

Bill 44

Amendments to the Strata Property Act

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November 30, 2022



*We gratefully acknowledge our partnership with
BC Housing as part of the Building Excellence
Research & Education Grants Program*



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The Key Changes from Bill 44

- **Rental bylaws are no longer enforceable**
- **The only permitted age restriction Bylaw is 55 and over**
- **Electronic General Meetings are permitted without the need for a bylaw**



End of Rental Bylaws (s. 141)

No restriction of rentals by strata corporation

141 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.

Sections 142, 143, 144 and 145 are repealed.

Impact

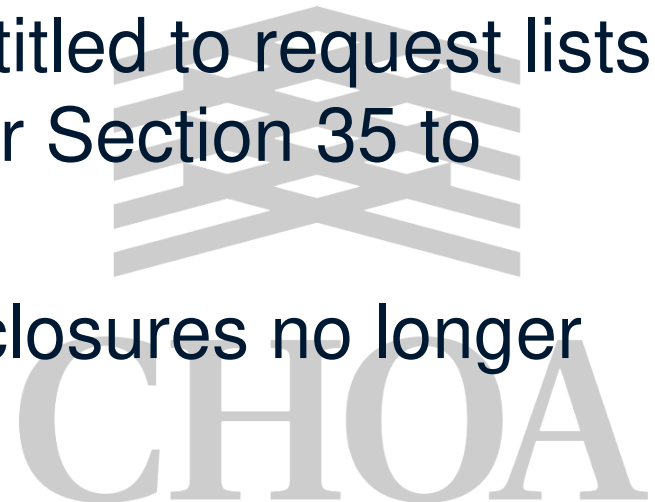
No restriction of rentals by strata corporation

- This applies to all strata corporations, including Bare Land
- A Form K Notice of Tenant's Responsibilities applies to all rentals
- A strata corporation continues to collect tenant contact information
- Bylaw enforcement applied to tenants must also include landlords/owners

Impact

No restriction of rentals by strata corporation

- 12 Section 59 (3) (l) and (4) (c) is repealed.
- This means the total number of rentals is no longer disclosed on a Form B Information Certificate.
- Owners (buyers) are still entitled to request lists of owners and tenants under Section 35 to determine rental capacities
- Owner developer rental disclosures no longer apply



Short Term Accommodations

Bylaws that prohibit short term accommodations are still permitted and continue to be in full effect

Short term accommodations are less than 30 days consecutively

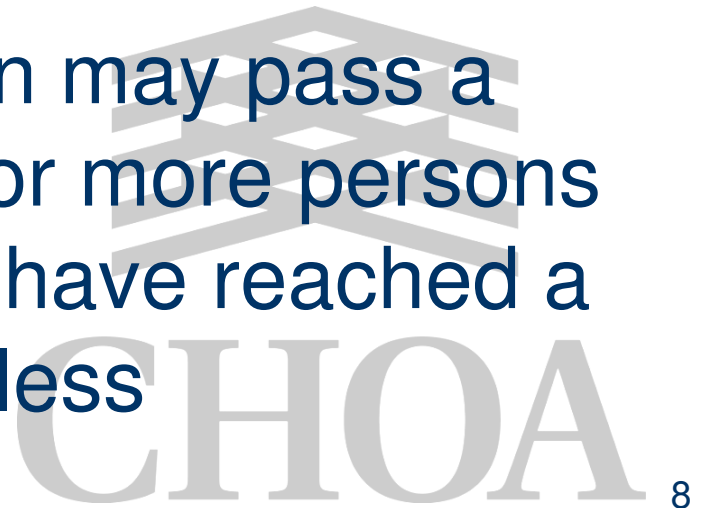
Fines of up to \$1,000 per day still apply if the bylaws are amended



Age Restrictions (s. 123.1)

(1) The strata corporation must not pass a bylaw that restricts the age of persons who may reside in a strata lot except as permitted by subsection (2).

(2) The strata corporation may pass a bylaw that requires one or more persons residing in a strata lot to have reached a specified age that is not less than 55 years.



Age Restriction Limitations (s. 123.2)

However even this enforceable age restriction is **not** enforceable against two classes of persons.....with the potential for more “prescribed” classes in the future

Age Restriction Limitations

A person who:

- Resided in the strata lot immediately before the bylaw was passed;
- By residing in the strata lot, did not contravene any bylaw restricting age in the strata lot; and
- Continues to reside in the strata lot after the bylaw is passed

Age Restriction Limitations

A person who:

- Is a caregiver;
- Resides in the strata lot for the purpose of providing care to another person who resides in the strata lot; and
- The person receiving care depends on the caregiver for continued assistance or direction due to disability, illness or frailty

Electronic Meetings (s. 49)

Strata Corporations can provide for attendance and voting by telephone or “other electronic means” at Annual and Special General Meetings provided that:

- The General Meeting Notice includes instructions for electronic attendance;
- The electronic means must enable all persons attending the meeting to communicate with each other
- The electronic means must enable the Chairperson to identify whether a person attending the meeting by electronic means is an eligible voter

Electronic Meetings (s. 49)

Despite a strata corporation's bylaws:

- A voting card is not required to be issued to an eligible voter attending a General Meeting by electronic means
- An eligible voter attending a General Meeting by electronic means is neither entitled nor required to vote by secret ballot
- Persons attending via electronic means are deemed to be present "in person" at the General Meeting

