



BULLETIN

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



NOVEMBER 2022

Vancouver Island Strata Owners Association

VISOA Bulletin

Editor: Bulletin Committee

Graphic Design: Bulletin Committee

Advertising Coordinator: Cindy Young

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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

On the cover: This photo was taken from my back deck on a frosty November morning. Lighthouse Landing Estates is a 30-unit strata in Deep Bay, B.C - Suzan C.

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.

Strata Unit Insurance – Turmoil in the Market


by Shawn Fehr

The insurance market in BC continues to be a roller coaster and strata owners may find it challenging to obtain personal coverage for their condos, townhouses, and bare land homes.

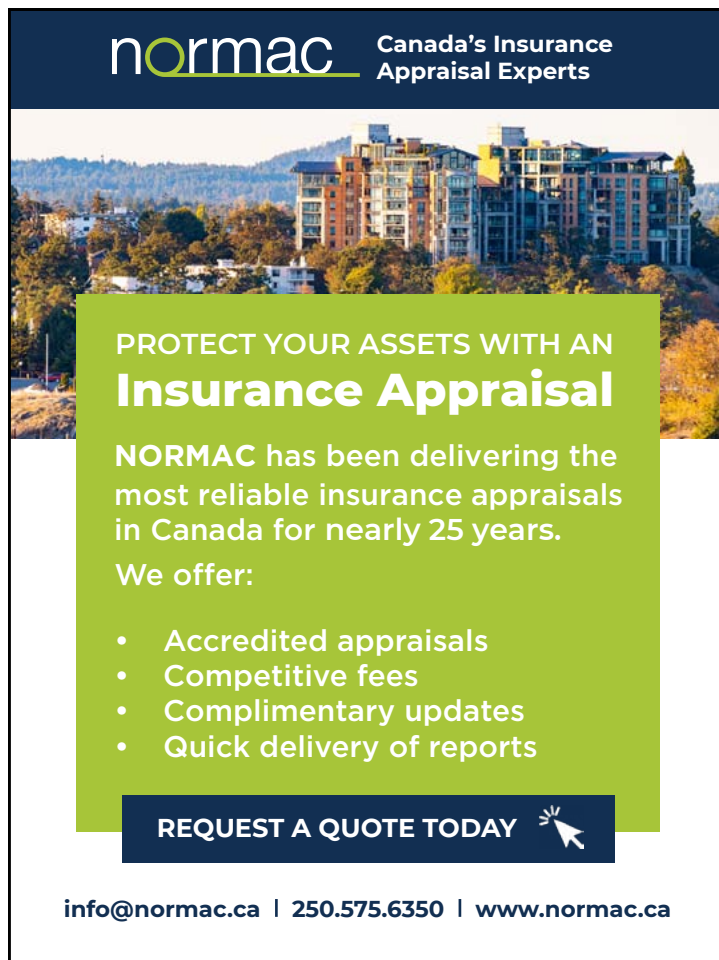
Why? Insurance companies are being tested this year with reinsurance renewal costs. Reinsurance is essentially insurance for the insurance companies. It provides protection against catastrophic losses to help insurance companies remain solvent after a significant catastrophe such as severe flooding, wildfires, or events such as Hurricane Ian where claims are projected to be \$40-\$50 billion. The cost of reinsurance that is purchased by insurance companies has skyrocketed and will be passed down to consumers in the form of higher rates and deductibles.

Intact Financial Corporation purchased RSA Insurance Group in June 2021. This included Canadian Northern Shield Insurance Company (CNS) which had gross premium holdings of about \$200 million of residential business including home insurance, tenant insurance and condominium unit owners insurance. Likely due

to the turmoil in the reinsurance market, Intact made the decision to close CNS rather than pay the costs to support it. This means that there is now about \$200 million of residential business in BC – about \$20 million on southern Vancouver Island – that is needing placement. Exacerbating the problem, the cost of reinsurance is extremely high in the southern Vancouver Island region due to earthquake risk. Few insurance companies are willing to take on new business in the region, and some insurers are pulling out completely.

What does this mean for strata unit owners? It may be a challenge to obtain coverage for personal insurance due to high demand with a lack of supply. I don't have a crystal ball but would suggest that premiums are likely to go up 20% or more over last year. All brokers are in the same boat. Please be patient and give plenty of time to allow your broker to find coverage where it may be available. 

Shawn Fehr is Vice President of Commercial Insurance at SeaFirst Insurance and a frequent guest speaker.




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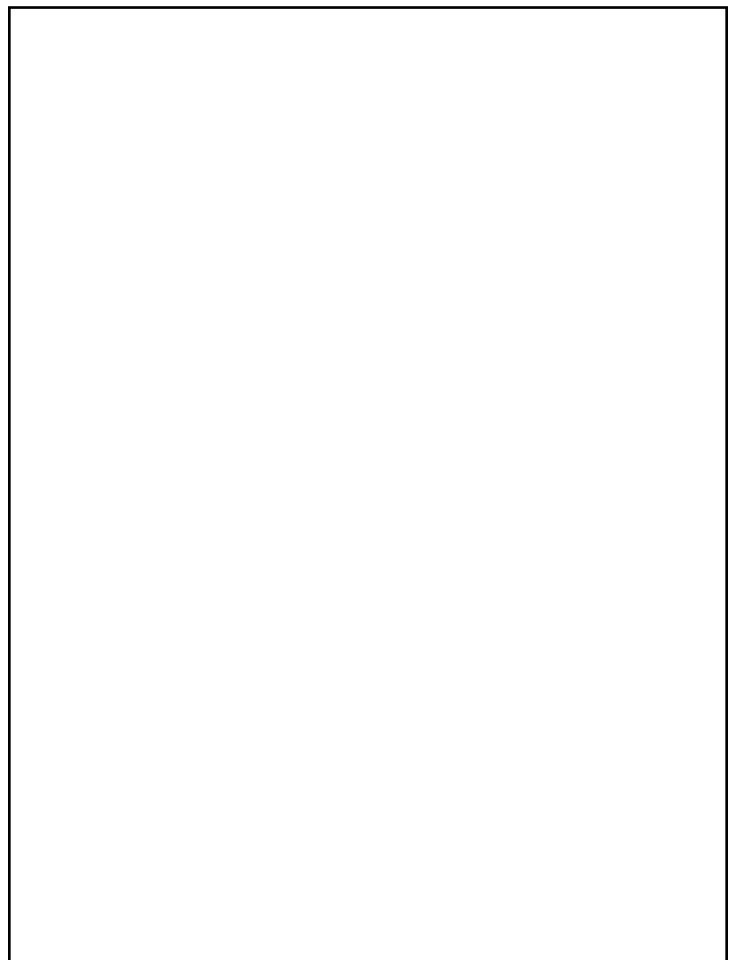
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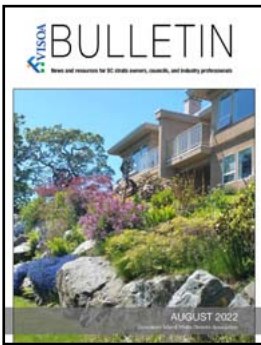
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■ Editor's Message

Once again, there was great response to our photo contest with entries submitted from stratas of all sizes from across beautiful British Columbia. The vote by the bulletin committee and board members resulted in the photo by Suzan C. being the top choice for November.

The photos from the August and November 2022 issues will be entered into a draw on December 1st. The winner will receive a one-year corporate membership for their strata. The second prize is \$50. The photo from the May issue will not be entered as it was submitted by a VISOA board member.



