



January 17, 2023

To our highly esteemed Clients:

RE: New Legislation Affecting Strata Corporations in BC Now in Effect

New legislation has been passed recently by the Provincial Government. These Strata Property Act amendments received royal assent and are now in full effect.

BILL 44 has now been passed to amend the Strata Property Act in the following four areas:

- A. To cancel and prohibit all rental restrictions, including cancelling the enforceability of bylaws restricting duration of rentals, number of rentals or rental prohibitions.
- B. To cancel and prohibit age restriction bylaws, except only for age restriction bylaws reserving occupancy for residents 55 years of age and older.
- C. Authorization for remote attendance electronic general meetings and hybrid in-person/ electronic meetings, with a delayed requirement to ensure that there be a method to confirm attendee eligibility during an electronic meeting.
- D. To allow strata councils to use the Residential Tenancy Branch to evict tenants.

Please visit www2.gov.bc.ca for more information on the updates to the Strata Property Act; excerpts below:

No strata rental-restriction bylaws allowed (Nov 24, 2022)

As of November 24, 2022, no strata corporation or section is allowed to have a residential rental-restriction bylaw. All strata rental-restriction bylaws are invalid. (Note: no strata bylaw changes are required as provincial legislation changed). **Short-term rental strata bylaws** are allowed and a strata corporation or section may have, or create, a bylaw banning or limiting short-term rentals.

Reference (Nov 27, 2022): **Progress of Bills, 3rd Session, 42nd Parliament (2022)**; Bill 44, Building and Strata Statues Amendment Act.

Note: Bylaws not in compliance are deemed unenforceable. Rental waiting lists and requests to rent or hardships are therefore no longer applicable.



Strata age-restriction bylaws limited to age 55+ (Nov 24, 2022)

As of November 24, 2022, only strata bylaws which limit occupants to age 55+ are allowed; any strata age-restriction bylaw restricting ages to less than age 55 is invalid. Strata corporations and sections are allowed to have age-restriction bylaws that require one or more persons residing in the strata lot to have reached an age that is not less than 55 years. The legislation also allows any live-in caregiver, including caregivers under the age of 55, to live in a strata corporation or section with a 55+ age restriction bylaw. These changes apply regardless of existing strata bylaws.

Reference (Nov 27, 2022): **Progress of Bills, 3rd Session, 42nd Parliament (2022)**; Bill 44, Building and Strata Statutes Amendment Act.

Section 123 of the *Strata Property Act* provides exemptions or "grandfathering" for those residing in the strata when a Strata institutes an age 55+ bylaw. Exemptions on age, remain for caregivers.

Electronic participation in general meetings (Nov 24, 2022)

Effective November 24, 2022, all strata corporations in B.C. are allowed to conduct annual and special general meetings by electronic means or use a hybrid of in-person and electronic participation. The strata council chooses the format of the meeting and must include in the meeting notice, instructions for participating by phone or other electronic means if permitted. No strata bylaw is required. There will be a four-month transition period (to March 24, 2023) before strata corporations must comply with the new legislative requirements when holding electronic or hybrid meetings.

This legislation replaces the previous regulation which had permitted all strata in British Columbia to conduct meetings by an electronic method until December 31, 2022.

Associated Property Management (2001) Ltd. will continue to incorporate these changes into our processes accordingly. Your Licensed Strata Manager has been educated on the changes and is well equipped to assist Strata Council in applying the legislative changes in a professional and competent manner.

Yours truly,

A handwritten signature in black ink, appearing to read 'Robert T. Zivkovic', written over a light blue horizontal line.

Robert T. Zivkovic
Owner/Broker
Associated Property Management (2001) Ltd. Management

3rd Session, 42nd Parliament (2022)
FIRST READING

The following electronic version is for informational purposes only. The printed version remains the official version.

HONOURABLE MURRAY RANKIN
ATTORNEY GENERAL AND MINISTER
RESPONSIBLE FOR HOUSING

BILL 44 – 2022
BUILDING AND STRATA STATUTES AMENDMENT ACT, 2022

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Building Officials' Association Act

Explanatory note:

1 Section 9 (1) of the Building Officials' Association Act, S.B.C. 1997, c. 16, is amended

- (a) **by striking out** "and without limitation," **and substituting** "and, without limitation," **and**
- (b) **in paragraph (d) by striking out** "provide for the date of and place for holding" **and substituting** "set the dates and, if applicable, places of".

