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## Condo Smarts

Headline: Age Restriction Amendment

Topic: Age Restriction Bylaws

Publication / Date: Province, April 20, 2023

Written by: Tony Gioventu

**Dear Tony:** Are age restriction bylaws a loophole to prevent rentals? We have a group of owners in our building advocating for age bylaws in hopes we can prevent rentals on our property. We are only 48 units, are self-managed and our strata corporation is fully occupied. We are hoping to avoid a wave of investors who are trying to buy into our complex because we are in a prime development location.

*RJD Burnaby*

**Dear RJD:** Age restriction bylaws are not a loop hole. They simply limit the age of occupancy. Strata corporations are no longer permitted to limit or restrict rentals in strata lots but they may continue to prohibit short term accommodations. When Bill 44 was brought into effect in November of 2022, the amendment relating to age restriction bylaws referred to age limitations when a strata corporation passed an age bylaw it was restricted to not less than 55 years. The language created confusion as to how it applied to existing age restriction bylaws, or if it only applied to new age restriction bylaws.

An amendment was introduced in Bill 24 – 2023: Miscellaneous Statutes Amendment Act so age restriction bylaw limitations will read once the bill is passed into law : (1) *Except as permitted by subsection (2), a bylaw must not restrict the age of persons who may reside in a strata lot.* (2) *The strata corporation may pass a bylaw that requires one or more persons residing in a strata lot to have reached a specified age that is not less than 55 years.*

Once passed, if you have an age restriction bylaw that is lower than 55, the amendment clarifies it will no longer be enforceable, and if you adopted an age restriction

occupancy bylaw of 55 and over for at least one or more occupants, it will continue to be in effect.

There are many variations to age restriction bylaws of 55 and over, including the accommodation for care givers and support workers. We can also anticipate there will be additional exemptions adopted into the regulations to include other types of exemptions. Remember: age restrictions only apply to occupancy, not ownership, and when an age restriction bylaw is passed, everyone in residence at the time is exempt from the bylaw.