

## VISOA Bulletin - MAY 2021

# Whose Pipe is it Anyway?

By *Shawn M. Smith*



Sorting out the responsibility for the repair and maintenance of plumbing system components (and liability when they fail) can be one of the more difficult aspects of strata corporation living. Buildings are not constructed with the *Strata Property Act* (SPA) in mind.

The only reference to plumbing in the SPA is found in the definition of “common” property which captures the following within the definition:

“**pipes**, wires, cables, chutes, ducts and other facilities for the passage or provision of water, sewage, drainage, gas, oil, electricity, telephone, radio, television, garbage, heating and cooling systems, or other similar services, if they are located.

(i) within a floor, wall or ceiling that forms a boundary

- (A) between a strata lot and another strata lot,
- (B) between a strata lot and the common property, or
- (C) between a strata lot or common property and another parcel of land, or
- (ii) wholly or partially within a strata lot, if they are capable of being and intended to be used in connection with the enjoyment of another strata lot or the common property;”

Whether a pipe or a component is part of a strata lot or part of the common property depends either on its location or its use.

A pipe on common property, even if it serves only one strata lot, is still common property. It cannot be considered to be limited common property unless it has

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been designated as such on the strata plan or by way of a resolution approved under s.74 of the SPA – *The Owners, Strata Plan LMS 1162 v Triple P Enterprises Ltd.*, 2018 BCSC 1502. However, a pipe that is located on limited common is limited common property – *Hallport v. Strata Plan NW 2471*, 2014 BCPC 299

S.68 of the SPA also comes into play when assessing the nature of plumbing components. It establishes the boundary between a strata lot and the common property. It sets the boundary as the midway point of the wall, floor or ceiling dividing a strata lot from the common property. As soon as the pipe leaves the dividing wall it becomes part of the strata lot - *Hampton v. The Owners, Strata Plan LMS 1609*, 2019 BCCRT 532. Unless it serves another strata lot, it is no longer common property.

At times the proposition that all plumbing (even that within a strata lot) is common property is put forward. The basis for this is because it is all connected and thus “intended to be used in connection with the enjoyment of another strata lot” is put forward. This is sometimes referred to as the “integrated whole” approach and

arises from the decisions in *Fudge v. Owners, Strata Plan NW2636* 2012 BCPC 0409 (“Fudge”) and *Taychuck v. Owners, Strata Plan LMS744*, 2002 BCSC 1638 (“Taychuk”). However, based on the factual situations underlying them, those cases can be distinguished. Both dealt with problems that were system wide and not related to a specific piece of pipe or a component of the system. To stretch the court’s comments to conclude that every component of a plumbing or piping system is common property simply because they all eventually connect at some point robs the definition of common property of its intended meaning.

The fact that a component is connected to the main system and thereby makes it common property was rejected by the CRT Vice-Chair in *Shen v. The Owners, Strata Plan LMS 1005*, 2019 BCCRT 63. In that case she held:

42..... However, while the valve in question is connected to a pipe, it is not the pipe itself. Also, there is no indication that the pipe to which the valve is connected is used in connection with another strata lot or common property. While I accept that the water originally flows through a common pipe, not every branch of water pipe within a strata lot is common property, as the SPA definition states.

43. For these reasons, I find the owner has not established that the shower integral valve was the strata’s responsibility to repair....

(emphasis added)

While there is very little Supreme Court case law with respect to plumbing, the CRT has considered the matter multiple times. Here are some examples of specific situations it has dealt with:

- A water shut-off valve located within the strata lot and controlling only the water for that strata lot was considered part of the strata lot and the responsibility of the owner to repair - *Beach et al v. The Owners, Strata Plan KAS 722*, 2018 BCCRT 2;
- A mixing valve for a shower was common property because it was located in a boundary wall *Robinson v. The Owners, Strata Plan NW 3308*, 2019 BCCRT 238;
- A shower faucet and the cartridges located in the handles were held to be part of the strata lot despite the bathroom being on a dividing wall - *Thompson v. The Owners, Strata Plan KAS 3267*, 2019 BCCRT 1190
- A shower mixing valve on an internal wall was owner

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responsibility - *Dias v. The Owners, Strata Plan BCS 721*, 2021 BCCRT 354

- A pressure reducing valve serving one strata lot was common property due to its location in a dividing wall *Hufton v. The Owners, Strata Plan NW 644*, 2019 BCCRT 1096

- An exterior hose bib, although used by only one strata lot, is common property due to its location on the outside of the building - *The Owners, Strata Plan LMS 2503 v. Vasuu*, 2019 BCCRT 538

- A drain pipe serving only one strata lot was held to be common property due to its location in a floor dividing two units and the fact that it was part of the larger system - *Wu v. 238998 Investments Ltd.* 2020 BCCRT 205

- A drain pipe located in the strata lot below was held to be common property - *Danesh-Bakhsh v. The Owners, Strata Plan BCS 3699*, 2020 BCCRT 1009;

- The “drain shoe” connecting a bath tub drain to the drain pipe was held to be an owner’s responsibility - *Na v. Virk*, 2019 BCCRT 694;

- Pipes serving only one strata lot but located beneath a concrete slab are common property because they were outside the boundaries of the strata lot - *Stadacona Dental Centre Ltd. v. The Owners, Strata Plan 1136*, 2020 BCCRT 583

- A pipe connecting a hot water tank to the main supply line was part of the strata lot due to its location within the strata lot- *Millen v. Keller*, 2019 BCCRT 1343

- Sewer pipes within a strata lot are common property because they connect with other strata lots - *The Owners, Strata Plan LMS 2706 v. Morrell et al*, 2018 BCCRT 28.

So why do these distinctions between strata lot and common property matter? Because they are necessary to determine who is responsible to repair something when it is broken and who is liable for the deductible (or damage) when something does break and causes damage. The Standard Bylaws, just like s.72 of the SPA, allocate responsibility for the various components and portions of the system based on whether they are common property. Owners are responsible for those portions that are within the boundaries of their strata lot and serve only it. The strata corporation is responsible for any portion that is common property, even if it serves only one strata lot.

