



VISOA Bulletin - NOVEMBER 2013

Electric vehicles are here - is your strata ready?

By Deryk Norton, VISOA Board Member



Marcus Murphy's column Charging for Charging in the September 2009 VISOA Bulletin raised important questions about how older strata buildings should cope with the electricity demands of electric vehicles or EVs. (That column is archived on VISOA's website, under September 2009 Bulletin). In 2009 electric vehicles were rare. They were unattractive to consumers due to their high initial cost

and limited driving range. This meant that their challenge to strata buildings was only on the horizon. However, much has changed in four years, specifically:

- EV prices are now much closer to the prices of gasoline powered vehicles (some are in the \$30,000-\$35,000 range),
- the driving range of EVs is significantly higher (Although most EV models are limited to distances of 60-140 km per charge, one EV manufacturer has a model with an impressive driving range

of 420 kilometres), and

- publicly accessible charging stations are being installed across BC and North America making long-distance or inter-city EV driving achievable.

These developments mean that many more strata owners and their strata corporations are now facing demands to accommodate the charging needs of EVs. The Pembina Institute (www.pembina.org/bc) estimates that 1/3 of BC vehicles could be electric by 2030. Lack of EV charging capability is already becoming a barrier to resale of units in some strata buildings. This barrier will become more noticeable as more EVs are sold in BC, leading to loss of market value in strata buildings not equipped to accommodate them.

The complexity and cost of installing an EV charging station in a strata building depends upon the type of strata, its current parking arrangements and the adequacy of its electrical system. Each EV plug-in location will require some change to a building's electrical system and installation of a dedicated circuit.

In bare land and many townhouse strata developments the strata lot owner is responsible for maintenance of the

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Electric Vehicles Are Here - Is Your Strata Ready?

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electrical system within the home and garage. Where this is the case, the strata owner may take action (subject to strata bylaws and building and electrical codes) to install an EV charging outlet inside the garage and directly pay BC Hydro for the added cost of electricity consumption. However, in most strata situations (such as apartment buildings) electric wiring is part of the common property and it is necessary for EV owners to work with the strata council and other strata owners. These situations will require:

- identifying which parking stalls should have EV charging outlets,
- determining the cost of necessary changes to the electrical system, and
- establishing and collecting of a new type of user fee.

The current cost of installing a type of “charging station” station that can charge two cars at the same time is about \$10,000. (You may have seen some of these in public places.) This type of charging station has the capability (if a network subscription fee is paid) to bill the user directly and enables the strata corporation to recover the cost of installation and electrical consumption. Alternatively, two EV charging outlets (without the features of a “charging station”) could be installed for as little as \$2500. A separate meter for a group of EV charging outlets is permitted by BC Hydro and would help ensure that any user fee covers the cost of electricity used. As one might expect, the installation cost per station or per outlet declines as the number of outlets or stations increases. Also, costs will vary from one strata building to another due to variations in both wiring distance and the complexity of modifications/upgrades needed to install the new circuits.

Regardless of the type of charging

station or charging outlet chosen, the strata corporation will require owner approval (by a $\frac{3}{4}$ vote):

- to make a bylaw that establishes a user fee for a charging station,
- to make any common property alterations or re-allocations needed for installation of the stations, and

• to spend any strata funds on the project, A user fee levied by a strata corporation must be reasonable and set out in either a bylaw or rule. Section 128 of the SPA (Strata Property Act) requires a $\frac{3}{4}$ vote at a general meeting for such a bylaw. In the absence of a bylaw for a new user fee, under section 125(6) a strata council may make a rule for the fee but that rule would lapse unless approved by a majority vote of owners at the subsequent general meeting.

Section 71 (a) of the SPA requires a $\frac{3}{4}$ vote at a general meeting before making “a significant change in the use or appearance of common property”. Installation of a charging station would change the appearance of the common property and may be viewed by some as changing the appearance “significantly”. Furthermore, conversion of “visitor parking” stalls to “EV charging only” stalls would clearly be a significant change in use of common property. Also, if the charging station project would result in re-allocation of assigned parking stalls it could mean re-designation of “limited common property” and require resolutions passed by $\frac{3}{4}$ votes under sections 74 and 75 of the SPA.

Even though, over time, all costs should be recoverable through user fees, a strata project to install charging stations will require an initial expenditure of contingency reserve funds. This expenditure must receive prior approval by a $\frac{3}{4}$ vote of owners under section 96 of the SPA. The strata corporation will also need to adjust its operating budget to cover the cost of maintaining EV charging.

A strata corporation is advised to consult a qualified electrical contractor and a strata lawyer when planning and implementing an EV charging station project. Also, the strata council will need to prepare carefully and fully inform owners about any EV charging station proposal before taking it to a general meeting. Remember that a $\frac{3}{4}$ vote will be required on several important resolutions to enable the project to move ahead. Most strata unit owners will not be owners of EVs so it will be essential to demonstrate how costs will be recovered and how there will be a benefit to all owners.