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

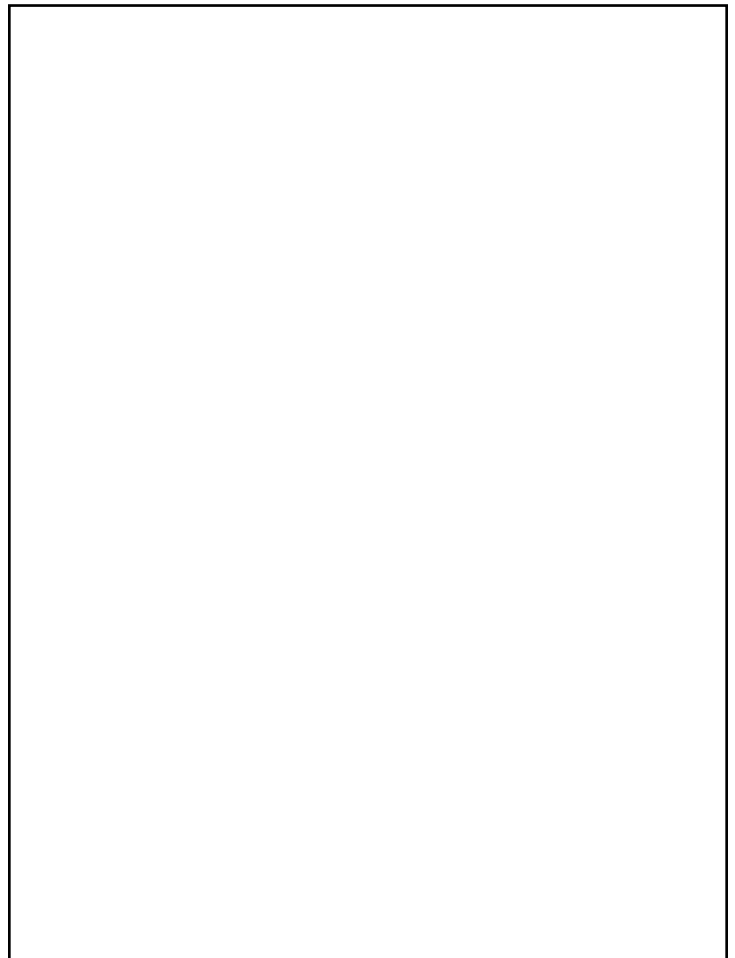
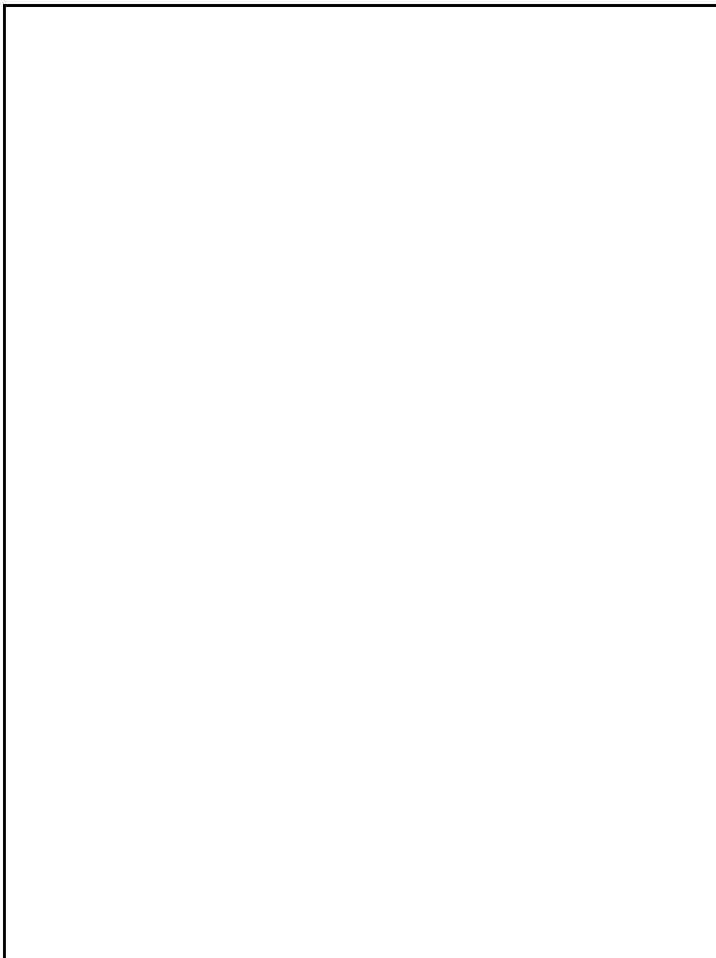
We are always on the look out for good articles. Feel free to submit an article on a topic of interest to strata owners and we'll consider it for a future issue. We prefer articles of 350 to 700 words but will consider longer ones as well.

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

We hope you enjoy this issue! 

*Wendy Wall, John Grubb, 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*



■ Hold On, Can We Vote Again?

by Shawn M. Smith

There are occasions when owners defeat a resolution at an annual or general meeting only to realize that they regret doing so. Or perhaps there was an error in the voting process. The *Strata Property Act* (SPA) does not address procedure at general meetings and thus provides no guidance for such situations. While owners may feel that once a vote has been conducted there is no recourse, that is not true.

The Civil Resolution Tribunal (CRT) recently considered this issue in *Dettmers v. The Owners, Strata Plan LMS 3903, 2022 BCCRT 375*. In that case a vote was taken during a virtual meeting, the results tabulated and then announced. The resolution was defeated. Following that an owner advised they had not been able to cast their vote. A second vote was taken to correct the error and the resolution passed with a different result. A group of owners then challenged the vote at the CRT.

The owners opposed the second vote on the grounds that it was not preceded by a majority vote to reconsider (agree to revoke); a procedure used and approved in other cases. In *Loveys v. The Owners, Strata Plan NW204*

2008 BCSC 1924, a resolution to carry out balcony repairs was defeated. Questioning whether that was the right decision the owners employed a reconsideration motion contemplated in *Robert's Rules of Order*. The motion passed by a majority vote after which there was a new vote taken and the repair resolution passed. In upholding the decision to vote again, the court said the following:

“35. The strata council bylaws are silent as to the procedure to be followed in meetings and do not adopt Robert’s Rules of Order. Mr. Lehman testified that he has chaired the meetings of this corporation for a number of years and that he follows Robert’s Rules of Order as a guideline. I find that the strata corporation must be able to decide how its meetings will be conducted, so long as the meetings are conducted in a way that is democratic and fair. The strata corporation adopted as a procedure one which is recognized as legitimate in other contexts, that is, Robert’s Rules, and which is generally viewed as democratic and fair.”

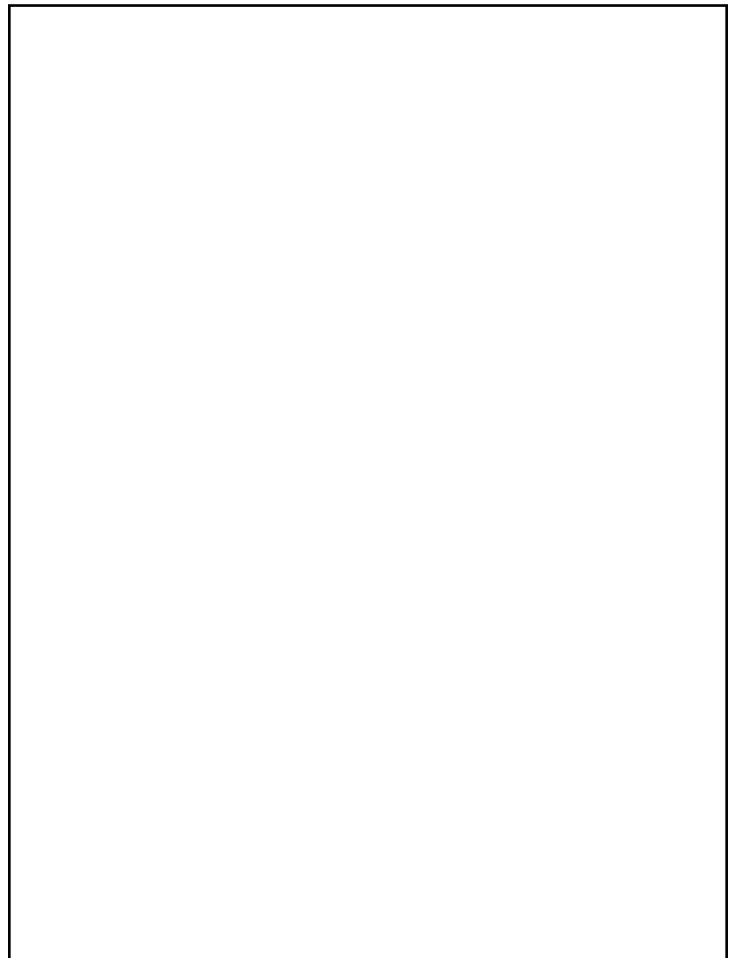
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Hold On, Can We Vote Again?

