



BULLETIN

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



MAY 2025

Vancouver Island Strata Owners Association

VISOA Bulletin

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

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

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On the cover: Yale House is a 15-unit strata built in the late 90s. It is situated next to Oak Bay Village on a quiet cul-de-sac with many flowering plants and native trees. - E. R. Gubby

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

■ Strata Councils: Too Few to Function

by Oscar Miklos

A strata corporation holds its annual general meeting (AGM) and elects a new strata council. A few months later, some council members resign and suddenly, the council is operating with fewer members than the minimum required under the strata corporation's bylaws.

This isn't just an operational inconvenience—it may carry significant legal and financial consequences.

No legal authority

Under the [Standard Bylaws](#) prescribed by the *Strata Property Act*, the council must consist of at least 3 members. While most strata bylaws mirror this requirement, some may set a different minimum. Either way, if resignations reduce the number of sitting council members below the minimum, any decisions made by the remaining council members will be invalid due to improper composition. A council lacking the minimum number has no legal

authority to conduct business on behalf of the strata corporation, including approving expenditures, enforcing bylaws, or signing contracts.

Appointing a replacement

Standard Bylaw 12 allows the remaining council members to appoint owners to fill vacancies created by resignations until the next AGM. Council may appoint a replacement even if they do not have the required number of council members when making the decision to fill the vacancy.

Although the bylaw states the council “may” appoint replacement members, this language does not create an open-ended option to operate indefinitely below the required minimum. If the remaining council members do not act to fill the vacancy, and the council remains improperly constituted, its actions are open to legal challenge.

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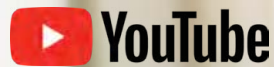
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Strata Councils: Too Few to Function

The only time that a council may opt not to fill the vacancy is if the resignation still leaves the council with the minimum number of members required to operate.

Applying for an administrator

Where a functioning council cannot be restored through appointments, the strata corporation may ultimately need to apply to the Supreme Court of British Columbia for the appointment of an administrator. This is a costly and serious step, with all associated fees and remuneration paid by the owners.

If resignations leave your council short, act promptly to fill the vacancy. A legally functioning council is essential to protect the strata corporation's operations. 

Oscar Miklos is the founding lawyer of [Refresh Law](#), a law firm advising strata owners, strata council members, property managers and residential and commercial landlords and tenants in all aspects of housing matters. Oscar is also the editor of [HousingGuide.ca](#), free online references for homeowners in British Columbia.

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■ Editor's Message

We hope we've given you some interesting reading to keep you busy over the summer. Whether you're travelling, camping, or enjoying a staycation, you can catch up on all things strata. Visit our website to browse back issues of the Bulletin magazine going back nearly 20 years! If you're looking for a certain topic, use the Bulletin Index to quickly find which issue has a relevant article.

Don't forget to enter our 2025 photo contest. Send an email to editor@visoa.bc.ca to submit a photo of your strata or to suggest a topic for an article. 

VISOA Bulletin and Suite of Services committees are Wendy Wall, Susan Ferster, Angus Mumby, André De Leebeeck, David Stinson, and John Grubb with special thanks to volunteer Janice Foley, and Advertising Coordinator Cindy Young.

Waterwise Tips to Reduce Operating Costs

by Karen Reid

We all notice when our strata fees go up but how often do you look at what expenses are causing the increase? Are there ways that you and your fellow strata owners can help reduce those costs?

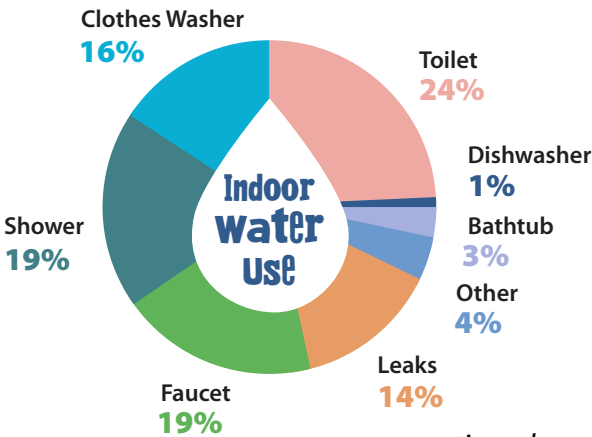
After insurance, the cost of water and sewer utilities is often the most expensive operating cost for strata corporations. At my strata, water/sewer expenses represent 19% our operating expenses. Reducing water consumption by even 10%, could save your strata corporation thousands of dollars every year.

