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UPDATE/ADVISORY: Bill 44 was enacted and is now in force November 2022

URGENT UPDATE & ADVISORY!

Mere days following the first public introduction of proposed wording for amendments to the *Strata Property Act*, those amendments were rushed through third reading, enacted, received royal assent, and are largely now in force. Despite earlier indications that there may be a delay to allow strata corporations to adjust their bylaws, the most impactful amendments are already in force (save for inconsequential transitional provisions), and strata corporations have been given no time to adjust their bylaws or enforcement practices, consider how to handle ongoing enforcement steps and litigation, or to inform themselves as to the impact on their strata generally.

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

1. To cancel and prohibit any and all rental restrictions, including cancelling the enforceability of bylaws restricting duration of rentals, number of rentals or rental prohibitions (BUT NOT including short term vacation stays or licenses such as Airbnb or VRBO - which can still be prohibited by bylaw)
2. To cancel and prohibit age restriction bylaws, except only for age restriction bylaws reserving occupancy for residents 55 years of age and older.
3. To allow strata councils to effectively use the Residential Tenancy Branch to evict problematic tenants.
4. Adding permanent 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.

This has happened so quickly that Form B Information Certificates no longer need to include the number of rentals - but the provincial government has not yet made an updated Form B available for use.

Strata Councils with now unenforceable age restriction and rental restriction bylaws and/or ongoing enforcement activities in relation to such bylaws should consider how this legislative change will impact their strata corporation, consider appropriate bylaw amendments to propose to the ownership, and seek legal advice for any required assistance.

Bill 44 can be reviewed here:

Bill 44

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Fischer & Company, located in the heart of the Okanagan, Kelowna, has provided a wide range of legal services to individuals, strata corporations and management companies in Kelowna, the Okanagan, and throughout the entire Province of British Columbia, since 2007. For more information on our Services Offered, to review our online Strata Basic Tips or New updates, or to see how we can assist you with your issue, please visit our website at www.fischerandcompany.ca

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