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## Strict interpretation

Re: **Residents fired up over monthly barbecues — July 25**

Marilyn Lincoln answers a condominium unit owner concerned about community barbecues that since they don't fit into the legislative objects and duties of condominium corporations they cannot be paid for using funds collected as "common expenses."

While this answer might be technically accurate on a very strict reading of the Condominium Act, 1998, it seems to miss the point altogether of condominium living; and, frankly, it seems to be a terrible indictment of the condominium community in question that the issue even arises.

In all probability, a court is unlikely to object to the use of a reasonable portion of common expense contributions to pay for social events to which all unit owners and occupants are invited, in so far as the intention and probable effect is to establish and maintain the kind of communication and sociality that aids in and enhances the management of the property.

However, even if a court were to agree with Lincoln's strict reading of the legislation, her statement that the only solution is to have a provision in the declaration that permits such events and paying for them is not correct. The Condominium Act, 1998, allows condominium corporations to set out duties of the corporation by bylaw. Since making and approving a bylaw is a significantly less difficult (and frequently less costly) than amending a declaration, it would be the better solution for those condominiums whose community-centredness is so abysmally tenuous as to make monthly barbecues an issue in need of a legal resolution.

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