



ALBERTA CONDO connections

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THE SUPPLY CHAIN **CONDO** conundrum

Communications within
condos and implementing
a successful strategy

The importance of owners
having insurance to cover the
corporation's insurance deductible

So, you need to update your condo bylaws?



By Gary Caouette

The first question you probably have is, where do I go from here? Should I just take some other condominium corporation's bylaws and modify them for my corporation, or should I just update them myself?

The answer is usually no. You should build your bylaws specifically for your corporation and use qualified and experienced professionals to do so, or your bylaws may not serve you as intended.

Where do I go for advice?

Some property managers are quite knowledgeable, while some are just familiar with the most-used sections of the Condominium Property Act. There are government sources, law firms, and condominium associations that can provide a lot of good information on their websites. You will need to search for what you need and then try to interpret what you

have found, which may not be easy. The process will require many hours of your time and you may not find all the answers you are looking for.

Consultants and lawyers who specialize in the Act and any applicable laws are invaluable and pay for their services many times over when you use them to update your bylaws. You want your bylaws to comply with the Act, to stand up to a court challenge, and do what they were designed to do.

Should I use a consultant or a lawyer?

The answer is you should probably use both, depending on your needs.

Lawyers who specialize in condominium property law are able to address all the legal questions that you might have and are able to create bylaws that will stand up in court.

Consultants guide you through the process and ensure that

you get bylaws that work for your corporation. Consultants minimize your costs by providing services that a lawyer may not be required for.

Consultants are able to follow up quickly and provide options and answers to many of your questions.

Update versus complete rebuild?

If your bylaws are old, have not been updated regularly, are non-compliant, or missing new changes to the Act, they may require a complete rebuild.

If your bylaws have been updated regularly and you just want to add a new bylaw or you want to update the new changes to the Act, they may only require updating.

What will it cost?

The cost will depend on what you want to be done and how many times you require revisions to each bylaw. Building new bylaws where the Act is silent takes time and research, which may mean extra costs.

Consultants and lawyers may charge a flat fee for services or an hourly rate. Consultants normally charge around \$175 to \$225 per hour and lawyers charge around \$350 to \$450 per hour. You should budget a minimum of \$7,500 and be prepared to go higher for a full bylaw rebuild depending on what you need. (Fees listed in this article are for budgeting purposes only and may not reflect your specific costs).

How long will it take?

How long it will take will depend on how long each group in the process takes to return the information required as the process continues and eventually the unit owners get to vote in a special resolution. After a successful vote on the updates, the land titles office will need to register the document before it is enforceable.

Expect it to take a minimum of 10 to 12 weeks or six to nine months depending on how quickly each task is completed.

Who should be involved in the process?

You have your experienced consultant, you have your experienced condominium lawyer, you have a bylaw committee of three to five people made up of members of the board and some unit owners. Who else is left?

The most important person in this process is the rest of the

unit owners as a whole. The unit owners will have the final say with their vote. If they are not happy with the revisions they will not vote yes. All that work for nothing.

Get all unit owners involved in the process just before the vote so you can really see what they are thinking. What may not be an issue to some unit owners may be a big issue to others. After you get the unit owners to tell you what they think, you can make revisions that will pass a special resolution vote.

Better bylaws make better-managed properties.

A proper set of bylaws will serve all unit owners well and save your corporation a lot of time and money. One successful court challenge of your bylaws may cover most of the costs of doing it right the first time.

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