Use common sense when interpreting condo bylaws

BY ROBERT NOCE, EDMONTON JOURNAL  
OCTOBER 22, 2011

Dear Robert: I live in a highrise condominium building and the bylaws do not place any colour restrictions on window coverings. To save money, I have put up a Canadian flag for a window covering and the board has asked me to remove it. What gives?

A: Perhaps you need to sit down with the board and read the relevant sections together, and see if one or the other of you is missing something. For example, your bylaws may define what constitutes a window covering. If there is going to be a dispute, perhaps it would be more economical for you to put up some more traditional window coverings than to hire legal counsel.

Interestingly, an Ontario Conservative member of Parliament has put forward a private member’s bill that would make it illegal to stop someone from displaying the maple leaf. It is proposed that condo boards and building owners, on penalty of jail time or a fine, would no longer be able to enforce rules against flag wavers. If this becomes the law, I will make a note of it in a future column. (Whether or not the constitutionality of such a law would be upheld is another story -)

Helpful hint: Sometimes you need common sense; look around and see if your decorating complements the look of the condominium.

Dear Robert: I own a condominium in southwest Edmonton, and have received letters from our property management company about a $50 association fee. The first arrived in summer; we ignored it. We have lived here since June 2009 and have not entered into any agreement with the property management company. Is this legitimate?

A: It would appear that you are part of a homeowners association, not a condominium corporation. Therefore, the Condominium Property Act would not apply.

You will need to consult a lawyer and review the homeowners association agreement, which should be registered on your title, to determine whether or not the property management company’s notice is valid. If the homeowners association agreement was registered at the time you purchased your home, you will be bound by its terms and conditions.

Helpful hint: When you purchase property, it is important to take some time to review the relevant documents and/or agreements.

Robert Noce, Q.C. is a partner with Miller Thomson LLP in Edmonton. He welcomes your questions at condos@edmontonjournal.com.

Answers are not intended as legal opinions; readers are cautioned not to act on the information provided without seeking legal advice on their unique circumstances.

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