

## Stay Together for The Kids: *Strata Property Act* Amended to Allow Residents' Children to Reside with Them Despite Age-Restrictive Bylaws

Changes to the *Strata Property Act* (the "Act") made in November 2022 prohibited strata corporations from passing bylaws which restrict ownership, tenancy and occupancy of strata units based on age; with one major exception. The November 2022 amendments to the Act continued to allow strata corporations to limit membership and residency to those aged fifty-five and above. Following this amendment, several strata corporations in the province passed bylaws restricting residency.

Concerns that these new bylaws would frustrate the provincial government's mission to reduce barriers to renters and those seeking to purchase so-called "middle housing" dwelling units prompted the B.C. NDP to pass an Order in Counsel on May 1st. The newest amendment continues to permit strata corporations to restrict ownership of strata units to those aged fifty-five and older, however, residency restrictions have been softened. Effective May 1, 2023, residents of strata lots

whose strata corporations have passed age-restrictive bylaws and who meet those age requirements may have their spouse, adult children, and/or minor children (including future children) reside in the unit with them, regardless of that person's age. Existing exemptions, including the caregiver exemption and the legacy exemption continue to apply.

The May 1st amendment provides flexibility by balancing the desire of many owners to live in strata complexes which focus on meeting the needs of older residents, while recognizing the housing market in the province has prompted many of these residents' minor and adult children to reside with their parents longer than has historically been the case. It also recognizes that blanket bans on residency based on age could result in unintended consequences and conflict between residents and their strata corporations, such as a scenario in which one spouse meets the age-restriction but the other does not.

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