VISOA
Vancouver Island Strata Owners Association

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VISOA Bulletin - AUGUST 2020

Editor's Angle

David Grubb, Editor

Much as we are trying to avoid "That Word", many issues not only in the strata world but in so many other aspects of our lives have been badly affected by the pandemic which currently besets the world. Because of these issues the governments, and in our case the B.C. Government, are faced with myriad difficulties in many facets of our lives which now are showing their faults in technicolour.

During the last few months, the Ministry of Municipal Affairs & Housing has formed some committees, one of which consists of Ministry staff from the Housing & Tenancy Branch being in contact regularly with stratas, lawyers, strata managers, and representatives from VISOA, CHOA, and other concerned parties. They are trying to make changes to the *Strata Property Act* and the *Regulation* sufficient to meld bylaws, etc., at least temporarily, with many other aspects of the law, so that the changes will be made as rationally as possible in order to allow us to at least operate for the time being. It is no easy job!

On top of this, stratas are very concerned about the enormous and sudden increases by the insurance industry especially of the costs of the policies and the deductibles. Alex Chang lays out the problem and some of the proposals of the government. But the op-ed by Les Leyne in the *Times Colonist* gives us pause for thought about the idea circulating around the legislature requiring all BC strata corporations to establish and have to belong to a provincial self-insurance company. Also we have one reaction from Alberta and we have likewise given you one explanation published in the *Canadian Underwriter* of the constant entanglement faced by the strata, the individuals and the insurance agencies about who pays for and/or insures water leak damage.

Finally, lawyer Shawn Smith deals with a concern which is facing many: the importance of collecting strata fees from owners even in this troublesome time where many are experiencing difficulties in their personal finances and keeping their jobs.

As Gerry Fanaken said at one of our seminars, "Follow the law and you won't go far wrong."

We hope that you have managed to have a pleasant summer, and that the fall and winter will see great improvements in the state of your well-being.

In this issue...

Strata Privacy Dispute: Tenant Loses Fight to Install Security Camera in Door Peephole

By Carlito Pablo, The Georgia Strait

Shaun Herr will have to find another means of security at the condo unit he is renting.

Herr had claimed that another occupant in the building has been harassing him.

That person is also allegedly loitering on the hallway outside the rental.

However, Herr has lost his fight with the strata corporation over his wish to have a security camera in his door peephole.

The Civil Resolution Tribunal ruled in favour of the strata, which contended that the installation of a video camera violates the privacy of other residents and constitutes an unapproved alteration of common property.

Tribunal member Richard McAndrew noted in his reasons for the decision that the strata specifically argued that this would breach the *Personal Information Protection Act* or PIPA.

McAndrew noted that PIPA "prohibits strata corporations from placing video cameras on common property unless the strata has bylaws allowing the video camera and residents are notified".

"I find that the strata does not have bylaws allowing video cameras in common areas," McAndrew said.

The exterior of the door is common property, according to the tribunal member, because the strata plan did not designate the doors as limited common property.

Limited common property is comprised of parts or areas that are meant for the exclusive use of one or more strata lots or units.

Herr installed a video camera in the door's peephole, but was ordered by the strata to remove the device after it was discovered.

Herr wanted to reinstall the camera, but was not granted permission by the strata corporation.

Herr then filed an application with the tribunal seeking an order to have the strata allow him to reinstall the video doorbell device.

McAndrew related that Herr claimed that he needs the video doorbell device for security because another occupant in the building has been harassing him.

"The tenant says this person has left notes on his door generally complaining about dog noise," McAndrew wrote. Herr also claimed that the person "loiters outside the strata lot".

"I agree the tenant has a legitimate interest in protecting his security with a camera," McAndrew stated.

However, according to McAndrew, "this alone does not make the strata's refusal to allow video cameras unreasonable".

"Since the video device will affect the privacy of others in the common property hallway, it is appropriate for the strata to also consider the privacy rights of the strata owners," McAndrew wrote.

Herr argued that video camera "does not continuously record the hallway".

"However, I find that the video device would record strata residents in the common area hallway even if the camera recording is limited. I find that this does affect residents' privacy," McAndrew stated.

A Georgia Strait reader's comments:

Too many condo residents take security in condo towers for granted. That can be a big mistake. I suggest that condo residents purchase electronic cameras that are connected to their mobile phones and install them inside their units.

In one downtown Toronto condo, the concierge phoned an owner to inform her that there was a parcel for her at the front desk. She was in Florida and she asked that the package be dropped inside the door of her unit.

A valet took the parcel up to her unit. He then went into the kitchen and helped himself from the frig. What he did not know was that the owner was watching him on her mobile phone. The owner phoned the property manager and told her what she was seeing on her phone. When the valet came down from the unit, he was fired.

Collecting Strata Fees – Some Do's and Don'ts

By Shawn M. Smith, Cleveland Doan LLP

Unfortunately, difficult economic times often mean that owners are unable to pay their strata fees and special levies. This can be extremely difficult for strata corporations as their only source of income (other than the sundry amounts collected through fines or the rental of the common room) is the contributions from owners. Without those strata fees and special levies the strata corporation may well have difficulty meeting its financial obligations or completing projects.

Fortunately, the drafters of the *Strata Property Act* (SPA) included a means by which strata corporations can readily collect those amounts – the lien process. Ss.116 – 118 of the SPA set out a process whereby the strata corporation can register and enforce a lien (through sale of the strata lot) in order to collect those monies. The lien ranks in priority over all charges, including mortgages, except for charges in favour of the Crown (i.e. a judgment for unpaid taxes).

While strata councils may be reluctant to utilize that process, they may find themselves with no other choice. S.31 of the SPA obligates the council to act in the best interests of the strata corporation. The two year limitation period (within which to commence legal proceedings to collect the money) and the need to pay trades and service providers, often leaves little choice but to act.

However, the process is fraught with pitfalls in the early stages. If they are not avoided, the ability to enforce the lien may be lost. The purpose of this article is to help identify some of those as well as explain the process overall.

<u>First things first, send a demand letter</u>

S.112 of the SPA mandates that before registering a lien against a strata lot, the strata corporation <u>must</u> send the owner(s) written notice which:

(a) demands payment;
(b) indicates what action may be taken if the money is not paid (i.e. a lien will be filed); and
(c) gives the owner "at least 2 weeks" to respond.

When writing, one must make sure that the letter is addressed to the correct owners at the correct address. A land title search might be warranted to check names. When deciding how to send the letter, keep in mind that s.61 of the SPA sets out the permissible methods of delivery. Registered mail is not a permitted means of delivery - *The Owners, Strata BCS3372 v. Manji 2015 BCSC 2503*. If the owner has provided an address outside of the strata corporation, the letter must be sent there, not the strata lot.

