



BULLETIN

News and resources for BC strata owners, councils, and industry professionals



AUGUST 2022

Vancouver Island Strata Owners Association

VISOA Bulletin

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The Bulletin is a digital magazine published by the Vancouver Island Strata Owners Association (VISOA) four times per year.

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VISOA is an independent, non-profit, member-funded society. Formed in 1973, it is the longest-running organization of its kind in Canada. VISOA provides education, support, and advocacy for British Columbia strata owners and strata corporations. As part of its mandate, VISOA meets with government and industry associations, and sits on advisory panels to advocate for BC strata owners and strata corporations.

Membership is open to any resident of BC, strata corporations (such as condominiums, townhouses, bare land, and commercial stratas) and businesses that provide goods and services to stratas. Visit our website or contact us for more information about membership.

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In This Issue



Featured

11 Are You Underinsured? 6 Tips for Strata Owners by Barry Burko

On the cover: Christmas Hill Estates (“CHE”) is located just below Swan Lake/Christmas Hill Nature Sanctuary in Saanich. Built on 5 acres, in 1988/89, CHE is a 29-unit gated townhouse complex with lovely views over Swan Lake, downtown Victoria, and the Olympic mountain range. CHE is extensively landscaped and the spring colours are spectacular. My photo was taken 4 years ago in the back garden of our unit. - C. Gebbie, Victoria

Disclaimer: The material in this publication is intended for informational purposes and cannot replace consultation with qualified professionals. Legal advice or other expert assistance should be sought as appropriate.

■ What Stratas Need to Know About Window Film

by Mark Estrada

Rising temperatures over the last few summers are leading to a lot of uncomfortable strata units. Old windows contribute significantly to this problem, leaving our units feeling like baking ovens in summer and refrigerators in winter. Strata owners are asking their councils for permission to apply window film in an effort to keep temperatures reasonable, but what should councils consider before making decisions?

What is window film?

It's a thin, laminate film which can be applied to older windows for heat reduction and UV filtration. It's applied to the inside of the glass as opposed to the outside, and can be made up of different materials. They're often metallized; silver is commonly used.

Are there downsides to applying window film?

While window film is an innovation that is helpful at keeping your unit more comfortable, applying it to old windows will not be as effective as replacing the window itself. It even has the potential to cause issues.

First, it's important to use a professional when applying film to a window. Ensuring the film fits and sticks correctly is essential. It's not advisable to try applying it yourself. The quality of a professional installation is also necessary so that the window can be washed without problems. There's still a fair chance of having noticeable imperfections after the film is applied even when it's done professionally.

Window film has its limitations. While it will reflect direct sunlight, it won't do a good job of keeping the sun's heat out as the film doesn't have insulating properties.

The finished product may end up being a lot darker than imagined, so it's important to speak to the experts and get a good idea of what to expect. Aesthetics are an important factor to consider as most stratas want windows to have a uniform appearance.

There is a serious issue that strata owners and councils must be aware of. Adding film to double-paned windows can trap heat in the sealed units and actually damage them. The film can cause window seals to fail sooner. This can cause confusion and conflict in stratas over who should pay for window units that have failed prematurely. When an owner requests permission to add window film, some stratas require an indemnity agreement to make the owner responsible for any costs related to altering the window.

Is there a better alternative?

If your strata decides to add film to old windows, or gives owners approval to do so on their own, be aware that it's just a band-aid fix. New windows will be needed to experience a real improvement in comfort.

New windows come with low emissivity (LoE) coatings molecularly bonded to the glazing. These coatings reflect heat back to its source, keeping you cooler in the summer and warmer in winter. They can keep out up to 92% of the heat from that blazing hot summer sun.

Coatings aren't the only way that modern windows elevate comfort. Double or triple-paned sealed units use gas (such as argon) between the panes which act as insulation, dramatically improving thermal performance. Simply adding film to a single-pane window will not provide the same effect, and as stated previously, when added to older double-pane windows, films can potentially cause damage to sealed units. **V**

Mark Estrada, "window geek", Centra Windows

www.centrawindows.com

■ Editor's Message

Our bulletin committee had a great time putting together this issue. There was great response to our photo contest with entries submitted from stratas of all sizes from across beautiful British Columbia. It was difficult to make a choice. In the end a majority of bulletin committee and board members voted for the lovely photo on the cover submitted by C. Gebbie from Victoria.

The contest is ongoing, so submit your best photo of a strata in BC by email to the editor. New and previous entries will be considered for the November issue of our bulletin.

Ms. Gebbie's strata corporation will be submitted into a draw on December 1, 2022. The winning strata corporation will receive a free one-year corporate membership which means that every owner and council member will have access to VISOA's services.

We hope you enjoy the articles in this issue. We send special thanks to the Planning and Land Use Management Branch of the provincial government for their assistance in researching the article about

the termination of Land Use Contracts following amendments to the *Local Government Act*. We also thank the strata owners who contacted us to share their stories.

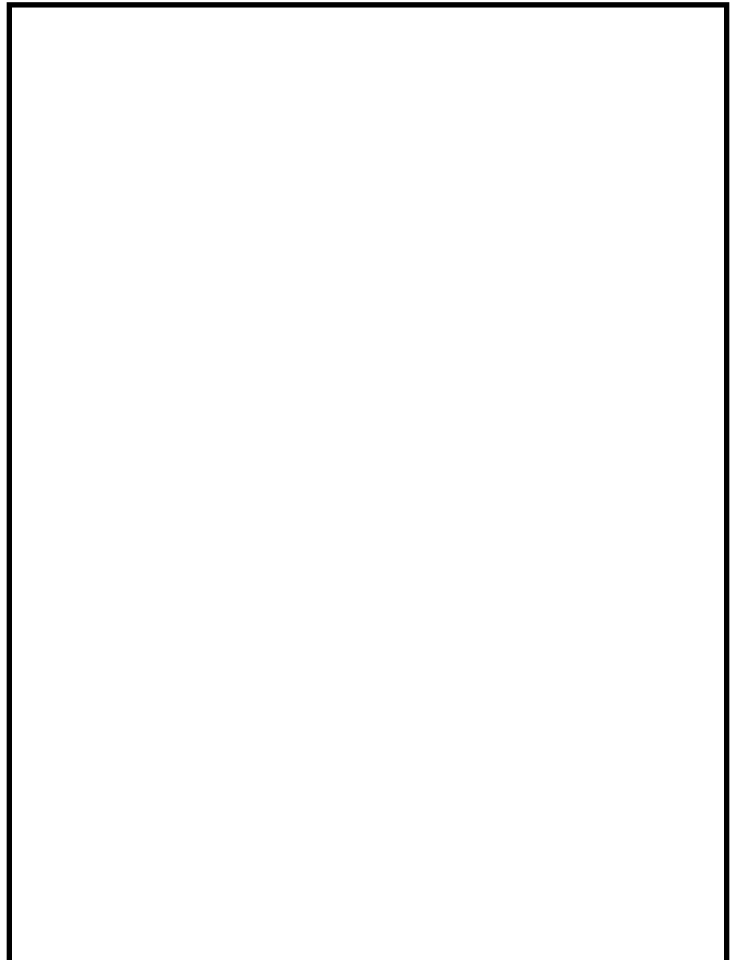
If you feel inspired, please submit an article on a topic of interest to strata owners and we'll consider it for a future issue. We prefer articles of 350 to 700 words but will consider longer ones as well.

