

4

Condominium bylaws

Bylaws govern the operation of a condominium and what the corporation, the board of directors, and the unit owners may and may not do.

Bylaw topics

Bylaws can cover a wide variety of topics; however, every condominium corporation is required to have bylaws about:

- control and management of units, any common property and any common assets;
- the board of directors and administration of the corporation;
- insurance; and
- the interest rate that the corporation may charge (for example, on unpaid assessments or fines).

A condominium corporation may also have bylaws about:

- terms and conditions for the exclusive use of the common property and common assets;
- sections within mixed use developments;
- casting deciding votes to break tie votes;
- attendance at general meetings and electronic voting;
- fines;
- expenses not included in the annual budget; and
- other matters under the legislation.

Initial bylaws

The developer is responsible to prepare the initial bylaws when creating a condominium. The condominium corporation can change the initial bylaws to suit the needs of the owners.

Bylaw amendments

The bylaws of a condominium corporation can be changed or replaced by a special resolution; however, changes to bylaws do not take effect until the changes are filed in the Land Titles Office. The condominium corporation must inform unit owners and residents of any change to the bylaws as soon as possible.

Restrictions on bylaws

Bylaws are void if they conflict with legislation, the condominium plan or the declaration. Bylaws may not restrict an owner's right to freely sell, lease or mortgage a unit but may regulate use through rental restrictions. They also cannot change the implied easements of any unit, any common property or any common assets. Bylaws with rental restrictions do not apply to a unit owner's family.

Bylaws are allowed to limit the number of people and pets living in a unit, as well as the age of occupants. However, this does not apply to occupants and pets in pre-existing residential units. A bylaw can also restrict activities related to the sale or rental of units, including the use of advertising and signs.



Bylaw exemptions for rentals

The Act allows a unit owner to apply to the board for an exemption from a bylaw that prohibits or limits rentals. The board may choose to grant an exemption for a limited time.

Tenants and bylaws

Before renting a unit, owners who are landlords must give tenants a copy of:

- the Notice of Tenant's Responsibilities and obtain their signature; and
- the corporation's bylaws and rules.

 The Notice of Tenant's Responsibilities form is available from yukoncondos.ca.

Once the unit is rented, the landlord has two weeks to provide the condominium corporation with information about the tenant.

If the landlord does not follow these requirements, the tenant may request the information be provided. If the landlord fails to do so within 90 days, the tenant may end the tenancy without penalty. This also applies if a landlord fails to correct a lease that conflicts with the bylaws.

The tenant has to follow the bylaws and rules even if a landlord fails to comply with these requirements.

The condominium corporation may enforce its bylaws through various options including:


- fines;
- charging unit owners for repairs;
- restricting access to recreational facilities; and
- evicting tenants in the case of a repeated or continuing contravention of a significant bylaw.

Disputes

Disputes between a unit owner and condominium corporation can be settled through a voluntary resolution process which may be outlined in the bylaws. Any statement or document made during this process cannot be used in a court action or arbitration.

Transition

The bylaws of a condominium that were in force prior to the *Condominium Act, 2015* will remain in effect until they are amended, added to, replaced or repealed. When changing bylaws that were in force before the Act, the condominium corporation must update all other existing bylaws to comply with the *Condominium Act, 2015* and its regulations.

 **Note:** this fact sheet is based on the *Condominium Act, 2015* and its regulations which will come into force on October 1, 2022. It is intended as a simplified general resource and is not to be considered legal advice or legal opinion. Please seek legal advice about any specific issues.