If the letter is mailed or slipped under a door, it is deemed to be received 4 days later. This means that "at least 2 weeks" is really 20 days. Demand letters should set a 21 day deadline to be safe.

Where a demand letter doesn't comply with the requirements of s.112, any action based on that letter is void. For example, a lien registered without proper notice is unenforceable - *The Owners, Strata BCS3372 v. Manji 2015 BCSC 2503.*

Some strata corporations follow the practice of advising mortgagees (i.e. the owner's bank) when the owner is in arrears. If the lender has filed a Form C Mortgagee's Request for Notification then doing so is not only acceptable but required. Where

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the lender has not done so, notifying them without the owner's consent might well be considered a breach of the *Personal Information Protection Act.* As such, strata corporations are best to avoid doing so until a lien has been filed. At that point, the existence of the lien is public knowledge.

Strata corporations which utilize a lawyer to send the demand letter should ensure that they have a bylaw in place which allows them to charge back and collect the costs of the letter from the defaulting owner. Since the recent decision in *625536 B.C. Ltd. v The Owners, Strata Plan LMS4385, 2020 BCSC 633* a strata corporation can no longer rely on s.133 of the SPA to do so.

Register a "proper" lien

Under s.116 of the SPA a strata corporation can file a lien only in relation to certain monies owed to it by an owner. The bylaws cannot change that, even indirectly - *The Owners, Strata Plan BCS3648 v. Podwinski, 2016 BCSC 2253.*

A lien can only be registered against a strata lot for the following:

- unpaid strata fees;
- unpaid special levies;
- reimbursement for work to a strata lot ordered by a government authority;
- the owner's share of a judgment against the strata corporation;
- interest on strata fees and levies (provided there is a bylaw to that effect).

The following things **cannot** be included in a lien:

- fines;
- the cost of remedying a contravention of a bylaw;
- NSF charges;
- late fees;
- insurance deductibles;
- parking space rental fees;
- legal and administrative fees (including the costs of registering the lien)

Although legal fees related to the lien cannot be included in the amount written on the Form G (lien) itself, they do get added to the amount required to discharge the lien. The full costs relating to the steps required to file and enforce the lien are collectable (see *The Owners, Strata Plan KAS2428 v. Baettig 2017 BCCA 377*). This means that a strata corporation should not be out of pocket for having employed a lawyer to collect the arrears. (Fees charged by strata managers to register a lien cannot be included in the face amount and are arguably not collectible as strata managers cannot charge for performing legal services. However, administration fees which are not related to the registration of the lien can be considered a reasonable disbursement to which s.118(c) applies). The costs to discharge can be added to the lien when calculating the lien payout amount.

The inclusion of non-lienable amounts renders a lien invalid and unenforceable - *The Owners, Strata BCS3372 v. Manji 2015 BCSC 2503; Strata Plan VR386 (The Owners) v. Luttrell 2009 BCSC 1680.* While a new lien can be registered, it means starting over and potentially running out of time vis-à-vis the limitation period.

Register a lien at the right time

If an owner is suspected to be headed toward bankruptcy a lien should be registered as soon as possible. As soon as the owner makes an assignment into bankruptcy the strata corporation could be prevented by the terms of the *Bankruptcy Act* from registering a lien and would rank as an unsecured creditor. In that case it might end up with only cents on the dollar. However, if the lien is registered then the strata corporation can proceed to enforce the lien as a secured creditor. In this regard, bylaws which prohibit a strata corporation from filing a lien until the owner has been in arrears for a certain number of months are not a good idea.

There is no minimum amount that must be owing in order for a lien to be registered. The lien acts a "floating charge", thus there is no need to register further liens as the arrears increase. The exact amount owing under the lien fluctuates over time and will be calculated when it comes time to pay it out.

Registration is not enough

Filing a lien only serves to give notice to others of the strata corporation's claim. It does not necessarily get the arrears paid. Further action is often

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required to achieve that goal.

Nor does filing a lien stop the limitation period from running. A petition to enforce the lien must be filed within 2 years of the date the money was first due - *The Owners, Strata Plan LMS 2706 v. Morrell et al, 2018 BCCRT 28.* If not, the strata corporation will be unable to recover the arrears, even through the Form F - *Kornylo v. The Owners, Strata Plan VR 2628, 2018 BCCRT 599.*

Once a lien has been registered the strata corporation can commence a court action to apply to have the strata lot sold and the amount secured by the lien paid from the sale proceeds (the process is very similar to when a lender forecloses under a mortgage). Commencing such an action does not require a ¾ vote, only the approval of council - *Strata Plan LMS 307 v. Krusoczki,* 2006 *BCCA 154.*

An action to enforce a lien must be brought in the British Columbia Supreme Court. The CRT has no jurisdiction over liens. All the CRT can do is issue a judgment, which must still be enforced.

If the owner doesn't pay the arrears plus legal fees, then the strata corporation gets the right to sell the strata lot (subject to court approval). The amount owing under the lien is paid out first, followed by any mortgage that is on title. Amounts not included in the lien do not get paid unless there are excess sale proceeds after all the charges on title are paid out.

Don't take chances

If the strata corporation requires assistance in registering a lien it is often preferable that they retain a lawyer (ideally one with experience in collecting strata arrears) to do so. The costs of doing so (provided they are reasonable) are fully collectible from the owner under s.118 of the SPA. That way the strata corporation can ensure that the steps are properly done and the council can be one removed from the sometimes unpleasant task of collecting from their neighbours.

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, including VISOA. He is a partner with the law firm of Cleveland Doan LLP and can be reached at (604)536-5002 or shawn@clevelanddoan.com.

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These businesses have chosen to support our member strata corporations and owners by joining VISOA's growing group of Business Members. We encourage all our members to return the support we receive from the business group by including these businesses in their consideration for provision of services for their corporation.

Do You Have Any Corona Virus Success Stories?

Please send an email to the **editor@visoa.bc.ca**
and we will compile some of the best in the next Bulletin!
Your name or strata number are not required -
just your success stories.

"WE ALL NEED SOME FEEL-GOOD NEWS!"

Airbnb (in Ontario) is Back! So Quickly Too!

By H. Marshall

Ontario reports 356 new COVID-19 cases, as province gives green light to resume short-term rentals. ***[CBC News (abriged)]***

Ontario reported 356 additional cases of COVID-19 on Thursday, as the province announced that short-term rentals will be allowed to resume operations on Friday.