Also feel free to send us suggestions for articles or the You Asked column.

We hope you enjoy this issue! 

Wendy Wall, John Grubb, Barry Burko and David Stinson, Bulletin and Suite of Services committees, with special thanks to volunteer, Janice Foley.

Send letters to the editor, articles for consideration, or suggestions for articles to: editor@visoa.bc.ca





Cover Photo Contest

Submit your photo of a BC strata to editor@visoa.bc.ca. Photos selected for the cover of the Bulletin will be entered into a draw.

First prize: a one-year VISOA corporate membership for all owners in your strata.

Second prize: \$50

Next draw is December 1, 2022



■ 3 Free Tools for Strata Property Information

by Gail Roberge

How many times have you heard a duplex owner say, “Oh, I don’t live in a strata. I don’t pay strata fees”? Members of our Strata Support Team often find themselves explaining that yes, indeed, you own a strata lot and the Strata Property Act applies to all strata corporations whether it’s 2 units or 200 units. Similarly, we often get asked, “Do I live in a bare land strata?”.

Here are 3 free online tools that are fun to use and can provide some very useful information about any property in British Columbia.

BC Assessment

The easiest and fastest way to check and see if your property is in a strata, is by going to [bcassessment.ca](#). Type in the address of your unit (known as the civic address) and click on your address when it appears. Look at the legal description and parcel ID of your property. For example, search 6921 Central Saanich Rd, Victoria. This detached house is actually in a strata corporation: Strata Lot A Plan VIS3593 Section 12 Range 4E Land District 65 TOGETHER WITH AN INTEREST IN

THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 OR V, AS APPROPRIATE.

PID: 023-012-820

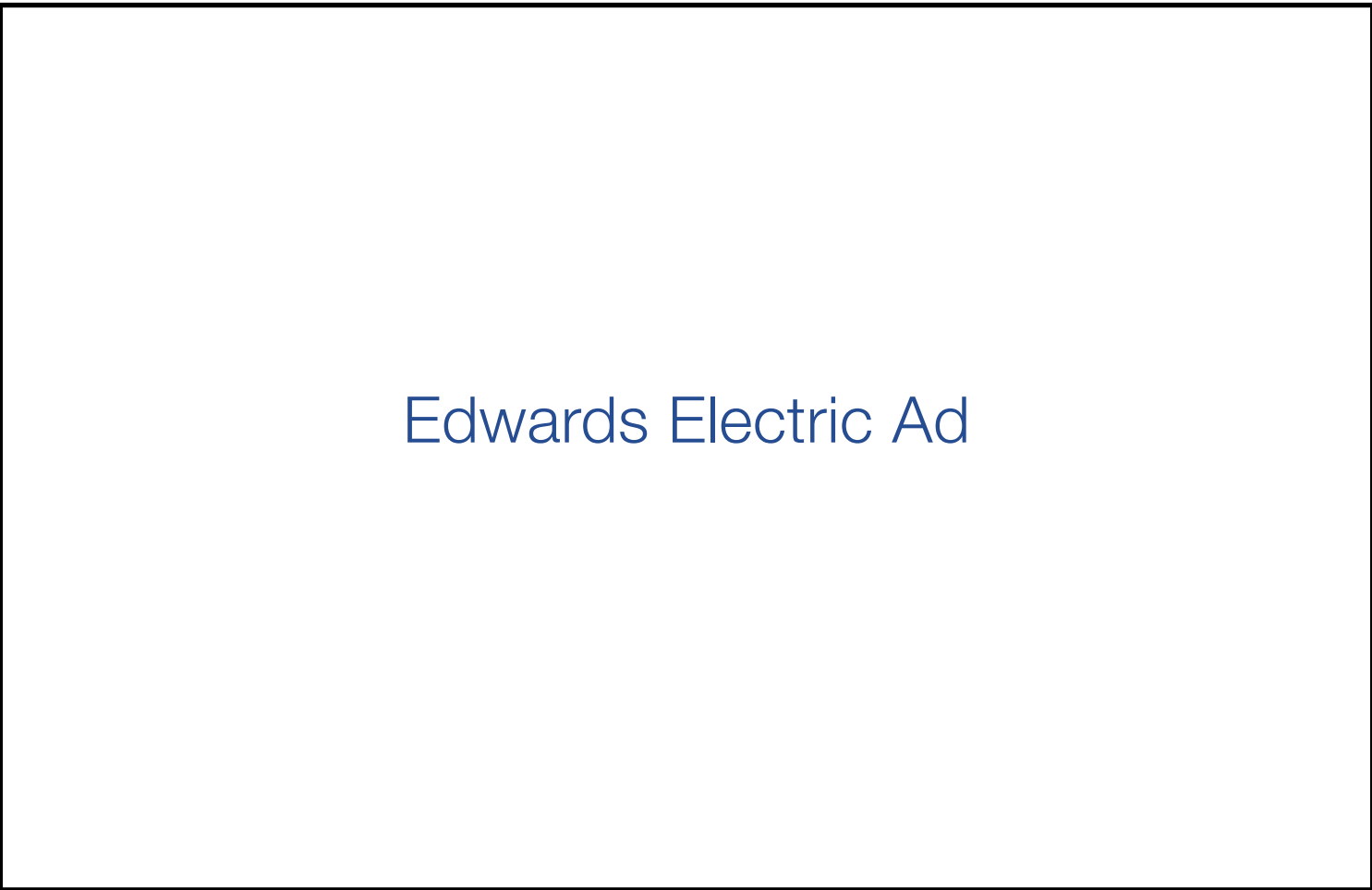
Tip: the PID (parcel identifier) is very useful as it can be used in the other tools.

You can also search using other information. For example, in the drop-down menu select Plan and type in the strata plan number VIS3593. The results show that there are 2 strata lots in this strata corporation: lot A and lot B.

ParcelMapBC

You will quickly become addicted to using this tool to explore your neighborhood and see which properties are stratas. Go to [parcelmapbc.ltsa.ca/pmsspub/](#) On the left side select Civic Address, then type an address in the search bar. When the map appears zoom in and out to see the detailed information for each property.

continued on page 7



Edwards Electric Ad

3 Free Tools for Strata Property Information

In ParcelMapBC, blue properties are not stratas. Purple indicates strata properties of which there are 2 types:

- building stratas
- bare land stratas

The building stratas are easy to identify as they clearly say “Building Strata [strata number]”. If the property is purple and doesn’t say building strata then it’s a bare land strata. For example, searching plan number VIS3593 highlights 2 lots in bare land strata VIS3593. Searching VIS5131 highlights 18 lots in bare land strata VIS5131.

MyLTSA Explorer


Professionals such as surveyors and lawyers have paid accounts with the Land Titles Office (LTSA) to search and file documents. However, anyone can register for a free account called “myLTSA Explorer”. You can search for certain documents and purchase them by credit card if you wish, but you can still get some information for free. Searching the strata plan number will only give you the option to purchase the strata plan. Search the PID for a certain strata lot to get more options.