If a component fails, the person who is responsible to repair and maintain it can be liable for the deductible or

repair costs whether under the strict liability standard under s.158(2) of the SPA or one of the negligence/neglect standards that arise under different bylaws - *The Owners, Strata Plan LMS2195 v. Leung*, 2021 BCCRT 260. For example, in *Sandhu v. The Owners, Strata Plan LMS 1148*, 2020 BCCRT 325 an owner was liable in negligence for failing to repair a toilet they knew had been leaking. Where a strict liability standard applies, the owner is liable simply because the leak arose in their strata lot - *Mari v Strata Plan LMS 2835*, 2007 BCSC 740.

The bylaws of a strata corporation rarely address the responsibility for specific plumbing components, instead relying on the general allocation of responsibility to strata lot versus common property. Where a strata corporation does attempt to address plumbing responsibility in its bylaws, it cannot do so in a way that makes an owner responsible for a component that is common property. To do so would be contrary to s.72(1) of the SPA and unenforceable under s.121 of the SPA.

Where the strata corporation does carry out repairs to plumbing for which an owner is responsible, it cannot charge those costs back without a bylaw permitting it to do so - *Ward v. Strata Plan VIS #6115*, 2011 BCCA 512; *Rintoul et al v. The Owners, Strata Plan KAS 2428*, 2019 BCCRT 1007.

These various distinctions can also come into play when dealing with alterations. Connecting to a common property pipe, even one located below slab and serving only that strata lot, was considered an alteration to the common property for which permission was required under the bylaws - *Parmakszian v. The Owners, Strata Plan NW 1263*, 2020 BCCRT 185

As a final note of interest, where a strata corporation is responsible to repair plumbing and must open up the walls of a strata lot in order to do so, it is only required to restore the wall to a “paint ready” condition, leaving the replacement of tile and other finishes to the owner - *Lorenz v. The Owners, Strata Plan NW 2001*, 2017 BCCRT 65; *Manak v. The Owners, Strata Plan KAS 2116*, 2020 BCCRT 567.

*This article is intended for information purposes only and should not be taken as the provision of legal advice. Shawn M. Smith is 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. He can be followed on Twitter @stratahawn.*

# Fresh Air Can Reduce the Spread of COVID-19

In May, the BC Centre for Disease Control (BCCDC) released new information about the way COVID-19 spreads. This is of particular interest to multi-unit buildings such as apartments and condominiums.

Since the beginning of the pandemic, strata owners living in buildings with common areas such as lobbies, elevators and laundry rooms have been very concerned about sanitization of frequently touched areas. The BCCDC now says that even though COVID-19 can survive for hours or days on different surfaces, infection from contact with contaminated surfaces appears to be rare. Most COVID-19 infections are spread from one person to another through respiratory droplets.

An infected person produces respiratory droplets when they breathe, cough, sneeze, talk, or sing. If you are in contact with an

infected person, the virus can enter your body if droplets get into your throat, nose, or eyes.

Droplets come in a wide range of sizes and they behave differently depending on their size. Larger droplets are heavier, and they usually fall to the ground within two meters. Smaller droplets, also known as aerosols, are lighter and they can float in the air for longer.

Smaller droplets can collect in enclosed spaces when there is not enough fresh air. Indoor accumulation is greater when more people share a space, spend more time together, or exercise, sing, shout, or speak loudly. These conditions can lead to COVID-19 transmission. Opening windows or increasing fresh air intake with mechanical ventilation are important protective measures that can help reduce the spread of COVID-19.

*This information can be found on the BCCDC's website at: <http://www.bccdc.ca/health-info/diseases-conditions/covid-19/about-covid-19/how-it-spreads>.*



## WAYS YOU CAN REDUCE TRANSMISSION:

- Get immunized with a COVID-19 vaccine when eligible
- Stay home if you are sick
- Limit the number of people you see outside of your immediate household and limit the time that you spend with them
- Practice physical distancing and avoid crowded areas
- Meet with others outdoors when possible
- Wear a well-fitted 3-layer mask that covers your nose and mouth and goes under your chin when with people outside your immediate household.
- Bring fresh air indoors by opening windows and doors, or using mechanical ventilation
- Wash your hands often with soap and water for at least 20 seconds, or use an alcohol-based hand sanitizer containing at least 60% alcohol
- Cough and sneeze into the bend of your arm or a tissue, discard tissues safely, and clean your hands after
- Avoid touching your face with unclean hands
- Clean and disinfect surfaces and objects that are frequently touched by many people.

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## ~ DISCLAIMER ~

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

## Editor's Message



Thank you for reading VISOA's May 2021 Bulletin. Perceptive readers will notice a slightly different look – as we are no longer printing the Bulletin, the number of pages and layout can be much more flexible. For this reason, we've made some adjustments to our ad sizes too, and we hope you find the pages flow better.

In this issue, you'll find a short article on how fresh air can minimize the spread of COVID-19. There is a related article published by the National Collaborating Centre for Environmental Health ([ncceh.ca](http://ncceh.ca)) entitled "Contextualizing the risks of indirect COVID-19 transmission in multi-unit residential buildings". We did not reproduce it here due to its length, but if you are interested you can read the entire document at <https://ncceh.ca/documents/>

evidence-review/contextualizing-risks-indirect-covid-19-transmission-multi-unit

We have two articles from BC strata lawyers, the first from Shawn M. Smith of Cleveland Doan LLP "Whose Pipe Is It Anyways?" Sorting out the responsibility for the repair and maintenance of plumbing system components (and liability when they fail) can be one of the more difficult aspects of strata corporation living and Shawn makes it easier for us all to understand. The second is by new contributor Oscar Miklos of Refresh Law in Burnaby, and highlights the top five bylaws to be aware of when purchasing a strata property.

