
Condo Smarts

Headline: Short Term Accommodations

Topic: Rentals and Rental Bylaws

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Dear Tony: After 5 years of noise, security issues and damages, our owners have finally passed a bylaw that prohibits short term accommodations. We set the limit to be anything less than 30 days for a single use, which allows for owners in our building to negotiate home exchanges and house sitters while they are away during the winter. Of the 155 units, we discovered 25 of them were now being used for vacation rentals, and we were facing constant security breaches with the ongoing transiency of holiday travellers. Residents had finally reached their limit when a group of users caused a major water leak and serious damage to 11 units. This will certainly have an impact on our insurance deductible rate, the cost of insurance and the eligibility for renewal. Five of the short-term investors have demanded we provide them with an exemption from the bylaw, which will impose a fine of \$1,000 per day, because they purchased before the bylaw was in place. Is there any such obligation of the strata corporation to grant any such exemption?

DDF Burnaby

Dear DDF: The Regulations of the *Strata Property Act* make it clear a strata corporation is permitted to prohibit short term accommodations. While they are not referred to as short term accommodations in the SP regulations, recently proposed legislation, the *Short Term Rental Accommodations Act*, establishes a definition plus the regulations associated with this legislation have yet to be proposed.

For your purposes, the Strata Property Regulations state: *“in the case of a bylaw that prohibits or limits use of all or part of a residential strata lot for remuneration as vacation, travel or temporary accommodation, a strata corporation may impose \$1 000 for each contravention of the bylaw.”* Therefore you will be required to amend

your schedule of fines to adopt the \$1,000 per day fine, and you must still process all alleged bylaw violations according to the Act, but those fines and bylaws are enforceable.

There are no special exemptions or privileges set out in the Act or under the BC Human Rights Code that give the council either the authority or obligation to grant any accommodation or exemption. This is one of the risks all investors must evaluate when they are considering a strata property. An age restriction bylaw of 55 and over may be adopted, or a bylaw that prohibits barbeques on decks and balconies, or bylaws that restrict the number and type of pets may all have an impact for investors. Strata corporations are often advised to exercise caution if they define or limit a period of rental time to comply with the bylaw. The definition set out in the regulations is sufficient for strata corporation bylaws. The proposed definition of short term accommodations in the *Short Term Rental Accommodations Act* is less than 90 consecutive days occupancy.