

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 400-030

Updated to Aug 31, 2010

Sample Format:

Notice of alleged Bylaw Violation complaint: *Strata Property Act* Section 135

Complaint, right to answer and notice of decision

135 (1) *The strata corporation must not*

- (a) impose a fine against a person,*
- (b) require a person to pay the costs of remedying a contravention, or*
- (c) deny a person the use of a recreational facility for a contravention of a bylaw or rule unless the strata corporation has*
- (d) received a complaint about the contravention,*
- (e) given the owner or tenant the particulars of the complaint, in writing, and a reasonable opportunity to answer the complaint, including a hearing if requested by the owner or tenant, and*
- (f) if the person is a tenant, given notice of the complaint to the person's landlord and to the owner.*

(2) The strata corporation must, as soon as feasible, give notice in writing of a decision on a matter referred to in subsection (1) (a), (b) or (c) to the persons referred to in subsection (1) (e) and (f).

(3) Once a strata corporation has complied with this section in respect of a contravention of a bylaw or rule, it may impose a fine or other penalty for a continuing contravention of that bylaw or rule without further compliance with this section.

Complaint against council member

136 (1) *If a complaint is made about a council member contravening a bylaw or rule, the council member must not participate in a decision made under section 135 about the complaint.*

(2) Subsection (1) does not apply if all the owners are on the council.

** It is important to review your bylaws before you proceed with enforcement. Your bylaws may require a varying degree of penalties, fines or warnings prior to commencing action. In addition, the bylaws and penalties must comply with the Strata Property Act and Regulations.*

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SAMPLE
Notice of Complaint

Date: (insert date letter issued)

Dear: (insert name of owner / tenant) of Strata Lot # (insert strata lot #)

In accordance with the requirements set out by the *Strata Property Act*, we are notifying you of a complaint that has been received concerning a bylaw/rule violation.

A complaint was received that claims you have allegedly violated bylaw # (insert #) of (our registered bylaws/rules/the schedule of standard bylaws).

(insert copy of appropriate bylaw)

The complaint is as follows: (list particulars)

The complaint alleges that you/your party violated this bylaw/rule on (insert date, time, and location)

You are entitled to an opportunity to respond to this complaint. You may do so in writing or request a hearing of council. Please submit a written response, or request for hearing, within 14 days. For your convenience the next council meeting is scheduled for (date) and a hearing may be requested for that meeting.

Should the claim be unanswered or found that you are in violation of the bylaw or rule, the strata corporation may proceed with further enforcement necessary, including the application of fines for the continuing contraventions, or other remedies as necessary.

Yours truly,

Strata Council, Strata Plan ()

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