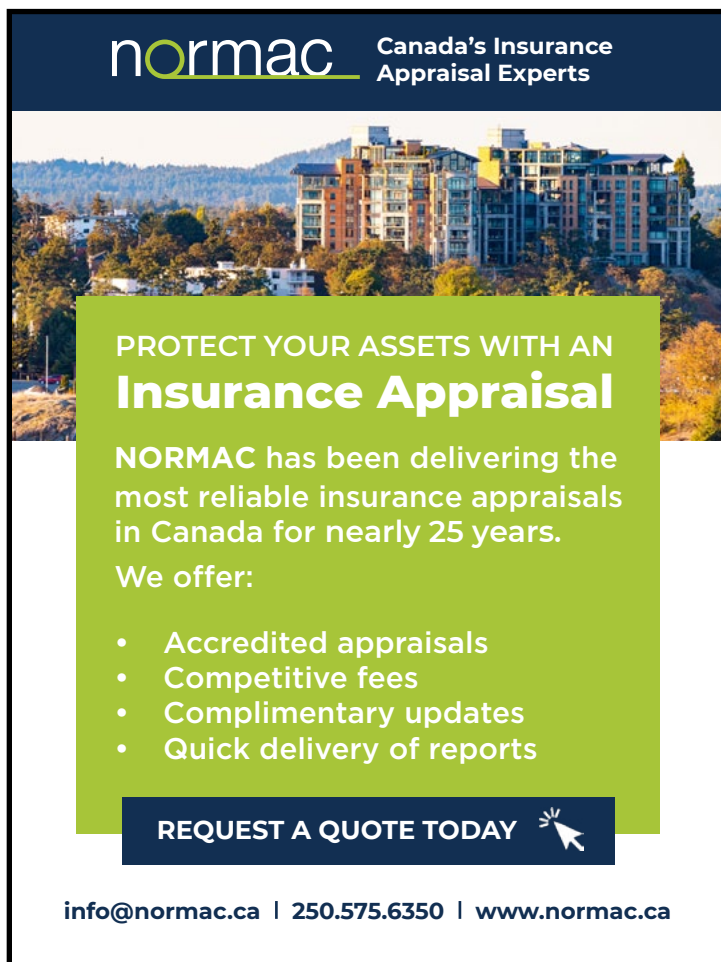
For example, searching PID: 023-012-820 results in

several documents related to that strata lot:

- the title (you can choose the current title only or past owners as well)
- the common property record (free)
- the strata plan (In this case it’s a bare land strata plan. It shows strata lots but no buildings on those lots. Only common property buildings such as a clubhouse are shown on the strata plan.)

You can also purchase other documents such as bylaws, change of mailing address, and designation of limited common property, but you’ll need the exact filing number for the document. Examples: FB451897, and CA5531024. If you don’t have the filing number, a professional such as notary or lawyer can search the general index to see all documents for that strata plan number. Filings are never deleted so old documents such as outdated bylaws will still be on file.

The myLTSA Explorer account allows you to purchase up to 40 documents per year. However you can do as many searches as you wish. Go to help.ltsa.ca/myltsa-explorer to learn more and set up an account. 




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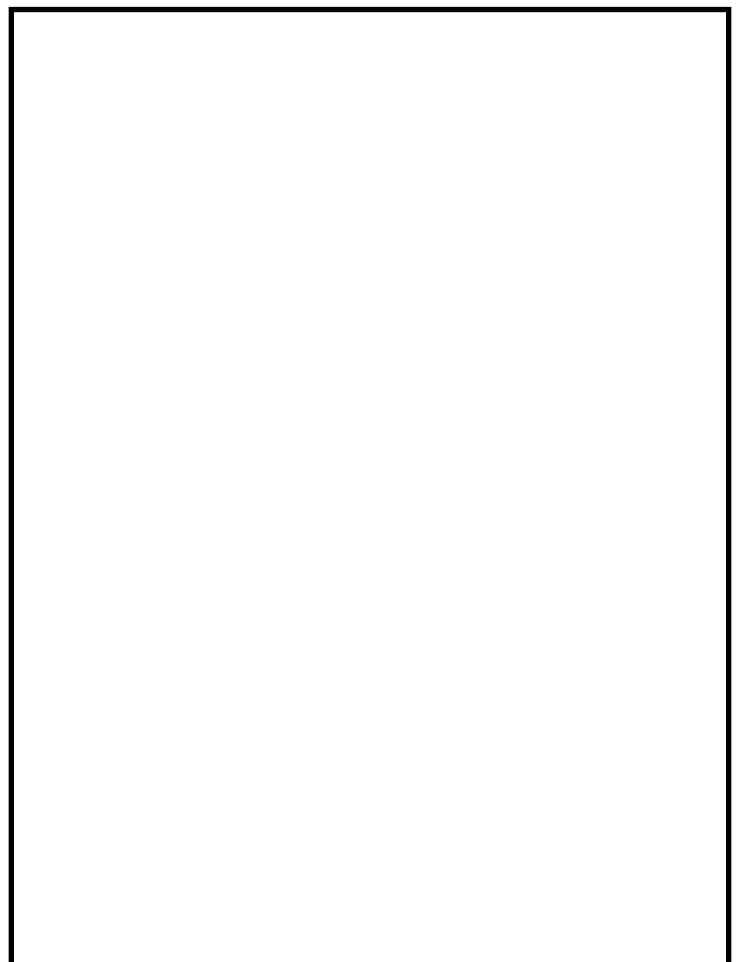
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■ Land Use Contracts Terminating in 2024

by Wendy Wall

When was the last time you read the details of the title record for your strata lot? Have a look at it now. Under Charges, Liens and Interests is there a Land Use Contract? If so, as of June 30, 2024, the zoning might not permit the current use of your land, buildings and structures.

What is a Land Use Contract?

Between 1971 and 1978, rather than rezoning a property, a local government and landowner such as a developer, could instead enter into a contractual arrangement known as a Land Use Contract (LUC). For example, the developer of my own strata signed an LUC with my municipality on November 9, 1978 to develop 3 parcels of land for the use of up to 16 townhome units for a period of 50 years, even though the land was only zoned for single family homes. The developer went on to construct 15 townhomes and the strata plan was filed on November 3, 1980.