The move applies to lodges, cabins, cottages, homes, condominiums and bed and breakfasts, Julie O'Driscoll, spokesperson for Minister of Municipal Affairs and Housing Steve Clark, told CBC Toronto Thursday.

"As you know, many people rely on the rental of these properties to supplement their income, and owners should consult health and safety guidelines related to the tourism and hospitality sector when considering how they can reopen their doors to guests," O'Driscoll said in an email.

"Operators and guests should continue to practice physical distancing, wear a face covering when physical distancing is a challenge, and wash hands frequently."

Short-term rentals persist at notorious Toronto condo building despite ban

blogTO by Misha Gajewski 01 June 2020.

Residents at 300 Front Street West are frustrated that management hasn't put a stop to short-term rentals in the building.

"Our safety is genuinely at risk," one tenant, who wished to remain anonymous, told *blog*TO.

This isn't the first time 300 Front Street West has come under fire for continuing to allow short-term rentals during the pandemic. In April, CBC reported that condo owners were continuing to rent out the units despite government regulations.

In a letter shared with *blog*TO from the condo board, a ban on short-term rentals was issued on April 8 and the key exchange was stopped immediately. But these measures haven't been enough to fix the problem, according to one tenant.

"This building feels like a by-the-hour motel for hookers," they told *blog*TO, detailing numerous incidents that have escalated enough to warrant calls to the police.

For example, a month ago someone was stabbed in the building during an altercation. Police later arrested a 25-year-old man and charged him with aggravated assault.

But just a little over a month later another fight broke out in the hallway that was so aggressive the police had to come and break it up.

The incident reports the tenant has submitted to management describe people in the lobby with suitcases, multiple large parties and a revolving door of people being allowed into the building without keys or fobs.

"There have always been short-term rentals in the building. Property management usually helps facilitate the short-term rentals by holding keys with the concierge and booking through Del Suites. When COVID-19 became a bigger issue, management stopped accepting keys and urged owners to enter long-term leases," they said.

But a quick search through Del Suites site shows there are still plenty of condos available for short-term rentals.

In an email to *blog*TO Del Suites clarified that they provide "furnished corporate rentals to long term rentals with a minimum of 30-night stays" and that they've complied with the property manager's notice regarding the key exchange.

"What's happening now is owners are putting keys in lockboxes out front, literally hanging [the boxes] on a tree next to the Starbucks, and just having guests bypass the

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concierge completely," explained the tenant.

When *blog*TO reached out to the Toronto Standard Condominium Corporation No. 2238 (TSCC2238), who governs 300 Front Street West, they said that they were aware of the situation.

"The Corporation actively monitors its property to ensure that lockboxes are not posted in contravention of its governing documents. We are aware of two lockboxes which have been installed on City of Toronto property nearby to our building (but off of our property) and have contacted 311 to have them removed," they said in a statement.

And while there hasn't necessarily been more short-term tenants coming in the building than usual, the tenant *blog*TO spoke with did note that the type of people coming into the building is concerning.

"I witnessed a parade of escorts coming into the building while waiting for Uber Eats to show up," they said, adding that him and his girlfriend almost got into altercation with some of the short-term tenants in the elevator when they began making racist remarks.

"Del Suites clients are professionally vetted business to businesses, employees on relocation, insurance housing and others in need of temporary housing while having a sizeable economic impact on the communities where it operates," a Del Suites representative told *blog*TO.

"We're not happy about the situation," they said. "[Management] won't interfere with people coming into the building with suitcases and the concierge told me that if someone has keys, they're allowed in. I was shocked at how little effort they're putting into this."

The tenants whom *blog*TO spoke to say they fear for their safety and feel powerless about the whole situation.

"Management [needs] to actually enforce the rules. Tracking the keys and fobs, imposing minimum lease-terms and actually speaking to the owners would go a long way," added the tenant.

TSCC2238 assured *blog*TO they're doing what they can to enforce the regulations and emergency orders.

"If the Corporation becomes aware of owners who are renting their unit in breach of the emergency orders, it has and will continue to take appropriate enforcement action to obtain compliance," they said.

They also noted that short-term rental accommodations were allowed if they're for people who need housing during the emergency period – like healthcare workers who need to self-isolate.

"Outside observers should not assume that all persons arriving at our property are doing so in violation of the emergency order," said TSCC2238.

When this article was published, a reader asked H. Marshall what he thought. He replied:

"I saw this article. My views on 300 Front are:

ONE

Airbnb is going to ride out this storm and will return hungry for business. It may be a little different but it is not going away. Its advertising budget will be gigantic. It has huge amounts of cash it can tap.

TWO

While the tourists are scarce, some Airbnb units will be used by hookers, drug dealers and locals wanting a private place for a night. (Just like hotels, short term rentals always had this type of clientele.)

They are perfect for speakeasies, like the 1920's, where you can get booze, drugs, girls, whatever you want. It stays open for one night or weekend and the next weekend they are on a different floor or in a different condo. Cellphones make this so easy to organize.

Since the Entertainment District is closed, the party animals have to meet somewhere.

THREE

300 Front was built to be a rental building and a short-term rental operation. It was never much of an owner-occupied condo. It is for landlords and short-term hotel operations.

The only thing new is that the renters are now speaking out.

In general, I wonder just how much business has gone black market. Restaurants, bars, gambling, hair stylists and the like: places where you have to go in through a back door."

Condominium Authority of Ontario – A Model for BC to Follow?

By Sandy Wagner

Ontario's Condominium Authority website (condoauthorityontario.ca) is full of useful and pertinent information for Ontario condo owners – naturally! – but BC strata owners can find a good amount of interesting reading as well.

One thing that you'll notice is the "all in one" approach. The Authority was established recently and aims to improve condominium living by providing services and resources for condo owners, residents and directors. These include:

- easy-to-use information to help owners and residents understand their rights and responsibilities
- mandatory training for condo directors
- resources to help condo owners and residents resolve common issues
- an online dispute resolution service through the Condominium Authority Tribunal (CAT)

Information, training, resources, and dispute resolution in one place – great for Ontario condo owners! A full information sheet on the CAO can be downloaded here: **https://www.condoauthorityontario.ca/about-cao/building-harmonious-condominium.pdf**

I clicked on the link for Director Training and was pleasantly surprised to see that all directors appointed, elected, or re-elected on or after November 1, 2017 are required to complete the training program provided by the Condominium Authority of Ontario (CAO) within six months of their appointment, election or re-election. I say pleasantly surprised because we all know of BC stratas where the council could use some education, right? The Ontario training is quite basic, but it's something - and something is better than nothing.

