

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.

BYLAWS

We continue this month to flog the matter of bylaws. Many people have a good grasp on the mechanics but there are many that do not and there are numerous misconceptions surfacing all the time. So we thought we'd put you to the test this month...literally.

All set?

TESTING, TESTING, TESTING....

- (1) The effective date of the new *Strata Property Act*
 - (a) July 1/00
 - (b) July 1/01
 - (c) January 1, 2001
 - (d) January 1, 2002

- (2) The effective date of the bylaws of the new *Strata Property Act*
 - (a) July 1/00
 - (b) July 1/01
 - (c) January 1, 2001
 - (d) January 1, 2002

- (3) Bylaws which have previously been enacted by your strata corporation and filed in the Land Title Office
 - (a) remain in effect until December 31, 2001; then they expire and must be reenacted;
 - (b) subject to conflict with the statute, remain in effect forever until amended or repealed.

- (4) If your strata corporation has a registered bylaw which conflicts with a bylaw in the new Schedule of Standard Bylaws:
 - (a) your bylaws must be amended to comply;
 - (b) your bylaw is superior and takes precedence over the SPA bylaw;
 - (c) both bylaws are in force and effect.

- (5) If your strata corporation has a registered bylaw which conflicts with a provision of the statute (i.e., the *Strata Property Act*)
 - (a) your bylaw is superior and takes precedence over the statute since it is a registered bylaw;
 - (b) your bylaw is valid until December 31, 2001 and then it dies;

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- (c) your bylaw is no longer valid right now.
- (6) The new Schedule of Standard Bylaws of the SPA
- (a) can be amended prior to December 31, 2001 to remove any bylaws not desired by your strata corporation;
 - (b) cannot be amended until after January 1, 2002.
- (7) Your strata council can tidy-up (amend) bylaws from the new *Strata Property Act*
- (a) prior to December 31, 2001 without convening a Special or Annual General Meeting and passing a 3/4 vote;
 - (b) prior to December 31, 2001 but a 3/4 vote must be taken on the proposed changes at a Special or Annual General Meeting.
- (8) If your strata corporation has previously registered the Part V bylaws of the *Condominium Act* in the Land Title Office, those bylaws
- (a) automatically expire and are replaced with the new SPA bylaws;
 - (b) remain in force and effect even though the new *Strata Property Act* says that its bylaws replace the *Condominium Act* bylaws.
- (9) If an owner causes a flood and the insurance deductible is \$2,500, your council can
- (a) charge the deductible to the owner even if you have no bylaw to that effect;
 - (b) charge the deductible to the owner only if there is a bylaw to that effect but this bylaw will expire on December 31, 2001 and after that the strata corporation cannot charge the owner;
 - (c) charge the deductible now and beyond January 1, 2002 if there is a registered bylaw to that effect.

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(10) All this bylaw stuff gives you a headache.

True _____ False _____

ANSWERS

<u>Question</u>	<u>Answer</u>	<u>Where does it say that?</u>
(1)	(a)	By proclamation of the Lieutenant Governor in Council
(2)	(d)	Regulation 17.11(1) <i>(Note, however, that Regulation 17.9 pertaining to Bylaw 1 which requires strata fees to be paid on the first of each month, states that the bylaw is in effect if a strata corporation does not have such a bylaw).</i>
(3)	(b)	Regulation 17.11(2)
(4)	(b)	Regulation 17.11(4) and also Regulation 17.11(3)(a)
(5)	(b)	Regulation 17.11(5)
(6)	(a)	This is not an item in the legislation. It is a "practice point".
(7)	(b)	The Act is "silent" on this procedure; however, Section 128(1)(a) is the method for amending bylaws.
(8)	(b)	Regulation 17.11(4)
(9)	(b)	Section 158(1)
(10)	True.	You are human.

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Note that the regulations to the *Strata Property Act* significantly control (dominate?) the actions of strata council. Make sure you have a copy of the Regulations, not just the Act. Also note that Vancouver Condominium Services Ltd. is not purporting to offer legal advice or opinions. Your strata corporation and council should rely on professional advice from legal counsel.

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