Money down the drain

According to the Capital Regional District (CRD), toilets account for 24% of indoor water use. Your owners might be surprised by the potential reduction in water consumption just by ensuring toilets are working properly.

Toilet leaks are usually silent, which makes them hard

to detect. They can also waste a high volume of water. A toilet that continues to run after flushing could be wasting as much as 20–40 litres per hour (175,200–350,400 litres per year). Based on current water/sewer rates in my area, that’s \$919–\$1,839 per year down the drain. If 10 toilets in a strata building are leaking, that waste is costing your strata \$9,000–\$18,000 per year.



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Waterwise Tips to Reduce Operating Costs

How to detect toilet leaks

Learn [how to check your toilet for a leak](#). If your strata corporation is located within the CRD, contact waterwise@crd.bc.ca to get a free leak detection kit. It includes toilet dye tabs for identifying silent leaks. If you are located in another area, check to see if your municipality or district offers similar kits. Leaks are usually caused by a worn or misaligned part and are usually easy to fix.

High-efficiency toilets

If it's time to replace your toilet, choose a high-efficiency model. High-efficiency toilets use no more than 4.8 litres of water per flush, so swapping inefficient toilets is a great way to save water in your bathroom. A family of four can save over 100,000 litres of water per year. WaterSense labeled models can reduce water used for toilets by 20–60%.

Showerheads and faucets

Under the Standard Bylaws, owners are responsible

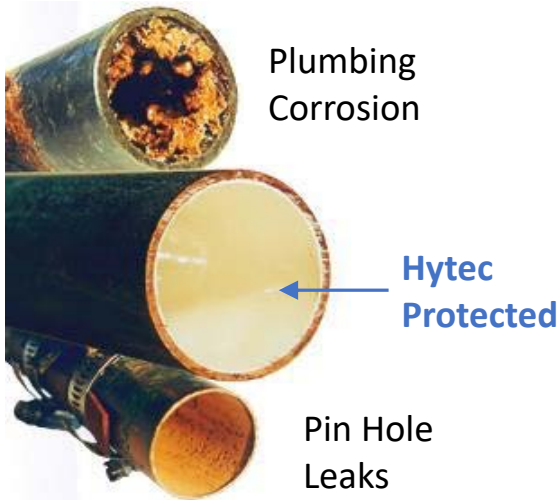
to repair and maintain their strata lots. This includes toilets and plumbing fixtures. Leaking faucets and showerheads are big water wasters but they are easy to detect. An intermittent drip from your faucet or showerhead can waste more than 35,000 litres of water a year, enough to fill a bathtub over 100 times. Look for worn washers and "o" rings inside the showerhead and faucet. A leaky showerhead may also need a tighter connection between the showerhead and the pipe system and can be fixed with pipe tape to secure it. Repairing leaky faucets is usually a straightforward and inexpensive job, but worthwhile as a little drip can waste lots of water and dollars.

Organize a plumber day

We all lead busy lives and often put off what appear to be small home maintenance projects like a leaky faucet. Organizing a plumber day is a great way to help owners to get those repairs done. Ask your plumber if they would charge each suite a lower base price if several suites make bookings on the same day.

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Waterwise Tips to Reduce Operating Costs

If so, set a date and have interested owners schedule appointments. The plumber can fix leaky toilets, faucets, check laundry machine connections, and more. Ask them to invoice each owner separately.

Waterwise habits

Even small changes in your habits can add up to a lot of savings. Instead of letting the water run:

- Keep a pitcher of drinking water in the fridge.
- Plug the sink when hand washing and rinsing dishes.
- Defrost food in the fridge overnight.

More tips:

- Run full dishwasher loads instead of washing dishes by hand.
- Use the same glass or water bottle for the day.
- Strive for 5-minute showers.
- Avoid flushing unnecessarily, "If its yellow, let it mellow!"
- Learn [about conserving water at home](#).

Water audits

Use the [Home Water Works water calculator](#) to see how much water you use in your home. If your strata is located within the CRD, contact waterwise@crd.bc.ca to get a free water audit and leak detection kit.

To learn more or apply to participate in a future CRD water use assessment pilot project contact Marie Irwin at mirwin@crd.bc.ca 

Karen Reid is an active volunteer at her strata and is particularly interested in environmental and energy-efficiency initiatives. Thank you to CRD Water Conservation Program staff for their assistance in preparing this article.



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■ The Changing of the Guard

by Shawn M. Smith

While strata councils (or at least their core members) don't often change, there are times when an entirely new council is elected. Where the strata corporation has a strata manager, the transition can be easy. For self managed strata corporations, that transition can prove trickier. There are several things that a prudent incoming council needs to make sure are done.