[Please send any comments or suggestions you have about EV Charging to information@visoa.bc.ca]

A Big Thank You to all VISOA's volunteers:

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Pat Chern
Don Luke
Gloria Martins
Peter Hann
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Welcome to Prickly Terraces

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MINUTES OF COUNCIL MEETING PRICKLY TERRACE CONDOMINIUMS

January 29 @ 10:00 AM

Present: Berniece Nyetinski, #203

Jim Post, Strata Property Manager

Council Members and Regular Guests

Absent: Mavis Ardbaul, #205

Don Squeeler, #307

Katriona Umlaut, #309

Eunice Gabberton, #207

Fergus Hobgoblin, #403

Opening:

The meeting was called to order at 9:50 a.m., 10 minutes before its official start, as Mrs. Nyetinski had been up since 5 because of the incessant hum of Mr. Hobgoblin's fish tank two floors above her bedroom, and the fizzing sound next door of Mrs. Gabberton's dentures as they soaked in their cleansing liquid overnight.

Agenda:

The following items were added to the agenda:

- a) Request Owner #205 for approval or renovation of kitchen;
- b) Request Owner #309 for exemption of rental restriction due to hardship;
- c) Request executrix of the estate of late owner #201 to postpone strata fee payments until sale of property;
- d) Request Owner #203 for reiteration of residency regulations;
- e) Resignation Mr. Fergus Hobgoblin from Council.

In order to facilitate the requests of the owner of unit #205, Council invited her to speak. Mrs. Ardbaul described the planned renovation of her kitchen, which included an additional electrical outlet for a toaster oven. Mrs. Nyetinski noted that she has never had need of a toaster oven. Mrs. Ardbaul said

that since she is now only cooking for one, she often dines on toasted bread, sometimes topped with melted cheese. Mrs. Nyetinski said that bread was not nutritious and that some countries are thinking of banning it. She added that she would call a community health nurse to visit Mrs. Ardbaul and educate her in the joys of cooking for one in a healthful manner. Mrs. Ardbaul responded that if Mrs. Nyetinski did so, she would see her in hell. Council approved the renovation, except for the additional electrical outlet.

Council received a request from the owner of unit #309 for an exemption of the rental restriction due to hardship. Mrs. Umlaut said she had lost most of her savings in a Ponzi scheme and will have to sell her unit, but wishes to wait

Continued on page 4

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until it is likely to get a fair price. She would like to rent it out, which she acknowledged contravenes strata rules. After 30 years here, Mrs. Umlaut will be moving in with her daughter in Abbotsford. Mrs. Nyetinski said she hoped this wasn't the daughter who was an unwed mother of six, whose numerous unkempt boyfriends have often shown up with her and her brood at Prickly Terraces, reeking of smoke and impending disaster. Mrs. Umlaut said "Berniece, trust you to bring that up. Why don't you mind your own G.D. business?" Based on the information provided, Council could not justify an exception to the no-rental rule.

Council received the request of the executrix of the estate of Mrs. Kyd (unit #201), to postpone the payment of strata fees until the sale of the property. Mrs. Nyetinski noted that if the deceased had not been so free and easy with her money when alive, donating to every last hare-brained charity and putting up every derelict Don Juan and ruptured relative she'd ever had, she would have had plenty of savings to pay her strata fees years after her demise. In the best interest of all strata property owners, she said, Council cannot entertain

this request. Management will convey this decision to Mrs. Kyd's daughter/executrix by telephone, if she still has one post-bankruptcy.

Council received a request from Mrs. Nyetinski of #203 that prospective residents of Prickly Terraces provide birth certificates proving that they are 55 or older before purchasing a unit. Mrs. Nyetinski noted that she has occasionally detected the faint thud of rock'n'roll music in the building post-8 p.m., long after residents in the sanctioned age group have retired. Council reserves the right to evict if its rules are flouted. Absolutely no Guess Who will be tolerated.

Council received a resignation letter from Mr. Fergus Hobgoblin, which it must accept with regret. Fergus has been a well-respected member of Council and will be greatly missed, as will the homemade bread and jam he always brought to meetings, and the homemade wine he has provided for countless strata functions to rave reviews. Mr. Hobgoblin is now fully aware that it is against strata policy to post any photo of a Prickly Terraces resident – Mrs. Nyetinski or otherwise -- in the elevator, and it is expressly forbidden to attach to it

a supply of darts.

Status of Projects:

Building Cleaning: Mrs. Nyetinski has recommended that Council pay for an upgrade to the eyeglasses of the building's cleaner. She has spotted dust on the sconces in the emergency stairway and inside her own mailbox on at least three occasions and notes that dust is an allergen to which she is particularly susceptible. According to Mrs. Nyetinski, the fact that the cleaner uses a walker since her stroke should not prevent her from reaching into corners with the feather duster purchased for her in 2003. Nevertheless, Council has provided funds for an extension to the duster, which will be deducted in quarterly increments from the cleaner's pay. Mrs. Nyetinski has pledged to conduct inspections to ensure that sconces and mailboxes remain dust-free on her twice-daily patrols of Prickly Terraces.

Garbage Area: Tests are being done to establish the size of the required replacement bin. Mrs. Nyetinski once had ambitions to be an architect and says she will scrupulously measure the space allotted for garbage and construct a

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biodegradable model to present to Council at the next meeting, February 27th at 10 a.m.

