

# How strata councils can enforce bylaws

The experts at FirstService Residential provide a comprehensive guide to bylaw enforcement measures

By FirstService Residential

One of the most common items strata councils deal with is bylaw enforcement. All strata corporations have bylaws. They affect a strata lot owner's rights and responsibilities and how a strata corporation operates.

The Strata Property Act includes a set of standard bylaws issued as the default bylaws for a strata corporation. However, a strata corporation may change its bylaws by a three-quarter vote of the owners. Strata corporations can have bylaws that: establish quiet hours; ban smoking in common areas; allow certain types of pets; restrict the rental of residential units; or even specify the type of window coverings.

Whether you are a strata council member, owner, landlord or tenant, it is important to understand how bylaws are enforced to help foster a positive sense of community with your neighbours and volunteer council members.

## Walking through the bylaw enforcement process

Imagine an owner violates a bylaw and this is reported to the strata council (e.g., smoking in a common area where this is banned).

The first step is for the strata council to provide the alleged offender written notice of the complaint. (If the alleged offender is a tenant, the strata council must also give the landlord and owner written notice.) Once notice has been given, the council must begin the process for enforcing the bylaw. It is common for strata councils to start by issuing a warning along with a deadline to comply.

If the breach is corrected, the strata council may decide not to take any further steps. If not, the strata council may proceed with further enforcement



and must give the alleged offender a reasonable opportunity to respond to the complaint, including an opportunity to respond at a hearing at a strata meeting.

The strata council may receive a written response that provides additional details regarding the reason for the infraction. The resident may also request a hearing with council to discuss the bylaw violation. The council can use the additional information collected at this stage in deciding how to enforce the bylaw, if it was indeed broken. (If the council determines the bylaw was not violated, it must send written notice to inform the owner of its decision.)

## When a bylaw is broken: enforcement options

The strata council must decide how to enforce the violated bylaw and must give written notice of its decision as soon as feasible to the offender. There are a number of

options (all of which should follow any requirements set out in the Strata Property Act):

- Give them time to comply.
- Fix property and charge it to the owner.
- Impose a fine.
- Restrict access to amenities.

If the matter is resolved, the strata council can monitor the situation to limit ongoing violations. If the situation continues, the strata council can continue imposing fines or, as a last resort, take the issue to arbitration.

## Role of the strata manager

It is commonly thought that

a strata manager is responsible for imposing fines and deciding whether a person has contravened a bylaw. This is actually not the case. Strata management companies are responsible for assisting strata corporations by taking direction from the strata council.

A strata manager is typically directed by a council to assist with bylaw enforcement by doing the following: sending warning letters; communicating fines; and managing correspondence between the strata council and residents. While a resident may receive a letter from a management company saying they have been fined for a bylaw violation, this is actually a fine imposed by the strata corporation, not the strata management company. A strata manager cannot reduce fines or make a decision when a person appeals a violation.

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## FirstService Residential

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