

Condo Law for Albertans

condolawalberta.ca/governance-operations/bylaws/

Condominium bylaws govern how the condominium corporation is run. They often address matters such as the election and practices of the board of directors, the collection of contributions, and how rules are passed. Rules often supplement the bylaws. The rules focus on the day-to-day concerns of condo living to help ensure it is a pleasant and attractive place to live or work.

Condominium bylaws also govern the condominium complex and every condominium is legally required to have a set of bylaws and to enforce them. Bylaws apply to all owners in a condominium, as well as anyone renting or visiting the condominium.

Bylaws can cover a wide variety of issues, including but not limited to:

- Pets: whether they're allowed, how many and types are allowed, whether board approval is required, etc.
- Age Restrictions: whether there is a minimum age to live in the building, whether children are allowed, etc.
- Aesthetic restrictions: colour of window coverings, whether planters are allowed on balconies, etc.
- Renovation guidelines: installation of hardwood flooring may require extra soundproofing, etc.
- Parking restrictions: types of vehicles that can be parked, visitor parking rules, etc.
- Use of amenities: hours of operation, maintenance standards, visitor policies, etc.
- Condo governance: electing board members, meeting schedule, voting procedures, bylaw amendments, etc.
- Bylaw enforcement: penalties for not following the condo bylaws.

Potential purchasers: Why it is important to review the bylaws before you buy

You should carefully review the condo bylaws and rules to ensure they suit your lifestyle and needs. For example, if you want to get a pet in the future, you should check the bylaws to see what the condo corporation's policies are regarding pets. If you do not follow the condominium's bylaws, you can face a financial penalty and/or a potential lawsuit. There may also be supplementary rules that you have to follow – for example, rules that specify what type of pets are allowed and how big they can be.

How can bylaws be changed?

It can be difficult to change the bylaws of a condominium, which is why it is so important to review the bylaws prior to purchasing a condominium. A bylaw can only be changed, withdrawn, or replaced by a special resolution, which requires approval of 75% of the

people entitled to vote and 75% of the total unit factors.



If a bylaw is successfully changed, withdrawn, or replaced, the amendment must be filed with the Land Titles Office. Legally, bylaw changes do not take effect and cannot be enforced in court until they are filed and noted on the condominium additional plan sheet.



Tip for condo boards: It is always a good idea for a condominium board to undertake bylaw changes carefully, engage owners with regards to the changes and find out what they want tailored to meet current needs.

What happens if an owner doesn't follow the bylaws?

The Condominium Property Act requires the condominium board to enforce the bylaws. The board therefore has the authority to impose penalties on anyone who is not following the bylaws.

However, a penalty can only be imposed if the bylaw specifically states that a penalty can be imposed and indicates what the penalty is. If there is a financial penalty, the bylaw must state the amount of money or range of money that could be charged for failing to obey the bylaw.

To enforce a penalty, a condominium corporation can make an application in court to recover the unpaid financial penalty and/or for damages due to an owner, tenant, or visitor's failure to comply with the penalty imposed. However, a corporation can only take court action if the bylaw(s) in question were filed with the Land Titles Office.



If you are wondering whether a bylaw is legally enforceable, check the condominium additional plan sheet (CAD). Any additions or changes to the bylaws will be noted on the CAD if they were properly filed.



The Condominium Property Amendment Act and its regulations will put greater restrictions on financial penalties. Updated information will be posted on this website once the legislation comes into force.

Differences between rules and bylaws

A condominium corporation may impose rules in addition to bylaws. Rules often supplement the bylaws. For example, the bylaws may state that unit owners require approval of the condominium board for their pets. Supplementary rules may outline what type of pets that are allowed, how big they can be, how many each owner can have, etc.

Condo rules are intended to allow condominium boards to quickly respond to the changing needs of the community. They are easier to create and change than condo bylaws so boards can develop rules when needed. Presently, rules are not addressed in the *Condominium Property Act* or its regulations, which means each board can decide how to create them and change them. However, this also means that condo rules are not enforceable in court.



Thank you to the [Alberta Real Estate Association](#) for allowing portions of their Condominium A to Z course manual to be adapted for use in this section.



Rules will be explicitly addressed under the *Condominium Property Amendment Act* and its regulations. Updated information about condominium rules will be posted here once the legislation comes into force.

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