Elect officers

The first thing to be done is to elect new officers: a president, vice president, secretary, and treasurer. It is important to make sure that all the duties of the strata corporation will be taken care of. Who will oversee finances? Who will manage communication with owners? At the same time, the strata council should also appoint signing officers for its bank account to ensure bills can be paid on time. That should be done at an in-person council meeting (i.e. not over email) so that formal meeting minutes can be prepared.

Change bank signatories

The strata should provide a copy of the AGM minutes to show that the council members who are appointed signatories were in fact elected to the strata council. However, there can still be difficulties in gaining control of those accounts. Banks are often reluctant to accept the minutes as proof. They sometimes request that the outgoing signatories confirm the change in writing. That is fine so long as the outgoing council members are cooperative. Where they are not, the task can become difficult.

Where the former signatories are uncooperative it will be necessary to convince the bank that the minutes are sufficient evidence of a change of both council and the signatories. The case law lends support to that. Minutes reflect the decisions of the owners and of council - [Kayne v. The Owners, Strata Plan LMS 2374, 2007 BCSC 1610](#).

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The Changing of the Guard

It may be necessary to hire a lawyer to explain to the bank how strata corporations make decisions and that the minutes can be taken as evidence of the appointments.

The strata corporation can write to the former council member demanding they cooperate. It can even engage a lawyer to assist with that. It is arguable that their duties under [s. 31 of the Strata Property Act](#) (SPA) continue in so far as they need to assist with the transfer of records, etc. Ultimately the strata corporation could seek an order to compel the former council member to sign the bank documents. Such an order was granted in *The Owners, Strata Plan VR2477 v. Campbell*, 2020 BCCRT 1183.

Notify service providers

Trades and service providers (such as the strata's lawyer) should also be notified of the change. That way they know who they should be dealing with and taking instructions from. Delays could be critical. This is particularly important where the strata corporation is in the middle of dealing with an active legal issue. Solicitor-client privilege may also be lost if a lawyer is communicating with someone who is no longer a council member.

Change representative for CRT claim

Where the strata corporation is involved in a Civil Resolution Tribunal (CRT) claim, a change in representative will be triggered. CRT Rule 1.14(1) requires that a strata corporation be represented "by an authorized member of the strata council." If the CRT representative is no longer a council member, they have no authority to be communicating with the CRT regarding the claim or any aspect of it. Access to the strata's CRT online account will need to be facilitated by the outgoing council member.

Gain control of the email account

Where the strata corporation has its own email account, the new council needs to gain control of that account. The email, regardless of who controls it, is a method of giving notice to the strata corporation – see [SPA s. 63\(1\)\(c\)\(i\)](#). Deadlines to provide documents, hold a council hearing, or call a special general meeting may be triggered without the council knowing it. Additionally, allowing owners who are not on council to have access to the personal information

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The Changing of the Guard

of fellow owners would be viewed as a breach of the *Personal Information Protection Act* (PIPA).

Transfer documents and records

Documents that the strata corporation is required to keep under [SPA s. 35](#) need to be located and, if necessary, obtained from whomever is holding them. Former council members should be asked to return any hard copies of documents they have and to confirm in writing that they have deleted any electronic documents or files in their possession that don't need to be kept under SPA s.35.

Under PIPA the strata must take reasonable steps to ensure the personal information of owners is properly protected. Emails which the strata council members have sent to or received on behalf of the strata corporation from owners and anyone outside the strata council should not be deleted. They should be sent to the new council to keep as part of the strata corporation's records under SPA s. 35(2)(k). In [Girard v. The Owners, Strata Plan VR 1364, 2019 BCCRT 430](#) the CRT ordered former council members to search their email for correspondence with third parties.

It is not necessarily a satisfactory answer to a request for documents under SPA s. 36 to say that the strata corporation does not have the documents. In [Nass v. The Owners, Strata Plan BCS 2025, 2018 BCCRT 243](#), the strata corporation was ordered to take steps to try and obtain documents from third parties.