Essentially the contract has the force and effect of a restrictive covenant running with the land and, after

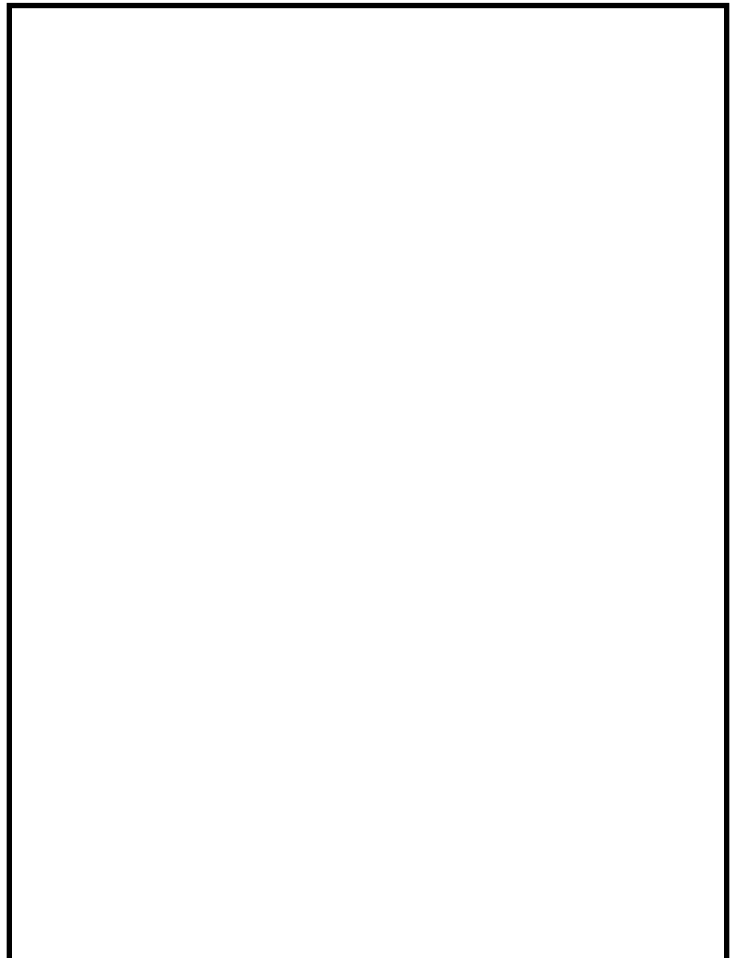
consolidating the 3 lots into one parcel, the LUC had to be registered on title at what was then known as the Land Registry Office. The LUC is quite restrictive. It does not allow the buildings, landscaping, parking and other improvements to be constructed, reconstructed, erected or maintained except in the positions and in the manner shown in the said drawings. It also prohibits transient accommodation and other types of commercial living.

The provincial legislation that allowed these Land Use Contracts was repealed in 1978, and permitted the existing contracts to remain in place. In the case of my strata, the contract states that, at the end of the 50-year period (2028), the zoning would default to whatever zoning bylaw is in place at that time. If the use is in conflict with that zoning, the use would be deemed lawful non-conforming.

Land Use Contracts will be terminated by June 30, 2024

These contracts might have seemed reasonable at the

continued on page 9



Land Use Contracts Terminating in 2024

time, but over the years they have often become out of date and overly prescriptive. Imagine a land owner with a business-use LUC that restricts commercial use to operating a typewriter repair business! LUCs are increasingly out of step with current planning and zoning bylaws, best-practices, and the character of surrounding properties. They are often costly and cumbersome to administer.

In 2014, the [provincial government amended](#) the *Local Government Act* (LGA). Per [section 547](#), all Land Use Contracts will be terminated on June 30, 2024.

What does this mean for strata corporations with Land Use Contracts?

Local governments are responsible for determining the process for termination of Land Use Contracts (LUC) and setting zoning in place. They were required to adopt a zoning bylaw by June 30, 2022 that will apply to the land as of June 30, 2024. Per [Local Government Act \(LGA\) section 549](#), they must also give written notice to every owner in your strata corporation to inform them that the LUC is being terminated, and the place and times when zoning bylaws are available for public inspection. The notices typically direct the reader to websites to find city bylaws and the underlying zoning of their property. Notices often refer the reader to the most recent Official Community Plan (OCP).

The notices I've read so far don't specify what the current zoning is for the land, whether the land is being rezoned, whether per [LGA section 533](#) the use of the affected land, buildings or other structures may be continued as a "legal non-conforming" use, or another resolution permitted by the LGA.

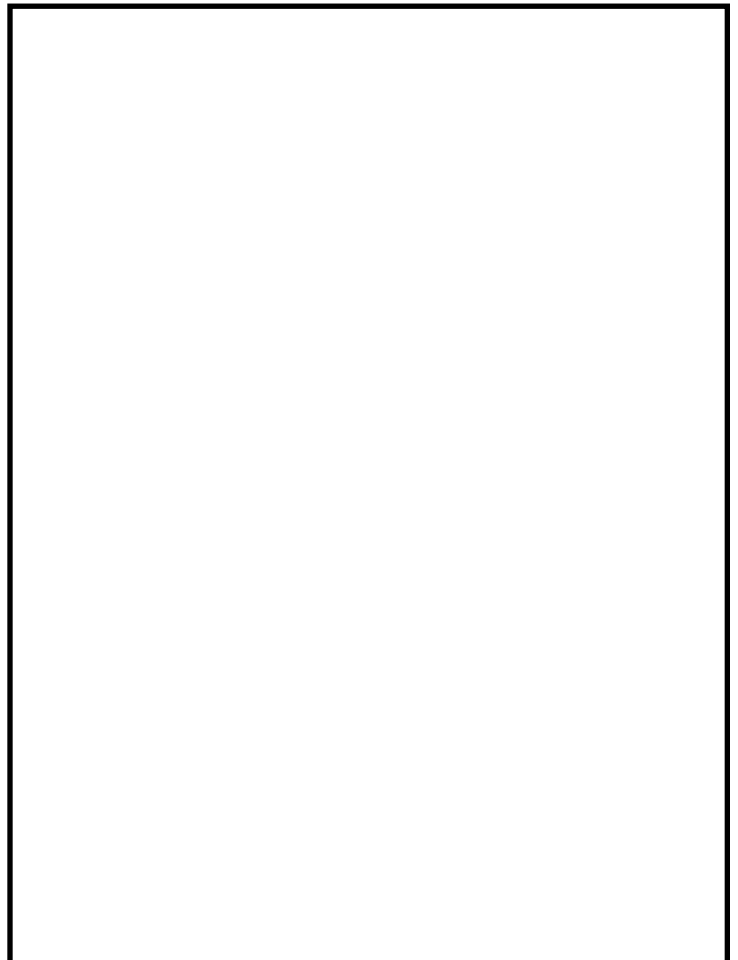
As none of the owners in my strata have received a notice from our municipality, I asked our local planning department where I could find the new bylaw so I could understand how our land would be dealt with. I was directed to a web page that says in February 2017, council directed staff to initiate a process for early termination of LUCs found throughout the city. It goes on to say that the LUC termination bylaws and the new zoning come into effect one year after they are adopted. However, it's unclear whether that bylaw was ever adopted. Under the LGA, the deadline to do so was June 30, 2022.

Without a notice from my municipality or a bylaw, my only option is to rely on the frequently asked questions on the municipality's website. It appears that the information hasn't been updated since 2017 so I can only hope that the information is correct. A search of their parcel map tool confirmed our current zoning as R1-B for single family dwellings. The website says to check the city's

Official Community Plan (OCP) for updated permitted uses. After spending an hour looking through this 286-page document, I found a map that shows our street with parcel lines, but no addresses, and a colour that identifies permitted uses as "traditional residential". The definition of this in the OCP is general in nature saying it consists "primarily of residential and accessory uses in a wide range of primarily ground-oriented building forms including single, duplexes, townhouses and row-houses, house conversions, and low-rise multi-unit residential and mixed-use buildings up to three storeys in height located along arterial and secondary arterial roads".

