

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 400-025

Suggested Steps for Amending By-Laws

- **Identify** the concern, i.e. is there a concern with your bylaws? Have you received a submission from a strata owner(s) or has strata council identified a concern. Review your existing bylaws to verify that they do not conflict with any of sections 1-17 or the regulations of the *Strata Property Act* the regulations or other legislation in the Province of BC.
- **Read** Have your bylaw committee read the Schedule of Standard bylaws. Are there bylaws you may want to amend, repeal?
- **Validity** Are your bylaws valid as of January 1st, 2002?
- **Consider** if the concern has already been addressed through the *Strata Property Act*, or in other legislation such as the municipal act. SPA 121
- **Investigate** the proposed by-law. What may be required? What is the feedback of the strata corporation? Will you hold an information meeting? Does the bylaw contain all of the information required? SPA 121, 122, 123, 141, 142, 143, 129, 130, 132, Reg 7.1
- **Formulate** a draft bylaw. Are there other by-laws as comparison? Does the by-law meet all of your requirements?
- **Survey** your strata corporation. If you proceed will there be support for the proposed bylaw? Remember, it requires a $\frac{3}{4}$ resolution at either a properly convened Annual General Meeting or Special General Meeting. Do you have approval in the budget or from the corporation to proceed with the proposal and the cost of legal services for review?
- **Validate** your by-law prior to your strata corporation voting on it. Have a lawyer review it and make recommendations to ensure your by-law conforms with the required legislation. There may be other legislation than the *Strata Property Act* that will affect your proposed by-law. SPA 121 (1) (a)
- **Vote** on your by-law. Follow the required legislation as set out in Division 2, 126-127 of the *Strata Property Act*. Review the definition of $\frac{3}{4}$ vote, *SPA Part 1 Definitions. Division 2-Amending the Bylaws.* 126-128.
- **Register** If the bylaw passes in accordance with the requirements of the Act, it must be filed in the Land Title Office and must specify the strata lots to which it applies. Review section 128 (1) – (4) Note: They are not in effect until filed and must be filed within 60days of the amendment being approved.
- **Issue** a copy of the amended, filed bylaw to all owners/residents of the corporation.
- **Maintain** a copy of the amended, filed bylaw in the strata council's records. Section 35.

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