That same process was approved by the court in *The Owners, Strata Plan NW 971 v. Daniels*, 2010 BCCA 584 where it noted:

“[39] In the absence of any provisions in the SPA or bylaws of the Strata Corporation, the procedure adopted must not be unfair to the minority members. Robert’s Rules allowed for the reconsideration of the unsuccessful vote garnered by the “temporary majority” at the unrepresentative first meeting of the eligible voters. In my view, the procedure adopted by the Strata Corporation from Robert’s Rules to protect the wishes of the true majority was not unfair to the appellant or other minority members as the vote on the Reconsideration Motion was more democratic and more reflective of the will of the majority of eligible voters.”

While a majority vote to reconsider was employed in both *Loveys* and *Daniels*, the CRT held in *Dettmers* that such a vote is not a prerequisite to a new vote. It did so on the basis that:

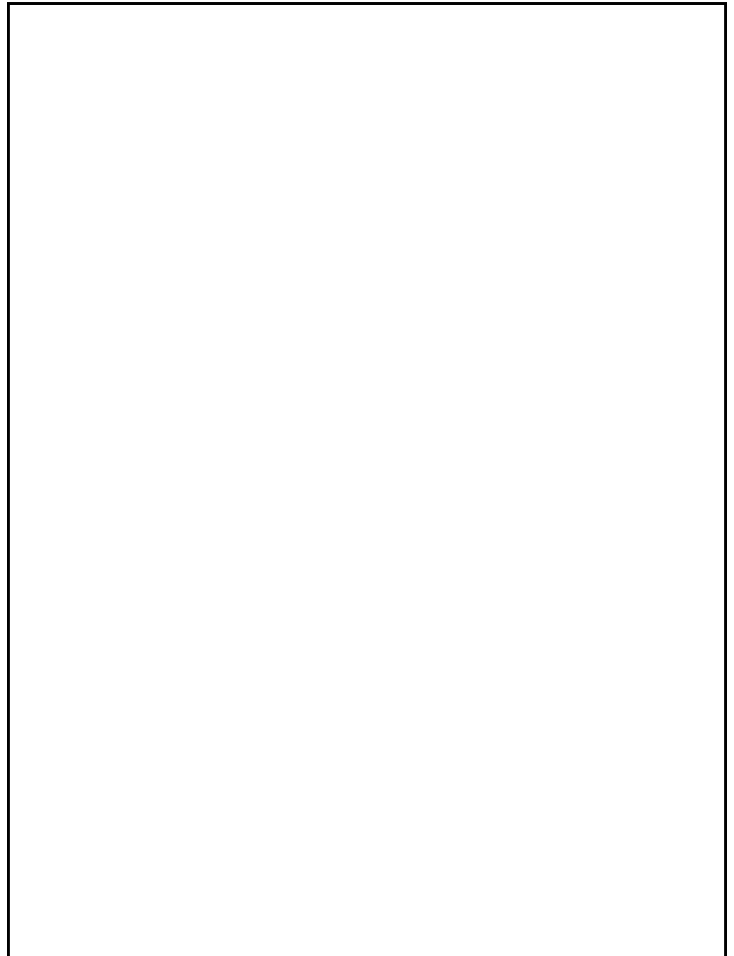
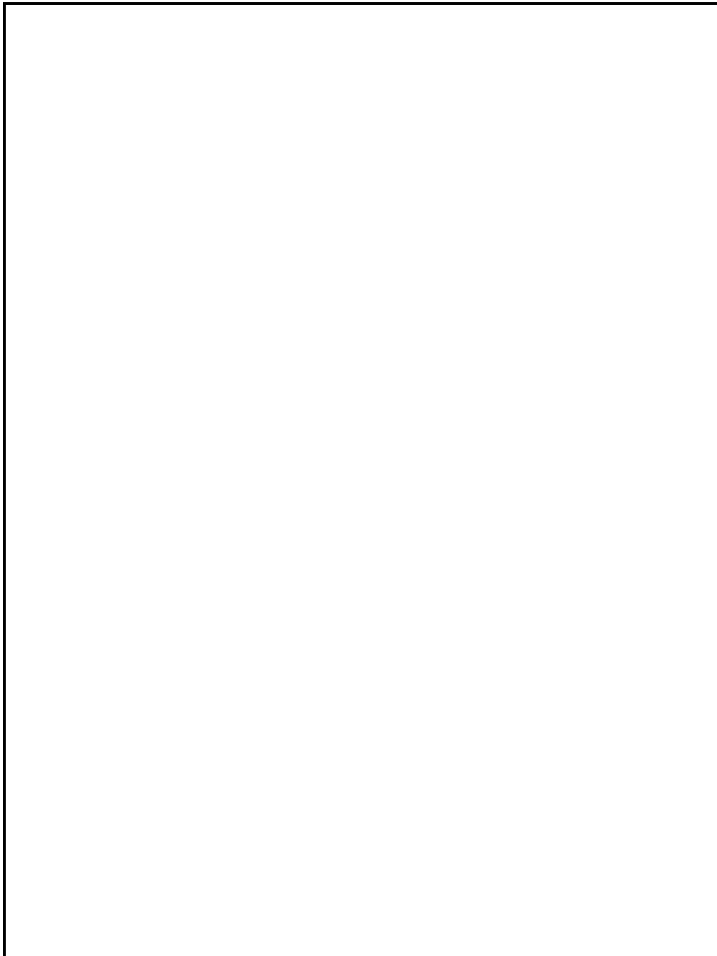
“...strata corporations are required to follow fair and democratic general meeting procedures, but are not required to follow specific sets of rules unless that is specified in the bylaws. I note that the strata bylaws in this case do not include a requirement to follow

particular rules of order, or to hold a majority vote before conducting a revote or recount....[W]here the SPA and strata corporation bylaws are silent on the procedure to be followed at a general meeting, the procedure adopted by the strata must not be unfair to the minority members”.

However, employing a vote to decide whether or not to reconsider a prior resolution remains a significant safe guard against abuse by the chair or the vehement demands of a few. While perhaps not necessary, it should still be employed.

While a strata corporation can enact a bylaw that requires it to follow Robert’s Rules or some other set of procedural rules, caution should be exercised in that regard. Such a bylaw would then require strict adherence to those Rules creating grounds for a procedure-based challenge to a decision. **V**

This article is intended for information purposes only and should not be taken as the provision of legal advice. Shawn M. Smith is a lawyer whose practice focuses on strata property law. He frequently writes and lectures for strata associations. He is a partner with the law firm of [Cleveland Doan LLP](#) and can be reached at (604) 536-5002 or shawn@clevelanddoan.com. T: [@stratashawn](#)



■ The Ups and Downs of Elevator Replacement

by John Grubb

For those of us who live in low, mid, or high-rise condominium buildings, using the elevator is a daily occurrence that we often take for granted. Residents of a 21-storey building in Vancouver were reminded of this when both of their elevators failed in July.

While the historical maintenance information in that case has not been made available, I'll suggest that the failure of 17-year-old elevator equipment is unusual, particularly as it appears that the strata has had a reputable maintenance contractor who provides the mandatory inspection and servicing. In July the strata council engaged a consultant to write the specifications to have both elevators replaced. A [media article](#) reported the council minutes as saying "The best-case scenario is that the work on the first elevator starts in about 6 months' time. Once completed, the second elevator would then be replaced."

