

## **118 Aldersmith Place Strata Council**

### **Procedures in Dealing with Complaints of Alleged Strata Bylaw and Rule Violations.**

#### **Considerations**

The spirit of the bylaws and rules enforcement process is to discourage unsanctioned behaviour after a complaint has been filed by a resident. It is not intended to encourage policing behaviour or looking for reasons to fine a resident.

Once a complaint has been brought forward, the Strata council's goal with the process should be to resolve the complaint with the least aggressive remedy. First time offenses should be considered an educational opportunity. Continued infractions could justify escalating fines.

#### **Processing Complaints**

**Step One:** The aggrieved party complaining of a bylaw or rule breach by another owner or tenant must make a complaint to the strata council in writing with specific details about the infraction, and the time and place that it occurred. A photo, that is considerate of privacy issues, can be useful to capture the infraction.

**Step Two:** The strata council must then give the alleged bylaw or rule offender written notice of the complaint and advise him or her that they have two weeks to respond to the complaint in writing to the strata council and/or request a hearing at a council meeting.

If the alleged offender is a tenant, the strata council must also give the owner written notice of the complaint.

**Step Three:** Depending on the response or lack thereof from the alleged offender, the strata council must decide whether to proceed with enforcement. Enforcement may be in the form of a warning or monetary penalty. The strata council must give written notice of its decision, "as soon as feasible" to the offender or alleged offender and the owner, if the offender or alleged offender is a tenant.

**Note:** All correspondence should be in writing. If there are problems in the future, the strata will have documentation that steps were followed in the complaint resolution process.

**Note:** If the alleged offender is a strata council member, that member must excuse themselves from the complaint process;

## Enforcement Options Available to Strata Council

The strata's goal is to discourage unsanctioned behaviour, not punish the owner or tenant. Education through follow-up to the original notice sent in step 1 may be sufficient.

If the strata council has determined that a breach of a bylaw or rule occurred, they may do any of the following:

- give the owner/resident time to comply with the bylaw or rule that has been breached;
- give the owner/resident a warning;
  - The council's goal is to discourage unsanctioned behaviour, not punish the owner or tenant, so sending a short, informative reminder to first time offenders can be effective. This gives the alleged offender time to comply with the bylaw or rule. Following a warning, if the breach is corrected, the strata council may decide not to take any further steps.
- impose a fine against an owner or resident;
  - the fine must not exceed the maximum fine amount set out in the bylaws of the strata corporation which are:

*26 (1) The strata corporation may fine an owner or tenant a maximum of*  
*(a) up to \$200.00, in the discretion of the strata council, for each*  
*contravention of a bylaw (save and except for a rental bylaw where the*  
*fine may be not more than \$500.00), and*  
*(b) up to \$50.00 in the discretion of the strata council, for each*  
*contravention of a rule.*  
and

- reimpose a fine;
  - If an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without satisfactory remediation, for longer than 7 days, a fine may be imposed every 7 days.
  - A fine can be imposed or reimposed if the infraction occurred within 6 months of the previous infraction, otherwise the process must start from the beginning.

## Note as to Role of Property Manager

The strata property manager will assist the strata council in advising on, and enforcing the strata's bylaws and rules. However, council members are ultimately responsible for ensuring that their obligations under the Strata Property Act are fulfilled.

On the authorization of the council, Property managers can issue fines or other penalties, but they cannot:

- determine if a person has broken a bylaw or rule
- determine if a person should be fined, or
- determine if a person should be denied access to a shared facility

They can carry out actions that have been approved by the strata council.