As we've all been cooped up indoors many of us are thinking of home improvement projects such as painting. Our new business member Trusted House Painter Ltd. has an article on page 15 to help you choose the perfect paint colour,

whether for your own unit or for a strata project.

Three of our strata owner members have contributed articles as well – thank you to Elaine Browne, Kevin D. Hilgers and Gail Roberge. I think you'll be quite interested in Kevin's article on page 11 – it compares the financial implications of re-roofing now vs completing preventative maintenance to extend the roof's life. Please let us know your thoughts on the matter, as the roof is one of a strata's largest expenditures from its reserve funds.

As always, if you have an idea for an article, or would like to write one; or any comments on this issue, please email us at [editor@visoa.bc.ca](mailto:editor@visoa.bc.ca)

We'd love to hear from you!

*Sandy Wagner, Editor*

*David Grubb Assistant Editor*

## Home Owner Grant Centralized

The BC Ministry of Finance has asked VISOA to inform our readers of changes to the process for applying for your Home Owner Grant.

Residents in municipalities no longer apply for the home owner grant through their municipal office. This process has now been centralized. Effective 2021, everyone now applies directly to the B.C. provincial government using a new, secure, online system that's easy to use and will process applications faster. Homeowners can apply for their current year or their retroactive grants online at [gov.bc.ca/homeownergrant](http://gov.bc.ca/homeownergrant). If the home owner would prefer to apply over the phone, they can call the contact centre toll-free at 1-888-355-2700 to speak with an agent.

Municipalities will no longer accept

any applications.

You must apply for the home owner grant each year to receive it. Only one grant can be claimed for a property each year. The regular grant amount is \$570 in the Capital Regional District, the Metro Vancouver Regional District and the Fraser Valley Regional District. For all other areas of the province the amount is \$770. Properties assessed over \$1,625,000 may receive a partial grant.

If you're a person with a disability or senior aged 65 or older and you meet certain requirements, you may be eligible for the additional grant of \$275 on top of the regular grant of \$570. The total grant amount in these cases is \$845 in the Capital Regional District, Metro Vancouver Regional

District and the Fraser Valley. For all other areas of the province, the total grant amount is \$1,045. Properties assessed over \$1,625,000 may receive a partial grant.

For the purpose of claiming the home owner grant, you can have only one principal residence. Your principal residence is the usual place that you make your home. It's where you live and conduct your daily affairs, like paying bills and receiving mail, and it's generally the residence used in your government records for things like your income tax, medical services plan, driver's licence and vehicle registration.

Find out if you qualify for the grant, and more information such as how it works if you are buying or selling a property at [gov.bc.ca/homeownergrant](http://gov.bc.ca/homeownergrant) or by calling 1-888-355-2700 to speak with an agent.



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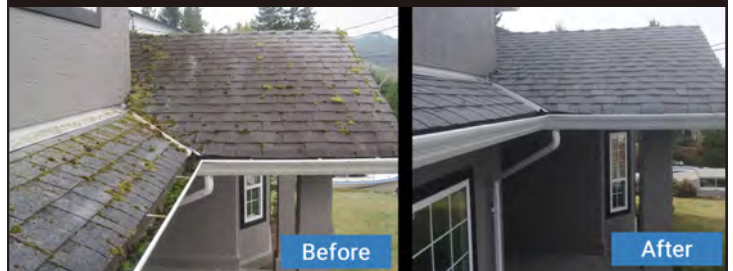
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# Top 5 Bylaws to Watch Out For When Purchasing a Strata Property

By Oscar Miklos



Buying a condo? The legal doctrine of *caveat emptor* (i.e. “let the buyer beware”) continues to apply to real estate transactions in British Columbia and can have the effect of denying the buyer a remedy for defects and deficiencies discovered in the property after purchase. In general, the onus is on the buyer to determine the state and quality of the property being sold.

When purchasing into a strata building, an important part of the buyer’s due diligence process is reviewing and understanding the current bylaws of the strata corporation. A failure to review the bylaws can lead to nasty, unwanted surprises for new homeowners later down the road.

Schedule “A” of the *Strata Property Act* establishes a standard set of bylaws that apply to all strata corporations unless some or all of them have been replaced by custom bylaws. Any bylaw amendment must be passed by a three-quarter (3/4) vote of owners at either an Annual General Meeting (AGM) or a Special General Meeting (SGM). Practically speaking, most large strata corporations will have adopted their own custom bylaws.

Bylaws are only enforceable if they are registered with the Land Title and Survey Authority (LTSA). However, there is no strict time limit within which a strata corporation must register the bylaws at the LTSA after their adoption by the owners. In a seller’s condo market, it is not unheard of for prospective purchasers to submit offers without any subjects. In such cases, time-permitting, prospective purchasers

should consider ordering a copy of the strata corporation’s registered bylaws from the LTSA prior to submitting an offer.

In addition to reviewing the registered bylaws, it is important for prospective purchasers to request a “Form B” Information Certificate. The Form B discloses a variety of important information about the strata lot and the strata corporation including any copies of any bylaw amendments that have not yet been registered with the LTSA.

Upon your review, here are five types of bylaws that you should pay particular attention to:

## • Rental Restrictions or Rental Prohibition

Particularly if you’re purchasing the property as an investment, you will want to ensure that you are in fact able to rent out your strata lot. The strata corporation may have already enacted bylaws that could either prohibit the rental of residential strata lots altogether or limit the number or the percentage of strata lots that may be rented out. Strata corporations may also restrict the length of time for which strata lots may be rented.

## • Short-Term Accommodation Prohibition

Offering up all or part of your strata lot for short-term accommodation can be a significant mortgage helper. However, the rise of Airbnb has led some strata corporations to pass use-of-property bylaws that prohibit short-term accommodations.

These bylaws should not be confused with rental restrictions or prohibitions as the Courts in British Columbia have found that short-term accommodations are legally different in nature to rentals. Unlike with rental restrictions or prohibitions, there is no grandfathering of use-of-

property bylaws. Rather, they take effect as soon as they are registered with the LTSA.