Compel cooperation

Where the transition between strata councils is a cooperative one, the process can be easy. Where it is not, the strata corporation needs a means to compel cooperation. The strata could add a bylaw outlining the responsibilities of former council members upon leaving office and requiring them to do certain things. Since those obligations are contained in a bylaw, compliance could be compelled both through fines and ultimately an order of the CRT. There would be no need to rely on other legal principles. [V](#)

This article is intended for information purposes only and should not be taken as the provision of legal advice. Shawn M. Smith is a lawyer whose practice focuses on strata property law. He 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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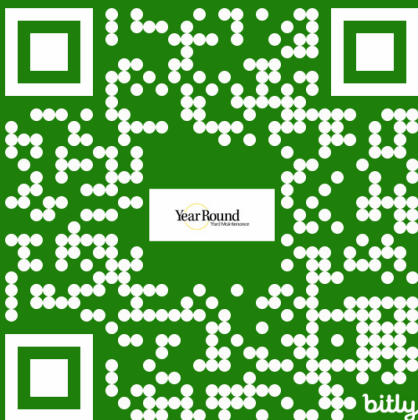
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■ Securing a Strata Council Email Account

by Brian Fraser

Strata councils often have an email account for council's communications with owners, contractors, and strata managers. A key benefit of having an email account for council business is that it keeps years of communications and documents in one place making it easy to comply with the requirements in the *Strata Property Act* (SPA). For example, SPA s. 35(2)(k) requires strata corporations to keep records of "correspondence sent or received by the strata corporation and council" for at least 2 years.

Some strata councils have gone through the unpleasant experience of having the strata corporation's email account hacked or former council members refusing to provide the password. How does a council maintain control of its email account?

Custom services for stratas

While many strata corporations choose free or low-cost options such as Gmail, there are other

options that reduce the risk of hacking or a past or current council member taking control of the strata corporation's communications and records. Services such as Power Strata, Strata Commons, and Strata Press are customized platforms for strata corporations. These web-based platforms have communication tools, document storage, and other features to help manage your strata. Generally, all owners have access to certain features and records and council members have full access. The service provider can help the current council ensure that only authorized persons can send and receive council communications and have full access to records. Check out their security and backup protocols, features, and customer support.

Shared email accounts

If your strata isn't using a custom service, it likely has a shared email account such as Gmail.

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Securing a Strata Council Email Account

87% of email accounts in Canada are Gmail (Google) accounts. If so, council should have a record of the password. The password should be strong and changed at least twice a year, as well as each time council members change.

Councils often have additional email accounts for the secretary or other roles. Again, at least one other council member should know the password. While the second council member might not actively use the account, they can access the account in the event that the secretary or treasurer falls ill or resigns and ensure their replacement has access.

Recovering a Gmail account

If someone forgets their Gmail account password, there are "recovery" options. Be sure to review the email account's recovery options and update them as necessary. The recovery email address, cell phone number, authentication code, and backup codes allow an authorized person to gain access to the account and reset the password. Check the settings to ensure that recovery email addresses receive notifications of security alerts such as when a password is changed. If council thinks the activity is suspicious and the account might be compromised, council should take action immediately to regain control by using one of the recovery methods and change the password.

If an unauthorized person changed the password, recovery email, and phone number, the current authorized council members might still be able to recover the account. Go to the [Google sign in recovery web page](#) and follow the steps. Do this as soon as possible as there is a limited timeframe to take action. See the [directions to secure a hacked or compromised Google account](#).

Advising the owners

If council can't regain access to the email account and records, it should hold a council meeting, record in the minutes that it no longer has access to the strata corporation's email account, and vote to set up a new email account for communicating with the strata council. As council no longer has control of the storage of the personal information in the emails and documents in the account, it must inform all owners of a breach of the *Personal Information Protection Act*.

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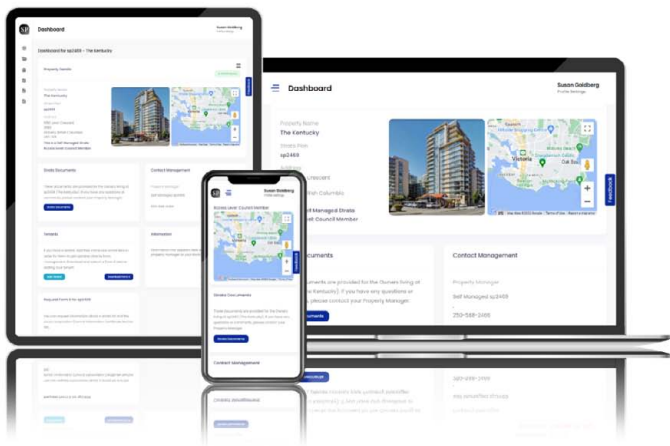
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Securing a Strata Council Email Account

Explain the steps that council is taking to regain control of the information. Set up the new email address for council and provide it to owners, tenants, contractors, its financial institution, lawyer, and insurance broker so that all future communications are sent to the current council.


