

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-236

Condo Smarts

Headline: You are not above bylaws

Topic: Municipal bylaws

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Dear Condo Smarts: Our strata is in the upper Fraser Valley. There are 55 townhouses located on about two hectares of landscaped grounds.

When our homes were originally built in the mid 80's, each was designed with a private back yard that contained a barbeque pit. Over the years the brick has failed on the barbeques, and our strata was of the opinion that they were simply too close to the buildings to be safe, so a communal barbeque area was created, with an open building for parties and gatherings. We also installed a burn pit for campfires. Our strata bylaws permit use of the burn pit from Friday to Sunday, 8pm to 11 pm.

This past weekend, a neighboring property complained to the fire department about our campfire. The fire department showed up and ordered us to extinguish the fire immediately and we were issued a bill for the fire-call costs of \$750 for supposedly having an unlawful fire.

Our bylaws permit the use of the fire pit, so who has to pay the bill, the owner who started the fire or the strata corporation?

- *The Forst Haven Strata.*

Dear Forest Haven Strata: Considering your owners was complying with your bylaws, it would appear the fault lay within the strata corporations bylaws and activities. I suspect this isn't the first complaint against your strata for open fires.

You must understand that just because you own private property does not make you immune to local-government bylaws. Your strata bylaws cannot override local-government bylaws and regulations and you will be paying the price for the violations.

In Port Coquitlam, for example, the costs that can be imposed for an unlawful open-air fire can reach into the thousands, if it gets out of control.

Many hardware and chain stores sell portable open-burning fireplaces for back-yard use. These are banned in most municipalities in B.C. The risk of fire and injury are simply too high during our dry summer months. The negative effects on air quality are also a serious problem.

Check local bylaws before you light that fire. Your municipality's website and local bylaws can be found at www.civicnet.bc.ca

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