## • Pet Restriction or Pet Prohibition

When buying a home for yourself, make sure that your pet has a home as well. Pet bylaws vary greatly and can be as extreme as a complete pet prohibition. However, it is more common for strata corporations to restrict the number and types of pets.

The Schedule “A” bylaws restrict pets in a strata lot to one or more of (1) a reasonable number of fish or other small aquarium animals, (2) a reasonable number of small caged mammals, (3) up to two caged birds and (4) one dog or one cat. Strata corporations who have passed a custom pet bylaw may have modified these restrictions and may require pets to be pre-approved and registered with the strata council.

## • Approval for Hardwood Flooring

Want to replace carpeting with hardwood floors before moving in? It’s important to remember that when it comes to strata living, an owner is not the master of their own domain. In an attempt to reduce noise transmission between strata lots, many strata corporations have adopted bylaws that specifically regulate the installation of new flooring.

Even if your strata corporation’s bylaws do not contain specific provisions targeting the installation of flooring, the bylaws will always contain some general provisions requiring approval of the strata council for alterations or renovations to a strata lot. Proceed with caution before making such changes.

## • Insurance Bylaws

Unfortunately, many homeowners will check their strata corporation’s

*Continued on page 9*



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bylaws only after a problem arises. One very common issue faced by owners in a strata building concerns the obligation to repair water damage. Depending on the wording of insurance bylaws, you may be liable for damage caused by water escaping from your strata

lot irrespective of whether you have been negligent or careless. The easiest way to protect yourself from such claims is by making sure that you purchase your own individual homeowner insurance to fill in any gaps left by the strata corporation's insurance policy.

*Oscar Miklos is the founder and principal lawyer at Refresh Law in Burnaby and the founder of HousingGuide.ca. He regularly advises residential and commercial landlords and tenants, strata owners, strata corporations, property managers and insurance providers in all aspects of housing disputes. He can be reached at oscar@refreshlaw.ca*

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# Re-Roof - Now or Later?

By Kevin D. Hilgers



We have a healthy and interesting discussion in the strata I live in. We estimate our 25 year old torch-on roof will be around \$200,000 to redo. If we spend about \$1000 a year on maintenance costs we think we can get another 4 - 8 years, according to our well-regarded roofing contractor. Currently there are no issues, no leaks - it is doing the job just fine. Some feel lengthening the lifespan of our roof with maintenance as opposed to replacing is a good idea. Another angle is - roofing costs may rise 5-10% every year, according to the roofers. If we averaged that to 7.5%, that's compounding, so in 5 years a \$200,000 roof is would now be \$290,000. Why not replace the roof now while it's only \$200,000 rather than \$290,000 in 5 years? "We will save \$90,000!"

I'm not an economist or accountant but feel once you replace a roof you have to start saving for the NEXT one - and using inflationary figures, should set aside even more every month to the Contingency Reserve Fund. A fascinating topic. When do you say - "Heck, lets replace it to beat future inflationary growth?" I posed this question on a strata forum and had answers all over the map.

Here's the way I now see it after giving it some

thought and taking in some responses. Assuming the roof is able to do the job it's supposed to do, I will liken it to my car. I drive a 2012 model that would cost \$50,000 to replace today. I figure it's at its "golden" age. For a few hundred bucks a year for maintenance I can keep driving it - assuming it does what it needs to do - and I can avoid the \$50,000 bill. Should I buy a new car today because I know in 5 years it will cost more? No. For one thing - once I spend that 50k on a new car - I have to continue to save per month towards my next vehicle. I don't necessarily save for the estimated cost for the next purchase in 15 years though. In 15 years that 50k car will cost \$150,000! (7.5% inflation, same as the roof).

If we re-did the roof today, we'd have to start saving for the next roof via strata fees. That \$200,000 roof in 25 years will cost 1.2 million! We don't start saving 1/25 of over a million dollars tomorrow, though. Remember what your strata fees were 25 years ago? Mine were \$170 a month. Today they are \$500 roughly. If we replaced the roof today and started saving for the next one, I just think we're 5 years closer to spending 1.2 million dollars.

Remember too, major projects are rarely as simple as hoped. When you re-roof you may find all sorts of new challenges or things that need addressing "While we're at it". That \$200,000 roof may cost \$220,000 at the moment just because of that.

Our current roof costing \$200,000 after 25 years means around \$8000 per annum in today's dollars set aside to pay for it. I'd rather pay \$1000 a year for a few years more and extend the life of the current roof. After we re-roof we will start increasing savings every year for our next roof, starting at \$8,000 and growing every year until the day we re-roof and fork out over a million. Heck, our roof is in its "golden" years.

*Kevin D. Hilgers owns residential condos in 4 different stratas in Victoria and is President of the strata where he resides in downtown Victoria. He welcomes your feedback and can be reached at [kev@yesforsure.ca](mailto:kev@yesforsure.ca)*

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# How to Choose the Perfect Paint Colour for your Home

By Carla Hedman

*Seven Professional colour design tips to help guide you through the maze of choosing paint colours.*

Choosing the right paint colour can be harder than it looks. And the more colours you test, the harder it seems to choose. This article will provide you with seven design tips that will help take some of the mystery out of choosing colours. Use this guide to make your painting project smooth and successful!

## Things to consider before you start:

- What colours do you like?
- What colours do you have to work with?
- How light will affect these colours?

Here's a few quick colour design tips to help you get started.

**Interior:** When choosing for interiors, colours look darker. Consider choosing a shade or two lighter.

**Exterior:** For exterior colour choices, consider a shade or two darker since most colours appear lighter outside.

When you narrow down your colour choices, paint a sample colour on a large scale by doing test patches. Find your main colour first before worrying about trim and accent colours. Most paint retail stores sell sample quarts/ litres or "testers" for this very reason. (They cost less too!)

The following seven colour design tips will help you understand the factors that help guide you to the perfect paint colours for your home.