Electronic Meetings: Implications

- **No secret ballots at electronic meetings**
- **The chairperson must be able to identify eligible voters**
- **Voting cards are not required**
- **Persons who attend electronic meetings are deemed to be present in person**

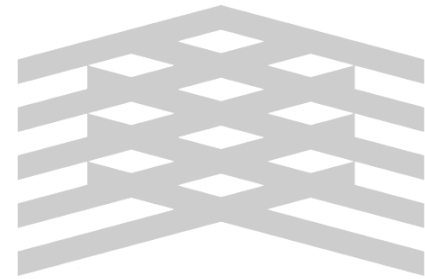


Questions:

- **Does this mean that rental restrictions bylaws do not apply to age restrictions of 55 and over?**
- **If we have a 55 and over bylaw, do tenants have to be 55 and over?**

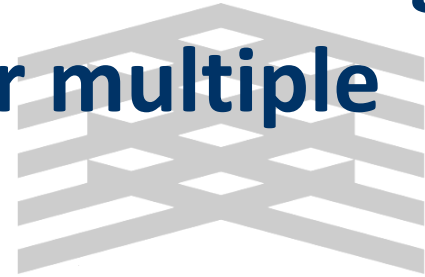
Questions:

- **We have a 45 and over bylaw, is there any “grandfathering” in place for existing bylaws?**



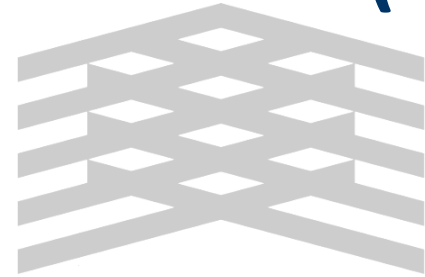
Questions:

- Will the Bill 44 “ban” on rental restrictions now enable an owner of a large rental suite to turn it into a single room occupancy rental for multiple tenants?



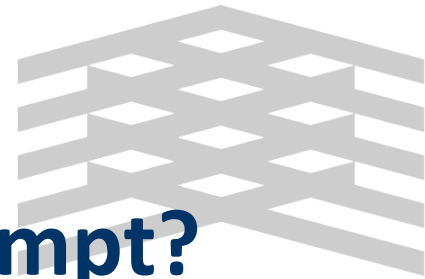
Questions:

- Can we create and adopt a Bylaw by a $\frac{3}{4}$ vote that states: tenancy agreements must be of no less than 12 months (or even greater)?



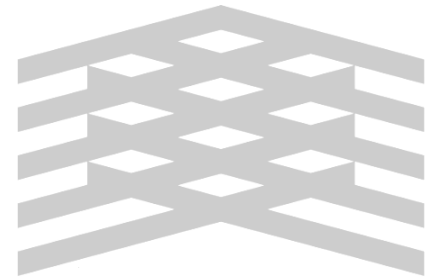
Questions:

- If we adopt a 55 and over bylaw for occupants, when does the bylaw come into effect?
- Are existing residents exempt?



Questions:

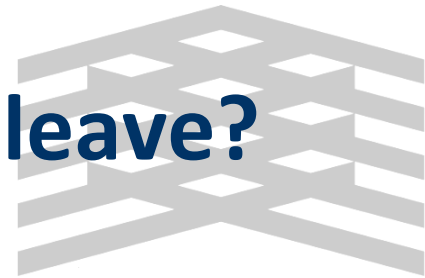
- If we cannot limit rentals, can we prohibit subletting by tenants?



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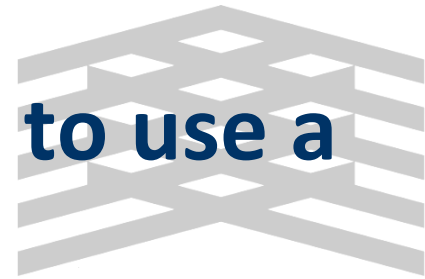
Questions:

- Do all other bylaws such as pets, noise, use of property, apply to tenants ?
- Can we fine tenants ?
- How do we collect if they leave?



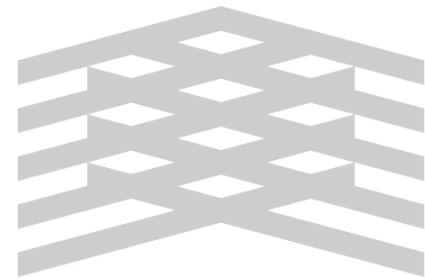
Questions:

- Does our strata corporation need to repeal our rental bylaws?
- Can we require a landlord to use a licensed rental agent?



Questions:

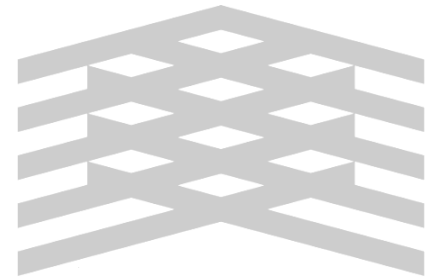
- Can a strata corporation evict a problem tenant?
- When?
- How?



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Questions:

- If our strata is in the process of enforcing a rental bylaw, does it all simply get cancelled now?



Thank you



Go to the CHOA Web Site to download the updated legislation. Current versions of the Strata Property Act are available through the CHOA office.

www.choa.bc.ca

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