

February 13, 2023

The Honourable David Eby
Premier of British Columbia
PO Box 9041 STN PROV GOVT
Victoria, BC V8W 9E1

Dear Premier,

Re: Strata Property Act Amendments

At the February 6, 2023 Regular Meeting, Delta Council considered a staff report on community concerns relating to recent amendments to the *Strata Property Act*. A copy of this report is attached for your information.


While Delta Council supports the intent of the legislative amendments – to preserve seniors' communities while opening up housing options for renters – we have heard concerns from some strata owners that newly implemented age-restriction bylaws may negatively impact them in the future. We understand that younger residents currently residing in the strata would be exempt from age-restriction bylaws, however, the legislation is less clear how such bylaws would impact new residents who are younger than 55, including new partners and children.

To address these concerns, we are urging the provincial government to take steps to ensure that adequate protections are in place for strata owners and their families where strata councils implement age-restriction bylaws. In considering the enclosed report, Council members expressed their support for the Province's willingness to identify and include appropriate exemptions for prescribed persons and to monitor the legislative changes for any potential unintended consequences.

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Clarification on this issue will provide certainty for many strata owners concerned about long-term housing security for themselves and future family members.

Yours truly,



George V. Harvie
Mayor

Enclosure

cc. The Hon. Ravi Kahlon, Minister of Housing and MLA Delta North
Ian Paton, MLA Delta South
Delta Council
Sean McGill, City Manager



City of Delta
COUNCIL REPORT
Regular Meeting

Item 8

To: **Mayor and Council**

From: **Corporate Services and Community
Planning & Development Departments**

Date: **January 18, 2023**

Strata Property Act Amendments – Community Concerns

The following report has been reviewed and endorsed by the City Manager.

▪ **RECOMMENDATIONS:**

- A. THAT a letter be sent to Premier David Eby regarding recent amendments to the *Strata Property Act* to highlight community concerns relating to strata age-restriction bylaws, and requesting that the BC government ensure that adequate protections are in place for strata owners and their families where such bylaws are implemented.
- B. THAT copies of this letter be sent to the Honourable Ravi Kahlon, Minister of Housing, and Ian Paton, MLA Delta South.

▪ **PURPOSE:**

The purpose of this report is to provide information regarding recent changes to the *Strata Property Act* and identify potential actions that Council could take to address residents' concerns regarding strata age-restriction bylaws.

▪ **BACKGROUND:**

At the January 9, 2023 Regular Meeting, Councillor Kruger brought forward the following motion:

WHEREAS Bill 44, Building and Strata Statutes Amendment Act, 2022, has recently received royal assent;

AND WHEREAS under Bill 44, the Province will end all strata rental-restriction bylaws and limit age-restriction bylaws so that the only permitted age restriction is to preserve and promote seniors' housing through "55 and over" ownership restrictions;

AND WHEREAS Council has received correspondence from residents who are concerned about their stratas calling special general meetings to become 55+

designated buildings as a means to circumvent the policy changes outlined in Bill 44;

AND WHEREAS existing strata residents are concerned the new rules will discourage or preclude families from living in newly designated 55+ residences;

THEREFORE BE IT RESOLVED THAT Council direct staff to report back on the residents' concerns, as well as any actions Council can take to limit exclusionary strata bylaws enacted by local strata councils in response to Bill 44.

▪ **DISCUSSION:**

Recent amendments to the *Strata Property Act* ban strata corporations from implementing bylaws that restrict rentals, and also only allow strata corporations to impose age restrictions for those age 55 and older. These changes fulfill a recommendation of the BC Rental Housing Task Force¹ to preserve seniors' communities, while opening up housing options for families.

Rental restriction bylaws have already been banned in strata corporations formed since January 1, 2010. The change extends the ban on rental restrictions to stratas formed before that date. The Province estimates that there are 300,000 strata units built before 2010 that may still be subject to rental bans. Common rental restrictions include limits on the number of strata lots that may be rented, minimum and maximum rental periods, and age limits that preclude young families. Strata bylaws that prohibit short term accommodations (eg. Airbnb) continue to be permitted in all strata corporations.

Since the changes came into effect on November 24, 2022, there have been some concerns and confusion expressed by strata owners about what the changes mean. Some strata councils began the process of converting to 55+ only buildings, under the mistaken belief that age-restricted stratas can also ban rentals. This is incorrect – rentals cannot be prohibited and they can only be limited to people 55 and older if there is an age-restriction bylaw in place.

If a strata council is considering a 55+ age restricting bylaw, there must be a three-quarter vote of approval for the bylaw. Younger residents may oppose such a bylaw since it may negatively impact them in the future. However, if a 55+ age restricting bylaw were to be adopted, younger residents currently residing in the strata lot would be exempted (ie. they could continue to live there and be exempt from the new bylaw). The legislation is less clear whether any new resident in the same unit, for example new partners or children, would also be exempt from age-restriction bylaws, and this has been the subject of considerable concern for some strata unit owners.

The legislation does provide for exemptions to age-restricting bylaws. For example, live-in caregivers for a resident who is disabled, ill or frail are exempt from age restrictions. The legislation also provides for a "prescribed class of persons", which allows the

¹ Rental Housing Review Recommendations and Findings. BC Rental Housing Task Force December 2018

government to add further classes of people that can be exempt by regulation instead of another legislative amendment to the Act. This means that additional exemptions could be added relatively easily to address concerns relating to new family members of existing strata residents.

Next steps:

The speed with which the legislative amendments came into effect prompted some strata corporations to start implementing bylaws to restrict renters to age 55+. Several of these strata councils have since reversed course fearing negative impacts on property values or owners' ability to sell units. It is still early days for this new legislation and the Provincial Housing Minister, Ravi Kahlon, has indicated that the government is monitoring for any unintended consequences of the legislative amendments, but that no immediate changes are being considered.

Since this is primarily a provincial matter, it is recommended, as an initial step, that a letter be sent to Premier David Eby highlighting the community concerns regarding strata age-restriction bylaws, and requesting that the BC government ensure that adequate protections are in place for strata owners and their families where such bylaws are implemented. Municipal authority to address this issue is limited and would, in any event, have to be consistent with provincial legislation. As a result, the province is in the best position to address concerns regarding this legislation.

Related to this issue, Delta continues to take steps to secure the provision of rental housing. In line with recent legislation, Delta has started to implement rental-only zoning for new purpose built rental developments, and staff will continue to explore the use of rental-only zoning when feasible.

Staff will continue to monitor this situation and provide reports back to Council as appropriate.

Implications:

Foundation for the Future Implications – Delta is committed to working with the community, developers, and government agencies to ensure a broad range of housing options are available for Delta citizens.

Financial Implications – none.

▪ CONCLUSION:

Recent amendments to the *Strata Property Act* will help preserve seniors' communities and open up housing options for families. However, the amendments have created uncertainty for some strata owners, particularly as they relate to strata age-restricting bylaws.

It is recommended, as a first step, that Delta raise these concerns with the Province and urge the government to take whatever steps are necessary to protect the rights of existing strata owners and their immediate family members. Staff will report back on this issue as matters progress.



Mel Cheesman
Director of Corporate Services



Marcy Sangret
Director of Community Planning &
Development/Deputy City Manager

Department submission prepared by: Bernita Iversen, Manager of Corporate Policy

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