**1.** Do you want to use a colour or a neutral? Neutrals can be more flexible but they can also feel "boring" or "flat". Colours make

a stronger statement but can also prove to be limiting.

**2.** If you are considering a colour, do you want it to be subtle, or are you looking for a stronger statement?

A truer colour will appear more intense when there is more of it.

If, for example, it looks very yellow on the colour chip be aware that it will look much more YELLOW when it is on all four walls. If subtlety is where you are heading, consider a browner or greyer version of the colour you want.

**3.** Undertones rule how a neutral can look. When you pair neutrals with neutrals, their undertones become your colour. If you are nervous about combining undertones, stick with a monochrome (lighter or darker shades of the same colour) or analogous colour scheme (colours that come from the same wedge of the colour wheel, such as blue, green, & violet). Recognizing undertones can be tricky but if you look, your neutral will have a dominant colour.

For greys, the undertone tends to blue, green or purple. For browns or beiges, the undertones tend to yellow, pink or green.

**4.** You need to work with what you cannot change. You have a new condo but you cannot afford to change the flooring at the moment, and it's not your favourite colour. How do you downplay the colour?

It may seem counterintuitive, but you need to incorporate that colour into your scheme. If that new-to-you condo has fir floors and tends to look on the orange side, make sure the colour you choose for your walls

has an element of orange in it. Even if you decide you would like to pair that floor with a white, it looks best if there is a small amount of yellow, red or orange in it.

Complimentary colours (colours that oppose one another on a colour wheel) work too, but they tend to emphasize the contrast in colour and could, in effect, highlight the thing you wanted to minimize.

**5.** Colour has everything to do with lighting. Do not rely on paint to fix issues with lighting, it can help but it will never eliminate the need for better lighting. If your lighting is poor, add more lighting or embrace it and go for a stronger colour.

**6.** Natural lighting will change colours, if the sunlight is shining into your room, your colours will tend to read warmer. If it's just ambient daylight, it tends to lean blue or blue/grey. This means your colours will look yellower or bluer depending on the time of day. It can be frustrating but you can also look at it as you get two or three colours for the price of one!

**7.** Artificial light comes in all different shades on the lighting spectrum. Warm lights emphasize warm colours, like reds, oranges and yellows and mute cool ones. Cool lights, such as daylight LED or fluorescents, tone down warm and magnify or enrich blues and greens. White light tends to be the most neutral.

One last pro design tip: Keep it simple. You can always add flair or colour with accessories, fabrics, plants or flowers and artwork.

*Continued on page 17*



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If choosing the best colours for your space becomes too daunting, don't be afraid to call in a professional. An hour or two with a colour consultant could help transform your house into your home and eliminate any uncertainty you may feel by selecting the best colours, whites or neutrals you have

been looking at.

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interview with Carla Hedman here: <https://youtu.be/OM894KoivYI>

*About the Author: Carla Hedman*

*Paint Colour Consultant For Trusted House Painter. 20 years helping homeowners beautify interior/exterior spaces. [carla@trustedhousepainter.com](mailto:carla@trustedhousepainter.com)*

## Access for Candidates and Canvassers

By Gail Roberge

It has always been difficult for candidates in municipal elections to reach their constituents who reside in strata properties, particularly condominium-style multi-unit buildings.

With the passing of Bill 9 *Local Statutes Amendment Act 2021* on March 11, 2021, amendments were made to B.C.'s *Local Government Act* and the Vancouver Charter that allow candidates in local elections to access strata properties, rental properties and housing cooperatives for the purposes of canvassing. Bill 9 also included amendments to the *Local Elections Campaign Financing Act*.

In short, stratas must not restrict access to a candidate or authorized canvasser from 9 am to 9 pm during the campaign period for any general local election in 2022 and all other elections going forward. *The Election Act* also allows provincial elections candidates to access these properties for the purposes of canvassing.

So don't be startled by a knock on your door during a campaign. Any resident or council member is required to give the person

access to the building.

### **Local Government Act Canvassing in housing cooperative, strata and rental properties**

**160.1 (1)** In this section:

**“authorized canvasser”** means an individual authorized in writing by a candidate to canvass electors and distribute candidate information on the candidate's behalf;

**“campaign period”** has the same meaning as in the Local Elections Campaign Financing Act;

**“candidate information”** means printed information about

(a) a candidate, and  
(b) if applicable, the elector organization that has endorsed the candidate.

(2) The following individuals and organizations must not unreasonably restrict access to residential property by a candidate or an authorized canvasser for the purposes of canvassing electors and distributing candidate information:

(a) a housing cooperative or individual acting on behalf of a housing cooperative;

(b) a landlord or individual acting on behalf of a landlord;

(c) a strata corporation or individual acting on behalf of a strata corporation.

(3) While canvassing electors or distributing candidate information at a residential property, access to which is controlled by any of the individuals or organizations referred to in subsection (2), a candidate or authorized canvasser must produce government-issued photo identification and either proof of candidacy or a candidate's written authorization to canvass electors and distribute candidate information, as applicable, at the request of any of the following individuals:

(a) a resident of the property;  
(b) an individual referred to in subsection (2) (a), (b) or (c).

(4) Subsection (2) applies from 9 a.m. to 9 p.m. during the campaign period.

The amendments to section 122.1 of the Vancouver Charter are the same.

*Gail Roberge is a VISOA member who enjoys staying up to date with legislation relevant to stratas.*

# WHAT MATTERS TO YOU

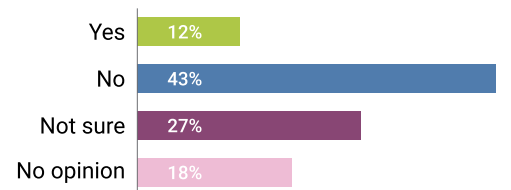
Following VISOA's AGM on March 21, 2021 participants had the opportunity to complete a short survey. Here's what we learned from the respondents.