Based on this I presume that the status of the permitted use of our land, buildings and structures will be "legal non-conforming". However, a recent email from planning department staff to one of our owners, in response to an application for an alteration, says that our "only option to avoid the non-conforming status is to rezone the subject property". Relying on the *Local Government Act*, I know that in our case we don't have to make an application for rezoning or pay a fee, but the email from our municipality is causing confusion and concern among our owners.

continued on page 10



Confirm the status for use of your land, buildings and structures

If your strata is affected by a Land Use Contract, and owners have not received a written notice from your local government with sufficient information, consider contacting your local planning department to ask for information including:

- The bylaw that sets out their process for termination of LUCs and setting zoning in place
- The date that your local government is terminating your LUC (per LGA section 548 at least one year after the bylaw is adopted, but no later than June 30, 2024)
- Your current zoning
- Referenced documents, if any, such as their Official Community Plan (OCP)
- Written confirmation of the status of permitted use when the LUC is terminated

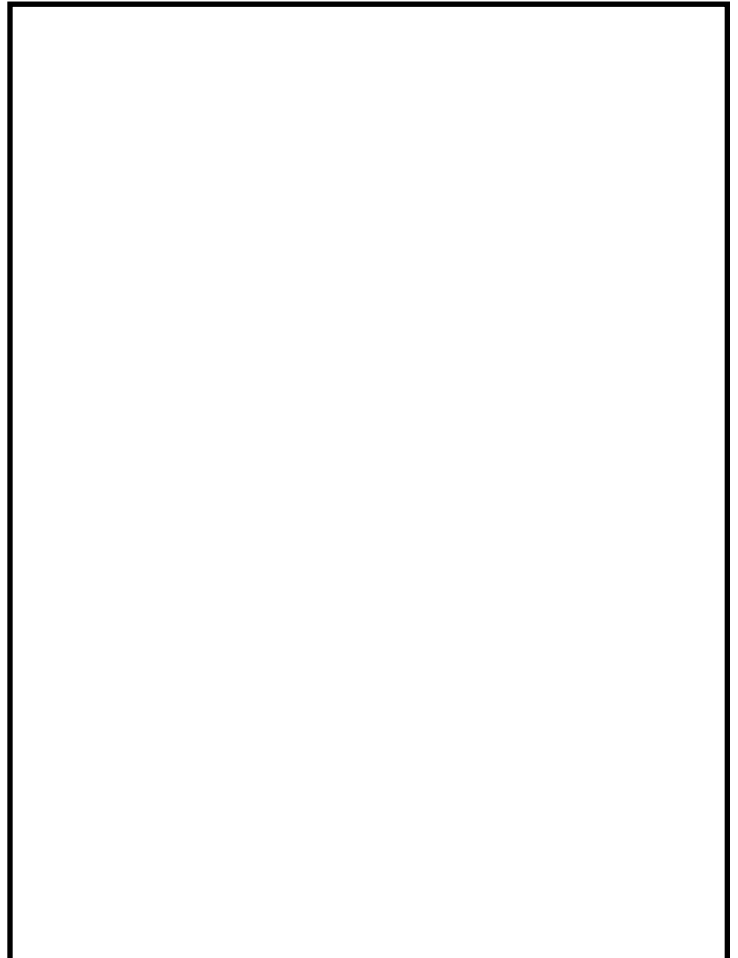
Does the strata corporation have to pay a fee?

In most cases there shouldn't be any action required by the strata corporation or fees. It's up to your local government to resolve the situation so that your strata can continue its current use. Additionally, the Land Titles Office is supposed to update their records to remove the Land Use Contracts from the title records. In some cases, a strata might want to apply for rezoning. Contact your local government about that process.

What is VISOA doing to help affected stratas?

VISOA's advocacy committee acknowledges the confusion, concerns, and fears that affected strata owners are experiencing. We are currently working with local governments to encourage communication with strata owners that clearly states the status of permitted use when the LUC is terminated and whether the property has been rezoned. [V](#)

If your strata is affected, please feel free to share your experiences both positive and negative by sending an email to president@visoa.bc.ca



■ Are You Underinsured? 6 Tips for Strata Owners

by Barry Burko

Follow these tips to determine the insurance you need when you own a strata unit such as a condo or townhome.

1. Do the math for your contents

We often underestimate the value of our contents. For example, count the number of jeans and sweaters you've got and give each an average cost of \$75 or more. Do the math and you'll be absolutely astounded at the cost of your clothing alone! The cost to replace food and toiletries is another eye-opener. Also look at your electronic items including computers, phones, TVs, stereo systems, and don't forget other devices such as Alexa or Google Assistant.

2. Don't forget betterments

Any of the original fixtures that have been changed in your unit over the years, by you or a previous owner, are called betterments and are the owner's responsibility to insure. These could be kitchen cabinets, countertops, laminate flooring etc. Think of the cost to replace these. Years ago, your balcony might have been enclosed for \$10,000 but it could easily cost \$50,000 to replace it now.

Most policies set the same value for replacement of your contents and your betterments, so select the higher of your two calculations and add on a bit more for good measure.

3. Make a video inventory

In the event of a total loss such as a fire, the insurance adjuster needs to justify to the underwriters what was lost or damaged. The best way to inventory all your possessions is to walk around your home, opening every closet and drawer, and video everything including your artwork, jewellery, collectibles, your storage area, bikes, tools and EV charger. Video all of your betterments as well. It's incredibly simple to do with your smart phone. The video documentation will be enormously helpful when putting together your claim. Now store the video in the cloud so you can access it whenever you need it.

4. Protect yourself for water damage

Your policy typically includes several types of coverage related to damage from water. To the average person the

names of those coverages are confusing. Water damage from burst pipes might be under broad form coverage. An overflowing bathtub could be covered under sewer back up. Overland water coverage isn't just about flooding lower units—it could cover situations such as water entering a unit from the balcony during a rainstorm. You should also have coverage to [pay a strata deductible](#) charged back to you if you are found responsible for damage that gave rise to a claim on the strata's policy. Your broker will likely warn you against denying any of these coverages.

5. Check the limit for living expenses

There's a portion in every policy for additional living expenses if your unit is uninhabitable due to the extent of the loss. Remediation or construction can often take much longer than expected. You could find yourself in a position where the coverage for living expenses isn't enough to cover the high cost of rent. And remember, you're still making mortgage payments while you can't live in your unit.

6. Get loss assessment coverage

This is one of the most important parts of your policy. If a claim is made on your strata corporation's insurance policy and there's a large deductible, a special levy can be passed so that each owner pays their portion of the strata's deductible based on unit entitlement. There's a provision

in the [Strata Property Act](#) that permits the strata council to pass the special levy without going to the owners for approval. These levies can be large – in the tens of thousands. If you don't have enough insurance, you're putting yourself at risk. You could lose everything!

Ask your property manager or strata council for a copy of the strata corporation's insurance policy and give it to your insurance broker. They can help you determine how much coverage you need. **V**

If a claim is made on your strata corporation's insurance policy and there's a large deductible, a special levy can be passed so that each owner pays their portion of the strata's deductible based on unit entitlement.

Barry has 26 years in the property management business. He was founder and CEO of Summit Strata Management Ltd. in Whistler BC and a founding member of the Strata Property Agents association (SPABC).

