

**Condo Smarts**

Headline: Home Based Business

Topic: Businesses

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**Dear Condo Smarts:** My question to you is concerning an owner wanting to open a daycare for children to be run out of her unit. On the surface, it seems we are not in the position to deny this owner permission as our bylaws nor the strata property act states that permission from the strata is required prior to opening this kind of business. However, we have many concerns here. For example, noise levels will be a huge issue, drop off and pick up parking, liability insurance for damages and personal injury, damage to complex grounds and gardens, playground equipment etc. We know that we have noise bylaws in place, but that is the tip of the iceberg as far as potential issues and complaints from owners when this business is actually up and running. To date, the owner is waiting for Fraser Health to come assess the premises and give them their criteria prior to them even applying for a license. Some of our strata council members feel that we should advise the owner that this needs to be discussed at the next AGM and get a consensus from the other owners. Can you please advise us what we should do to protect ourselves from a deluge of complaints, fines and hard feelings that will surely follow.

*Michelle Eileen.*

**Dear Michelle:** There are many variations of home based business operating that few owners ever realize are taking place. The evolution of web based platforms and virtual office connections allow many types of professionals to work from their home office, often with little or no impact on the common property, common assets or the common liabilities of the strata corporation. Where it becomes complicated and a significantly greater risk for a strata corporation is when the home based business attracts clients on site, using the common parking, property and assets for purposes that they were not intended resulting in bylaw complaints and conflicts with neighbours.

Every strata corporation addresses the issue differently, but if you review the type of business based on a check list of conditions, that may help you identify the types of risks and possible

disruptions that may occur. Using a day care, in your strata property as an example, consider the following: 1) do your bylaws permit home based business? 2) would this business result in a likely disruption to other owners and residents? 3) would there be a presence on the strata property that would impose a greater risk of liability or an increased use of common property and assets that was never considered in the design of your property? 4) would this home based business qualify for a municipal business license if the strata corporation does not consent? 5) are there any other security or safety risks that may be concerns for the strata corporation?

An owner has a right conduct some types of business from their home; however, they do not necessarily have the right to expose the owners and residents of the strata corporation to a business activity that may impose greater obligations or disrupt the intended residential use of the strata corporation. A day care, music lessons, hair salon or aesthetician, carpentry, physical therapy, auto body and mechanical repairs or dance studio are all types of business that frequently result in noise complaints, increased insurance costs for strata corporations, parking problems, and security access to strata property. Some types of homes such as bare land or townhouse that are detached homes may not have such a significant impact and could be more amendable to some types of home based business, but it is important to remember that these are not commercial properties, they are designed and intended for residential use.

To enable a fair process for owners, and provide the strata council with reasonable tools, a bylaw that describes the conditions and types of a home based business can be a great solution, provided it reasonably accommodates owners and tenants and reflects the needs of your community.

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