All respondents were strata owners. **46%** in townhouses, **38%** in condominiums, **12%** in bare land stratas and **2%** from mixed use (residential/commercial) stratas.

**77%** identified themselves as council members.

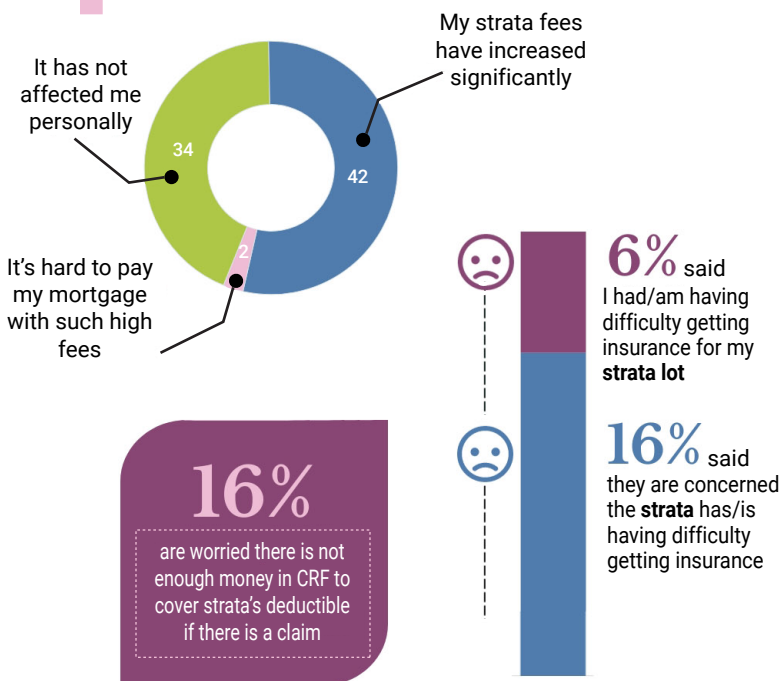
## 2

Do you think there should be legislation that requires strata corporations to install Electric Vehicle charging infrastructure? (Right to Charge)



## 1

Have you personally been affected by the cost of your strata's insurance premiums?

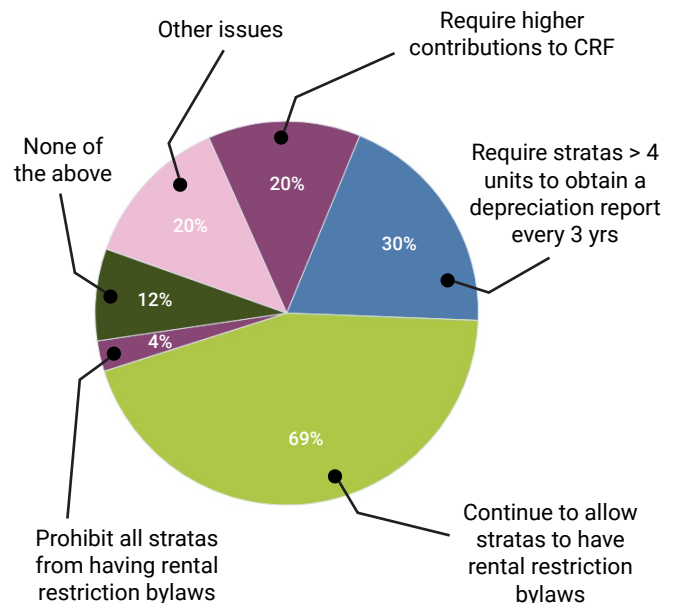


**16%** are worried there is not enough money in CRF to cover strata's deductible if there is a claim

**16%** said I am worried my insurance does not cover the full amount of a deductible if I am found responsible for a leak

## 3

What changes would you like to the Strata Property Act?



# New Disclosure Form for Strata Management Companies

By Wendy Wall

Did you know that that your strata management company (brokerage) is required to disclose certain information about benefits they receive (if any)?

Since 2005, when the *Real Estate Services Act* became law, all real estate professionals have been required to comply with section 5-11 of the Real Estate Rules. This rule, which came into force in 2006, requires rental property and strata management companies to disclose any remuneration or benefits they receive from anyone other than their client in relation to rental property management services and strata management services.

In 2021, RECBC released new, simplified forms intended to be easier to understand and to ensure clients are getting the information they need. The new form for stratas is called “Payments and Benefits Disclosure Information for Strata Corporations”. It is reproduced on the following pages and is available in six languages.

The form itself is not mandatory but the requirements to make these disclosures have been in place for 15 years. While your strata manager is not required to use this particular form, they may find that the new form is convenient and easy to use to clearly communicate with their clients.

When a strata management company or strata manager anticipates receiving remuneration (either directly or indirectly) from someone other than the strata corporation for providing strata management services to or on behalf of the strata corporation;

they must promptly disclose in writing to the strata corporation:

- the source of the remuneration (a payment including any commission, fee, gain or reward)
- the amount of remuneration to be received
- as well as all relevant facts relating to the payment

For example, your management company may recommend a service provider to their clients. If they receive, or anticipate receiving, a referral fee from the service provider in exchange for the recommendation, they must disclose this to the client before they can retain the referral fee. These relationships, as well as the nature and extent of the benefit, must be disclosed in advance so that the strata corporation can be fully informed of all material information prior to selecting the service provider, or making or authorizing the expenditure.

In many cases the strata management company and the client have agreed, in their service agreement, that the strata management company will charge and retain specific fees for providing strata documents (such as Forms B and F, and copies of strata documents). If the fee amount that the strata management company charges for providing strata documents changes, the company must disclose the change to the client.

They must also disclose any direct or indirect benefit they receive or expect to receive from making an expenditure on behalf

of a client. This information must be disclosed before the benefit is accepted. The form helps clients to see at a glance whether a benefit is: money, gifts, points or any other type of benefit. As a best practice strata management companies are encouraged to review their service agreements and related contracts annually for changes related to remuneration and benefits from third parties that will need to be disclosed to their clients.