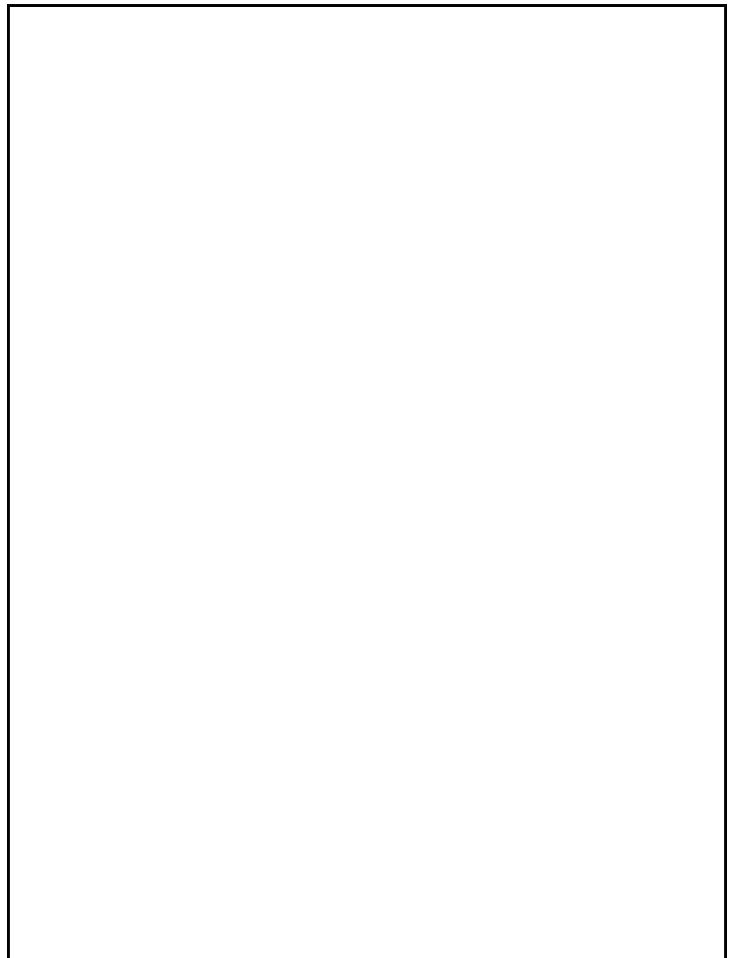
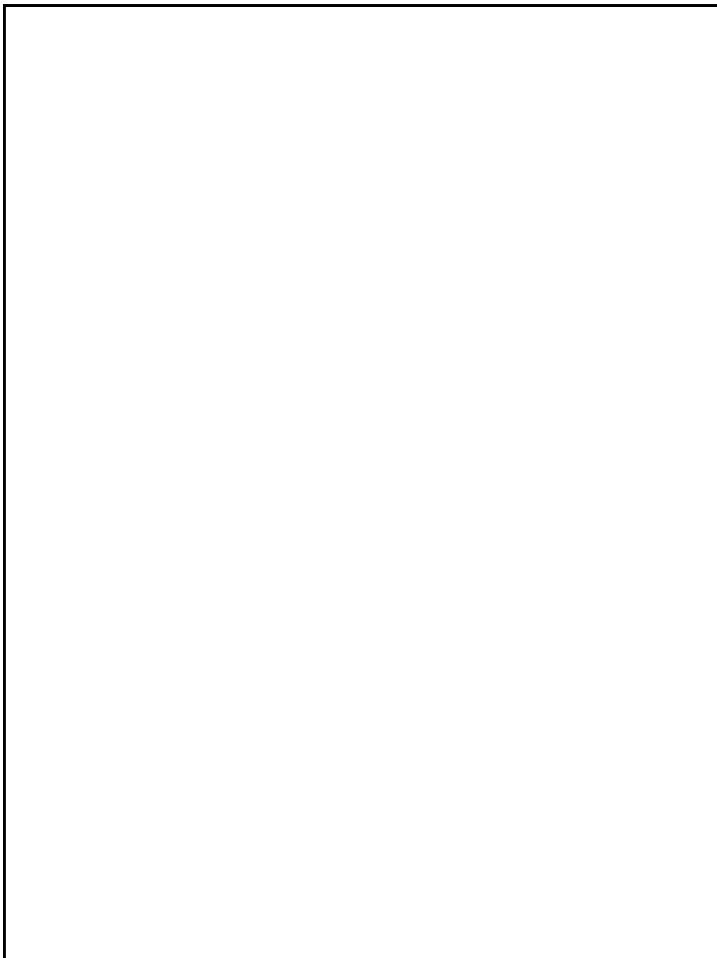
Here, the strata council is dealing with the effects on residents when the elevators will be out of service for an extended period of time.

I'm not aware of any decisions by the Human Rights Tribunal (HRT), the Civil Resolution Tribunal (CRT), or the courts that require a strata corporation to provide alternate accommodations because of a temporary (if extended) shutdown of an elevator. However, I'm not a lawyer so strata councils might want to get legal advice to better understand their responsibilities and explore options.

The strata corporation is abiding by *Strata Property Act section 72* which requires the strata to "maintain and repair" common property and common assets. In doing so, the council is trying to ensure that the equipment is better able to accommodate the needs of the residents. The problem, of course, is the significant inconvenience to everyone while the work is underway.

What can the strata council do to minimize the disruption? Having been involved in several elevator upgrade projects, here are some of the steps that were taken.

continued on page 8



The Ups and Downs of Elevator Replacement

Early and consistent communication is imperative.

Recommendations for residents:

1. Consider relocating to other accommodations for the duration of the project (e.g., family, friends, hotel, etc.) if you anticipate insurmountable challenges with movement in and out of the building without the elevators.
2. Arrange for goods to be delivered:
 - Many grocery stores and pharmacies offer online and telephone shopping, with delivery, at minimal cost.
 - Ask a friend or neighbour to assist you with online or telephone ordering if you don't have access to the internet or familiarity.
3. Bring in all necessary medical supplies for medical conditions such as kidney dialysis, and arrange contingencies with suppliers for additional deliveries, if required.
4. Advise your care givers and service providers such as cleaning services, as soon as possible.
5. Ensure your real estate (listing) agents are aware of the project and its planned duration.

Council or manager should:

6. Post notices at entrances to advise delivery services (postal, courier, grocery, pharmacy, food delivery etc.) that the elevators are not in service.
7. Place chairs (rest stops) on all floor and mid-floor stairwell landings.
8. Advise the local fire department and the ambulance service that first responder access will be compromised for the duration of the project and advise them again when the project is complete.
9. Get all of this information out as soon as possible. It takes at least 8 to 10 weeks for the various components to be manufactured, so initiate the communication process at the very beginning, again once the project commencement date has been confirmed, and send updates to keep residents informed of progress and delays. Keep pressing everyone to make their own arrangements, to the best of their ability.

This won't make the situation any less inconvenient for those who remain in the building, but it will, at least, offer some warning for residents and service providers that the elevator will be out of service for an extended period. It will also offer everyone an entirely new perspective on how important the elevators are.

While it's not the strata's responsibility to address every inconvenience, it would be prudent for a strata council to seek legal advice to understand the strata corporation's duty to accommodate residents with disabilities. **V**

John Grubb has extensive experience in the operations and maintenance of facilities including strata corporations, medical and correctional facilities, courthouses, office buildings and more.

Did you know?

In Victoria alone, there are over 1,000 buildings that will need to upgrade their fire panel when their elevators are replaced.

- Sterling Fire

Can Bylaws Restrict Council Membership?

by Wendy Wall

You've no doubt heard strata owners express their desire to create bylaws that go beyond the *Strata Property Act* and Standard Bylaws to further restrict who can be a council member. What bylaws are permitted?

The *Strata Property Act* appears to allow only one such bylaw. [Section 28\(3\)](#) says that "a strata corporation may, by bylaw, provide that no person may stand for council or continue to be on council with respect to a strata lot if the strata corporation is entitled to register a lien against that strata lot under section 116 (1)."

Some stratas have created other bylaws that essentially disqualify an otherwise eligible person from being a council member. Are they enforceable?