I also read about the Condominium Authority Tribunal (CAT), which is Ontario's answer to BC's Civil Resolution Tribunal (CRT). They currently can resolve only a few specific types of disputes – starting off slowly as the CRT did. One key difference is that the CAT can impose penalties on a condo that does not follow their legislation, unlike our self-enforcing *Strata Property Act.*

What prompted me to write this article was a recent CAT decision highlighted in a newsletter to which I subscribe. In *Surinder Mehta v. PCC 389, 2020 ONCAT 9*, the applicant was requesting records under their Act. The tribunal member identified three issues to be decided in this case:

a.) Is Mr. Mehta entitled to the records he has requested?

The answer was yes.

b.) Has the Corporation provided a reasonable excuse for not providing the records?

(As part of this issue, the member had to decide if not having kept or produced "adequate" records constitutes a reasonable excuse for refusal.)

The answer was no.

Failing to keep a record required by the Act, in this case, does not constitute a reasonable excuse for refusing to provide the record.

c.) If PCC #389 does not have a reasonable excuse for refusing the records, is a penalty warranted.

The answer is yes.

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PCC #389 will pay the maximum penalty of $5,000.

As I read the decision, the penalty to the condominium was striking: $5000 for not providing records required to be provided under their condo legislation.

I know that a good deal of the VISOA Helpline's queries are about records requests, and if you search "records" on the CRT's strata decision database you will find 370 results – so how different would that be, if our legislation imposed a penalty to a strata for not providing records when required?

I'm not suggesting that $5000 is the right magic number for us.

And – cart before horse – should penalties be imposed at all, without mandatory training for BC strata council members? We often hear "but they're just volunteers". By virtue of being a volunteer, should council members be any less careful?

What are your thoughts? Should BC strata owners be required to pass rudimentary but mandatory training to be on strata council? And – should strata councils with that training be subject to penalties for not doing their jobs?

I'm sure that your elected officials would love to hear your views on this. I know the VISOA Board would.

Sandy has been a strata owner for 28 years and served on VISOA's Board of Directors for 12 years – 9 of them as President. Although "retired" from the Board, she continues to volunteer as co-editor of this Bulletin.

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Strata Alerta: Provincial Response to Strata Insurance Crisis

By Alex J. Chang, Lesperance Mendes

In recent years insurance costs for strata corporations have inflated to the point of crisis. Many strata corporations are experiencing large increases in insurance costs or have challenges finding insurance at all. The BC Financial Services Authority's (BCFCA) interim report indicate an average increase of 40% year-over-year to premiums province-wide and a 50% increase in Metro Vancouver.

Lesperance Mendes Lawyers acts for hundreds of strata corporations and strata owners across the province. Their concerns and dismay regarding this crisis are becoming ubiquitous.

For many, stratas represent the only affordable model of homeownership, and the province estimates that more than 1.5 million British Columbians live in strata housing. Uncontrolled costs could reduce the accessibility of that model for many. As the Minister of Finance stated, "The rising cost of strata insurance is a major financial pressure facing thousands of British Columbians during an already challenging time."

On June 23, 2020, the province announced some of the legislative and regulatory reforms it intends to enact to tackle the crisis. They include:

a) setting out clearer guidelines for what strata corporations are required to insure;

b) requiring strata corporations to inform owners about insurance coverage, provide notice of any policy changes, including increasing deductibles, and allowing stratas to use their contingency reserve fund when necessary to pay for unexpected premium increases;

c) ending the practice of referral fees between insurers or insurance brokers and property managers or other third parties;

d) setting limits on how much strata corporations can claim from an owner that is legally responsible for a loss or damage, but through no fault of their own;

e) identifying when a strata corporation may not be required to get full insurance coverage;

f) strengthening depreciation report requirements;

g) changing the minimum required contributions made by strata owners to the contingency reserve fund;

h) requiring insurance brokers to disclose the amount of their commissions; and

i) adding insurer notification requirements to strata corporations regarding changes to insurance coverage and costs, or an intent not to renew.

The province's announcement suggests that reforms a) to d) will be more immediate once the required legislation is passed. Reforms e) to i) will be implemented as regulatory amendments after further consultation with the stakeholders in the strata community.

Many of these are welcome reforms, which the government has referred to as "first steps."

In this author's view, the government should also be looking at improvements to new construction and the new home warranty regime in BC. While the causes of the insurance cost increases are numerous and complicated, the BCFSA's Interim Report suggests that construction defects are a contributing factor to rising insurance costs.

Insurers have struggled with sustaining profitability in BC's strata insurance market due to losses from mostly minor claims. A key driver of this trend is water damage from plumbing leaks and failures, which accounted for approximately 46% of the total

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claim costs since 2017. This trend is particularly pronounced for new buildings less than five-years-old, where average claims costs were 80% higher than the overall average.

Higher claims costs for new buildings would appear to suggest a more pronounced issue with defective construction, as opposed to poor maintenance, though that may vary from building to building. For example, many older buildings with poor maintenance records are also seeing dramatic rises in their insurance costs if they can get sufficient insurance at all.

The BCFSA has suggested that strata insurers may be absorbing costs that could be covered under the new home warranty programs. Lesperance Mendes regularly advises strata corporations on new home warranty claims. The BCFSA's hypothesis is consistent with our experience. Warranty providers under the *Homeowner Protection Act* often take the position that plumbing and mechanical defects are only covered if reported under the 15 month or 2 year common property warranties. Unfortunately, this is often too early for all but the most organized and savvy strata corporations to detect a potential problem, retain a consultant to investigate and make a claim.

This author suggests the province's response to the insurance crisis should also include amendments to the *Homeowner Protection Act* and its *Regulation* so that it is easier to claim high-risk items such as defective plumbing under new home warranties.

WHAT WE DO: Lesperance Mendes would be pleased to assist you regarding a strata or new home warranty matter. To make an appointment, please contact Alex J. Chang, Associate, or Paul G. Mendes, Partner.

THIS ARTICLE IS NOT LEGAL ADVICE: This article provides general information and should not be relied upon without independent legal advice with respect to the specific facts of your case.

Should We Have Rules of Order in Our Bylaws? Which Ones?

QUESTION

Are the 'rules of order' for strata meetings specified in the Strata Act? If left to our strata to pick which rules, where do we place them i.e.: our bylaws?

ANSWER

The SPA dos not deal with Rules of Order. If the owners wish to have a bylaw which stipulates which Rules of Order are to be used then it would require a 3/4 motion at an AGM or SGM, just like any bylaw amendment, and would be effective once it is registered at the Land Title and Survey Authority (which must now be done through a lawyer or a notary).