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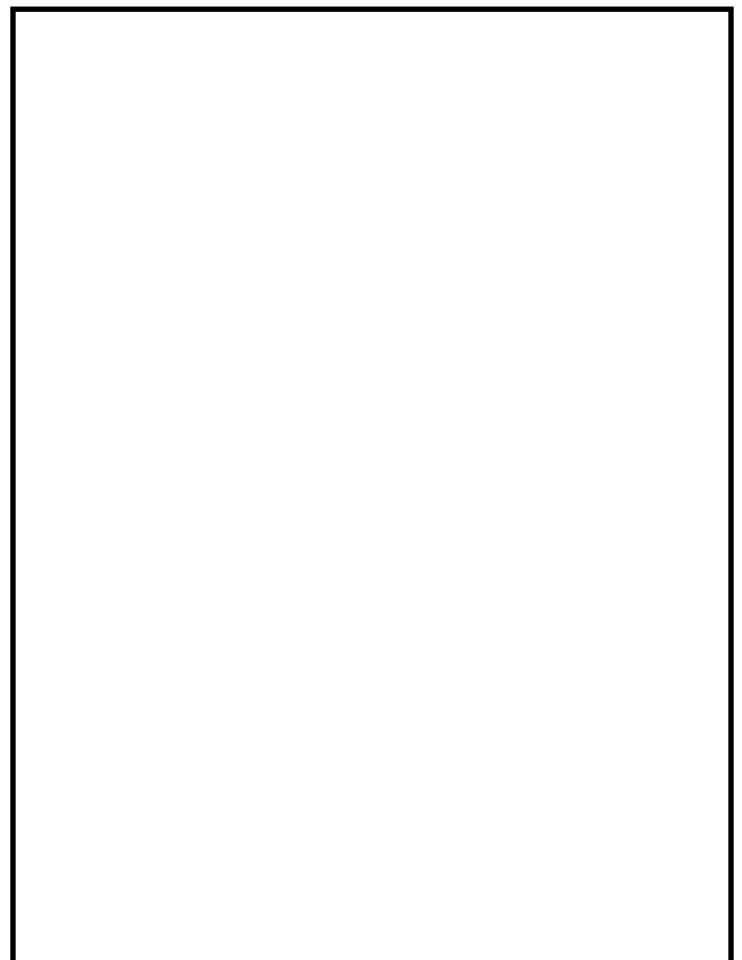
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You Asked

Q: A buyer has an accepted offer on a condo in our building. Their lawyer paid the \$15 for a Form F but the current owner still owes over \$600 in strata fees. The Form F doesn't have an option to say there's still money owed. Do we still have to sign the form and give it to the lawyer within 7 days?

A: The Land Title Office requires a [Certificate of Payment](#), commonly called a Form F, when transferring a strata property. Under section [256 of the Strata Property Act](#) the registrar must not accept a conveyance of title to a strata lot unless it is accompanied by a Certificate of Payment issued within the last 60 days.

It's standard procedure for the purchaser's lawyer to order a Form F. However, from the strata corporation's point of view, the conditions in the Form F have to be met before council members or the manager can reasonably be expected to sign the form.

Section [115 of the Strata Property Act](#) states that: Within one week of the request of an owner or purchaser, or a person authorized by an owner or purchaser, the strata corporation must give the person making the request a Certificate of Payment in the prescribed form **IF**

- (a) the owner does not owe money to the strata corporation, or
- (b) the owner does owe money but
 - (i) the money claimed by the strata corporation has been paid into court, or to the strata corporation in trust, under section 114, or
 - (ii) arrangements satisfactory to the strata corporation have been made to pay the money owing

Despite best attempts to collect arrears there are times when the seller simply doesn't have the money to pay.

Your council cannot be forced to sign a certificate making a statement that is false. If the current owner still owes money, then the question is whether council is satisfied that arrangements have been made to pay the money owing. If council is satisfied, it would be reasonable to sign the form.

What is considered satisfactory is up to your council. In these situations it is common for either the seller or purchaser's lawyer to send a signed letter to the manager or council agreeing to pay the amount owed to the strata corporation after the property is conveyed. The lawyers for the seller and purchaser can allow for that cost in the adjustments of the sale.

It's understandable for council members to be nervous about signing the form particularly if the amount is very large. If you aren't sure that the payment arrangements are legally binding, you could ask a strata lawyer for advice or to draft a formal agreement.

Q: The Strata Property Act says that council members have to act honestly and in good faith. I don't think some of our council members are living up to that. Can I take them to the CRT?

A: You're right that [section 31 of the Strata Property Act](#) sets out a council member's standard of care. It says, "In exercising the powers and performing the duties of the strata corporation, each council member must (a) act honestly and in good faith with a view to the best interests of the strata corporation, and (b) exercise the care, diligence and skill of a reasonably prudent person in comparable circumstances".

However, an owner won't be successful if they make a claim with the [Civil Resolution Tribunal \(CRT\)](#) or the BC Supreme Court against one or more council members for an alleged breach of section 31. Why? The BC Supreme Court determined that individual owners don't have legal authority to make claims for breaches of section 31 because a strata council member's duties under

■ You Asked

this section are owed to the strata corporation, not to individual strata lot owners. See BC Supreme Court decisions *The Owners, Strata Plan LMS 3259 v. Sze Hang Holdings Inc.*, 2016 BCSC 32, and *Rochette v. Bradburn*, 2021 BCSC 1752. This means that the CRT doesn't have jurisdiction to hear these claims. You'll find at least 200 CRT decisions where the tribunal had to refuse to resolve these types of claims from individual owners for lack of jurisdiction.

However, a strata corporation does have standing to bring a claim against a strata council member for alleged breaches of section 31. It doesn't happen often but the CRT does have jurisdiction to hear these cases. See, for example, *The Owners, Strata Plan LMS 2385 v. Field*, 2020 BCCRT 673.

Alleged breaches of section 31 are complex. It's advisable for the strata corporation to get legal advice before taking legal action to determine their likelihood of success and weigh factors such as time and cost. [V](#)

If you're a VISOA member you can submit your question to the Strata Support Team. Just complete the [form on our website](#).

Volunteer with



Are you well-versed in
the *Strata Property Act*?

Do you read CRT decisions for fun?

Would you like to help strata owners and
council members in BC?

**Contact us to learn more about joining
our Strata Support Team!**



Strata Statistics



33,871

Filed strata plans in BC
as of October 26, 2021



720,538
Strata lots

32.8%
of 2.2 million
active titles

Source: *Land Title and Survey Authority of BC*

8.33%

Average strata
fee increase



Average assessment
per unit for an owner's
portion of the strata's
earthquake deductible

\$45,331

Average special levies per
unit over the next 10 years

\$17,587



24.4%

Average increase in
strata insurance
premiums



Source: Aggregate data
courtesy of Condo Clear
Services Inc. based on
a review of documents
from August 2021 to July
2022 for 550 strata lots in
BC, in stratas of various
building types and ages of
construction.
condoclear.ca

■ Before Renovating, Be Aware of Asbestos

by Ted Letourneau

Most realtors don't fully grasp the breadth of the problem with asbestos in older buildings and don't discuss it with their clients. After purchasing a strata unit, owners often plan to renovate and are shocked at the estimate when their contractor informs them of the cost to remove (abate) asbestos-containing materials. Is the contractor a bad guy? Well, no, he is simply following the requirements set out by [WorkSafeBC](#). He doesn't want the client's project to be shut down, incur hefty fines, face potential legal action, or expose himself or his workers to a known carcinogen.

