



Resolving Disputes between Strata Corporations *and* Tenants

Under the *Strata Property Act*, strata corporations have a variety of different options for resolving disputes with a tenant.

Strata corporations can seek relief through mediation, arbitration, Court, and the Residential Tenancy Office. Sometimes landlords will be named as parties to these disputes and other times the disputes will not directly involve them.

The most common points of conflict between strata corporations and tenants that I am asked about are:

1. an owner has rented his or her suite to a tenant in violation of a rental restriction bylaw;
2. a tenant has a pet and the strata corporation has a bylaw prohibiting or limiting pets; and
3. an owner has a noise complaint about a tenant or *vice versa* and the building structure is contributing to the problem.

A trained mediator will use different techniques to assist the parties in solving the dispute.

A. Mediation

If a strata corporation and a tenant are unable to solve a dispute themselves, they may wish to engage the services of a mediator. Both the strata corporation and the tenant must agree to participate in the mediation because neither party is legally obligated to attend.

A mediator does not impose a solution on the parties. A trained mediator will use different techniques to assist the parties in solving the dispute. At the end of the mediation, the parties may agree to sign a written contract outlining how the dispute will be resolved.

Oftentimes, parties are more satisfied with the results of mediation than the results of Court or arbitration proceedings because the parties

themselves have total control of how the dispute will be resolved.

B. Fines and Other Enforcement Procedures

Before commencing any type of dispute resolution process, strata corporations can enforce their bylaws in a number of different ways. Depending on the circumstances, strata corporations can impose a fine on a tenant, remedy a contravention of a bylaw, and charge the cost to the landlord or tenant or deny access to a recreational facility.

Fining is the most popular method of enforcing bylaws. Under section 130 of the *Strata Property Act*, strata corporations can fine a landlord if a tenant contravenes a bylaw or rule and can fine the tenant.

Tenants can also be fined if a person who is visiting the tenant or who was admitted to the premises by the tenant contravenes a bylaw or rule. The tenant can also be fined for the actions of another occupant, if the strata lot is not sublet by the tenant to a subtenant. Presumably, if there is a subtenant, the strata corporation can fine the subtenant.