You should be careful as to which Rules you are going to stipulate. Most often people think of *Robert's Rules of Order* because it is always kept up to date so the U.S.A. Congress has the latest word. But because of that, *Robert's* can be excessively complex almost to the point of being useless for a small organization. There are, however, editions of *Robert's Rules Simplified* for such a purpose.

Another authority is *Bourinot's Rules of Order* which is based on Canadian parliamentary procedure. It is not as complicated but still very formal.

You might also consider *Democratic Rules of Order* (10th Edition) by Peg and Fred Francis of Nanaimo. This is a simple, easy to understand book and covers the majority of circumstances which will be encountered in meetings of organizations which don't need the complexities of parliament or a larger organization. Moreover it covers duties of the chair and secretary as well as sample situations for the reader to get the feel of some circumstances which may arise. You can order copies through the Publications page on our website.

Finally, whichever authority you choose, rather than locking council and the owners in by bylaw, now or in the future, you may prefer to establish, whenever you send out a Notice of Meeting, what will be the Rules of Order for the meeting. Just a thought.

Self-Insurance is an Option for Condo Owners

By Les Leyne, Times Colonist, July 21, 2020

A new idea has bubbled up in the legislature since the condo insurance crisis started boiling over. It's the concept of self-insurance — providing a means for condo residents to manage their own insurance coverage.

They now rely on insurance companies who last year started jacking rates up by a shocking degree and raised deductibles even more, in the face of losses in that market.

Many strata councils have to share some of the blame. The losses stem mostly from constant water-damage claims, 11,000 in the peak year of 2018.

Many of them arise from lax strata boards adopting a habit of relying on insurance rather than maintaining properties properly.

The NDP government has introduced legislation in response to the skyrocketing premium and deductible increases. But the measures simply won't make much difference to thousands of residents who this year are paying several times more than they did last year, for far less coverage.

The bill was introduced simply because the government had to do something. The crisis is so acute — and the effects are going to be so pervasive — that some kind of action had to be started. So officials put together a few marginal changes to buy some time until there's a better idea.

There's already a potential one at hand that needs a close look. A handful of readers suggested self-insurance to me during earlier coverage of this crisis in March. Now an MLA is endorsing the concept. Liberal critic Mike de Jong explored self-insurance as an option in the legislature last week and talked himself into supporting it.

Now all he has to do is talk the government into the same position. That will be an uphill struggle. NDP ministers don't normally look to Liberals for good ideas. They shunned legislation the Opposition proposed to deal with the condo crisis.

But the problem is so serious, they might have to broaden their horizons. And the COVID-19 emergency has overtaken some of the old battle lines, which might change the dynamics.

Recalling the origins of the credit union movement after the Second World War — when farmers couldn't get loans from banks they essentially started their own — de Jong said: "They took matters into their own hands."

He said the idea of pooling resources and looking after each other has merit on the condo scene.

Particularly because B.C. is the only place in Canada that provides the legal framework needed for such a scheme.

Entities created to insure certain limited pools are called "captive insurance companies." There are about 20 of them in B.C., the only such designated ones in Canada. Most are obscure firms that provide coverage to a very small class of clients.

It would be a big change and take a huge amount of work to create such an arrangement. It would also likely need transitional funding from government to get started.

De Jong said: "I believe it's possible. I don't think it's possible on the fly. I think it requires a commitment from the government."

Condo residents now are facing a situation where de Jong characterized insurance companies' attitude as: "Take it or leave it. We don't like the risk profile. Those are our rates. Too bad for you if they're going to increase 70 per cent, 200 per cent, 300 per cent or 400 per cent."

He said in a self-insurance scheme strata boards would be "pretty guarded" about the damage claims it accepts and more motivated to keep maintenance up to date because payouts would be made out of residents' own pockets, rather than some overseas insurance company.

"This is something that I believe is worth pursuing. What we have now is not acceptable."

The NDP bill currently being debated would allow strata boards to dip into contingency funds to pay premiums and toughens requirements for maintenance reporting. It generally requires more disclosure by strata councils and imposes more clarity. It doesn't tackle runaway premium hikes. The closest model to what de Jong outlined is the Municipal Insurance Association of B.C., which covers all local governments.

It was developed after a similar insurance crisis in the 1980s and has offered dependable rates for years, even returning dividends to members.

A condo self-insurance plan would be many times bigger and more complicated than that. But there aren't any better ideas around at present.

Condo Flooding Liability 101

By David Gambrill, Canadian Underwriter

[Note: A strata's bylaws are very important and must be both detailed and accurate to avoid the problem of "Who Pays?" VISOA Ed.]

You are the owner of a condo unit. The toilet in the condo unit above you overflows, causing water damage to your ceiling and floor. No, your upstairs neighbour does not have to reimburse you for your $1,000 insurance policy deductible, unless you can prove he was negligent.

"It can be surprising and upsetting for owners to learn that they are responsible for the cost of repairs to their strata lot even though the source of the damage originated in someone else's strata lot," the B.C. Civil Resolution Tribunal (CRT) ruled in *Zale et al v. Hodgins*. "However, in the absence of negligence, nuisance or a specific bylaw making owners liable for damage that originates in their strata lots, the applicants and their insurer are responsible for the cost of the damage even though they did nothing to cause it."

Clayton Zale and Eileen Kelly lived in a condo unit below Mark Hodgins. Overnight on Sept. 2-3, 2017, Hodgkin's toilet leaked, causing damage to the ceiling and floor of Zale and Kelly's condo unit. Hodgins reported the leak to the property manager the next day by email. A plumber determined that the toilet's fill valve and tube needed to be replaced, which the plumber did.

Zale and Kelly made an insurance claim, which the insurer paid. The policy included a $1,000 deductible, which Zale and Kelly paid. They sought to recover the deductible from Hodgins in small claims tribunal.

"On Apr. 17, 2018, [Hodgins's] adjuster told [Hodgins] that he could expect [Zale and Kelly's] insurer to claim the cost of the repairs," B.C.'s small claims court noted. "However, [Hodgins's] adjuster was of the view that [Hodgins] was not legally responsible for the damage because he was not negligent. [Zale and Kelly's] insurer eventually abandoned its claim for reimbursement, presumably agreeing with [Hodgins's] insurer that the respondent was not negligent."

Zale and Kelly did not claim that Hodgins was negligent. Instead, they relied instead on the condo building's bylaws, which state that an owner must not use their strata lot in a way that:

- causes a nuisance or hazard to another person.
- unreasonably interferes with the rights of other persons to use and enjoy another strata lot.

