

Condo Smarts May 22 – May 30, 2021

Pet Prohibition Information

Dear Tony: How can we determine if a condo development permits dogs and cats or not? We have been looking at condos with our agent for the past 6 weeks and have encountered pets in many buildings but have discovered it is confusing to confirm whether our 2 small dogs would be permitted or not. In one building several owners had dogs, but we were informed by the strata president that a recent bylaw prohibiting pets did not allow any new dogs and only the current dogs in the bylaw were exempt. We requested copies of the strata corporation's bylaws and could find no evidence of any new bylaws and nothing was disclosed to us as part of the Information Certificate or in recent general meetings, other than a reference to an approved new set of consolidated bylaws. For pet owners considering these communities, this is troubling because we may be purchasing into a property that has new bylaws that are not yet registered or have been passed, yet the legislation exempts pets that are in residence at the time the new bylaws are passed with no reference of date of the meeting. Is it possible for a buyer to confirm which bylaws are in effect to prevent being caught in a no-win situation? Sonia V.

Dear Sonia: A Form B Information Certificate and the registered land title documents of a strata corporation are the best records a buyer can rely upon. In the event there is a bylaw enforcement action that results from failing to disclose information required within the Form B, the buyer can produce the evidence of disclosure if necessary. If there have been bylaws passed that have not yet been filed, the strata corporation must disclose those bylaws as part of the form. The minutes of general meetings and council meetings may provide additional information, but they are often incomplete or misleading and rarely contain the actual wording of the resolutions or bylaws, other than the results. This makes it difficult for the reader to understand the implications of the decisions whether they were to approve new bylaws, special levies for major construction, lawsuits, or changes to property. The Form B is only valid for the date it was issued. It provides a snapshot into the operations and function of the strata corporation up to that date of issue. A buyer may rely upon that information disclosed or in some cases not disclosed as it relates to bylaws, rules, depreciation reports, parking allocations, storage lockers allocations, the financial situation of the strata, court or tribunal proceedings, number of rentals, alteration agreements and wind up resolutions. Never rely upon an Information Certificate that has not been formally requested from the strata corporation or their management company. Conditions may change within a day that could significantly influence your decision to proceed with an offer to purchase. I always recommend strata corporations and buyers review all bylaws that are registered at Land Titles and talk to your lawyer before you complete your transaction. There are often amendments or additions to bylaws that did not necessarily repeal or amend previous bylaws and the strata corporation may have inadvertently filed incorrect amendments or failed to file bylaws that were approved at a general meeting. Most important, retain copies of the Form B dated and issued by the strata corporation, and the printed bylaws of the corporation at the time of your purchase for future reference. Also consider the community. As a pet owner, do you really want to buy a unit into a community that has already indicated it will be prohibiting pets? There are many wonderful strata corporations across the province that embrace pet ownership.

Tony Gioventu, Executive Director CHOA

Covid-19 Notice: As a precautionary measure to prevent the spread of COVID-19 CHOA staff are working remotely and our offices are temporarily closed. We understand these are challenging times for strata corporations and we are here to help. Even though CHOA advisors are working remotely we are only a phone call or email away and able to assist you with hosting meetings and notice preparation.

Tuesday Lunch & Learn Live with CHOA: CHOA is hosting a series of webinars once a week, for the next few months. Join us each Tuesday as we bring together industry experts to discuss the many issues affecting BC's strata community. For more information visit our website at: <https://www.choa.bc.ca/seminars/>