Strata council and section executive members can change every year and may not have reviewed prior disclosures. Even if the expected remuneration is relatively stable year to year, and payments or benefits have been previously disclosed, RECBC recommends that strata management companies keep strata council and section executive members well informed by providing a completed disclosure form early in the new year that identifies the remuneration they expect to receive for the year ahead. They should also complete an “end of year” written disclosure identifying the total amount of remuneration/benefits actually received over the course of the year, including variable amounts such as Forms B and F, rush fees, etc.

While your manager is required to provide this information under the prescribed circumstances, your strata council may request this information at any time.

Visit the [recbc.ca](http://recbc.ca) website for more information including examples of situations that require prompt disclosure.



## Payments and Benefits Disclosure Information for Strata Corporations

The strata manager providing services to your strata corporation has a duty to disclose to you, in writing, any direct or indirect:

- payments the strata manager or the strata management company receives or anticipates receiving that come from sources other than your strata corporation; and/or
- benefits (such as financial gains) that the strata manager or strata management company (or an associate) receives or anticipates receiving as a result of making an expenditure on behalf of your strata corporation.

The disclosure will include:

- the source of the payment or benefit;
- the amount of payment or type of benefit or the likely amount or method of calculation; and
- any relevant facts about the payment or benefit.

Your strata manager may use a *Disclosure of Remuneration (Payments and Benefits): Strata Management Services* form to disclose these payments and/or benefits to you. This form includes space for the strata manager to indicate the annual aggregate amount (or estimate) of the payments or benefits. This will help your strata corporation to understand the various sources of payments or benefits the strata management company will receive each year. **At a minimum** you should receive this disclosure at the beginning of each year for anticipated payments or benefits and again at the end of each year to document actual payment or benefits earned.

**The Real Estate Council of BC** is the legislated regulatory agency that works to ensure real estate professionals have the skills and knowledge to provide you with a high standard of service. All real estate professionals must follow rules that help protect consumers, like you.

We're here to help you understand your rights as a real estate consumer.

**Keep this information page for your reference** and scan the QR code or visit [recbc.ca](http://recbc.ca) for more information about real estate services.



When to Expect Disclosure of Payments or Benefits	What Should be Disclosed
<b>Beginning of Year</b> (in your service agreement and/or this disclosure)	<ul style="list-style-type: none"> <li>• anticipated payments or benefits</li> </ul>
<b>Periodically throughout the year</b> (in this disclosure)	<ul style="list-style-type: none"> <li>• any new benefits not previously anticipated</li> <li>• notable changes to anticipated benefits</li> <li>• changes to actual payments or benefits received where they are notably different than what had been disclosed at the beginning of the year</li> </ul>
<b>End of Year</b> (in this disclosure)	<ul style="list-style-type: none"> <li>• actual payments or benefits received or earned</li> </ul>



## Payments and Benefits Disclosure Information for Strata Corporations

Common Source of Payments	Common Sources of Benefits
<p><b>Strata managers and management companies may receive payments for:</b></p> <ul style="list-style-type: none"> <li>• recommending service providers to the strata corporation</li> <li>• referring the strata corporation to a service provider</li> <li>• providing strata documents, such as Form B and Form F* and any associated rush fees</li> </ul>	<p><b>Strata managers and management companies may receive benefits such as money, gifts or points as a result of:</b></p> <ul style="list-style-type: none"> <li>• hiring service providers for the strata corporation</li> <li>• buying insurance or placing funds with a financial institution on behalf of the strata corporation</li> </ul>

\*Amounts that can be charged for a Form B and F are established by the regulations of the *Strata Property Act* and the calculation method may be disclosed in your service agreement with the strata management company.

Relationships with service providers, as well as the nature and extent of expected benefits, must be disclosed to you in advance so that the strata corporation can be fully informed of all material information prior to selecting the service provider, or making or authorizing the expenditure.

A strata management company and the strata manager must disclose to you all known material information with respect to the real estate services provided to the strata corporation. In addition, a strata management company and the strata manager must disclose to you any remuneration or benefits received or anticipated to be received by an affiliated corporation as part of their duty to disclose conflicts of interest and all known material information respecting the real estate services. These disclosures may be made outside of this form.

This is a required disclosure in compliance with sections 5-11 and 5-12 of the Rules under the *Real Estate Services Act*. A real estate professional should present the **Payments and Benefits Information for Strata Corporations** consumer information page to you along with this disclosure form.

This disclosure is made to the strata council of: \_\_\_\_\_ For: \_\_\_\_\_  
Strata Plan Number

By: \_\_\_\_\_  
Strata Management Company

The strata manager and/or the Strata Management Company will receive or anticipates receiving:

- payments for recommending or referring service providers,
- a payment or benefit as a result of expenditures made on behalf of the strata corporation, or
- other payments or benefits.

Source and Description of Payments or Benefit	Actual or Anticipated Amount



## Payments and Benefits Disclosure Information for Strata Corporations

An associate\* of the strata manager or Strata Management Company will receive or anticipates receiving the following benefit(s):

Name of associate (company or individual)	Source and Description of Benefit	Actual or Anticipated Amount

\*Refer to section 5-7 of the Rules under the *Real Estate Services Act* for a definition of associate.

### Disclosure Submitted by:

Strata Manager

Strata Management Company (Brokerage)

Signature

Date

Section 8-4 (1) (a) of the Rules made under the *Real Estate Services Act* requires a brokerage to maintain a copy of all written disclosures and any related acknowledgements under Division 2 Part 5 of the Rules.

### Consumer Acknowledgment This is NOT a contract

I/We acknowledge that I/we have received the **Payments and Benefits Disclosure Information for Strata Corporations** consumer information page and this disclosure form.

