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INFORMATION ON RENTAL BYLAWS

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The rental of strata lots is governed by Part 8 of the Strata Property Act, which allows a strata corporation to regulate the rental of a residential strata lot. The Strata Council may approve a rental restriction bylaw which can:

- prohibit the rental of residential strata lots;
- limit the number of residential strata lots that may be rented (such a bylaw must set out the procedure to be followed in administering the limit); or
- limit the length of time the residential strata lots may be rented.

Unless the owner is a first purchaser of a strata lot (i.e. the first purchaser is the owner who bought from the developer), a rental restriction bylaw does not apply to a strata lot until the later of one year after a tenant who is occupying the strata lot at the time the bylaw is passed ceases to occupy it as a tenant, and one year after the bylaw is passed.

Different exemptions apply if the owner of the strata lot is the first purchaser. If a Rental Disclosure Statement ("RDS") has been filed with the Superintendent of Real Estate pursuant to the Strata Property Act, a rental restriction bylaw will not apply until the earlier of the date the strata lot is conveyed by the first purchaser and the date disclosed in the RDS. Where the RDS discloses an "indefinite" expiry date, the first purchaser of that strata lot is effectively exempted from any rental restriction bylaw. This exemption does not pass to a subsequent purchaser. If the RDS discloses a definite expiry date, the purchaser is in the same position as a subsequent purchaser on the expiry date. Where a RDS has been filed under the Condominium Act, a rental restriction bylaw will not apply until the earlier of the strata lot is conveyed by the first purchaser and the date the RDS expires. Subsequent purchasers will be subject to a rental restriction bylaw on the earlier of the date the RDS expires and January 1, 2006.

Please note that rental bylaws will not apply to a unit if the owner wishes to rent the unit to a family member (a spouse of the owner or a parent or child of the owner or of the owner's spouse). Further, there may be an exemption allowed by the strata corporation because the rental restriction bylaw causes hardship (the application must be in writing and the strata corporation must give its decision within certain time limits, failing which the exemption is allowed; furthermore, the strata corporation must not unreasonably refuse to grant an exemption).

Please remember that the Strata Property Act may frequently change. While we try to keep our website up to date as much as possible, please do not rely upon the information without talking to one of our lawyers.

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