

Bylaws won't prevent rental of condo units

BY ROBERT NOCE, EDMONTON JOURNAL AUGUST 16, 2010

Q: Our building has more than 100 suites, and 40 to 50 per cent of them are rented. We feel that our condominium corporation is becoming like an apartment building. Is there anything that our board can do, through the Condominium Property Act, to limit the amount of owners that may use their suites as rental properties?

A: The Condominium Property Act states that no bylaw can prevent an owner from renting his/her unit to a third party. Therefore, in Alberta, no one can prevent anyone from renting their condominium unit. This means that a condominium project could conceivably be composed entirely of renters. While the government of Alberta has struck a committee to look at possible changes to the Condominium Property Act, I do not anticipate any amendments in the next year or so.

Q: Is it better to have bylaws permit a condominium corporation to implement policies from time to time, rather than always going to a vote?

A: All condominium corporations in Alberta are governed by the Condominium Property Act, the regulations passed pursuant to the Condominium Property Act and bylaws. Lately, I have noticed a number of condominium corporations have implemented rules and policies to govern certain procedures. The Condominium Property Act is silent with respect to the ability of condominium corporations to implement policies to govern owners.

Q: My neighbour and I moved into our newly built bungalow-style duplex condominium complex in the summer of 2006. We share the 10-foot, rock-covered common area between our units and our open-railling decks. Last summer, without consultation, my neighbour installed an air conditioner in our shared common space. I can no longer enjoy peace and quiet on my deck. I complained to the board and they responded by saying that my neighbour had the right to enjoy his air conditioner as it did not contravene the bylaws. What is my solution?

A: It is too bad that your neighbour did not consult you on the installation of the air conditioning unit. However, the information you provided indicates that the air conditioning unit was installed on common property with the permission of the condominium corporation. Other than taking your case to the board, as you have done, you could ask your neighbour whether he/she would be prepared to look at some form of mediation to work out a possible solution. Perhaps your neighbour would consider moving the air conditioning unit to another location. The board may also want to be involved in this process. The last option would be some form of court application alleging that the condominium corporation is not properly enforcing the bylaws.

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