



Erin Berney, Lawyer

Edmonton

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Overview

Erin Berney possesses extensive experience in all manner of residential and commercial condominiums, from traditional, bare land and phased-style development, to “barely blended”, duplex, mixed use, and rural developments, including foreign ownership requirements. Erin has successfully litigated various matters on behalf of condominium corporations, unit owners and property management companies alike, including a precedent-setting decision on short-term rentals in Alberta.

She has been a condo owner in downtown Edmonton since 2005. Additionally, she has served on the Board of Directors as Treasurer, Secretary and Chair of the Bylaw Review Committee, which gives her unique insight and invaluable knowledge and experience that she brings to her clients. She has assisted condominium corporations, developers, property managers, boards, owners and tenants in creating and maintaining vibrant, fair and law-abiding condominium communities all across Alberta.

Erin maintains a broad legal practice emphasizing general civil litigation. Her primary area of focus is condominium law in Alberta, including:

- Bylaw reviews, drafting, interpretation, amendments, and enforcement
- Borrowing/loans and security
- Property management, contract drafting and agreement reviews
- Collection of condominium fees, charge-backs and fines
- Foreclosures, liens, caveats, and priority disputes
- Builder/developer/construction deficiencies
- Tenancy-related issues and evictions
- Leases, licenses and transfers of units/common property/common property units
- Insurance claims
- Privacy and security policies
- Procedural issues and corporate governance
- Planning, development and Land Titles Office registrations
- Short-term accommodations and other uses
- Limitations defences

Before venturing into the field of law, Erin was a graphic designer at the Edmonton Journal and managed the Canadian Literature Centre at the University of Alberta. She was also a student editor for the Alberta Law Review.

Outside the Office

Services

Business
Litigation
Real Estate

Education

University of Alberta, 2012, Juris Doctor
University of Alberta, 2006, Bachelor of Arts

Admissions

Alberta, 2013

Languages

English

In her spare time, she enjoys reading a good book, playing golf, piano and guitar, as well as spending time with her family, friends, and her cat, Winston.

Experience

Condominium Corporation No. 042 5177 v Kuzio, 2019 ABQB 814

Professional

Canadian Bar Association

Canadian Condominium Institute

Community

Fundraising Volunteer, Edmonton Community Legal Centre

Civil Claims Duty Counsel Volunteer, Pro Bono Law Alberta, 2012-2017

Volunteer, Queen's Bench Amicus Court Assistance Program , 2017-2017

Client Stories

Application to Prevent Condo Unit Owners Offering Short-Term Accommodations

Field Law brought an application on behalf of a condominium corporation in Edmonton for an interim injunction to prevent unit owners from offering short-term accommodations. The corporation alleged that:

1. Unit owners had listed their respective units on short-term accommodation websites such as Airbnb and HomeAway, and
2. Permitted members of the general public to occupy their units on a short-term basis in exchange for payment.

The unit owners did not deny these claims and the Court ultimately determined that the unit owners violated the bylaws imposed by the corporation.

As a result of this case, condominium boards in Alberta now have legal authority on which to pass bylaws that prohibit, restrict or regulate the operation of units as short-term accommodations. On this basis, they can enforce existing bylaws against unit owners who are operating Airbnbs in their condos.

News + Views + Events

September 16, 2020

[Privacy for Condo Corporations: Understanding + Complying with PIPA](#)

July 2020 - 38 mins

[Is Your Condo Safe + Secure?](#)

June 10, 2020

[Condominium Quicksand](#)

June 2020

[Condo Corporations Now Permitted to Access Reserve Funds in "Emergencies"](#)

March 2020

[Convening a Condominium AGM Amid Concerns over COVID-19?](#)