Zale and Kelly further relied on a bulletin written by a lawyer for the Condominium Home Owners Association (CHOA), which discusses a strata corporation's responsibility to pay for repairs to a strata lot. In particular, they relied on a statement in the CHOA bulletin that said determining who must pay for repairs is governed solely by a strata's bylaws. But the tribunal noted that the article does not refer to the responsibility of one unit owner to another when it comes to determining who pays for repair costs.

"I find that the strata's bylaws that [Zane and Kelly] rely on do not apply to this dispute," the B.C. Civil Resolution Tribunal found. "The strata's bylaws govern the ways that the respondent can use his strata lot. In other words, they govern his behaviour. The strata's bylaws do not govern whether the respondent has to reimburse the applicants for damage that originated in the respondent's strata lot regardless of the respondent's behaviour."

The tribunal also shut down the argument that Hodgins owed the claimants the money for their insurance deductible because he caused a nuisance or a hazard to another person. "A nuisance occurs when a person unreasonably interferes with the use or enjoyment of another person's property," the tribunal found. "However, if the person is not aware of the problem that causes the interference, and has no reason to know about the problem, they will not be liable because they did not act unreasonably."

In this case, there was no evidence that Hodgins knew or should have known that the fill valve in his toilet would fail and cause a leak, the tribunal ruled. Hodgins is therefore not liable for the leak.

An Email Comment to David Gambrill

1. *Lynn says:*
April 21, 2019 at 10:24 am

Condo living is not the wonderful world that everyone thinks it is. Many seniors believe they can just turn the key, lock the door and travel for the next few months. This is a very dangerous assumption, and this story about water damage, is great evidence that any and every home must be checked by a responsible adult every 24 – 48 hours. Condo living does not relieve you of taking care of your financial assets, in this case, your HOME!

There is a different time frame with each insurance company, stating how often an unoccupied home must be checked. BE sure to ask your insurance broker or agent, what the time frame is with your insurance company.

COCOA Suggestions to Insurance Bureau of Canada: re: Condos

By Shelly MacMillan, President, Condo Owners Council of Alberta

Insurance Bureau of Canada (IBC) held a series of round table discussions across Canada in February 2020 to gather feedback from various stakeholders and get a better understanding of issues that are causing significant increases in insurance premiums across condominiums in Canada and what possible solutions may lie in helping to reduce these costs.

The Condo Owners Council of Alberta (COCOA) participated in these discussions and we were happy to provide our feedback. Among many condo distress emails that we receive, insurance has become the latest topic added to the mix. We support IBC's efforts in coming up with possible solutions to this crisis.

Our letter to IBC below outlines some of the most common complaints that we receive and our suggestions.

[Note: There are some differences in strata (condominium) laws and practice between Alberta and BC, so readers should take such variations into consideration. VISOA Ed.]

Dear Mr. Forgeron, Mr. de Pruis, and IBC Organization.

We thank you for the opportunity to have participated in the above event to speak for condo owners in Alberta and to be able to provide feedback on several issues that exist within the condo industry that may impact insurance rates. Our intent is to assist in identifying some catalysts and provide suggestions that may help insurance companies to craft some new requirements that will see a shift in attitude of condo owners, boards and all stakeholders who depend on condo investment and its future survival.

Our organization receives numerous emails about hardships and distress faced by many Alberta condo owners. We have identified these as our most frequent complaints:

1. No qualifications to be on a condo board which consists of elected fellow condo owners. This can lead to detrimental decisions costing condo corporations thousands or more unexpected and/or unbudgeted dollars.

2. No mandatory disclaimers or "buyer's info" given to potential condo buyers by banks or lawyers that explain all perils and responsibility of condo ownership – especially potential insurance perils.

3. No regulation of condo boards or managers. Condo Property Act is mostly one sided and owners can only go to court to bring boards into compliance. This is an expensive proposition and many owners simply cannot afford to go to court. A resolution tribunal does not exist in Alberta at this time.

4. No oversight of Condo Property Act. No government body to oversee compliance, no accountability for board actions. Director's insurance available yet no mandatory education required. This provides blanket cushion for unscrupulous board members.

5. No oversight of Reserve Fund spending or oversight of following Reserve Fund Plan repairs. Many condo boards spend these funds poorly or incorrectly.

6. No limits to legal fees. Many corporations spend unbudgeted, extremely high amounts on legal fees for

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frivolous and vexatious lawsuits which have no merit and corporations have no hope of winning. Currently, boards do not need votes or permissions from ownership to commence lawsuits. Yet when boards lose lawsuits, many owners are upset because they were not given opportunity to object or vote on matters. Litigation commencement is too easy with unlimited dollar amounts.

7. Insurance claims made for repairs where funds are sufficient in Reserve Fund and operating account or where amounts of repairs small enough for corporation to pay and/or split with owner. Not enough efforts are made to negotiate responsibility nor educate owners about insurance obligations and risks.

8. Overall poor communication from some management companies to owners about condo news, laws, insurance mitigation suggestions, maintenance information, etc.

Our suggestions to insurance companies and government are as follows:

• To legislate that mandatory education of condo board members becomes a requirement in order to serve on the board (similar to Ontario). Eliminate Director's insurance if no education is completed.

• Condo managers to be regulated and educated. This is currently planned by the government of Alberta. RECA (Real Estate Council of Alberta) will be the authority to regulate condo managers. Approximate timeline of implementation is hoped to be spring 2021.

• All condo buyers to be required to have condo documents reviewed by a lawyer or condo review company prior to purchase. Condo document review companies are common in Alberta and can be regulated or approved by Service Alberta.

• Grading system designed by insurance companies of each condo corporation to supply to banks. For example: If corporation has had 4 claims in 5 years, they receive a 20% score. Banks can decline all mortgages that are below 40% score. This is an example only. Insurance companies can design scoring systems in several ways and provide charts to banks. Banks will not be able to lend on low scoring buildings and this will be a huge incentive for boards to educate owners and maintain properties better.

• Provide a "no claims" incentive to boards. Similar to #4, if a property has several years of making no claims against their policy, they can receive a discount of 5-10%.

• Upgrade discounts. If a corporation is in the midst of repairs and uses new improved fire safe materials, perhaps insurance companies can also offer discounts for these improvements.