A bylaw that excludes based on bylaw contraventions


In the Civil Resolution Tribunal dispute [Briscoe v. The Owners, Strata Plan 350, 2022 BCCRT 936](#) a strata corporation had a bylaw 12(5) that said, "No owner, tenant, or resident may run or sit on council for the strata corporation for a period of 24 months, if during the 12 months preceding the AGM for the relevant year

for which council is to be elected, such owner, tenant, or resident has been issued four (4) or more bylaw infractions by the strata corporation."

In their written decision, the tribunal member said "a strata corporation cannot, by bylaw, limit who may stand for strata council based on bylaw contravention history. SPA sections 28(1) and (2) provide that persons who may be council members are owners, individuals representing corporate owners, tenants assigned landlord's rights, and others designated by bylaw. SPA section 28(3) says that a strata corporation may, by bylaw, provide that no person may stand for council or continue to be on council if the strata corporation is entitled to register a lien against the strata lot under section 116(1). SPA [section 116\(1\)](#) does not allow a strata corporation to register a lien for unpaid bylaw contravention fines. The same analysis as for SPA section 53 above applies equally here [if the legislative drafters intended that strata corporations could restrict for other reasons, it would have provided those other reasons or simply not included the lien requirement].


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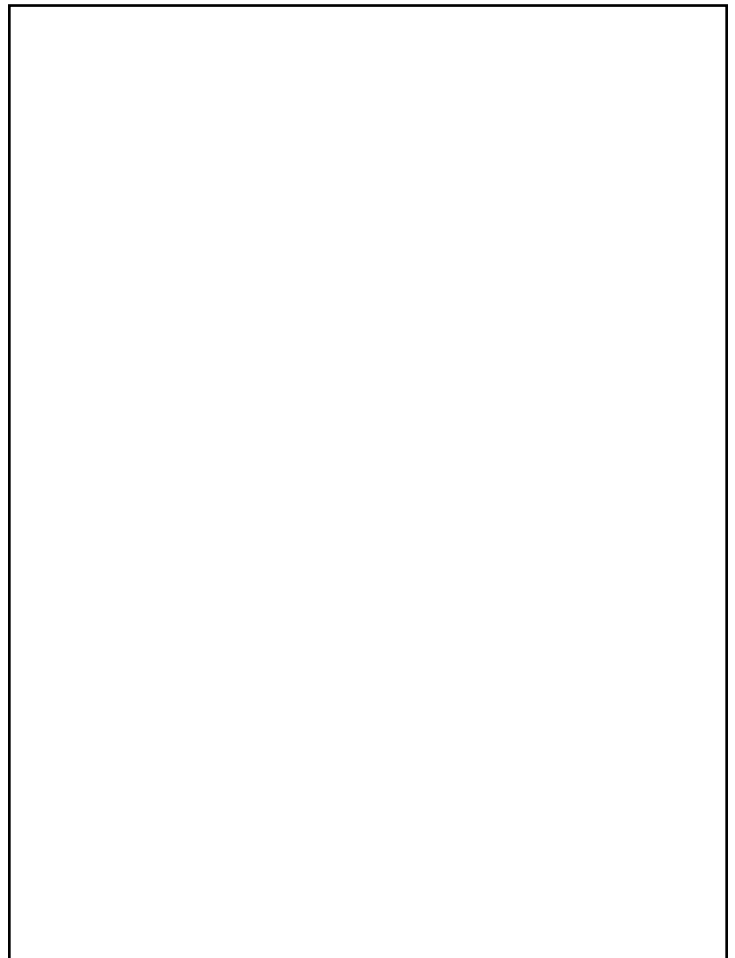
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Can Bylaws Restrict Council Membership?

Applying that analysis, I find bylaw 12(5) is unenforceable as it conflicts with SPA section 28. Also, SPA [section 129](#) sets out an exhaustive list of the ways a strata corporation may enforce its bylaws, which does not include revoking the right to stand for council.”

A bylaw that excludes based on residency or citizenship

Some owners think that only a person who resides in BC can be a council member or that they must be a Canadian citizen. This is simply not true. If they own a strata lot or meet any of the other eligibility criteria in [section 28](#), they are eligible to be a council member regardless of citizenship or where they live.

A bylaw that sets a maximum number of terms

What about a bylaw that says “A person can be elected to council for a maximum of 3 consecutive years”. Section 28 doesn’t say that the strata corporation may make a bylaw to prohibit someone from being elected to council for only a certain number of years. Again, if the legislative drafters intended that strata corporations could restrict for other reasons, it would have provided those other reasons. Those who have the opinion that someone has been on council for too many years can choose not to vote for that person.

A bylaw that limits executive positions

You’ve heard the complaint, “Bob has been president for 10 years.” Can you have a bylaw that says “A person may hold the same executive position on council for a maximum of 2 years”? The Act is silent on this point. [Standard Bylaw 13\(1\)](#) says “At the first meeting of the council held after each annual general meeting of the strata corporation, the council must elect, from among its members, a president, a vice president, a secretary and a treasurer.” Given that a strata corporation can amend its bylaws by $\frac{3}{4}$ vote at an annual or special general meeting, it appears that this bylaw is permitted. It could be argued that it’s unnecessary as a majority vote of council elects the executive and will make the best decision they can. It often comes down to which council members are willing to take on the duties of the executive positions.

A bylaw that sets the length of a term

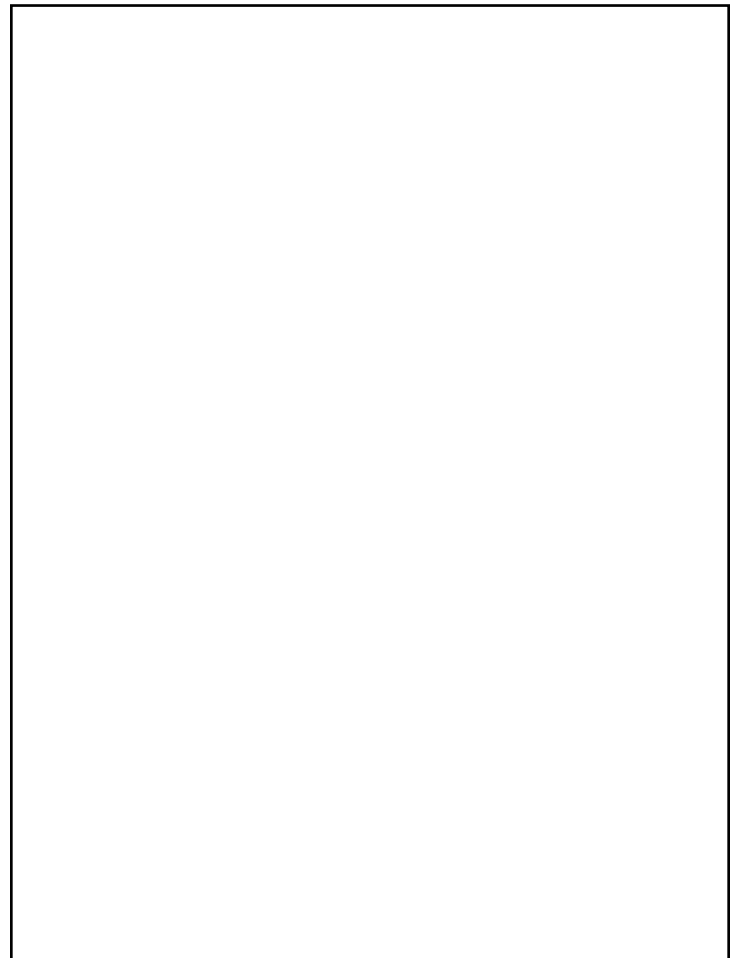
Most stratas elect council members for 1-year terms. [Standard Bylaw 10\(1\)](#) says, “(1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected. (2) A person whose term as council member is ending is eligible for reelection.” As this is in the bylaws, not the Act, it appears that a strata corporation could amend their bylaws to elect councillors for longer terms of perhaps 2

or 3 years. There is really no reason for longer terms. If council members want to serve for 2 or 3 years, or longer, they can stand for election each year.