Getting legal help

If council knows who has control of the strata corporation's email account and that person won't provide the password, council may want help from a lawyer. The strata has a legal responsibility to take steps to regain control of the personal information. There's no guarantee the person will provide the password or help the current council regain access but, in some cases, a firm letter from a lawyer will help. You can find strata lawyers in [VISOA's Business Directory](#).

Gathering records

If there was no backup of the documents stored in the email account, council will have to begin gathering records and decide where they will be stored. See the video [What records are strata corporations required to keep?](#) It provides tips to choose where to store digital records and set priorities. For example, if the strata receives any requests for a Form B Information Certificate, council must be prepared to provide the completed form and required attachments within one week.

Backup protocols

Regardless of where the strata's digital records are stored, it's recommended to have backup protocols in place to reduce the risk of losing access to records. For example, files and documents can be saved to an external drive. If council uses Gmail, it can use a feature called [Google Take-Out](#) to create a backup "archive" of emails, contacts, and documents. The strata should have a privacy policy that states where the records are stored, who has access to them, and when they must be destroyed. See a [guide to privacy in stratas](#). 

Brian Fraser has served on his strata council many times over the years. He began using Gmail in 2007 during its beta phase and the Gmail and Google Drive filing system he set up for his strata in 2012 is still in use.

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You Asked

Q: Our council has received noise complaints about a child crying for extended periods of time. Should council enforce the bylaws if the child has developmental challenges?

A: There are Civil Resolution Tribunal (CRT) [decisions that deal with noise from children](#). Outcomes vary depending on the facts of each case. While CRT decisions don't set precedents like court decisions do, they can provide guidance.

Several decisions have found the strata corporation failed in its duties to reasonably investigate noise complaints.

For example, in [Duddy v. The Owners, Strata Plan BCS 1162, 2024 BCCRT 807](#), an owner was experiencing unreasonable noise caused by a tenant's child in the unit above. The child had a medical condition that the strata was required to accommodate under the *Human Rights Code*. While the strata tried to

balance the needs of the residents, the CRT found that the strata failed to adequately enforce its bylaws. The strata was ordered to pay monetary damages to the downstairs owner who was experiencing the unreasonable noise. The CRT also ordered the strata to take steps to confirm the upstairs tenant installed rubber mats and area rugs or carpets as was recommended in a report by a professional noise-testing company.

Whereas in [Williams v. The Owners, Strata Plan BCS 184, 2023 BCCRT 684](#), the CRT found that percussive or short bursts of loud noises are expected and ordinary sounds in a multi-family living situation. An ordinary person understands this reality and can tolerate a certain amount of intrusive or annoying noises during the day. There are similar comments in [Luthra v. The Owners, Strata Plan EPS6288, 2024 BCCRT 1037](#), and [Palmer v. The Owners, Strata Plan VR2265, 2023 BCCRT 792](#).

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You Asked

Noise complaints continued...

In [Abbrusci v. The Owners, Strata Plan BCS 2287, 2024 BCCRT 1038](#) the decision says “I find a reasonable person understands and accepts that young families likely make more noise than other residents, and so tolerates somewhat more noise. Even considering the frequency of the noise events, I find most of them were intermittent bursts of noises, which happened during the day or evening when families with young children would be performing necessary and typical daily activities. Overall, I find the log does not demonstrate the noise events would have been intolerable to an ordinary person given their timing and the context in which they were occurring.”

Council’s duty to enforce the bylaws includes a duty to investigate noise complaints. This may involve attending the suites when noise is reported and obtaining a professional report.

Whether noise is unreasonable depends on several factors, such as its nature, severity, duration, and frequency. The interference (nuisance) must be substantial, meaning it is intolerable to an ordinary person.

If council finds the noise is unreasonable, it must take steps to enforce the bylaws. Depending on the type of noise, it may be reasonable to require a resident to mitigate noise by placing rugs, mats, or sound dampening walls.

Where a situation requires the strata to make an accommodation under the *Human Rights Code*, council may wish to seek help from a strata lawyer.

For more information, see [how bylaws and rules are enforced](#).



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You Asked

Q: An owner just sold his condo and the new owners will take possession a week before our upcoming AGM. Do we give the AGM notice to the current owner or to the purchasers?

A: This is a transitional period. If council is aware of a transfer and when it's happening there may be a requirement to give the new impending owner notice as well. Under the *Strata Property Act* (SPA), an owner is "the person shown in the register of a land title office as the owner of a freehold estate in a strata lot".

In this case, the purchaser is expected to be the owner a week before the annual general meeting (AGM). We suggest giving notice to both the current owner and the purchaser.