• Impose maximum dollar limits on legal expenses in a condo corporation. Legal expenses can only be commenced by condo board receiving a minimum of 2 legal opinions on same issue/dispute and at least 51% of unit owners' approval with a vote in person or in writing. If those two conditions not met, litigation cannot proceed. If litigation proceeds without meeting above criteria, insurance rates to increase by 5-10%. A scoring system on legal expenses can also be established by insurance providers. Condo corporations with high legal and unbudgeted expenses will show low scores

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and vice versa for low or no legal expenses.

• Condo buyer education prior to purchase of a condo can be a huge determinant of future outcomes. Insurance and condo financial management information can be made into a brochure or pamphlet that a realtor, banker or lawyer can include with the purchase contract prior to closing.

• Government of Alberta to include condominiums in Consumer Protection Act. Currently not.

• Education, education, education.

We believe that increasing insurance rates is no sudden occurrence. The deterioration of properties, delayed maintenance, natural disasters, reserve fund depletions, lack of government oversight and other factors have brought us here.

We are greatly concerned that some condo corporations are not able to obtain insurance coverage and in some cases premiums have increased astronomically. This will mean potentially some owners will declare bankruptcy and some owners will not be able to sell their units.

Our hope is that with this feedback and added voice of Insurance Bureau of Canada, the Alberta government will realize that condominiums cannot continue to be sold on a basis that is riskier than the stock market. Condominiums are often purchased by students, single parents, seniors and other segments where entire life savings are invested. These investments deserve stronger legal protections.

YOU ASKED By VISOA Strata Support Team

Have a question about managing your strata corporation? Ask us, we've had a lot of experience helping strata corporations solve problems - perhaps we can help you. Questions may be rephrased to conceal the identity of the questioner and to improve clarity when necessary. We do not provide legal advice, and our answers should not be construed as such. However, we may, and often will, advise you to seek legal advice.

Access to Complaint Letters

Q. Is a respondent to a complaint letter sent by council entitled to know who laid the complaint and what they actually stated?

A. This is always a problem for councils since there are at least two points of view. Those who are accused want to know which neighbours are complaining about them, since they want to know who the objector is. Moreover, just as in a court, they that they have a right to know who is "accusing" them.

On the other hand, the complainant wants to keep their name under wraps because they might be nervous about vehement repercussions from the "accused" or others, or alternatively, of having their complaint interpreted as trivial or without merit.

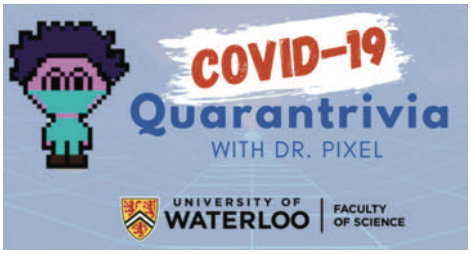
As mentioned in the November, 2019, *Bulletin,* Elizabeth Barker, Senior Adjudicator of the Office of the Information and Privacy Commissioner (OIPC) in *OIPC Order P19-01* (CanLII Cite: 2019 BCIPC 03) stated that PIPA s.18(1)(o) set the precedent for stratas because the SPA was one of the Acts where the "disclosure is required or authorized by law". Thus she declared: *[19] For the reasons provided above, I find that s. 23 of PIPA does not apply in this case. I also find that the Commissioner has no jurisdiction to decide if the organization failed to comply with its obligations under the SPA.*

Since there is no provision in the SPA, especially under s.36 (Access to records), to redact part of a document received by the council, a complainant cannot prevent anyone from examining it.

Notice, however, that the council is not required to mention any names in their initial letter to the "accused" which must be sent under SPA s.135. A person authorized under SPA s.36 must ask first to see that particular document.

Given the BC Law Institute study of the past few years and possibly with the recent push to amend parts of the SPA very soon because of the pandemic, some who are motivated to try to ameliorate strata Regulations would like to see the Act changed to some degree to somehow protect the complainant from harassment or further misfortune. But others would prefer that there be little or no redaction in such cases because, as a matter of principle, people have the right to know who their accuser is.

COVID-19 QUARANTRIVIA WITH DR. PIXEL



This is an educational game made for the purpose of removing misconceptions about the current COVID-19 pandemic.

It has been developed by Ridhi Patel and Professor Jozef Nissimov, in collaboration with the University of Waterloo's Faculty of Science, guided by the official advice provided by the Centers for Disease Control and Prevention (CDC) and the World Health Organization (WHO) on the COVID-19 pandemic. Version 2.3 - 8.12.20

Click on - https://quarantriviagame.com/

BC Human Rights Tribunal Rules Strata Can't Ban Emotional Support Dog

By Ben Bulmer, iNFO news.ca

The tribunal's decision may be the first official decision (in BC concerning emotional support pets and a strata corporation.)

A 14-year-old girl with Type 1 diabetes and mental health disabilities will be able to keep her dog after the B.C. Human Rights Tribunal ruled her strata's bylaw banning dogs discriminated against her human rights.

In the decision April 29, B.C. Human Rights Tribunal member Devyn Cousineau said the girl needed her dog because of her disabilities and the strata's pet bylaw contravened the B.C. Human Rights Code and discriminated against the 14-year-old based on her disability.

The names and the strata's location have been anonymized in the decision, which says the girl's mother had requested the strata make an exemption from its no-dog bylaw to support her daughter's mental health. A motion was put forward at the strata's 2019 Annual General Meeting to make an exception to the bylaw but was defeated by the strata council. The mother then filed the human rights complaint.

Condominium Home Owners Association of B.C executive director Tony Gioventu told iNFOnews.ca the tribunal's

decision may be the first official decision concerning emotional support pets and a strata corporation.

"There is an obligation for strata corporations to accommodate owners and residents for a variety of reasons, it could be health reasons it could be emotional support reasons," Gioventu said. "We've just never really had an official decision about this, but that has always been the recommended advice."

According to the decision, the daughter's mental health and escalating depression and anxiety impeded her ability to manage her diabetes. Throughout the 2018/19 school year the daughter's mental health declined to the point of her having suicidal thoughts. Her stress and anxiety caused erratic fluctuations in her blood sugar levels and on several occasions paramedics were called after she became unconscious.

The 14-year-old told her doctor she thought a dog would help her and the doctor agreed and wrote to the strata explaining the situation.

In July 2019 the daughter got a dog and her condition improved almost immediately, says the decision.

In a letter submitted to the tribunal by the daughter, the 14-year-old says the dog has helped with her anxiety and diabetes.

"Sometimes if I am sad or crying in my room she looks at me and leans on me and sometimes, believe it or not, I talk to her about things that I don't talk to anyone about and it feels like she is listening to me with her eyes locked in mine," reads the letter.