Social Meeting: On February 14th at 3 p.m. a Valentine's Day social will be held in the meeting room. Since Mr. Hobgoblin has indicated that he is no longer willing to provide refreshments, Mrs. Nyetinski will be knocking on the door of every unit except Mr. Hobgoblin's to request the donation of healthful snacks. Please note that Mrs. Nyetinski does not eat gluten or dairy and is uncomfortable with others eating them in her presence; she is also personally opposed to sugar. She will be playing the piano, a hobby she took up last week, and would be most appreciative if residents who are better-versed in the instrument don't shove her out of the way and insist on playing themselves. Also be advised that Mrs. Nyetinski will take no requests.

(These notes compiled by Mr. Herbert Nyetinski, Secretary.)

Kate Zimmerman is an award-winning Vancouver-based journalist, best known for lively features and incisive humour columns for newspapers and magazines. You can read more of her writing at www.katezimmerman.ca

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LCP – Limited Common Property
LTSA – Land Title Survey Authority
OF – Operating Fund
OIPC – Office of the Information and Privacy Commissioner

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SPA – Strata Property Act
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Do you need a strata manager?

By Rob Boyko, RCM



Why does a self-managing strata need a licensed professional strata agent?

What can a licensed strata agent do for a strata corporation?

Let's get right to the heart of this matter – why would a self-managed strata corporation look to turn some or all of its operations over to a licensed strata agent? I'll try to answer that in the first part of this article. What is the range of services a self-managing strata corporation might want to delegate to a licensed strata agent? I'll explain that in the second part of this article.

Q: Who is a "licensed strata agent"?

A: A licensed strata agent is a person who is licensed by the Real Estate Council of British Columbia, under the Real Estate Services Act who is employed by a licensed real estate brokerage (also licensed by the Real Estate Council of BC under the Real Estate Services Act). The Real Estate Council requires strata agents and brokerages who provide "real estate services" to be licensed.

So we are talking about the strata corporation contracting with a licensed brokerage, where the brokerage assigns a licensed person (under the watchful eye of the Managing Broker of the brokerage) to act as agent for the strata corporation with respect to some or all of the strata corporation's affairs, excluding making any decisions as they relate to bylaw enforcement matters.

While a licensed strata agent can execute decisions of the strata council, the strata council cannot assign the responsibility to make a decision on its behalf (by contract or any other means).

That is part of the responsibility of your elected strata council.

There are many reasons why a strata corporation would choose to hire a licensed strata agent (also known as a "strata manager" or "property manager"). Here are some of the most popular/important reasons:

- The strata council or a majority of owners want an independent party to collect strata fees and pay bills as authorized by the strata council;
- The strata council or a majority of owners want the strata corporation's books keep by a third party who carries the fiduciary obligation to ensure that the strata corporation's funds are administered as permitted by law;
- The strata council and/or the owners want to take advantage of pricing/volume discounts that strata agents may be able to arrange with contractors such as insurance providers, waste removal services, mechanical/plumbing contractors, roofing contractors, electrical contractors, banks, etc;
- The strata council and/or the owners want to see the quality of the vendors servicing the strata corporation improve, including using contractors that carry WCB and liability insurance and who provide warranties for work done to strata property;
- The strata council wants a third party to oversee the strata corporation's employee(s);
- The strata council

wants a third party to administer contracts the strata is a party to (landscaping contract, mechanical maintenance, insurance, etc);

- The strata corporation is complex and requires a licensed professional to administer the affairs as directed by the strata council. (Large strata corporations, strata corporations with different types of strata lots, or strata corporations with Sections are generally far more complex than a small strata corporation with only one type of strata lot.)

If it's "not about the money" a strata council and/or the owners may want to hire a licensed strata agent because:

- There is no one on council who wants to put in the time to properly administer the business affairs of the strata corporation;
- The strata council and/or a majority of owners want to ensure the strata corporation acts in compliance with the

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**See Help Wanted
on page 16**



You Asked

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.



This issue's questions are answered by Harvey Williams.

YOU ASKED: Does our strata corporation have to choose one of the Depreciation Report options?

Question:

We have just received our depreciation report with the three options from our consultant. The consultant says we have to select one of the options and immediately implement it. If we were to do that, we would have to have a special assessment and raise our strata fees so much that some of our owners would not be able to afford them. Does the Strata Property Act require this?

Answer:

Section 94 and Regulation 6.2 of the SPA do not require stratas to adopt any of the options. It only requires that you keep the report on file and include it with the Form B when a unit is sold. Many stratas attach their own plan for maintenance to the Form B as well.

The Depreciation Report provides information to potential buyers and financial institutions to assist them in determining whether the strata corporation is keeping up with maintenance.

YOU ASKED: Should we purchase a unit in a strata corporation when the council does not seem to enforce bylaws and rules?

Question:

We are shopping for a strata unit and have found one that fulfills our dreams. We have frequent guests, and we noticed that the guest parking spaces were full on both occasions we looked at the unit. We asked the real estate agent about guest parking and he replied that the restriction on residents parking in guest parking was not enforced and went on to explain that this was a friendly strata and that the strata council didn't believe in enforcing the bylaws and rules. Is it really such a good thing not to enforce the bylaws and rules?

