

The Owners, Strata Plan [plan number]

[address for correspondence]

[Date]

[Owner's name]

[Unit and street address]

[If the complaint is about a tenant, send this letter to the tenant as well, and to the landlord if the landlord is not the owner.]

Re: Complaint about Strata Lot [number] — Bylaw [number], [short title, e.g. "Nuisance — noise"]

Dear [name],

The strata council has received a complaint that [exactly what happened, where and when — e.g. "loud music was played in unit 204 between 11:30 p.m. and 2:00 a.m. on Saturday, March 7"].

If that is what happened, it may contravene Bylaw [number], which says:

[Quote the bylaw word for word.]

Before the council decides anything, you have the chance to respond. You can:

- reply in writing by [date — allow at least 14 days], or
- ask for a hearing with the council. Ask in writing; the council will hold it within four weeks of your request.

After considering your response — or after [date], if we have not heard from you — the council will decide whether the bylaw was contravened. If it was, the council may impose a fine of up to \$[amount] under Bylaw [number] [, and may require you to pay the reasonable cost of remedying it]. You will receive the decision in writing.

Nothing has been decided yet. If there is something we should know, please tell us.

Yours truly,

[Name]

On behalf of the strata council

The Owners, Strata Plan [plan number]

[address for correspondence]

[Date]

[Owner's name]

[Unit and street address]

Re: Council's decision — Strata Lot [number], Bylaw [number]

Dear [name],

On [date] we wrote to you about a complaint that [particulars, as in the first letter]. [You replied in writing on [date]. / The council heard from you at a hearing on [date]. / We did not receive a response.]

At its meeting on [date], the council considered the complaint [and your response] and decided that:

- Bylaw [number] [was / was not] contravened, because [the reason, in a sentence or two].
- [A fine of \$[amount] is imposed under Bylaw [number], due by [date], and will be added to the account for Strata Lot [number].]
- [If the contravention continues, the council may impose a further fine of up to \$[amount] every [7] days, as Bylaw [number] allows, without writing to you again first.]

[If the decision is that there was no contravention: "No further action will be taken, and nothing will be recorded against your strata lot."]

Yours truly,

[Name]

On behalf of the strata council

Fining someone properly

The Civil Resolution Tribunal regularly cancels fines because a step was skipped. Section 135 is short, and the tribunal expects it to be followed exactly.

- ☐ **Start with a complaint.** No fine without one (s.135(1)).
- ☐ **Give the particulars in writing** — what, where, when, and which bylaw. “Repeated noise” is not particulars.
- ☐ **Give a reasonable chance to answer**, including a hearing if the owner or tenant asks for one. Hold it within four weeks and give the decision in writing within a week (s.34.1).
- ☐ **If it’s a tenant**, send the complaint to the tenant and also to the landlord and the owner.
- ☐ **Decide, then write.** The decision goes in writing to the owner or tenant as soon as feasible (s.135(2)). Record it in the council minutes by strata lot, not by name.
- ☐ **Fine within your bylaws.** Your bylaws set the maximum. The Regulation caps it at \$200 per bylaw contravention, \$50 per rule contravention and \$1,000 for a short-term-rental bylaw, and a continuing contravention can be fined at most every 7 days (Regulation s.7.1). The Standard Bylaws set \$50 and \$10 if your corporation never changed them (Standard Bylaw 23).
- ☐ **A continuing contravention** can be fined again without repeating the process, once the steps above are complete for it (s.135(3)).
- ☐ **Apply the bylaw the same way to everyone.** Selective enforcement is the other way fines get overturned.

Keep the whole file in one place

ManageStrata keeps your bylaws, council minutes and correspondence together, where the whole council can find them — so the next council knows what was decided, and why. Free for stratas of up to 4 lots. managestrata.ca