"The effect of the strata's no-dog bylaw, if enforced, would be to cause a disability-related adverse impact on the daughter," the Tribunal member says in the decision.

Ultimately the Tribunal ruled the strata's pet bylaw prohibiting the daughter from having a dog discriminates against her based on her disability.

"Be Kind,
Be Calm,
Be Safe"

Dr. Bonnie Henry,
BC Provincial Health Officer

Strata President is a Bully Who Manipulates and Intimidates Residents

By Margaret Anne Speak, M.A., C.C.P.A,

Question: I live in a condo complex and the strata president is a bully who manipulates and intimidates residents so that she gets her way on all decisions. She favors some residents and their requests are met quickly while the rest of us have to grovel and plead to have repairs to our suites addressed. I feel angry and distressed and find myself avoiding her whenever possible. If I had the money I would move. Any tips on how to handle myself in this situation?

Answer: Since moving is not an option, you may have to face the bully. This takes courage, energy and planning. The first thing to do is to try to think clearly about the psyches involved: yours and hers. What does it take to make a bully and what does it take to be intimidated by one? It may be useful to know more about your strata president and what makes her tick. Bullies, even the adult versions, are individuals who act out some of their insecurity by puffing themselves up and pushing past the rights of others. If you could shift your thinking and see your strata president as insecure rather than malevolent, you may be able to lower your reactivity.

Equally important is the need to address your own trepidation around people who ignore the rights of others. Ask yourself some questions. What is your history with intimidation? Does the strata president remind you of anyone from your past? If the president were a man rather than a woman, would you feel differently? Have you or others close to you felt controlled or pushed about by others? Our feelings in the moment do not exist in isolation of past experience. Rather, they are fueled by our own life story and the stories of others. Thinking through some of the above may help loosen your strata president's grip on you.

Now for a few practical tips: As I mentioned above, a bully often puffs her/himself up to look powerful. Think of other species and the use of puff to intimidate aggressors. The effort is to look menacing enough that others will keep their distance. What you want to do is match the president's puff. Instead of avoiding her, think of simple ways to engage her. Address her with a greeting at every opportunity. Use her name when saying hello and always make eye contact. Take up as much

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space as possible by standing up straight and tall. Show up for meetings in a cheerful and curious manner and refuse to have your poise altered by her impatience or irritation. Ask for an agenda for upcoming meetings and prepare well for them so that you are not caught off guard. Get to know as many of your strata owners as possible. Be friendly and respectful and address them by name. You may need their support. Do not triangle or gossip about either the president or other members. Rather, speak directly, calmly and openly at meetings about issues that concern you.

Also: Does your strata employ a property management company? If so, the company may be helpful with your concerns about repairs. Also, there are non-profit associations that serve strata owners (VISOA, CHOA and CCI) that you may want to join. They have been around for several decades and provide education, advocacy and support for strata corporations or for individual strata members. You may take some small comfort in knowing that you are not alone. I have heard many similar stories of frustration from strata owners. Good luck with what lies ahead. I hope you can find the courage and the energy required.

Margaret Anne Speak, M.A., C.C.P.A, works with couples, individuals and families at Family Services of the North Shore.

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  $75/yr ($22.50/single issue)
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  $150/yr ($45/single issue)
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  7.5" wide x 4.875" high
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  7.5" wide x 9.75" high

Email editor for pricing.
Limited space available.

Ads must be paid in advance, and are subject to VISOA Board approval. Ads must also be "camera ready in high resolution PDF format either in full colour or black & white. Additional fees for scanning or layout may otherwise apply.

President's Report


Wendy Wall

LESSONS LEARNED

Over the years, I have felt extremely fortunate to learn from the best of the best - the many VISOA board members and volunteers who have dedicated years (and sometimes decades) to helping other Strata owners. Their expert knowledge, vast experience and patience started me on a journey that gained momentum to a self-propelled fascination with learning about all-things strata. Our past-president was an incredible mentor, training me to lead workshops and fostering my curiosity to find out more. During my time as a board member, I have also had the pleasure of attending 30-40 seminars soaking up everything I could glean from our expert speakers.

Then came the true test.

Recently I was looking to purchase a townhouse and wondered if I could set aside emotion and focus on the facts. It's far easier to be objective when evaluating someone else's situation, but could I apply all those lessons learned when looking at stratas for myself?

Put yourself in my shoes - both of these units were the same price, approximately the same square footage, are in the same area and have similar monthly Strata fees.

Strata A: An early 1960's townhouse in a strata of 115 units. This unit has had a full renovation - absolutely stunning, contemporary finishes, and all new appliances. I fell in love the minute I walked through the door. The bylaws have not been reviewed in some time. The depreciation report identifies 4 million dollars worth of work over the next 5-10 years including work on the building envelope. The amount in the CRF is only enough to cover a relatively small project underway this year. Since the balance of the CRF is essentially zero, and the annual contributions to the CRF are relatively small, the upcoming work would require a special assessment of about $40,000 per unit. The strata has a professional property management company. There are indications in the minutes that it is difficult to get the support of owners to increase the annual contribution to the CRF or to pass resolutions to conduct repairs.

Strata B: A townhouse built in 1979 in a small strata of less than 20 units. The appliances are old, the decor is dated, and most buyers would see it as needing a full renovation. The strata has a depreciation report and their bylaws were reviewed and updated recently. One year ago the owners completed a large project to the building envelope. The resolution to approve the project passed on its first try with over 80% support - fully funded by the Contingency Reserve Fund (CRF). There are a few small projects approved and underway this year, funded from the CRF. The CRF contributions have been adequate enough over the years that this strata will be able to cover all of the identified projects in the next 5-10 years. The Strata is self-managed. There are a few indications in the minutes that they could benefit from a stronger knowledge of the *Strata Property Act* and *Regulation*, but nothing egregious.

Here's my personal rationale based on what I've absorbed about strata governance and management:

The owners in Strata A seem to be falling behind in repairs because resolutions can't get passed. I personally think it would be worth investing $40,000 to get the large projects done but would other owners? My impression is that the Strata would be unable to pass a ¾ vote resolution for the special levy. Would I be living in a gorgeous unit inside a building that is falling down?

The owners in Strata B are contributing to their CRF at a level that should (barring any big surprises) be able to fully fund projects identified in their depreciation report, and owners appear to agree that repairs should be done. With some peace of mind that the common property is being cared for, couldn't I use $40,000 to do some updates to the unit over several years?

Which one would you choose (or neither)?

I invite you to send me your story of any lessons you've learned that will help you choose your next strata unit. President@visoa.bc.ca