
Condo Smarts

Headline: Do Standard Bylaws Change?

Topic: Bylaws

Publication / Date: Province, March 21, 2024

Written by: Tony Gioventu

Dear Tony: Is there a chance that the Strata Property Act Standard Bylaws will ever change? It would significantly reduce the number of agreements we would require for owners to be responsible for the changes owners are making for EV charging, heat pumps, furnace conversions and balconies. We are a mix of an apartment style building and 22 townhouses and the bylaws don't fit our type of strata very well. We are developing a very detailed set of bylaws and are concerned if there are any changes to the Standard Schedule of bylaws that we may have to go back to the drawing boards.

William T.

Dear William: *The Schedule of Standard Bylaws* of the *Strata Property Act* are a placeholder set of bylaws that apply to every strata corporation in BC. If a strata corporation has never adopted any amendments, the *Standard Bylaws* automatically apply. The common practice when a strata corporation adopts a detailed set of bylaws designed for their unique strata corporation, is to repeal the *Schedule of Standard Bylaws*. By repealing the placeholder set, any future changes or amendments would not apply.

There are a few conditions to remember when adopting bylaws, repealing or amending the standard schedule. You cannot simply repeal the bylaws. A strata corporation under the Act must have bylaws for the administration and governance of their property. The standard bylaws provide a useable framework that addresses governance and property use issues. These are often incorporated into an expanded, detailed schedule unique to each strata corporation. Carefully review bylaws that relate to the maintenance and repair of strata lots, common and limited common property. When amendments are adopted, they frequently contradict the duties between the strata corporation and the owners.

All bylaws must comply with every other enactment of law, the BC Human Rights Code and the *Strata Property Act*. When bylaws are presented for amendment at a general meeting, the resolution that determines the action of the bylaws is critical. This will establish whether any bylaws have been amended or repealed and what is being adopted. This resolution should be part of the bylaws and filed with the amendments in the Land Title Registry. Bylaws are only enforceable once they are filed in Land Titles. If you are in a strata corporation with residential and non residential units, any bylaw amendments to the corporation must be approved separately by both the residential and non residential voters by 3/4 vote. Do not borrow bylaw amendments from other strata corporations. Have a legal review conducted before you vote. It's much less expensive to review than to defend.