Answer:

Not only is it contrary to section 26 of the Strata Property Act for the strata council not to enforce bylaws and rules, it is unfair to those owners who do try to comply with them. In the guest parking case above, a few selfish owners are depriving the other owners of something they paid for when they purchased their unit and the strata council is letting them get away with it.

Bylaws and rules when enforced fairly and uniformly are the lubricant that makes stratas run smoothly. They provide clear guidelines for what is acceptable and unacceptable on strata property and protect the rights of all owners against the trespasses and thoughtlessness of the few.

My response to the prospective buyer was that if I were in the market for a strata unit and found my dream home only to discover that bylaw violations were rampant and the strata council was doing nothing to enforce them, I would walk on by. Property values in such stratas may suffer because experienced strata owners would be unlikely to buy into an unruly strata complex.



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laws & regulations that govern strata corporations;

- The strata council and/or a majority of owners want ensure the strata corporation follows known “best practices” as defined by organizations like VISOA, CHOA, PAMA, & BOMA;
- The strata council and/or a majority of owners want to see the strata corporation’s records maintained by a licensed strata agent in accordance with legislation.

There are, of course, many other reasons why owners and/or a strata council would choose to hire a licensed strata agent. Hopefully the list above gives you some guidelines to compare to your own situation when considering why you might want to hire a strata agent – or why you might want to stay self-managed.

What would we hire a strata agent to do? Is it “all or nothing”?

Just like the fact that there are many reasons why a strata council or a majority of owners would consider hiring a licensed strata agent, there are many different things a strata agent can do for the strata corporation. Here are the most popular “tasks” assigned by a strata council to a licensed strata agent under a contract (or “Agency Agreement”):

- Keep the strata’s books including publishing monthly financial statements, collecting money owed, and paying bills as directed by the strata council;
- Assist the strata council to develop a draft budget for the council’s consideration prior to distributing the Notice of Annual General Meeting;
- Keep the strata’s records and provide access to the records in compliance with the Strata Property Act;
- Administer bylaw enforcement

decisions of the strata council;

- Administer the strata’s employee(s) as directed by the strata council;
- Organize work to be done to strata property including recommending contractors, providing advice to the strata council regarding “market rates” for various services commonly performed on/to strata property, & seeking qualified proposals to complete work;
- Assist the strata council with the preparation and administration of Depreciation Reports;
- Keep records of contracts and related matters (pictures, deficiency reports, warranty claim documentation, insurance claim documentation, etc);
- Communicate with owners, tenants, and third-parties such as contractors, as directed by the strata council;
- Prepare agendas for strata council meetings and draft strata council meeting minutes;
- Prepare General Meeting notices for review by the strata council and distribute same in accordance with legislative requirements;
- Provide emergency services to include after-hours service.

So is it “all or nothing” when we hire a strata agent?

No, it’s not all or nothing. The strata council can determine a set of specific tasks it wants to delegate to a strata agent, and the council can continue to perform the other aspects of administering your strata corporation. Examples of this are:

- Hiring a strata agent to provide “accounting only” services where the agent keeps the strata’s books, pays bills, produces financial statements, coordinates collections (if necessary), and assists the council in preparing a draft operating budget for consideration at the AGM;
- Hiring a strata agent to provide records management only;

- Hiring a strata agent to provide contract administration (such as assigning the responsibility to hire and oversee vendors doing some or all of the work required by the strata throughout the year).

Another way to think about the range of services a strata corporation might want to assign to a strata agent is:

“Strata corporation administration” (accounting, finance, records keeping);

and/or

“Facilities management & procurement” (hiring vendors to complete some or all of the work the strata requires during its fiscal year).

Hopefully this article gives you the “why” and “what” of hiring a licensed strata agent. In the next issue, we will have an article about the “who, how, when, and where” of hiring a strata agent.

By Rob Boyko, RCM

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Remember...Think before you speak

By Shawn M. Smith, B.A., LL.B.



Shawn Smith

We are all guilty of doing or saying things from time to time without thinking. Sometimes the consequences are minor. However, at other times they can be more severe. The case of *Swan v. Durham Condominium Corp.* No.45 2012 ONSC 4639 is a good example of the problems that can potentially arise in a strata setting.

The Plaintiff in this case, Mr. Swan, sued the strata corporation, two council members and the strata manager over what he alleged was a defamatory statement. Mr. Swan had been the president of the board of directors (i.e. strata council) of the condominium corporation. A series of conflicts had occurred between him and the strata manager. Certain other members of the board disagreed with Mr. Swan's view that the strata manager was not doing a good job. The dispute began to impact the ability of the board to function. As a result, one of the board members, Cammy Goan, prepared a petition seeking the removal of Mr. Swan for "1) failure to act honestly and in good faith, and 2) failure to exercise the care, diligence and skill that a reasonably prudent person would exercise in the circumstances." Ms. Goan then got 12 other owners to sign the petition. The strata manager and another director delivered the petition to all the other owners.

The requisitioned meeting was held and Mr. Swan was removed from office. Not surprisingly he did not take that well. He decided to sue the various parties for defamation. His basis for doing so was that the petition, as drafted, implied that he was dishonest and a person of low character. He sued Goan because she drafted the petition and circulated it to those owners who signed it. He sued the strata manager (Catherine Debbert) and the other board member because they distributed the notice to all the owners.