It’s always a good idea to have a strata lawyer write your bylaws to ensure they are legal and enforceable. [V](#)



A graphic with a dark blue background. At the top, the word "Volunteer" is written in a large, yellow, cursive font. Below it, the word "with" is in a smaller, white, cursive font, followed by a white icon of a person with arms raised next to a house, and then the word "VISOA" in a bold, white, sans-serif font. Below this, the text "Learn about volunteer opportunities." is written in a white, sans-serif font. At the bottom, there is a yellow rectangular button with the text "CLICK HERE" in black, sans-serif font. A white hand icon with a pointing finger is positioned over the right side of the button, as if clicking it.



Winterization of Dry Pipe Fire Sprinkler Systems

by Steve Landree

With cold weather on the way, it's time to check your winterization maintenance list.

Many condominium style buildings have dry pipe sprinkler systems in their parkades; an area where water-filled pipe cannot be utilized as it is often exposed to freezing temperatures. Don't be fooled by the name. Dry pipe sprinkler systems are susceptible to damage during freezing conditions if not properly winterized.

As temperatures fluctuate throughout the year, condensation can collect in the pipes. When freezing conditions occur, this can create an 'ice plug' and crack the pipe. When the weather warms up, the ice plug thaws and several things happen. The system detects a change in air pressure due to the cracked pipe, and the fire system - thinking there's a fire - fills the pipe with water. You now have a leaky pipe that could cause damage to the building and vehicles.

To prevent this, ensure that your sprinkler service contractor removes any water in the system that may potentially freeze, as required by [National Fire Protection Association NFPA 25](#).

Dry pipe sprinkler systems have auxiliary drains aka drum

drips. They are installed to collect water that enters the system and provide an easy way for it to be drained. They are normally located at the lower portions of the system, or where piping elevation changes may occur. When preparing for cold weather, the auxiliary drains should be operated daily and then less often as less water discharges or if a system stays dry.

NFPA 25 also requires auxiliary drains to be identified with a sign that is metal or rigid plastic and placed at the system control riser supplying a dry system. It must have the following information:

1. Location of the area served by the system
2. Location of auxiliary drains and low-point drains for dry pipe and pre-action systems
3. The presence and location of antifreeze or other auxiliary systems
4. The presence and location(s) of heat tape

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Steve Landree, Treasurer, Vancouver Island Fire Protection Association. VIFPA provides life safety support and education to industry stakeholders.



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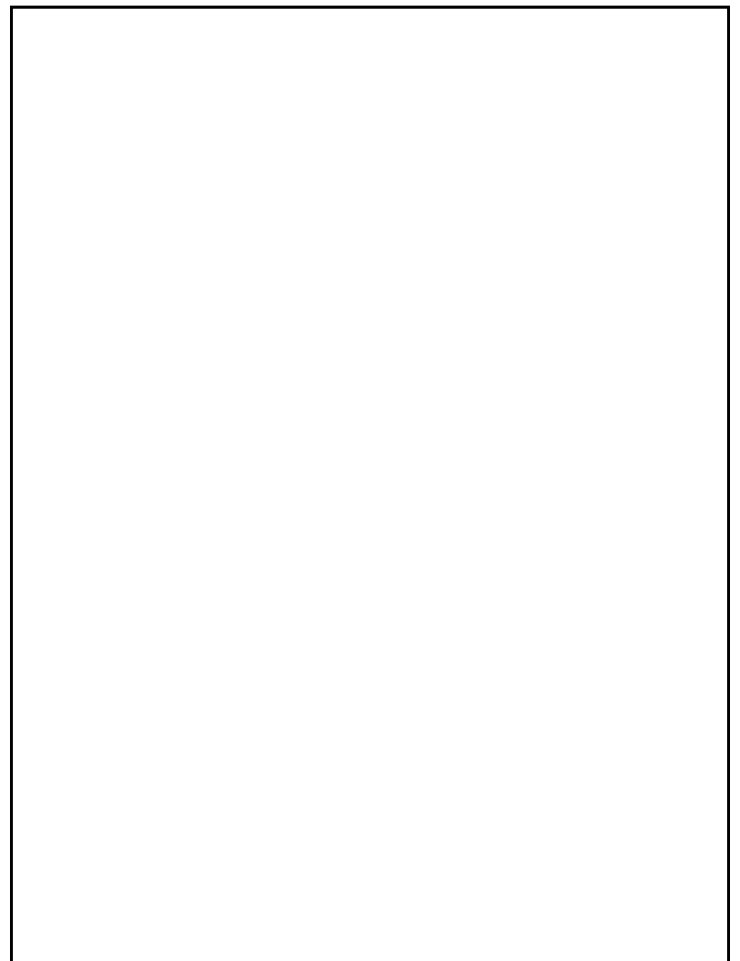
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They provide advice to strata councils including: legal opinions, bylaw reviews, drafting resolutions, collections, bylaw enforcement, governance, repair and maintenance of common property, and other issues. Obtaining legal advice can make all of the difference. Legal assistance can put problems into context for owners and councils, provide options, and repair relationships.

They're passionate about helping individual owners and strata corporations through the conflict resolution process. Emphasizing reasonableness and proportionality, they aim to find solutions that are satisfactory for the parties involved. They know it can be difficult to navigate the complexities of strata law, court and tribunal systems, and are passionate about helping people achieve a satisfactory conclusion to the issues.

Contact Leah McKenzie-Brown at 778-841-0805 or leah@stratumlaw.ca

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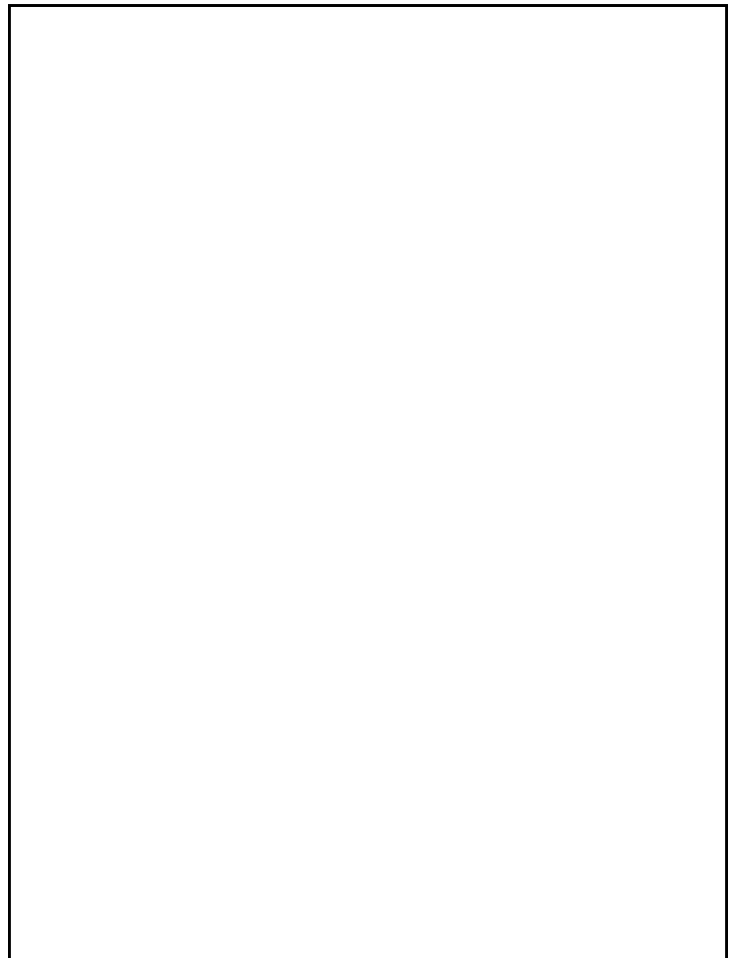
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2023 Cover Photo Contest

Submit your photo of a BC strata to editor@visoa.bc.ca. Photos selected for the cover of Bulletin issues in 2023 will be entered into a draw on December 1, 2023.

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

Second prize: \$50



You Asked

Q: Our strata council is trying to decide where to store electronic documents. Do they have to be stored in Canada?

