

Introduction:

The Condominium Property Act requires the Condominium Corporation (Condo Corp) to enforce the Bylaws and allows for the Condo Corp to establish monetary or other sanctions when Bylaws are breached.

As per section 52 of the Bylaws, the Condominium Corporation may

1. remedy the default of the bylaws and charge the Owner back for all expenses incurred in doing so AND
2. levy a monetary fine after inquiring into the facts and giving the owner a chance to respond.

Non-Compliance with a Bylaw

If an owner (or tenant) is found in noncompliance with a Bylaw, the Condo Corp will serve a notice by email to the owner indicating the bylaw in question and the required remedy. If the non-compliance is not remedied, the Board will issue a letter to the owner (and tenant if tenant has provided email for Notices) indicating:

- unit number associated with the failure to comply with a Bylaw
- the name(s) of the person subject to the proposed sanction
- the provision of the bylaw that has not been complied with
- the date and time of the non-compliance, if applicable, along with other relevant particulars
- the details of the monetary sanction for noncompliance
- a description of the corrective or other action, if any, that must be taken in respect of the non-compliance
- the deadline for taking the required actions or providing a written response to the notification.

When the deadline for a satisfactory response/remedy has passed, a sanction will be imposed to the owner and tenant jointly.

- For the first occurrence of non-compliance, a fine will be levied in the amount of \$500
- For the second and subsequent instances of non-compliance, a sanction of \$1000 will be levied.
- For continuing non-compliance with a bylaw, a sanction of \$500 will be imposed the first week, with \$1000 for each subsequent week of non-compliance up to a maximum of \$10,000

If an owner does not comply with a sanction when the fines reach the maximum, the Condo Corp will take enforcement steps:

- The Condo Corp will make an application in court to recover from the person the unpaid monetary sanction and/or for damages
- All costs for this enforcement will be charged to the owner
- A caveat about a monetary sanction may be registered against the certificate of title of a unit

Examples of items that could be charged back to an owner:

- If an owner does not pay sanctions or other fees, any efforts to recover those fees such as legal costs will be charged back to an owner
- If an owner does not remedy a non-compliance with a bylaw, any costs to remedy that the Board takes will be charged back to the owner
 - E.g. repairs to common property such as windows, hallways, parkade or timely repairs/maintenance to a unit
 - E.g. contractor and security costs to remove non-compliant items such as signage from a unit or tires from parking stall