Explanatory note:

2 Section 10 is amended

(a) by repealing subsection (2) (a) and (b) and substituting the following:

(a) respecting annual general meetings, special general meetings and other meetings of members, including

- (i) the timing of meetings,
- (ii) meeting procedures, and

(iii) providing for attendance and voting in person or by a communications medium;

(b) respecting voting by members who are not in attendance at a meeting, including voting by mail ballot or proxy; **and**

(b) by repealing subsection (3) and substituting the following:

(3) A bylaw, amendment to a bylaw or repeal of a bylaw under this section does not take effect until approved at an annual general meeting or a special general meeting by at least 3/4 of the total votes cast by eligible members in accordance with the bylaws.

Explanatory note:

3 Section 12 (2) is amended by striking out "he or she" and substituting "the person".

Explanatory note:

4 Section 13 (5) (c) is amended by striking out "in his or her possession or control" and substituting "in the possession or control of the witness, member or former member".

Explanatory note:

5 Section 14 is amended

- (a) in subsection (1) (e) by striking out "his or her ability" and substituting "the ability of the member or former member",*
- (b) in subsection (2) (f) by striking out "on the member resuming his or her membership" and substituting "respecting the reinstatement of the member's membership", and*
- (c) in subsection (3) (b) by striking out "on the former member resuming his or her membership" and substituting "respecting the reinstatement of the former member's membership".*

Strata Property Act

Explanatory note:

CLAUSE 6: [Strata Property Act, section 11] is consequential to the repeal by this Bill of section 139 of the Act.

6 Section 11 (b) of the Strata Property Act, S.B.C. 1998, c. 43, is repealed.

Explanatory note:

CLAUSE 7: [Strata Property Act, section 20] is consequential to the repeal by this Bill of section 139 of the Act.

7 Section 20 (2) (a) (iv) is amended by striking out "or section 139 of this Act".

Explanatory note:

CLAUSE 8: [Strata Property Act, section 27] is consequential to the repeal by this Bill of section 144 of the Act.

8 Section 27 (2) (b) is amended by adding "or" at the end of subparagraph (iii), by striking out "or" at the end of subparagraph (iv) and by repealing subparagraph (v).

Explanatory note:

CLAUSE 9: [Strata Property Act, section 45] expands the requirements respecting what must be included in a notice of an annual or special general meeting of a strata corporation.

9 Section 45 (3) is repealed and the following substituted:

- (3) Notice of an annual or special general meeting must include the following:
- (a) a description of the matters that will be voted on at the meeting, including the proposed wording of any resolution requiring a 3/4 vote, 80% vote or unanimous vote;
 - (b) the date, time and, if applicable, place of the meeting;
 - (c) if attendance by telephone or other electronic means will be permitted, instructions for attending the meeting by electronic means.

Explanatory note:

CLAUSE 10: [Strata Property Act, section 48] is consequential to the amendments made by this Bill to the Act.

10 Section 48 (3) is amended by striking out "at the same place and time but," and substituting "at the same time and, if applicable, place, but".

Explanatory note:

CLAUSE 11: [Strata Property Act, section 49]

- authorizes a strata corporation to provide for attendance and voting by telephone or other electronic means at an annual or special general meeting;
- specifies procedural requirements for attendance by electronic means;
- makes a housekeeping amendment.

11 Section 49 is repealed and the following substituted:

Electronic attendance at annual and special general meetings

(1) If the requirements of subsection (2) are met, a strata corporation may provide for attendance and voting by telephone or other electronic means at an annual or special general meeting of the strata corporation.

(2) The requirements for the purposes of subsection (1) are as follows:

(a) the notice given under section 45 must include instructions for attending the meeting by electronic means;

(b) the electronic means must enable all persons attending the meeting to communicate with each other;

(c) the electronic means must enable the chair of the meeting to identify whether a person attending by electronic means is an eligible voter.

(3) Despite the bylaws of a strata corporation,

(a) a voting card is not required to be issued to an eligible voter attending an annual or special general meeting by electronic means, and

(b) an eligible voter attending an annual or special general meeting by electronic means is not entitled or required to vote by secret ballot.

(4) A person who attends an annual or special general meeting as provided for under subsection (1) is deemed to be present in person at the meeting.

Explanatory note:

CLAUSE 12: [Strata Property Act, section 59]

- repeals a requirement for a strata corporation to disclose to an owner or purchaser the number of strata lots rented;
- is consequential to the repeal by this Bill of section 139 of the Act.