The test for defamation:

"In order to succeed in an action for defamation the Plaintiff must establish each of the following three elements on a balance of probabilities as per *Grant v. Torstar*, 2009 SCC 61, [2009] 3 S.C.R. 640 at paragraph 28:

(a) The impugned words are defamatory in the sense that they would lower the plaintiff's reputation in the eyes of a reasonable person;

(b) The words are published, meaning that they were communicated to at least one person other than the plaintiff; and

(c) The plaintiff is defamed, i.e. the words are aimed at him." (para 17)

There was no question that Goan published the offending material. She wrote it and distributed it. The more important issue is whether she did that on her own or as an agent of the condominium corporation. The Plaintiff argued that she did so as a board member and thus the condominium corporation was liable for her actions.

In considering that issue the court said the following:

"It is conceded that Goan participated in publishing the material. The issue to determine is whether she did so as an agent of the Corporation. If Goan was acting solely as an owner she need not have enlisted Debbert's help. Debbert was not an owner. She represented the property management company. Her role was directly associated with the operation of the Corporation. Further, since Goan was a known board member, it was up to her to make it clear to the owners that her role in distributing the material was as an owner and not as a director. Her silence on this point allowed the owners to make the assumption that her participation in the distribution of the material was as a board member and agent of the Corporation." (para 26)

"I find that the trial judge erred in concluding that Goan prepared the Requisition in her capacity as a unit owner but distributed it in her capacity as a board member in order to comply with the provisions of the Condominium Act. I find that her silence when delivering the materials to the owners, and her instruction to Debbert to distribute the materials to the owners, leave no doubt that she was acting on behalf of the Corporation and as such the Corporation may be held responsible for the publication of the impugned material." (para 27)

The court then went on to consider whether the words were defamatory. It concluded they were saying: "In reading that the [Plaintiff] was described in the Requisition as a person who 'failed to act honestly and in good faith' a reasonable unit owner could not help but have a changed opinion of the [Plaintiff's] character." (It is important to note here that it made no difference that the words used came directly from the governing statute. The implication from the words was what mattered.)

Continued on page 13

Remember...Think Before You Speak

Continued from page 12

However, the court found that there were defenses at law available to Goan and the other defendants that protected them, even though the statement in the petition was defamatory. The court found that accusations that the Plaintiff did not exercise the care, diligence and skill of a reasonable person were true because he had acted outside the scope of his authority as president. It also found that the petition was fair comment in that there was a foundation for what Goan said and that she did not act with dishonesty or recklessness when drafting the language in the petition. Lastly, it held that the defense of qualified privilege applied. That particular defense applies if a statement is made in the exercise of a duty or for the purpose of protecting a common interest held by the person to whom the statement was made. The court held at paragraph 58 of its judgment that "Goan was pursuing a legal duty, and in doing so distributed a Requisition that contained reasons for the removal which she honestly believed were true because she felt the [Plaintiff] was mismanaging the corporation."

In the end the Plaintiff's case was dismissed.

This case, although it turned out alright in the end for Ms. Goan and her co-defendants should give owners and council members a reason to pause and think. Many times statements are made (both in writing and orally at meetings) about the motives and capabilities of others. Those statements, by and large, would fall within the scope of defamation as they lower the reputation of the person about whom the comment was made in the eyes of others. It is only if one can rely on one of the defenses available at law (i.e. justification, fair comment, qualified privilege, etc.) that liability is escaped. Words should be chosen with care and not in the heat of anger or emotion.

The most important aspect of this case is the court's findings with regard to whether Ms. Goan was acting as a council member or in her own capacity. The court made a very cogent observation; when owners know you are on council, they presume that the actions you take and the things you do while a council member are being done as a council member and not with your owner's hat on. That can have significant consequences. It is imperative then that you make clear that you are not wearing your council member's hat when doing or speaking on your own behalf. To not do that could be a breach of the duties under s.31 of the Strata Property Act to act in the best interest of the strata corporation and to act prudently. An innocent oversight can nevertheless have significant ramifications.

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 a variety of 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.

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Google Mail For Stratas

By George Bowden

Moving a Strata council from paper to electronic communication is a balancing act.

- You want to allow emails between owners and council, but must also allow communications on paper.
- You want a solution that works with your current property manager and council, but has the flexibility for future users.
- You want an excellent system, but don't want to be dependent on one person's expertise.
- You need to share documents but must also ensure privacy.
- You want to start now, but are unsure of which system to use.

Most people learn to use computers by browsing the web and by using email. By relying on only those two skills, most owners and council members have the skill level to participate in computer-based communication. The universality and reliability of Google mail (gmail) and online storage addresses many of the concerns above. It was therefore natural for our strata council in a building of 100 units to base our electronic communication on a couple of gmail accounts and to use its features to manage our strata

owner contact list, minutes, and other documents. Specialized websites designed for stratas exist, but we were not ready to commit to paying for one of these before exploring the possibilities through Google. We expect our work in Google to be movable with little effort to a specialized strata website, should we later take that direction.