We find guidance from the BC Supreme Court's decision in *Hall v. The Owners Strata Plan EPS 2116, 2022 BCSC 2167*. In *Hall*, the court said that in certain circumstances the strata must give notice to purchasers. By the time the AGM was held, the

previous owners could not vote because they were no longer owners. Since the purchasers were owners on the day of the AGM, they were entitled to notice. The court then examined whether proper notice was provided to them.

SPA s. 47 says "Failure to give proper notice of an annual or special general meeting to a person entitled to receive notice under section 45 does not invalidate a vote taken at the meeting as long as the strata corporation made a reasonable attempt to give the notice". So, what is a "reasonable attempt"? In *Hall*, the purchaser's conveyancing solicitor requested a Form B Information Certificate a few days before the AGM. The day before the AGM, the strata provided the Form B and included a copy of the notice. The court assessed whether the strata corporation's attempts to give notice were reasonable in the circumstances and concluded they were not. In *Hall*, the AGM notice included significant changes to the bylaws that affected the conditions of approval to build a home on a bare land strata lot. The court declared the bylaw amendments passed at the AGM were invalid and of no effect. Following *Hall*, councils should make every attempt to give notice to purchasers if council is aware that the strata lot will be transferred before the AGM.

How does the strata give notice to purchasers if it doesn't have their address? The court said that providing notice to the office of the purchaser's conveyancing solicitor would be sufficient. The standard is reasonableness and it would be reasonable to expect that a conveyancing solicitor would communicate relevant information to their clients.

This discussion has been about a purchaser who is going to be an owner by the date the AGM. If the purchaser isn't going to be an owner by then, notice can just be given to the current owner.

To learn more, see the video [How to Successfully Conduct a Strata AGM or SGM](#). 

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■ Earthquake Preparedness – It Takes a Village

by Wendy Wall

On average, there are several thousand earthquakes recorded in BC every year, of which approximately 50 earthquakes are felt. We often talk about the “big one” coming but are we prepared for a disaster?

The [ClimateReadyBC](#) information portal reminds us that we need people and organizations from every walk of life to proactively work together to reduce disaster and climate risks and respond to events. We need a proactive ‘all of society’ approach to prevent, plan, and prepare for disasters. As this relates to strata living, is emergency planning and earthquake preparedness a strata council responsibility or is it better dealt with by a group of residents?

It takes a village

The *Strata Property Act* (SPA) places a duty on the strata corporation through its council to manage and maintain the common property for the benefit of the owners. The SPA does not go so far as to say the

strata council is responsible for strata lots, emergency planning, or every health and safety situation.

A community-led approach can lead to successful emergency planning. A group of owners who take on planning and organizing will have even greater success when they have a council that positively supports those community efforts.

While the African proverb “it takes a village” is about the importance of community in raising a child, the adage could apply equally to our shared responsibility to care for one another during a disaster. The collective involvement of a community is essential.

Getting started

A group of owners could provide education and distribute information. [PreparedBC](#) has guides and resources to help prepare for earthquakes, tsunamis,

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Each owner can prepare their own emergency kit, make a grab-and-go bag, and know what to do if there's an earthquake or other emergency. Residents can use an online form to build an Emergency Ready Plan or use fillable pdf forms which are available in several languages.

The buddy system

Some owners might be interested in developing a buddy system with a trusted neighbour. This is important for owners who live alone or may need assistance during an emergency due to mobility issues. Some may have life-threatening medical issues if they lose access to their medication.

Carrying on

Council members should prepare a plan to ensure the council is prepared to continue functioning during an emergency event. How will council communicate with owners, hold meetings, pay the bills, keep records, and provide forms? Where is key information kept? Is the information backed up? What's the process to make an insurance claim? What information, photographs, or reports would the insurer need? Does the strata already have a relationship with an engineering firm? Is there a list of owners and pets for first responders? See the BC Strata Housing web page about [handling emergencies](#).

Damage assessment training

In a major disaster it may take days or even weeks for local authorities to assess all buildings in the area to decide if they are safe to occupy. Your strata owners might be interested in BC Housing's online course called Rapid Damage Assessment. This course teaches skills to identify unsafe conditions in wood frame, masonry and concrete construction caused by floods, earthquakes or windstorms. Individuals learn to assess damage to determine whether buildings are unsafe. Learn more about the [Rapid Damage Assessment course](#) and access free resources such as forms, check lists and placards.

Ideally there's a champion in your strata that will take the lead to help your village prepare for earthquakes and other disasters.