12 Section 59 (3) (l) and (4) (c) is repealed.

Explanatory note:

CLAUSE 13: [Strata Property Act, sections 107 and 108] replaces gendered language with gender-neutral language.

13 Sections 107 (1) and 108 (4.1) are amended by striking out "his or her" and substituting "the owner's".

Explanatory note:

CLAUSE 14: [Strata Property Act, section 121]

- removes a reference to bylaws restricting or prohibiting rental of strata lots, consequential to amendments made by this Bill to section 141 of the Act;
- adds a reference for clarity and consistency.

14 Section 121 (2) is amended

(a) by repealing paragraph (a), and

(b) in paragraph (c) by striking out "restricting" and substituting "under section 123.1 (2) that restricts".

Explanatory note:

CLAUSE 15: [Strata Property Act, section 123] makes housekeeping amendments and is consequential to the addition by this Bill of sections 123.1 and 123.2 to the Act.

15 Section 123 is repealed and the following substituted:

Limits to pet bylaws

123 (1) In this section, "**guide dog**", "**retired guide or service dog team**" and "**service dog**" have the same meaning as in the Guide Dog and Service Dog Act.

(2) A bylaw that prohibits a pet does not apply in respect of a pet living with an owner, tenant or occupant if

- (a) immediately before the bylaw was passed,
 - (i) the pet lived with the owner, tenant or occupant, and
 - (ii) by living with the pet, the owner, tenant or occupant was not contravening any bylaw prohibiting a pet, and
- (b) the pet continues to live with the owner, tenant or occupant after the bylaw is passed.

(3) A bylaw that prohibits a pet or other animal or that restricts the access of a pet or other animal to a strata lot or common property does not apply to

- (a) a guide dog or service dog, or
- (b) a dog that is a member of a retired guide or service dog team if the person who is a member of the team is an owner, tenant or occupant.

Explanatory note:

CLAUSE 16: [Strata Property Act, sections 123.1 and 123.2]

- prohibits a strata corporation from passing an age restriction bylaw other than a bylaw requiring one or more residents of a strata lot to have reached a specified age that is not less than 55 years;
- provides that an age restriction bylaw does not apply to certain people, including people living in the strata lot when the bylaw is passed and live-in caregivers.

12 Section 59 (3) (l) and (4) (c) is repealed.

16 The following sections are added:

Age restriction bylaws

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 bylaws

123.2 A requirement in a bylaw for one or more persons residing in a strata lot to have reached a specified age does not apply to any of the following persons:

- (a) a person who meets all of the following criteria:
 - (i) immediately before the bylaw was passed,
 - (A) the person resided in the strata lot, and
 - (B) by residing in the strata lot, the person was not contravening any bylaw restricting the age of persons who may reside in the strata lot;
 - (ii) the person continues to reside in the strata lot after the bylaw is passed;
- (b) a caregiver who resides in the strata lot for the purpose of providing care to another person who
 - (i) resides in the strata lot, and
 - (ii) is dependent on caregivers for continuing assistance or direction because of disability, illness or frailty;
- (c) a person in a prescribed class of persons.

Explanatory note:

CLAUSE 17: [Strata Property Act, sections 139 and 140] repeals the requirement for owner developers who rent or intend to rent strata lots to prepare a Rental Disclosure Statement.

17 Sections 139 and 140 are repealed.*Explanatory note:*

CLAUSE 18: [Strata Property Act, section 141] prohibits strata corporations from restricting the rental of strata lots to tenants.

18 Section 141 is repealed and the following substituted:**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.

Explanatory note:

CLAUSE 19: [Strata Property Act, sections 142, 143, 144 and 145] repeals provisions related to bylaws restricting or prohibiting the rental of strata lots, consequential to amendments made by this Bill to section 141 of the Act.

19 Sections 142, 143, 144 and 145 are repealed.*Explanatory note:*

CLAUSE 20: [Strata Property Act, section 148] replaces gendered language with gender-neutral language.

20 Section 148 (7) is amended by striking out "his or her" and substituting "the landlord's".*Explanatory note:*

CLAUSE 21: [Strata Property Act, section 166] replaces gendered language with gender-neutral language.

21 Section 166 (3) is amended by striking out "his or her" and substituting "the owner's".*Explanatory note:*

CLAUSE 22: [Strata Property Act, section 173] replaces gendered language with gender-neutral language.

22 Section 173 (1) (a) is amended by striking out "he or she" and substituting "the owner, tenant or other person".*Explanatory note:*

CLAUSE 23: [Strata Property Act, section 179] replaces gendered language with gender-neutral language.