A: There is no requirement in the *Strata Property Act* or the *Personal Information Protection Act* that requires a strata corporation to store electronic documents or data on a Canadian server. However there are laws that apply to property management companies.

The BC Financial Services Authority (BCFSA) is the regulator for real estate services including brokerages that provide strata management services.

The [BCFSA website](#) says:

“Any record required under the *Real Estate Services Rules* relating to financial and other brokerage records may be retained in electronic form as long as they are readily available to be printed when needed.”

“The records kept do not need to be original copies and may be copies as long as they are clear and legible.”

“All brokerage records that must be retained per the *Real Estate Services Act* (RESA) must be kept in the province

of British Columbia. Per the *Real Estate Services Rules*, these include books, accounts, and other records in proper order and kept up to date. Like paper records, if your brokerage opts to retain documents in an electronic format, the servers which store the information must be in the province of B.C.”

“Your brokerage must retain financial and other brokerage records for no less than seven years after their creation unless BCFSA permits you, in writing, to retain them for a shorter term.”

Even if you have a property management company, your strata should keep copies of its records. The documents that the strata is required to keep are listed in [section 35](#) of the *Strata Property Act*. There are numerous options for storing documents electronically including: an external harddrive, online in platforms such as Google Drive or DropBox, or an online platform designed for strata corporations such as [StrataCommons](#) or [StrataPress](#). Your council may wish to look into several options to compare features, cost, and level of security. Be sure to update your strata [privacy policy](#) to reflect any changes to storage and security of personal information.

Q: Our treasurer recently sold his unit and the council appointed another owner to fill the position. Is this legal? Isn't an SGM required?

A: Check your bylaws. Most stratas have bylaws which are the same or similar to the [Standard Bylaws](#). There are two steps in this situation:

Bylaw 12 (1) If a council member resigns or is unwilling or unable to act for a period of 2 or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term. (2) A replacement council member may be appointed from any person eligible to sit on the council.

Bylaw 13 (4) If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term. [There is no need to elect a president as the vice-president has the powers and duties of the president for the remainder of the president's term if the president ceases to hold office.]

In your case, the bylaws permitted the council to appoint a council member for the remainder of the term, and to appoint a council member as treasurer. There was no need to hold a Special General Meeting. **V**

Members can submit questions to the [Strata Support Team](#).

Will BC Eliminate Rental and Age Restriction Bylaws?

by Wendy Wall

On September 28, 2022, David Eby announced that if he were to become premier, he will address housing affordability in BC. Two of the measures in his [housing plan](#) are to remove a strata corporation's ability to have rental restriction bylaws, and eliminate all age restriction bylaws except "seniors only".

Currently under the Strata Property Act

The legislation in BC currently allows strata corporations to have bylaws that restrict age and rentals as follows:

Age restriction bylaws: [Section 123](#) of the *Strata Property Act* (SPA) says a strata corporation may pass a bylaw that restricts the age of persons who may reside in a strata lot. Some stratas have age bylaws that allow only residents who are 19+, 45+ or 55+ etc., however under the current legislation the bylaw can state any age.

Rental restriction bylaws: Under SPA [section 141](#), strata corporations are allowed to have bylaws that prohibit the rental of residential strata lots, limit the number or percentage that may be rented, and limit the period of time they may be rented. For example, the

bylaws might allow up to 10% of the residential lots to be rented, or set a maximum rental period of 5 years, or both. There are currently exemptions to allow rentals to certain family members or in cases of hardship.

However, these bylaws don't apply to all strata lots because for most residential stratas constructed since January 1, 2010, developers have issued a rental disclosure statement ([Form J](#)) that permits rentals for 100 or more years.

Under the current legislation, strata corporations are not permitted to screen tenants, establish screening criteria, require the approval of tenants, or require the insertion of terms in tenancy agreements.

An owner [may assign](#) some or all of their powers and duties to their tenant including the right to vote at annual and special general meetings and run for election to serve as a council member.

David Eby's proposed changes

Based on David Eby's housing plan and media interviews, the following changes would be made to the *Strata Property Act*:

Age restriction bylaws: The proposed changes would still allow a strata corporation to have or pass a bylaw that restricts the age of persons who may reside in a strata lot to 55+. However, his plan says that 19+ age restrictions would not be permitted. Presumably any existing bylaws other than 55+ would be unenforceable as they would contravene the SPA.

Rental restriction bylaws: The proposed changes would remove a strata corporation's ability to have bylaws that prohibit or restrict rentals. This would apply to all existing and new stratas, and any existing bylaws restricting rentals would be unenforceable as they would contravene the SPA.

What strata owners are saying

Many strata owners have written to VISOA expressing their disappointment, frustration, anger, and outrage at these proposed changes, particularly the changes related to rentals. Their reasons for opposition included the following themes:

- Not a solution to housing shortage
- Impact on strata operations and governance
- Impact on housing affordability
- Effects of real estate speculation
- Removal of rights to self-governance

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Not a solution to housing shortage

“I would like a factual explanation as to how such a move would increase the availability of rental properties in BC, given that there are virtually no [pre 2010] stratas with vacant units.”

“Your logic is flawed...The buildings without rental restrictions have the highest vacancy rates of 18-24%, which may be due to [a] high volume of people using units for speculation or Airbnb. Properties with rental bylaws average a vacancy rate of 0-4%...Removing our no rentals bylaw would do nothing to ease our Province’s housing problem.”

“There is only one way to solve a housing shortage and that is build more. Reshuffling owner/rental will not make more.”

“The only people who will benefit from removing these restrictions are corporations and the wealthy who can afford to build a rental portfolio...This proposal will do nothing to alleviate the current house shortage.”

Impact on strata operations and governance

“As a self-managed strata, the day to day management is time consuming and the addition of rental management would be untenable. We already have difficulty recruiting people to sit on the strata council.”

“What a ridiculous way to try to solve housing. Do you want to volunteer on my strata council? Not too many will step up anymore if that goes through.”

“We are sorely in need of more, not less, help to run [our strata] effectively. Any renters are not likely to volunteer their time and effort to garden, paint, manage contracts, sit on Council, or any other of the time-consuming management chores that we take on.”

“Over 26,000 active strata corporations are under 25 units, which represents over 76% of all stratas in BC. These strata corporations rarely have professional management due to the high cost and difficulty finding brokerages willing to take on smaller clients. Effectively downloading the management of rental properties to volunteer council members is unreasonable and grossly unfair.”

“Good luck getting landlords to serve on council. Legally we can’t function without the minimum number of council members. How many small stratas will be forced into applying to the Supreme Court for an administrator?”

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Will BC Eliminate Rental and Age Restriction Bylaws?

“Even if you change the Residential Tenancy Act to allow stratas to “appear” at the Residential Tenancy Branch, you are imposing a long stressful process on untrained volunteers. Time they should be focussing on operations and maintenance. You say it will be at the cost of the unit owner/landlord but in reality there are always costs that the strata can’t recover. This is so unfair to all the other owners.”

“It is already difficult to recruit council members and if the number of rental units is expanded [council] will find themselves acting as building managers for absentee landlords.”

“It is difficult in a small strata complex to find residents willing to serve on council in the best of circumstances. Having to deal with renters and absentee landlords just adds another layer of complexity to an already unappealing task.”

Impact on housing affordability

“Why would you place aspiring first-time home buyers into that competition, their limited dollars against the deeper pockets of an [investor]?...Using the logic of your own government, it is a simple step to realize they drive up the prices for otherwise affordable strata housing.”

“An unintended consequence, will be the erosion of existing affordable housing.”

“Increased costs are unfair. Stratas with 25% or higher rental units pose an unmanageable risk as rented units have significantly more insurance claims. As a result, the strata’s premiums are generally higher. Property management companies also charge more to manage strata corporations that have rented units. Given that the strata corporation receives no compensation from landlords it is unreasonable for the strata corporation to incur higher expenses.”

“We are too small to afford a professional property management company...The principal reason [for prohibiting rentals] is the practicality of having enough resident owners to share the significant responsibility of managing the Strata and building.”