Wendy Wall, VISOA President



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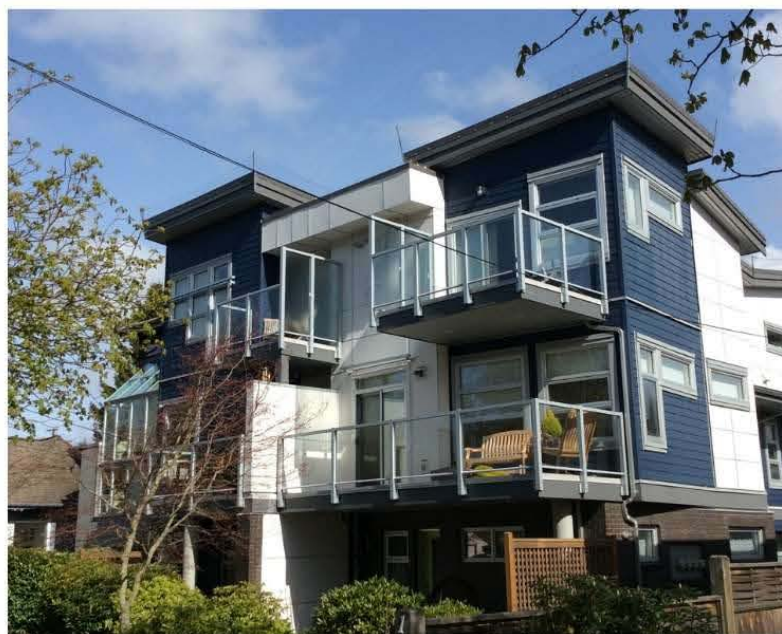


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First prize: a one-year VISOA corporate membership for all owners in your strata.

Second prize: \$50 to the submitter.



Who Pays for Water Extraction and Drying?

by Gail Roberge

Consider the scenario of a dishwasher that leaked and caused water damage to a common hallway and a strata lot below. An appropriate emergency response is to have a restoration company extract water and set up drying equipment. Can the strata charge an owner for those expenses?


In many cases, the strata's insurance policy isn't triggered because the expenses resulting from the leak are below the amount of the deductible. *Strata Property Act (SPA) s. 158(2)* allows for the charge back of an insurance deductible but does not contemplate the charge back of other types of expenses, including repair costs or emergency water extraction and drying costs. In order for the strata to charge these costs to a strata lot account, it must have the authority to do so under a valid and enforceable bylaw that "creates a debt". This is often called a "charge back" bylaw.


The Civil Resolution Tribunal (CRT) has considered numerous claims where strata corporations sought to charge back emergency response expenses or repairs to strata lot owners. The outcome of those cases depends on the origin of the water leak and the wording of the bylaws.

When there are charge back bylaws

For example, in *The Owners, Strata Plan NW 2192 v. Johnson, 2025 BCCRT 427*, a water leak from a hose bib on a washing machine's water supply line caused damage to common property hallway and to another strata lot. The strata's bylaws said that where the strata takes steps or does emergency work to mitigate damage to a strata lot or common property and incurs expenses, the strata can charge the expenses to the owner of the strata lot where the source of the damage originated. The strata also had a bylaw that

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Who Pays for Water Extraction and Drying?

makes an owner responsible to pay for the strata's investigation expenses, including the cost of hiring third parties, to determine the source of damage to a strata lot or common property. Since the leak originated in the owner's strata lot and the bylaws allowed a charge back in these circumstances, the owner was ordered to pay the strata for the cost of the restoration company to locate the source of the leak and monitor drying equipment for several days.

When there are no charge back bylaws

If bylaws of that nature don't exist, the strata may have no legal basis to charge the owner. For example, in *The Owners, Strata Plan LMS 2371 v. Urban Nook Investments Ltd.*, 2021 BCCRT 1214, an owner's shower valve failed and caused water damage to multiple units. The strata sought an order for the owner to pay the cost of emergency response services including extracting water and setting up drying and purifying equipment. Since there was no bylaw authorizing the strata to charge the owner, the CRT dismissed the

strata's claim.

When the bylaws set a negligence standard

The exact wording of a bylaw is important. For example, in *Zheng v. The Owners, Strata Plan BCS 3426*, 2024 BCCRT 1309 a water leak from the owner's toilet damaged the strata lot immediately below. Under the bylaws Mr. Zheng was only liable for the costs of emergency repairs if he was negligent. There was no indication that Mr. Zheng could have known that the toilet wax seal was faulty. He acted immediately upon learning of the leak and had the wax seal replaced. The CRT found he was not negligent as he acted reasonably in the circumstances and ordered the strata to remove the charge from his account.