23 Section 179 (6) is amended by striking out "his or her" and substituting "the party's".*Explanatory note:*

CLAUSE 24: [Strata Property Act, sections 184 and 185] replaces gendered language with gender-neutral language.

24 Sections 184 (4) and 185 (1) are amended by striking out "he or she" and substituting "the arbitrator".*Explanatory note:*

CLAUSE 25: [Strata Property Act, section 292]

- provides authority to make regulations to exempt additional categories of persons from age restriction bylaws, consequential to the addition by this Bill of section 123.2 to the Act;
- is consequential to the repeal by this Bill of section 142 of the Act.

25 Section 292 (3) is amended

(a) by adding the following paragraph:

(a.6) prescribing classes of persons for the purposes of section 123.2 (c); , and

(b) by repealing paragraph (b).

Explanatory note:

CLAUSE 26: [Strata Property Act, section 4 of the Schedule of Standard Bylaws] replaces gendered language with gender-neutral language.

26 The Schedule of Standard Bylaws is amended in section 4 (2) by striking out "his or her" and substituting "the tenant's".

Explanatory note:

CLAUSE 27: [Strata Property Act, section 17 of the Schedule of Standard Bylaws] is consequential to the repeal by this Bill of section 144 of the Act.

27 The Schedule of Standard Bylaws is amended by repealing section 17 (4) (b).

Transitional Provisions

Explanatory note:

CLAUSE 28: [Strata Property Act transition – electronic attendance at meetings] authorizes attendance and voting by telephone or other electronic means at annual and special general meetings of strata corporations during a 4-month period beginning on the date the transitional provision comes into force.

Strata Property Act transition – electronic attendance at meetings

28 (1) In this section:

"strata property meeting" means an annual or special general meeting of a strata corporation;

"transition period" means the period beginning on the date this section comes into force and ending 4 months after the date this section comes into force.

(2) Despite sections 45 and 49 of the Strata Property Act and any bylaw of a strata corporation, a strata corporation may provide for attendance and voting by telephone or other electronic means at a strata property meeting held during the transition period if the electronic means enable all persons attending the meeting to communicate with each other.

(3) A person who attends a strata property meeting as provided for under subsection (2) is deemed to be present in person at the meeting.

Explanatory note:

Strata Property Act transition – notice to end tenancy agreement

29 (1) In this section:

"effective date" means the date on which section 19 of this Act comes into force;

"former provision" means section 145 of the Strata Property Act, as it read immediately before the effective date;

"notice" means notice given by a tenant under the former provision.

(2) Subject to subsection (4), if a tenant gives notice before the effective date, the tenant may revoke the notice within 30 days after the effective date.

(3) If a tenant revokes a notice, the tenancy agreement between the tenant and the landlord has the same effect as if the notice had not been given.

- (4) A tenant may not revoke a notice under subsection (2) if, before the effective date,
- (a) the tenant vacated the strata lot,
 - (b) the landlord entered into a tenancy agreement, to begin after the tenant vacates the strata lot, with a new tenant for the strata lot, or
 - (c) the landlord paid reasonable moving expenses to the tenant under the former provision, unless the tenant has repaid the landlord for those expenses.
- (5) If a tenant gives notice before the effective date and does not revoke the notice under subsection (2), the former provision continues to apply in relation to the tenant and the tenant's landlord.

Consequential Amendment

COVID-19 Related Measures Act

Explanatory note:

CLAUSE 30: [COVID-19 Related Measures Act, Schedule 1] is consequential to the amendments made by this Bill to the Strata Property Act.

30 The COVID-19 Related Measures Act, S.B.C. 2020, c. 8, is amended by repealing item 1 of Schedule 1.

Commencement

31 This Act comes into force on the date of Royal Assent.

Explanatory Notes

CLAUSE 1: [Building Officials' Association Act, section 9]

- makes a housekeeping amendment;
- is consequential to the amendments made by this Bill to the Act.

CLAUSE 2: [Building Officials' Association Act, section 10]

- authorizes the executive committee of the Building Officials' Association of British Columbia to make bylaws allowing members to attend and vote at meetings in person or by a communications medium;
- makes a change to account for the possibility that a member may attend and vote at a meeting by a communications medium;
- makes a housekeeping amendment.

CLAUSE 3: [Building Officials' Association Act, section 12] replaces gendered language with gender-neutral language.

CLAUSE 4: [Building Officials' Association Act, section 13] replaces gendered language with gender-neutral language.