Contacts and email lists:

Email lists can be created in the Contacts feature of gmail. Using their existing email accounts, owners can send an email to our council address (strataXXX.council@gmail.com) to sign up to be on our regular email list to receive council meeting agendas, minutes and occasional notices by email. If they wish to do so, they can also sign a form to discontinue all paper copies and receive notices of General Meetings and other official correspondence from council by email only. This is appealing to environmentally conscious owners. All other owners still receive formal notices on paper for legal reasons.

In Contacts, groups were set up for several categories. An email sending minutes from a council meeting would go to everyone in the "Owners" group. Similarly, a notice for an AGM could be sent to the "Official Notices By Email Only" group who don't want paper copies. A contact can be tagged as belonging to more than one group. Thus, a council member might be in both groups as well as a "Council" group. You could also have a "Volunteers" group, a "Social Committee" group or any other group that your council may want to send emails to only those people. Owners can be assured that their email addresses are not seen by other owners by sending through Blind Carbon Copies. This does require the sender to remember to use the "bcc" field and not the "To" field.

Emails:

Using gmail filters, all incoming emails from owners to strataXXX.council@gmail.com can be automatically forwarded to all council members and/or a property manager. By using a centralized council email address, there is a permanent record of emails which current and future councils can reference. An automated reply tells the owner that their letter will be addressed at the next council meeting. Similarly utility

Continued on page 15

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bills are sent to strataXXX.treasurer@gmail.com which has a filter to forward emails to the treasurer and the president. The council's email address is only used to send out minutes, agendas, and notices and to receive owners' letters to council. It is not intended to be conversational. Council members normally communicate with other council members from their personal email addresses. Emails from owners normally receive only the automated reply saying that their email has been received.

Documents:

A gmail account provides for storage of online documents and pictures, in Google Drive. Folders can be created for agendas, minutes, letters to council, photos, monthly financial reports and much more. Individual documents or entire folders can be shared with owners or just council by setting the permissions. To view the document or folder, the recipients would receive an email containing a link. They simply click it to view the document(s). Documents and spreadsheets can also be created in Google Drive. For example, our council secretary writes the draft minutes in Google Drive as a Document, which has typical word processing capabilities (text formatting, bullets, headings etc). Permission for that document can be set for council members only. Then the minutes can be edited by more than one council member at once, with the latest edits always visible. There is no need for the secretary to email several versions of a document back and forth to council members. Editing is easier if the editors have gmail accounts, but that is not necessary if lower security is allowed. The final document is then exported as a PDF and placed in a folder where the permissions are set for sharing with owners.

Forms:

We have started to use forms to capture information, which Google puts in a spreadsheet automatically. Creating a form is quite simple even for a novice. This is a great way to gather information from owners. Council is also using forms for adding items to our to-do lists.

Google has many functions that we have not yet explored, including websites, scripting and a database query language. Although some council members could implement solutions using these features, we are

reluctant to become dependent on any one individual. This issue could be solved by employing outside help.

It is also important to decide how passwords to the council's email accounts are managed. For security we felt that at least two people on council should understand how to manage passwords and document security. In our strata, the president and the secretary have access to the accounts. Only these two manage the filters which automatically forward emails, add contacts and groups, and manage the permissions of owners' access to documents and folders.

George Bowden is a volunteer with the Victoria non-profit computer-user association, Big Blue and Cousins. For council members who may want to improve their use of Google accounts, Big Blue and Cousins is offering instruction in its computer lab in November. Contact training@bbc.org for more information.

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Are you interested in making a contribution to strata living in BC? We are looking for new Board members to fill the following portfolios:

Board Secretary.

This person prepares board meeting agendas; oversees the writing of the minutes of board meetings; updates Director's manuals as needed; and archives all board correspondence.

Advertising/Marketing Lead.

This person researches and implements a marketing strategy to build membership; and also organizes and follows-up with

Help Wanted

ads placed in VISOA's Bulletin.

Membership/Business Membership Lead.

These two portfolios could be handled by one active board member; or could continue separately.

- Membership responsibilities include responding to membership concerns via email; following up on expired memberships; and oversee membership database in conjunction with the administrative assistant.

- Business Membership lead is responsible for ensuring business members information on the website and Bulletin is accurate; preparing and sending renewal notices; following up on

Help Wanted

expired memberships; and liaising with the business community to increase membership.

VISOA's 2014 AGM will be held in February, and at that time we would like to nominate and elect these new Directors. This is a working board. Some of the administrative tasks previously handled by board members are now delegated to our office administrator, but even so, board members can expect to volunteer up to 10 hours a week. Board meetings are held monthly in Victoria; up-island attendance is possible using "Skype".

If you are interested in joining us on your VISOA Board or would like more information, please contact Tony Davis - strata61@gmail.com

NEW VISOA PUBLICATION - Depreciation Reports For BC Strata Corporations

British Columbia's Strata Property Act (SPA) requires most strata corporations to have a depreciation report completed by December 13, 2013.

In the two years leading up to this deadline, VISOA presented several seminars on the topic of depreciation reports, and each issue of our quarterly Bulletin featured articles on this

important subject.

VISOA's members asked for an educational publication on depreciation reports, and by utilizing and collating the excellent work already made available by various contributors, along with one new article by David Grubb, we are pleased to present this book for your use and education.

This publication also includes the current text of the Strata Property Act referencing depreciation reports and, with permission, the complete Guide 12 published by the Office of Housing and Construction Standards (Ministry of Energy, Mines and Natural Gas).