Many home owners take the do-it-yourself approach without realizing that there might be asbestos in materials such as drywall joint compound and textured ('popcorn') ceilings.

When were asbestos-containing materials used in construction?

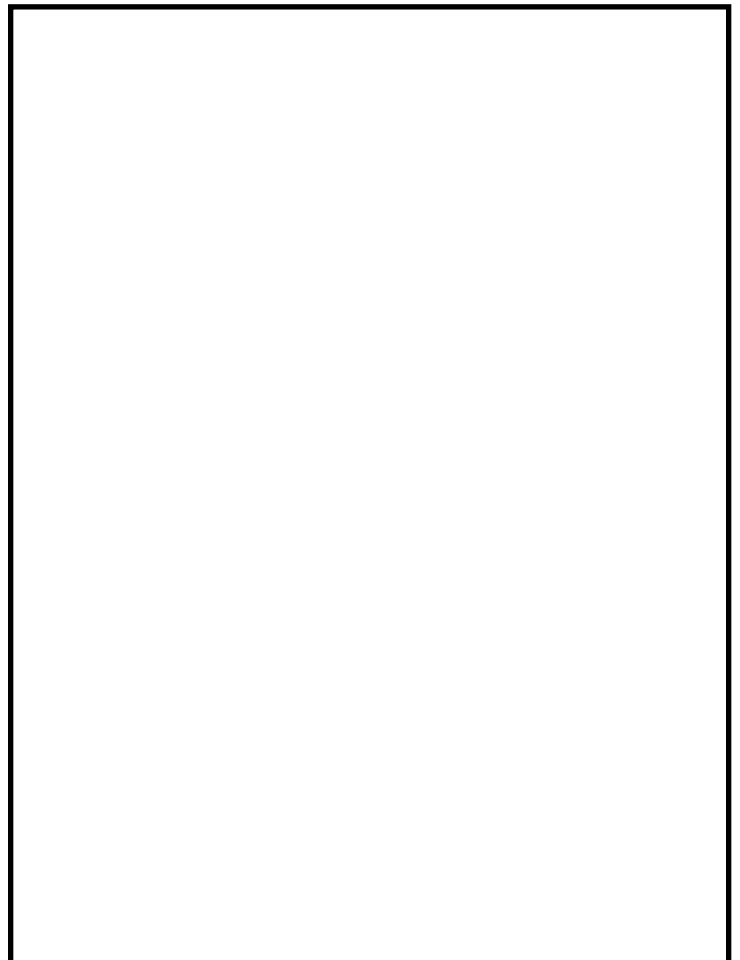
Asbestos was common in construction materials in Canada for many generations. In 1976, the federal government began restricting the import and distribution

of the most dangerous forms of asbestos products. Unfortunately, these products were popular with contractors, so many asbestos-containing materials continued to be used up until the mid-1980s. Vermiculite attic insulation containing asbestos was used until at least 1990. In fact, non-friable asbestos materials, which are products where the asbestos cannot easily be separated from the product, continued to be manufactured and imported until 2019 when the federal government finally banned imports of all asbestos-containing materials.

Why is asbestos dangerous?

[Asbestos exposure](#) is the number one killer of workers in B.C. Consider this: you need a microscope to see these fibres. Disturbing or moving asbestos-containing materials releases the fibres into the air where they can linger for hours and be inhaled by you, your family and your neighbours. Many people don't even realize they've been exposed. They won't develop illnesses right away.

continued on page 20



Before Renovating, Be Aware of Asbestos

Asbestosis is a lung disease caused by inhaling asbestos fibers. Being exposed to asbestos fibres for long periods of time can cause scarring of the lung tissues. Exposure can also cause a variety of cancers including lung cancer and mesothelioma where malignant tumours form in the lining of the lungs, abdomen, and heart. Mesothelioma can occur after only brief exposures to the fibres. There are no medical treatments for any of these diseases.

In there asbestos in your strata unit?

Asbestos isn't hazardous if you leave it alone. The danger is when the building materials are disturbed. If you are renovating a strata unit that was built before 1990, take [steps to protect the health and safety](#) of your family and your neighbours .

Have a qualified asbestos professional such as an Occupational Hygienist investigate your home and collect bulk samples of suspected asbestos-containing building materials for testing. Wearing a respirator and protective gear, they'll go room-by-room collecting samples of duct insulation, drywall joint compound, vinyl floorings, ceiling tiles, ceiling texture coatings, caulking, mortar compound and, if necessary, exterior siding/finishes. It doesn't take

long to discover a whole host of materials that potentially contain asbestos. A qualified laboratory will analyze the samples under a microscope and provide the results.

Advise your strata council

Most strata bylaws require an owner to get written permission before renovating their unit. Depending on the age of the building and the scope of work, your strata council might require you to provide the testing results, sign a waiver taking responsibility for complying with [WorkSafeBC regulations](#) for safe handling and disposal of asbestos-containing materials, and indemnify the strata corporation.

So do your homework before you swing the hammer or hire a contractor. At the end of the day, what matters most is that you are taking the necessary precautions to protect your family and neighbours from the hazards of airborne asbestos exposure. **V**

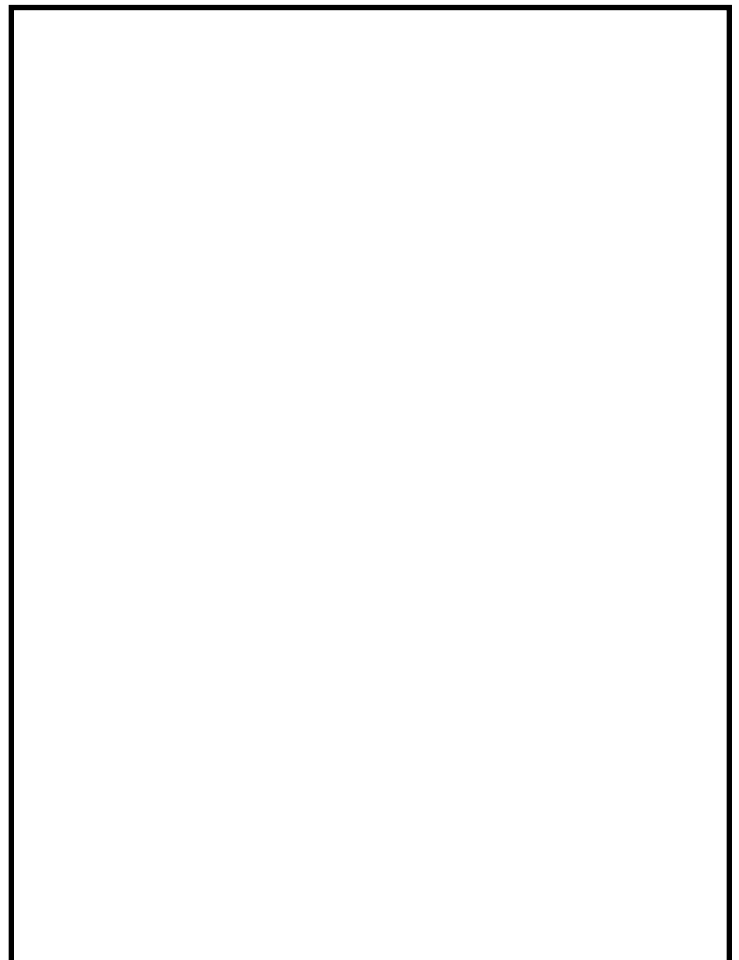
Ted Letourneau, BSc., ROH is a Senior Occupational Hygienist at Island EHS, a hazardous materials consulting firm based in Victoria. Island EHS is C-NRPP certified. www.islandehs.ca

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■ President's Message

Should you buy an old or new strata lot?