CLAUSE 5: [Building Officials' Association Act, section 14] replaces gendered language with gender-neutral language and makes housekeeping amendments.

CLAUSE 6: [Strata Property Act, section 11] is consequential to the repeal by this Bill of section 139 of the Act.

CLAUSE 7: [Strata Property Act, section 20] is consequential to the repeal by this Bill of section 139 of the Act.

CLAUSE 8: [Strata Property Act, section 27] is consequential to the repeal by this Bill of section 144 of the Act.

CLAUSE 9: [Strata Property Act, section 45] expands the requirements respecting what must be included in a notice of an annual or special general meeting of a strata corporation.

CLAUSE 10: [Strata Property Act, section 48] is consequential to the amendments made by this Bill to the Act.

CLAUSE 11: [Strata Property Act, section 49]

- authorizes a strata corporation to provide for attendance and voting by telephone or other electronic means at an annual or special general meeting;
- specifies procedural requirements for attendance by electronic means;
- makes a housekeeping amendment.

CLAUSE 12: [Strata Property Act, section 59]

- repeals a requirement for a strata corporation to disclose to an owner or purchaser the number of strata lots rented;
- is consequential to the repeal by this Bill of section 139 of the Act.

CLAUSE 13: **[Strata Property Act, sections 107 and 108]** replaces gendered language with gender-neutral language.

CLAUSE 14: **[Strata Property Act, section 121]**

- removes a reference to bylaws restricting or prohibiting rental of strata lots, consequential to amendments made by this Bill to section 141 of the Act;
- adds a reference for clarity and consistency.

CLAUSE 15: **[Strata Property Act, section 123]** makes housekeeping amendments and is consequential to the addition by this Bill of sections 123.1 and 123.2 to the Act.

CLAUSE 16: **[Strata Property Act, sections 123.1 and 123.2]**

- prohibits a strata corporation from passing an age restriction bylaw other than a bylaw requiring one or more residents of a strata lot to have reached a specified age that is not less than 55 years;
- provides that an age restriction bylaw does not apply to certain people, including people living in the strata lot when the bylaw is passed and live-in caregivers.

CLAUSE 17: **[Strata Property Act, sections 139 and 140]** repeals the requirement for owner developers who rent or intend to rent strata lots to prepare a Rental Disclosure Statement.

CLAUSE 18: **[Strata Property Act, section 141]** prohibits strata corporations from restricting the rental of strata lots to tenants.

CLAUSE 19: **[Strata Property Act, sections 142, 143, 144 and 145]** repeals provisions related to bylaws restricting or prohibiting the rental of strata lots, consequential to amendments made by this Bill to section 141 of the Act.

CLAUSE 20: **[Strata Property Act, section 148]** replaces gendered language with gender-neutral language.

CLAUSE 21: **[Strata Property Act, section 166]** replaces gendered language with gender-neutral language.

CLAUSE 22: **[Strata Property Act, section 173]** replaces gendered language with gender-neutral language.

CLAUSE 23: **[Strata Property Act, section 179]** replaces gendered language with gender-neutral language.

CLAUSE 24: **[Strata Property Act, sections 184 and 185]** replaces gendered language with gender-neutral language.

CLAUSE 25: **[Strata Property Act, section 292]**

- provides authority to make regulations to exempt additional categories of persons from age restriction bylaws, consequential to the addition by this Bill of section 123.2 to the Act;
- is consequential to the repeal by this Bill of section 142 of the Act.

CLAUSE 26: **[Strata Property Act, section 4 of the Schedule of Standard Bylaws]** replaces gendered language with gender-neutral language.

CLAUSE 27: **[Strata Property Act, section 17 of the Schedule of Standard Bylaws]** is consequential to the repeal by this Bill of section 144 of the Act.

CLAUSE 28: **[Strata Property Act transition – electronic attendance at meetings]** authorizes attendance and voting by telephone or other electronic means at annual and special general meetings of strata corporations during a 4-month period beginning on the date the transitional provision comes into force.

CLAUSE 29: **[Strata Property Act transition – notice to end tenancy agreement]** is a transitional rule applicable if a tenant has given notice to end a tenancy agreement because the agreement contravenes a bylaw restricting or prohibiting rentals but the bylaw is no longer enforceable due to amendments made by this Bill to the Act.

CLAUSE 30: **[COVID-19 Related Measures Act, Schedule 1]** is consequential to the amendments made by this Bill to the Strata Property Act.

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