It is available for \$20 through our office, or at our seminars; or order from our website.

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VISOA's workshop series

One of our goals at VISOA is to increase value to our Corporate Members by providing workshops open only to Corporate Members. Workshops are presented in a hands-on, interactive all-day format, with no more than 25 registrants so that everyone has time for active participation; contrasted with seminars which are presented lecture-style with larger groups of 100 or more attendees. Under the direction of Cleve Patterson, our Workshops team has made a great start.

Over the past two years, we have presented the following workshops multiple times, with attendance and evaluations being excellent:

- Best Practices for Strata Secretaries
- Management of the Contingency Reserve Fund
- Your Depreciation Report: Here It Is...Now What?
- Workshops For small Stratas

We are now planning our 2014 Workshops. Some suggested topics are:

- Best Practices for Strata Treasurers
- Workshop For New Council Members

In addition, we are often asked to present a workshop for persons considering the purchase of a strata home, to educate them before they make the purchase. Of course, that falls outside our mandate of service to our members. If you have any other suggestions for Workshop Topics, please contact Cleve at Patterson@visoa.bc.ca



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Quotes on conflict resolution

VISOA's members have been patiently waiting for the opening of the Civil Resolution Tribunal. The long-anticipated Tribunal should be up and running by the Fall of 2014. The Tribunal won't be a magic cure for all our strata problems, but should facilitate a much greater number of satisfactorily resolved disputes. In the meantime, strata owners still have conflicts and not all can wait for the Tribunal. Here are some quotes on conflict resolution for your consideration:

• The most difficult thing in any negotiation, almost, is making sure that you strip it of the emotion and deal with the facts.

— *Howard Baker*

• If you start a conversation with the assumption that you are right or that you must win, obviously it is difficult to talk.

— *Wendell Berry*

• “Unless both sides win, no agreement can be permanent.”

— *Jimmy Carter*

• The reality today is that we are all interdependent and have to co-exist on this small planet. Therefore, the only sensible and intelligent way of resolving differences and clashes of interests, whether between individuals or nations, is through dialogue.

— *The Dalai Lama*

• “The most important thing in communication is to hear what isn't being said.” — *F. Peter Drucker*

• There are three ways of dealing with difference: domination, compromise, and integration. By domination only one side gets what it wants; by compromise neither side gets what it wants; by integration we find a way by which both sides may get what they wish. — *Mary Parker Follett*

• The most constructive solutions are those which take into consideration the views of all persons involved and are acceptable to all. Such outcomes are the result of negotiation strategies where the needs of both sides are considered important and an attempt is made to meet all needs. These solutions are appropriately called Win-Win because there are no losers. While often difficult to arrive at, the process leading to such solutions builds interpersonal relationships, increases motivation and improves commitment. Win-Win solutions are the most desirable outcomes of conflict resolution.

— *Peter Gabor and Carol Ing*

• “Bringing a problem to resolution and closure through continued discussion and compromise is an honorable act as it shows respect for the needs of both partners.”

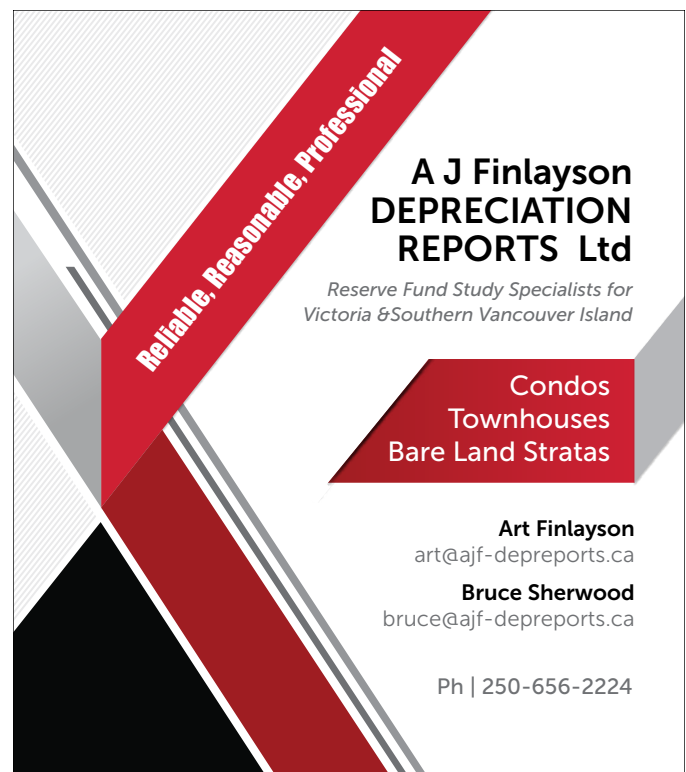
— *Lynne Namka*



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Strata Math: When does 26% = 75%?

How many owners does it take to change a bylaw: 75% or 26%? I'm sure you know the answer is 75% (typically called a $\frac{3}{4}$ vote) BUT the reality is that as few as 26% of the owners have the power to impose a bylaw or pass any other special resolution.

Suppose that your strata has 100 units.

-a quorum is $\frac{1}{3}$, or 34 owners.

