Tribunal against the tenant and the landlord may ultimately be responsible for the fines and damages. Documentation and proper notice will be crucial.