Condominium Home Owners Association of British Columbia
Leadership, Education and Resources for Strata Owners Across BC
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Condo Smarts

Headline: Bylaw Crisis
Topic: Bylaws
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Dear Tony: Our strata corporation has created a bit of a nightmare with our bylaws. One of our council members insisted he could draft a bylaw to make owners responsible for their back yards which are limited common property. Owners were only responsible for cutting the grass, but the change now makes them responsible for the tree pruning, fence repairs and replacement and keeping their yards in good condition. When we voted on the bylaw change, it was supported by everyone who attend, about 50% of the owners. When we filed the amendment in Land Title, the form and resolution also repealed all previously filed bylaws, and we did not amend the responsibility of the strata corporation to maintain and repair back yards. Can we simply file another amendment and correct the errors?

Gina R.

Dear Gina: The *Schedule of Standard Bylaws of the Strata Property Act* apply to all strata corporations in BC. Unless your strata corporation repealed the Standard Bylaws at some point, they will still apply, including the new bylaws that you filed. When a strata corporation adopts new bylaws there are two decisions that must be filed in the Land Title Registry. The amendments that have been ratified by a 3/4 vote at a general meeting, and the resolution the owners voted that activates the intent of the bylaw.

Is it a new bylaw, amending existing bylaw(s) or the *Schedule of Standard Bylaws*, or repealing your bylaws and adopting a new consolidated set? The resolution is just as important as the newly adopted bylaws. There are a number of common errors in bylaw amendments and filing. Failing to reconcile the changes in both the obligations of an owner to maintain and repair limited common property and the removing this obligation from the strata corporation, is the most common.

Bylaws that violate the BC Human Rights Code, The *Strata Property Act* or any enactment of law are also frequently encountered, and resolutions that create more havoc than harmony are also common.

Bylaws significantly affect our use and enjoyment of strata properties and may have an impact on property values and sales of strata units. Whether it is a duplex, bare land, high rise or part of an air space parcel, bylaws play a critical role in use and enjoyment of properties. When an error has been created as part of the amendments, or a filing error, a strata corporation will be required to convene a special general meeting and ratify amendments to correct or reverse the filings. The *Strata Property Act* stipulates a strata corporation must have bylaws and they may govern the administration of a strata corporation and use and enjoyment of strata lots, common and limited common property. Make yours an asset, not a liability.

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