

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

BYLAW CONFUSION?

There continues to be widespread confusion about the bylaws which accompany the new *Strata Property Act*. These are referred to as the "Schedule of Standard Bylaws".

Strata corporations which were filed in a Land Title Office after July 1, 2000 automatically inherit the bylaws of the new *Strata Property Act*. Any strata corporations which were registered prior to June 30, 2000 will continue to operate with the bylaws that were in force as of June 30, 2000. This would include the Part 5 bylaws of the Condominium Act and any other amendments that strata corporations may have registered in a Land Title Office prior to June 30, 2000.

After January 1, 2002 any bylaws which were created by a strata corporation and filed in a Land Title Office will continue to be in force even if those bylaws should conflict with the bylaws of the new *Strata Property Act*. If the strata corporation's bylaws conflict with anything in the statute, they will be deemed null and void after January 1, 2002. However, any such bylaw will continue to remain in force and effect until December 31, 2001.

Bulletin #9

There is some debate in the academic community as to whether or not the Part 5 Condominium Act bylaws, if they have been registered in a Land Title Office by a strata corporation, will continue to be in force after January 1, 2002. There are some who say that the new *Strata Property Act* bylaws will automatically replace the Condominium Act bylaws as of that date; however, there is another school of thought which says that, if the bylaws of the Condominium Act were actually registered in a Land Title Office, they will continue after January 1, 2002. Obviously there is some time to sort out this debate but it is something that you should be aware of as we go through 2001.

Speaking of 2001, VCS has prepared, through a leading Vancouver law firm, an extensive package of bylaws, dealing with various requirements of the *Strata Property Act*, which will be made available in the new year for your consideration. More details will follow in January.