

Condo Smarts December 14, 2022

How Rental Bylaws Change Under Bill 44

Dear Tony: If a strata corporation has a bylaw that permits 25% rentals, will that continue under the changes in legislation? Our understanding is that the changes removed bylaws that prohibited rentals. Some of the on-line chatter and information from real estate agents has made this confusing. Are we able to limit rentals to a minimum of one year to ensure there are stable tenants? Ginny W.

Dear Ginny: Rental bylaws have been repealed entirely by the amendments of the *Building and Strata Statutes Amendments Act*. *"No restriction of rentals by strata corporation: The strata corporation must not screen tenants, establish screening criteria, require the approval of tenants, require the insertion of terms in tenancy agreements or otherwise restrict the rental of a strata lot."* If your strata corporation has a bylaw that sets any restrictions or limitations on rentals, that bylaw is no longer enforceable. This applies to all strata lots across the province from duplexes to bare land developments to community developments over 1,200 units. A bylaw that prohibits short term accommodations, such as Air BnB and VRBO, are still enforceable, and if part of the bylaws, a strata corporation may still continue to impose fines for up to \$1,000 per day of violations. Vigilant communication, notice and enforcement of bylaws applied to all owners, occupants and tenants, will be important to ensure our communities continue to run smoothly. A landlord will still be required to provide a signed Form K Notice of Tenant's Responsibilities to the strata corporation. This form notifies the strata the tenant has been given a copy of the recent bylaws and rules and identifies who the tenant(s) is for the strata corporation. A strata corporation will no longer be required to identify the total number of rentals on a Form B Information Certificate; however, as part of the mandatory record keeping, the strata corporation must continue to maintain a list of the owners and tenants. These are records that must still be provided to an owner or their agent on written request. A few quick tips to help navigate the increase in tenants for many communities. Maintain a complete copy of bylaws and rules that are easily accessible to all owners and tenants to ensure the correct information is provided to all new owners and tenants. Review move in / move out bylaws and costs if elevators and loading areas have requirements for access and security. Provide routine updates about waste management, building upgrades, parking and storage allocations, and servicing and access to strata lots. If you are required to issue a notice of complaint about a bylaw or rule violation, always include the landlord/owner. In the event a tenant is fined and they neglect to pay fines, the cost of damages, or comply with bylaws, a strata corporation may commence a complaint in the Civil Resolution Tribunal against the tenant and the landlord may ultimately be responsible for the fines and damages. Documentation and proper notice will be crucial.

Tony Gioventu, Executive Director CHOA

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.