There are countless debates over whether to buy an older or newer condo, townhouse, or bare land strata unit. In short there are potential advantages and disadvantages to each.

New construction

Beyond the high prices and GST, opinions abound about new construction. Just because something is new doesn't mean that there won't be issues. An oft-quoted opinion from an unnamed contractor is that they would never buy a unit until it is 3-5 years old so that any issues become known.

Others reasonably rely on the reputation of the builder. Well thought out design and good quality construction could result in fewer issues in a strata corporation's first few years as long as they commit to a strict maintenance and repair program from the outset.

Some have blamed poor construction of newer buildings for causing strata insurance premiums and deductibles to skyrocket over the last few years. Just last week a property manager mentioned they were having difficulty

getting insurance for a brand new strata corporation.

Older construction

I've heard varying opinions from contractors, inspectors, and realtors over which decades produced the best buildings. They each cite their own reasons related to changing building codes, different types of roofs and cladding, changes to wiring and plumbing materials, fire safety systems, asbestos-containing materials, and more.

Regardless of the age of the building, read the depreciation report and minutes for information about the history of repairs, and the renewals that are expected. In some cases, the purchase price, size of the unit, or other factors are appealing even though you'll need to save your pennies to contribute to upcoming repairs.

The great unknown

Regardless of when the buildings were constructed, strata owners should always be prepared for the unknown. No building inspector or depreciation report provider has a crystal ball and they can't see through walls and floors.

I recently spoke with a couple who shared their story of an unexpected issue. It made me think of a dragon that took a 40-year nap and then decided to wreak havoc on the villagers.

These new owners of a townhouse built in 1982 were excited to renovate the old kitchen and flooring on the lower level of their unit. Upon removing the old flooring, they found the concrete slab in the living room had sunk like a huge bowl. At first the property manager and strata council didn't grasp the severity of the problem. This was not something that could be repaired with self-leveling concrete. The owners hired a structural engineer who confirmed that the footings for the building itself were sound, but recommended they hire a geotechnical engineer to investigate why the slab had sunk. The geotechnical engineer determined that during the original construction, the ground was filled with construction debris and the concrete slab was poured over it without a proper base. Over the course of 40 years, the debris settled such that the concrete slab was now floating over a large void ranging from depths of a few inches to 3 feet. The engineer's report informed them that the floor was unsound, in danger of sudden collapse, and a risk of serious injury existed.

For months, the affected owners were forced to live with family members since the entire ground floor of their unit was unsafe. The strata council had other units



Should you buy an old or new strata lot?

scanned to try to determine the extent of the problem but the results were inconclusive. An owner raised an analogy that resonated with the group: if this was a pipe that burst you would do the emergency repair first and investigate whether the issue is wider-spread later.

At the strata's annual general meeting, 8 months after the issue was first discovered, owners voted unanimously to approve \$50,000 for the needed repairs in the townhome. This was a significant expense for a 14-unit strata corporation with just \$85,000 in their contingency reserve fund.

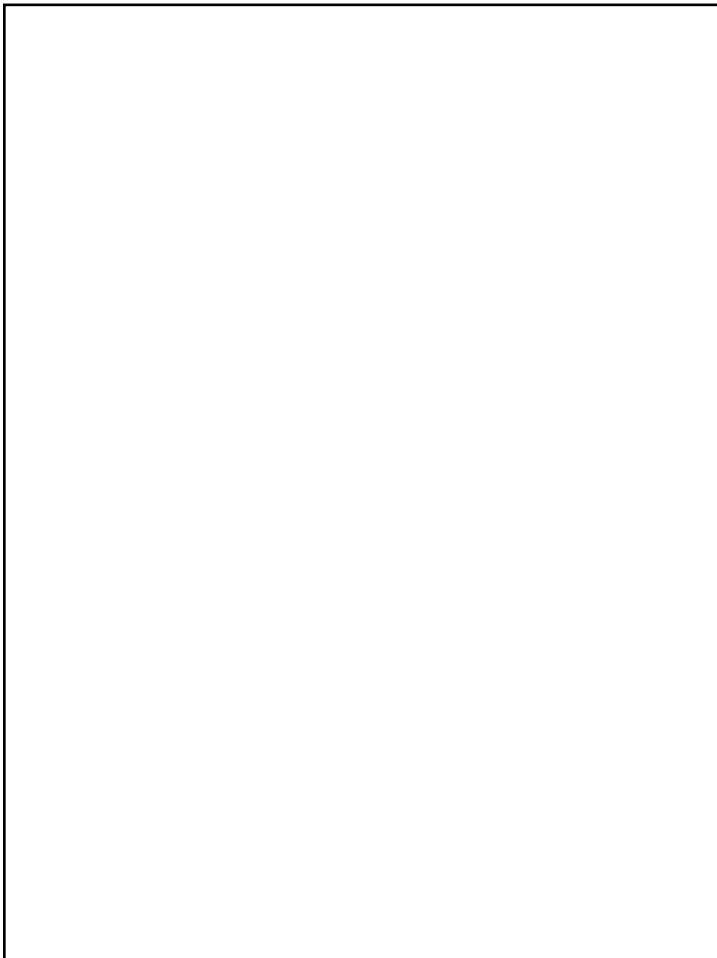
The work began. As their neighbour, I watched heavy equipment come and go for what seemed like months. The concrete was jacked out from the entire lower level of the townhome and the ground was excavated 3 feet down to solid ground. Under the engineer's supervision, substrate (in layman's terms, a gravel base) was added. This took time as it had to be compacted after every addition of 2 inches. Finally, the new concrete slab was poured over the base and the owners could at long last start their kitchen renovation, install their flooring, and look forward to moving back into their unit.

Final words

My own opinion is that things can go wrong with both older and newer strata buildings. In my view, what really matters is how the owners support each other. There will be times when it seems like only one unit is benefitting from a repair but that's not a fair assessment of the situation, particularly when something is deemed unsafe. The key point is that, with the exception of bare land strata lots, under [section 72 of the Strata Property Act](#) and the bylaws, the owners are collectively responsible for the repair and maintenance of certain parts of a strata lot. Whether new or old, defect or other reason, when repairs are needed for something that the strata corporation is responsible for, the strata owners must come together and support getting the work done.

It could be argued that an attitude among the ownership to do necessary repairs, whether planned or unexpected, is a more important factor than the age of the building when making a decision to purchase a strata unit. [V](#)

Wendy Wall, VISOA President
president@visoa.bc.ca



VISOA

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