When the strata is responsible

It's also important to clarify who is responsible for the component that was leaking. In *Yang v. The Owners, Strata Plan BCS 1013*, 2020 BCCRT 349, the source of the leak was a valve in a wall.

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Who Pays for Water Extraction and Drying?

However neither of the parties explained where the wall was located. If the valve was located within a strata lot's boundary wall, it would be common property and the strata's responsibility to repair and maintain. Since the strata didn't identify which wall the valve was in, the CRT found the strata had insufficient evidence and did not have the authority to charge the owner for the plumbing and restoration drying costs.

When repairs occur after an emergency response

What about repairs that take place after an emergency response? Can the strata conduct repairs to a strata lot and require an owner to pay? In *The Owners, Strata Plan LMS1092 v. Souki, 2021 BCCRT 55*, the CRT said a strata corporation can only charge back repair costs to a strata lot owner if there is a bylaw authorizing the charge, or the owner agreed to pay for the repairs. If the strata wants an owner to pay for repairs that are the owner's responsibility under the bylaws, it should either leave it to the owner to arrange and pay for the repairs, or get the owner to agree in advance to pay. In *Souki*, the repairs were not urgent, and the owners were unaware that the strata expected them to pay for repairs until after the work was completed. The tribunal member found it would be unfair to allow the strata to control the cost, timing and scope of repairs and then require the owners pay for them without clear authorization.

What do your bylaws say?

As you can see, whether your strata can charge an owner for the costs of water extraction, drying efforts, and repairs depends on whether

- the water leak originated from their strata lot
- the owner is responsible for the component that caused the leak
- the bylaws allow charge backs, and
- the exact wording of the bylaws.

A lawyer can review your current bylaws and suggest changes to cover these situations. **V**

Gail Roberge is a VISOA member who enjoys reading CRT decisions with her morning cup of tea!

■ President's Message

Care, diligence, and skill

Please join me in welcoming Angus Mumby to VISOA's Board of Directors. Our directors for 2025-2026 are: President Wendy Wall, Vice President John Grubb, Treasurers André De Leebeeck and Angus Mumby, and Directors at Large: Susan Ferster, George Fisk, Jamie Stevens, and David Stinson. We are supported by a dedicated group of volunteers and VISOA's Office Administrator Cindy Young. With great people on your team, you can accomplish a lot!

This got me thinking about what makes a strong and effective strata council. Over the years, I've been asked what skills, experience, or qualities a strata council member should have and I've come to this conclusion. You don't have to be an engineer, accountant, builder, or any kind of expert. You don't need to know everything about operating a strata. In my opinion, the most important qualities in a council member are a drive to learn, a willingness to put in the work, and a commitment to follow the law.

I recently had the pleasure of leading several workshops for council members. I was impressed by the participants' dedication to take on new roles, contribute to their community, and do the job right.

As a new council member, you face a steep learning curve. However, that curve exists for council members no matter how long you've served and how much you know. The *Strata Property Act* is one of the longest pieces of legislation in BC. You can't memorize it. Nor should you try. Like a carpenter who always measures twice, the best council members check the law before making decisions or taking action.

I've been a council member for many years and I continue to learn every day. If you were to peer over my shoulder when I'm at my desk, you would see that I have numerous browser tabs open all the time: the *Strata Property Act*, *Strata Property Regulation*

and *Standard Bylaws*, *BC Laws*, the *BC Strata Housing website*, *VISOA's Resource Centre*, *ParcelMap BC*, *CanLii* for court and tribunal decisions, the *BC Strata Property Practice Manual*, and more. I like to have them at the ready to check a phrase in legislation, a definition, an interpretation, or just read something I haven't looked at in a while. I always find something interesting: something I didn't notice before, something I see in a new light, or something that resonates more now due to a recent experience.

Every council member will make a mistake at some point. The best council members aren't afraid to admit they were wrong, learn from the mistake, and do it right next time.

The law doesn't always work the way we think it should. But laws are laws. Whether we like them or not, we have to follow them. This is particularly true for the people we elect. Whether at the federal, provincial, municipal, or strata level, we expect our elected representatives to lead with integrity. In stratas, each council member "must act honestly and in good faith with a view to the best interests of the strata corporation, and exercise the care, diligence and skill of a reasonably prudent person in comparable circumstances".

So, when looking at your council members and owners, value accountability and continuous improvement. Value good intentions over perfection. Value the willingness to have an open mind and the curiosity to learn. Value teamwork and community.

If you elect council members with these qualities, your strata corporation and owners are in good hands.

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

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