Name

Name

Title

Title

Initials (optional)

Date

Initials (optional)

Date

# Single Regulator for Real Estate

By Elaine Browne

On March 9, 2021, the BC legislature passed Bill 8 which included changes to the *Real Estate Services Act*. None of the changes will take effect immediately. The biggest shift is that the legislation enables the amalgamation of Real Estate Council of BC (RECBC) and the Office of the Superintendent of Real Estate (OSRE) within the BC Financial Services Authority (BCFSA). This integration is expected to take place this summer, though a firm date hasn't yet been set.

Creating a single regulator for real estate was a key recommendation from the Real Estate Regulatory Structure Review in 2018, as well as the Expert Panel on Money Laundering in BC Real Estate in 2019.

Additionally, amendments to financial institutions legislation were introduced to empower the superintendent of financial institutions with most regulatory decision-making functions. This will enable BCFSA to operate more effectively as it acquires a new major set of responsibilities around real

estate. These legislative changes will enable BCFSA to become the regulator for B.C.'s entire financial services sector, including real estate, integrating and enhancing its investigative, compliance and enforcement capacity.

BCFSA currently regulates B.C.'s financial services market, including credit unions, trust companies, registered pension plans, insurance companies and mortgage brokers. The amendments introduced to the *Real Estate Services Act* will give BCFSA authority with respect to:

- education and licensing for real estate professionals;
- establishing rules governing the conduct for real estate professionals; and
- investigation and discipline for licensed and unlicensed individuals.

"Whether it's buying a home or remortgaging an existing property, British Columbians should be at ease knowing one of the biggest purchases of their lives is conducted safely and securely," said Selina Robinson, Minister of Finance. "These changes will help protect consumers and

better co-ordinate oversight of B.C.'s financial services sector, including the real estate market. Moving to a single regulator is a significant step to help BCFSA continue to address fraudulent activities and build protections against money laundering."

Micheal Noseworthy, head of the Office of the Superintendent of Real Estate added, "By centralizing our expertise under BCFSA, we will be building on our strengths and streamlining our work to better protect consumers in British Columbia. As the financial services and real estate markets are rapidly changing, we will focus on innovation and continuous improvement, bringing a single lens to the oversight of financial services and real estate with enhanced information sharing."

For more information visit [bcfsa.ca](http://bcfsa.ca)

Thank you Elaine for contributing this article. If anyone would like to submit a story idea or article, please send it to [editor@visoa.bc.ca](mailto:editor@visoa.bc.ca)

## 2021 WEBINARS

### UPCOMING TOPICS INCLUDE:

- EV Charging for Stratas
- Financial Reports
- Keeping Maintenance Records
- Banking for Stratas
- Creating a Strata Residents Manual
- Managing Correspondence



See the schedule at [www.visoa.bc.ca](http://www.visoa.bc.ca) or join our mailing list



Find answers to hundreds of FAQ's at:

[visoa.bc.ca](http://visoa.bc.ca)

# President's Message



## SERVING YOU

— by Wendy Wall

As I mentioned in the February issue, VISOA's board of directors recognized the impact of COVID-19 on non-profit organizations. The Victoria Foundation predicts that more than half will not survive financially. The board of directors led by André De Leebeeck and John Grubb engaged a facilitator to create a new strategic plan to ensure long-term sustainability for our society.

The first step in that process was reaching out to our members and the public. I'd like to thank each and every one of the 305 participants who responded to our survey in January. When asked "What do you think VISOA needs to accomplish over the next one to three years?" several themes emerged.

**Keep up the good work:** Many responses affirmed that you find our services valuable and asked that we continue providing educational webinars, workshops, bulletins and resources on our website. You said that VISOA is an excellent resource and valued the support provided by our Strata Support Team. You also want VISOA to keep advocating for you.

**Advocacy:** This emerged loud and clear. You want VISOA to be your voice at the frontline with government and industry, and speak up for the issues that matter to you. This included strata insurance, reform of the *Strata Property Act*, and more oversight of the strata property management industry.

**Insurance:** A significant number of comments asked VISOA to work with government and industry to address and advocate for fair insurance rates, including the possibility of forming a captive insurance corporation. One comment sums it up, "Strata insurance seems to be the biggest, financial issue. I expect VISOA to act as a strong advocate for the Strata community. Our voices need to be heard in Victoria and I look to this organization to be our champion." In response, I can report that we are "at the table" in meetings with government and industry on a regular basis speaking up for you!

**Strata Property Act:** Reforms to the SPA were another central theme for advocacy with government. The specifics involved suggestions for reforms regarding frequency of depreciation reports, higher contributions to the CRF, mandatory education for strata councils, proxies, different requirements for townhouses and bare land stratas, and clarification of vague language. Progress is being made. VISOA is currently assisting with draft regulations in relation to changes to the *Strata Property Act* contained in Bill 14, which was passed in 2020.

**Keeping you informed:** While you recognized much of the good work being done, you asked VISOA to keep you informed regularly. You want to be kept up to date with changes in legislation, emerging issues, and other relevant, current information relating to stratas. Much of this information is on our website, however we are committed to doing a better job of adding information and resources and making that information easier to find. We will also send updates to our email list more often. Make sure you have joined our mailing list!

**Education:** You want more basic and in-depth training, relevant to changing needs, and different kinds of stratas such as bare land. While some expressed a desire to return to in-person seminars, there was strong support for the primary method of education to be online webinars for convenience and also to better serve our members who are located outside of Victoria.

**Visibility:** Finally, you want VISOA to continue developing our expertise, be as well known as CHOA, and have greater visibility in the media. You want strata councils, new owners and prospective purchasers across B.C. to know what a valuable resource VISOA is, grow our membership and strengthen our voice. We do take advantage of media interviews to share our expertise and widen our reach, but you are our greatest resource. Word-of-mouth has a far more meaningful impact than advertising. Please forward our newsletter emails to friends; share YouTube videos, Tweets and Facebook posts; and write letters to the editor of your local newspaper sharing a story of how VISOA helped you.

With your support VISOA will be here for many years to come.

Wendy Wall  
president@visoa.bc.ca