“We have worked hard to build our community over the past 30 years. It is difficult enough with aging seniors to have people step up to serve on Council as invested owners, so allowing rentals will only serve to have a more transient population, increase our insurance fees and will hinder our efforts to provide a self-managed community.”

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Will BC Eliminate Rental and Age Restriction Bylaws?

“Insurance companies are asking [strata] corporations to provide the breakdown of owner occupied and non-owner occupied units. They have said this may impact our insurance [premiums] in the future.”

“Quite frankly we are surprised that your proposed changes affecting Stratas does not take into consideration the impact on Strata insurance [increased claims].”

Effects of real estate speculation

“The available units will be bought up by developers thereby removing possible seniors housing in a community with limited options for seniors to downsize into.”

“Some investors attempt to purchase 21% or more units with the intent of controlling future use, development, and preventing a price uplift on property value when the corporation is considering a windup. Where rental bylaws exist, developer/buyers generally avoid these tactics as they are left holding property from which they cannot generate any revenue.”

“It would over time, result in a deterioration of strata

properties as investors try to maximize profits by spending less each year on maintenance.”

“Pay attention to the potential problems that your suggested policy may cause for thousands of buildings and owners: e.g. such as speculation, taking control of a building and lowering maintenance and improvements in order to increase profits, and the burden it would put on strata councils.”

“If you open us up to rentals, I am concerned that units would be bought by speculators, thus destroying our close community and reducing the ability of the Council to govern.”

Removal of rights to self-governance

“The governance of strata corporations should be left to the owners who have invested in them.”

“I chose my building because it did not allow rentals. I feel this is very heavy handed and intrusive of the government.”

“I am outraged that you are trying to overturn years of careful planning...the security I planned for in my later years, and the peace and quiet that I think I deserve after working hard and paying taxes for almost 50 years.”

“On the matter of stripping away legislated rental restriction bylaws that a strata corporation has democratically voted to approve (by a 3/4 vote of owners), border not only on ‘outrageous’ but completely ill informed...[council] are not landlords but too often end up having to take on that role, with no one to back us up...This is my home, not a place of business nor a purpose-built rental apartment.”

“Such an initiative would seem to go against the NDP’s historical stance on enshrining Canada’s democratic principles.”

What you can do

If you have thoughts on these proposed changes, submit your comments to:

David Eby: david.eby.mla@leg.bc.ca

Your MLA: www.leg.bc.ca/learn-about-us/members

VISOA: president@visoa.bc.ca 

Did you know?

Over 20,000 strata corporations were created before 2010. That’s nearly 60% of stratas in BC.

Council Member Code of Conduct

VISOA Resource

With few exceptions, the *Strata Property Act* doesn't have a mandated code of conduct. However, your council could agree to follow certain principles for fairness and ethics. Here are some suggestions to get you started:

1. I will act honestly and in good faith with a view to the best interests of the strata corporation. (SPA 31)
2. I will exercise the care, diligence and skill of a reasonably prudent person in comparable circumstances. (SPA 31)
3. I will disclose fully and promptly to the council the nature and extent of any conflict of interest that is a direct or indirect interest in a contract or transaction with the strata corporation, or a matter that is or is to be the subject of consideration by the council. If that interest could result in the creation of a duty or interest that materially conflicts with my duty or interest as a council member, I will also abstain from voting on the contract, transaction or matter. I will leave the council meeting while the contract, transaction or matter is discussed, unless asked by council to be present to provide information, and while the council votes on the contract, transaction or matter. (SPA 32)
4. I will approach all strata issues with an open mind, not promote my own interests or favour the interests of any individual or group of owners or residents, family member, friend or contractor to the detriment of the corporation.
5. I will not seek any special benefits or privileges as a council member or accept any compensation except as permitted by a bylaw or passed by a resolution of the owners at a general meeting.
6. I will make a concerted effort to attend all council and general meetings and conduct myself in a respectful, professional, and businesslike manner. I will act ethically and comply with principles of good governance and order.
7. I will treat all council members equally and respect that all council members shall have the opportunity to submit items for the agenda of council meetings. I will abide by decisions made at council meetings by the majority of the council members and decisions made by resolutions passed by owners at general meetings, even though I may disagree. However, I reserve the right to express my own views at meetings and to owners regarding non-confidential issues.
8. I will act responsibly and with due diligence to become familiar with the affairs of the strata corporation and to uphold its bylaws, rules, resolutions, and agreements.
9. I will make a concerted effort to become familiar and comply with the *Strata Property Act*, *Regulations*, the strata corporation's bylaws, *Personal Information Protection Act* and any other enactment of law. I will continue to educate myself and I will support attendance by one or more council members at informational and educational events presented by a strata education organization at the cost of the corporation.
10. I will not support any resolution of the council which would deny an owner access to information to which that owner is entitled to under [section 35 and 36](#) of the *Strata Property Act*.
11. I will not disclose personal information protected by the *Personal Information Protection Act* and will comply with and uphold the strata corporation's [privacy policy](#).
12. I will not disclose other information obtained in my role as a council member which reasonably ought to be deemed confidential. When in doubt, I will request determination by a resolution of the council.
13. I will not, knowingly, make slanderous, libelous, or defamatory statements about the strata corporation or any owner, resident, council member, manager, staff or contractor of the corporation.
14. I will promote good relations and will attempt to prevent or minimize conflict, harassment, and bullying between council members, owners, residents, managers, staff, and contractors.

Print Name

Signature

Date

■ President's Message

A Strata Corporation is an Ecosystem

The large volume of feedback from strata owners about the [proposed removal](#) of rental and age restriction bylaws has brought to light the interplay of internal and external factors that contribute to the success or failure of a strata corporation, particularly in small stratas.

Lately, I found myself in conversation with non-strata owners who asked, "What's the big deal? Aren't the proposed changes to the *Strata Property Act* a good thing to create more rental housing?" The idea sounds nice on paper, but what does this mean in real life?

Trying to explain strata management and governance to non-strata owners is challenging. They haven't served as a council member, volunteered hundreds of hours of their time, tried to comply with complex laws, and dealt with difficult situations among owners.

I've come to this analogy: a strata corporation whether it's 2 units or 200 units is like an ecosystem. It consists of all the organisms (owners and residents) and the physical environment (strata units and common property) with which they interact. Ecosystems are affected by external and internal factors. They are dynamic entities subject to

periodic disturbances and are always in the process of recovering from some past disturbance. The tendency of an ecosystem to remain close to its equilibrium state, despite that disturbance, is termed its resistance. The capacity of a system to absorb disturbance and reorganize while undergoing change so as to retain essentially the same function, structure, and identity is termed its ecological resilience.

Even seemingly small internal changes in the makeup of strata owners, councils, and expenses can be disruptive events.

- In one strata an owner meticulously managed maintenance for over a decade. When he moved, despite leaving detailed manuals and instructions, the owners quickly realized they were out of their depth and hired a management company, causing financial strain on owners with fixed incomes.
- In another strata, an owner who was the lead on a major membrane renewal project, died suddenly - a loss that was felt emotionally but also created logistical issues in moving the project forward.
- In another example, the strata council ran operations amicably by way of numerous committees until the year they needed new windows - the high cost threw their community into conflict, effectively dismantling committees and bringing day-to-day work to a crawl.
- In a 12-unit strata, 10 owners were over the age of 85 leaving the strata unable to find 3 people willing to run for election to council, with the result that there was no council to manage its affairs.

An external factor such as removing rental and age restriction bylaws that were passed democratically by a 3/4 vote will be a major disruptive event to many stratas, particularly small ones. The concept of removing these bylaws may seem innocuous to some, but the ripple effect is far-reaching. Nearly all the letters we've received from strata owners centre on one concept: this will be a disturbance that will have a significant negative impact on the functioning of their community.

Systems can't exist in a state of flux. Stratas have to recover from disruptions or the system falls apart. Will small stratas be able to maintain their resilience?

We'll all be watching the media closely in the coming months for news about the proposed legislative changes.

Wendy Wall, VISOA President

president@visoa.bc.ca

VISOA

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