-the voting requirement to pass a bylaw is $\frac{3}{4}$.

- $\frac{3}{4}$ of 34 is 25.5 therefore 26 owners must vote "yes" to pass a bylaw (or any other three-quarters vote resolution).

Because the 26 who passed the bylaw are less than 50% of the owners, the strata council must wait one week before implementing it. If, within that week, 25% of the owners petition the council to revisit the issue, the council must call a Special General Meeting to do so.

If, during a general meeting, some owners leave and the meeting is left with less than a quorum, then any business conducted is not legally effective; but if owners remain in attendance and simply abstain from voting then an even smaller minority of owners could make decisions. Using the example above, of 34 owners out of 100 attending a General Meeting, notice what happens with abstentions:

-if five owners abstain from voting, the requirement to pass the bylaw is $\frac{3}{4}$ of 29, which is 21.75 or 22 owners.

-if ten owners abstain from voting, the requirement to pass the resolution is $\frac{3}{4}$ of 24, which is only 18 owners.



It is unlikely that so many owners could abstain from voting, but it could happen.

You do the math – are you willing to give so few owners so much power? Attend your Annual General Meetings. Familiarize yourself with the topics to be voted on. And exercise your vote.

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President's Report



Sandy Wagner

THE TRENCH

As I write this column, it is a sunny, unbelievably lovely Thanksgiving Day in Victoria. Through my open balcony door I hear the sounds of digging: shovels and picks, along with worker chatter. What's that you say, construction workers on a Statutory Holiday?

No, it's volunteers.

My strata has had its ups and downs with volunteerism. Owners who had volunteered for various tasks for many years were no longer able to do so. With a large strata, it shouldn't be hard to get volunteers, right? Wrong. It seems that, in our case at least, owners want to be left alone. "We bought a condo so someone else would look after everything" – sound familiar?

Nonetheless, at a recent information meeting, some of our owners agreed to volunteer when they could, in order to keep costs down. A pressing task is a minor repair to a ground-level patio wall, and the contractor hired to do the job indicated he'd need to excavate down 3 feet to complete the repairs. This excavation could add up to \$2000 to the cost of the repair job.

Cue the volunteers! The day before the Thanksgiving long weekend, our council president was notified that the contractor could begin our repair early the following week. A note was posted for all owners, advising them of their chance to contribute and help the strata save up to \$2000 by helping to dig the trench on the coming Saturday and Monday. It seems that money talks – we had more volunteers than needed for the job!

The "soil" is really just clay, so it was hard digging and volunteers switched off every 10 minutes or so; and although the

trench had to be three feet deep it only needed to be six feet long, so only two could dig at a time. Surprising, some of these apartment strata dwellers had shovels and picks on hand, so tool rental was not needed. Those who couldn't physically help with the digging brought cookies, cold drinks, and even pumpkin pie for the workers. When even more volunteers showed up, we organized impromptu leaf-raking teams. Some neighbors we hadn't seen in years (not even at General Meetings!) showed up to help.

When the job was nearly done, I retired to my desk to work on this article – the deadline was upon me, and I had no "presidential words of wisdom" for this issue of the Bulletin.

I often include short inspirational quotes on teamwork or volunteerism for your enjoyment, and as I googled and searched for some fresh quotes, it struck me that my strata may have turned a corner or turned over a new leaf, or some other mixed-metaphor version of cooperation. Time will tell if it "sticks" or not, but on Thanksgiving Day, I'm just grateful for the fresh start and the camaraderie.

Of course, all your stratas rely on volunteers as well – whether self-managed or professionally managed – as the council are volunteering their time and expertise in the trenches. They might be assisted by other volunteer owners – at least I hope they are.

If you are not currently on your strata council, when was the last time you volunteered a little time to help them out with some task? Whether shopping for or cleaning up after a social activity, or sweeping the driveway because the wind has dropped 600 leaves two hours after the gardener has left for the week. Or maybe you need a trench dug? No matter how little time you have, I'm sure your strata council (and your neighbors) would be glad to have your help.

Here are some of the quotes that took my thoughts from "the trench" to "the trenches" and I hope some of them inspire you.

• While the spirit of neighborliness was important on the frontier because neighbors were so few, it is even more important now because our neighbors are so many. — Lady Bird Johnson

• I nod to a passing stranger, and the stranger nods back, and two human beings go off, feeling a little less anonymous.

— Robert Brault

• Few of us could bear to have ourselves for neighbors. — Mignon McLaughlin

• Don't ever question the value of volunteers. Noah's Ark was built by volunteers; the Titanic was built by professionals. — Dave Gynn

• Volunteering is the ultimate exercise in democracy. You vote in elections once a year, but when you volunteer, you vote every day about the kind of community you want to live in. — Marjorie Moore

• The nice thing about teamwork is that you always have others on your side.

— Margaret Carty

• To most of you, your neighbor is a stranger, a guy with a barking dog and a high fence around him. Now you can't be a stranger to any guy who's on your own team. So tear down the fence that separates you, tear down the fence and you'll tear down a lot of hates and prejudices. Tear down all the fences in the country and you'll really have teamwork.

— Robert Riskin

Sandy Wagner

President, VISOA Board of Directors

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