

## Condo Smarts November 16, 2022

### What Bylaws Really Apply?

**Dear Tony:** How does a strata corporation determine if the Standard Bylaws of the Act apply or their bylaws are enforceable? Our strata, like many we have spoken to, have a bit of a bylaw mess. Over the years we have annually added bylaws that have been consolidated into 1 package and often contradict earlier bylaws. Seems to me this is simply a CRT claim looking for a place to happen. Our strata council are currently struggling over vacancies left by sellers, but our bylaws that changed the number of council members did not state how we replace a vacancy. Does the original Schedule of Standard bylaws still apply or do we have to call a general meeting. Francine G.

**Dear Francine:** The Schedule of Standard Bylaws of the Strata Property Act apply to all strata corporations in BC, unless they have been amended or repealed by the strata corporation. The key to answering your question is in the bylaws and resolutions that were filed in the Land Title Registry. A bit of detective work is required. Start with having a copy of the Land Title General Index printed for your strata corporation. Each filing of bylaws will show on the index. It is valuable to obtain each set of bylaws and print them for your strata council and property manager. In addition to the bylaws, look for the resolutions that were filed as approved at the general meetings. The resolutions are just as important as the bylaws. If at any point your strata corporation repealed the Schedule of Standard bylaws then no, the provision to replace vacancies, or any other parts of the standard bylaws would not apply. Repealing the Schedule of Standard Bylaws is a common practice when strata corporations adopt a complete new set of bylaws that includes the standard bylaws with amendments. It avoids confusion and combines all bylaws within 1 set for easy access of owners and buyers. If your strata corporation did not repeal the schedule of standard bylaws, look at the resolutions that approved the amendments. It is possible that certain sections may be amended by adding, removing, or modifying existing language. I routinely encounter bylaw consolidations that often omit amendments, the wording in the consolidation is different than what was filed, and the date of the amendments was not identified. These errors create serious enforcement challenges for strata corporations. Consolidating bylaws into one package often creates problems and errors, unless the package is approved by 3/4 vote of the owners as a bylaw amendment. It is the responsibility of the strata corporation to maintain a copy of all amendments and filings in the Land Title Registry as part of their records.

Tony Gioventu, Executive Director CHOA

Registration is now open for CHOA's Fall 2022 Education Program. Course highlights this season focus on Council Meetings, BC Human Rights Tribunal, The CRT, The Accessibility Act and Alterations. Go to: <https://choa.bc.ca/seminars/>

Kindly note CHOA is a member-based, non-profit association. If your strata is not currently a CHOA member please consider joining – membership details are posted on our website at: <https://www.choa.bc.ca/about-choa/join-choa/>

COVID-19: To prevent the spread of COVID-19 CHOA staff may be working remotely. During this time we are online and available by phone and email to assist with your strata questions. Please stay safe and healthy.