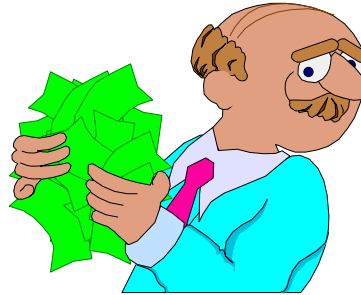


The new *Strata Property Act* is overwhelming. Each month we attempt to inform and educate you on different provisions and we hope this process is helpful. If you need a copy of previous bulletins please feel free to ask your property manager. If you have joined your strata council in recent months you should obtain a copy of previous bulletins as they are most useful. The content of these bulletins does not purport to offer legal opinions or advice. You should retain and consult with legal professionals.

The Strata Property Act

OH FINE!



The new Strata Property Act deals with fines at Sections 129, 130, 131, 132 and 135. In this bulleting we draw your attention specifically to Section 135. It says:

(1) The strata corporation must not

(a) impose a fine against a person,

(b) require a person to pay the costs of remedying a contravention, or

(c) deny a person the use of a recreational facility

for a contravention of a bylaw or rule unless the strata corporation has

(d) received a complaint about the contravention,

(e) given the owner or tenant the particulars of the complaint, in writing, and a reasonable opportunity to answer the complaint, including a hearing if requested by the owner or tenant, and

(f) if the person is a tenant, given notice of the complaint to the person's landlord and to the owner.

(2) The strata corporation must promptly give notice in writing of a decision on a matter referred to in subsection (1) (a), (b) or (c) to the persons referred to in subsection (1) (e) and (f).

(3) Once a strata corporation has complied with this section in respect of a contravention of a bylaw or rule, it may impose a fine or other penalty for a continuing contravention of that bylaw or rule without further compliance with this section.

It is likely quite clear to you that the imposition of a fine for a by-law violation, or a conduct issue, will require compliance with the statute – i.e. written notice to the alleged

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offender and the possibility of a hearing.

BUT – what about the levying of a fine for late payment of the monthly strata fee? The answer, technically, is that the same provisions apply. At this time we are still levying fines on owners' accounts but we are not following the provisions of the Act as outlined above. Your comments and instructions would be appreciated.

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As a reminder, please note the following sections of the statute:

Section 132 Maximum Fines (Strata Property Act)

(1) The strata corporation must set out in its bylaws the maximum amount it may fine an owner or tenant for each contravention of a bylaw or rule.

(2) The strata corporation may set out in its bylaws

(a) different maximum amounts of fines for different bylaws and rules, and

(b) the frequency at which fines may be imposed for a continuing contravention of a bylaw or rule.

(3) The maximum amount of a fine and the maximum frequency of imposition of fines must not exceed the maximums set out in the regulations.

Section 7.1 Maximum Fines (Regulations)

7.1 (1) *For the purposes of section 132 of the Act, the maximum amount that a strata corporation may set out in its bylaws as a fine for the contravention of a bylaw or rule is:*

(a) \$200 for each contravention of a bylaw, and

(b) \$50 for each contravention of a rule.

(2) *Despite subsection (1), the maximum amount that a strata corporation may set out in its bylaws as a fine for the rental of a residential strata lot in contravention of a bylaw that prohibits or limits rentals is \$500 for each contravention of the bylaw.*

(3) *For the purposes of section 132 of the Act, the maximum frequency that a strata corporation may set out in its bylaws for the imposition of a fine for a continuing contravention of a bylaw or rule is every 7 days.*

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