



BULLETIN

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



February 2026

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.

Membership is open to any resident of BC, strata corporations (such as condominiums, townhouses, bare land, and commercial stratas) and businesses that provide goods and services to stratas. Visit our website or contact us for more information about membership.

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On the cover: This duplex is in the heart of James Bay in Victoria. The mix of historic homes and small stratas, like this one, add character to a beloved neighbourhood. - E. Brown

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.

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VISOA 2026 Annual General Meeting

As a registered member-funded society, VISOA holds an annual general meeting every year. We welcome VISOA members to attend the AGM on Sunday, March 1, 2026 at 1 pm. Members may attend electronically by Zoom or in person at the Victoria Scottish Community Centre, 1803 Admirals Road, Victoria. The Centre is on BC Transit routes, has free parking, and is wheelchair accessible. Smoking is not permitted.

Visit the [VISOA Events page](#) to access the AGM notice package and registration link. The agenda includes approving the 2026 budget and electing directors (VISOA board members). Register by noon on Thursday, February 26. Be sure to select the correct type of ticket: "VISOA Member – Zoom" or "VISOA Member – In Person." After registering, you'll receive an email with more information.

Following the AGM there will be a break for refreshments. Then our guest from the BC Association of Community Response Networks (BCCRN) will

present "See Something, Say Something: Reducing Risk for Older Adults". Learn what you can do to help connect vulnerable adults to needed programs and services. The presentation will not be recorded. It is exclusively for VISOA AGM attendees.

This is a free event for VISOA members only. Corporate and individual members have voting rights. Voting will be conducted using the Property Flute voting platform. Associate and business members may attend but cannot vote on resolutions. [Login in to your member profile](#) to check the expiry date of your membership. If your membership has expired or is about to expire, please renew it.

If you don't have access to a computer and can't attend in person, please contact our office to register and receive instructions to attend by telephone.

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Should Strata Council Training Be Mandatory?

by Wendy Wall

There is currently hot debate over whether the province should bring in mandatory education for strata council members. In a [news release](#) on February 9, the BC Real Estate Association (BCREA) called on the BC Minister of Housing and Municipal Affairs to bring in legislation requiring all council members to undergo mandatory training.

On its face it's not a bad idea. We all want our strata councils to have the education they need to understand the *Strata Property Act*, Regulation, and bylaws and manage our strata corporations smoothly, efficiently, and in compliance with the law. Heck, providing [workshops and education](#) has been the core purpose of VISOA's efforts for over 53 years!

Honey or vinegar?

My grandmother used to say you can catch more flies with honey than vinegar. It was her way of saying that an environment of kindness and support can achieve

a better outcome. As a strata owner reading the BCREA proposal [Mandatory Strata Training Program: Driving Excellence in Strata Property Management](#), you might find it takes a punitive approach to education. It suggests a regime modelled after Ontario whereby council members must complete training courses within 6 months of being elected, re-elected, or appointed. Certification would require a final exam which they suggest be proctored by the BC Financial Services Authority (BCFSA), the same regulator that oversees realtors and strata managers. A fee would be charged to receive the certificate and all certified individuals would be registered in a public registry. It suggests that continuing education be required annually to renew certification, with full re-certification training every 3-5 years. BCREA suggests part of your strata fees be allocated to fund education, certification, monitoring compliance, and enforcing penalties.

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Should Strata Council Training Be Mandatory?

To ensure compliance, their proposal suggests that penalties be imposed for non-completion of the training. Penalties would include:

- Fines for strata councils that fail to comply with the training requirements
- Disqualification of uncertified members from serving on strata councils
- In severe cases, the appointment of an administrator to manage the strata property until compliance is achieved (an extension of SPA s. 174 which allows owners to apply to the BC Supreme Court to appoint an administrator)

This framework of credentials and penalties may work well for professional associations for accountants, insurance brokers, lawyers, engineers, and realtors who choose those careers and often stay in their field for decades. The idea that volunteers could be fined for doing volunteer work is a concept that requires careful thought and meaningful consultation with strata owners.

Would there be unintended consequences to a punitive approach?

We often hear from stratas who cannot get enough volunteers to meet the minimum number of council members to form a council. Under the Standard Bylaws, the minimum is 3 council members. Would heavy-handed requirements for mandatory education make it even more difficult to find enough volunteers? How many strata owners would hesitate or balk at the thought of volunteering for council if they knew they might get fined? How many would be comfortable with their name in a public registry? Public consultation is required to address these concerns.

Small stratas are at even higher risk of not meeting a minimum number of council members since the pool of eligible candidates is so small. About 80% of the 35,000 strata corporations in BC have less than 25 strata lots. Over 50% are just 2-4 units. Finding enough council members is a serious problem.

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Should Strata Council Training Be Mandatory?

Ontario is different. Their stratas (called condominium associations) are generally much larger and their boards are often substantially made up of non-owners, as permitted by Ontario's laws.

Under BCREA's proposed framework, council members could be disqualified from serving on council, presumably partway through the year. So even if enough members were elected at the beginning of the term of office, losing members during the year could result in the number of council members falling below the minimum. Operations essentially stop until replacement members are appointed. As lawyer Oscar Miklos wrote in [Too Few to Function](#), "a council lacking the minimum number of council members has no legal authority to conduct business on behalf of the strata corporation, including approving expenditures, enforcing bylaws, or signing contracts." This brings the strata to a standstill.

A supportive approach

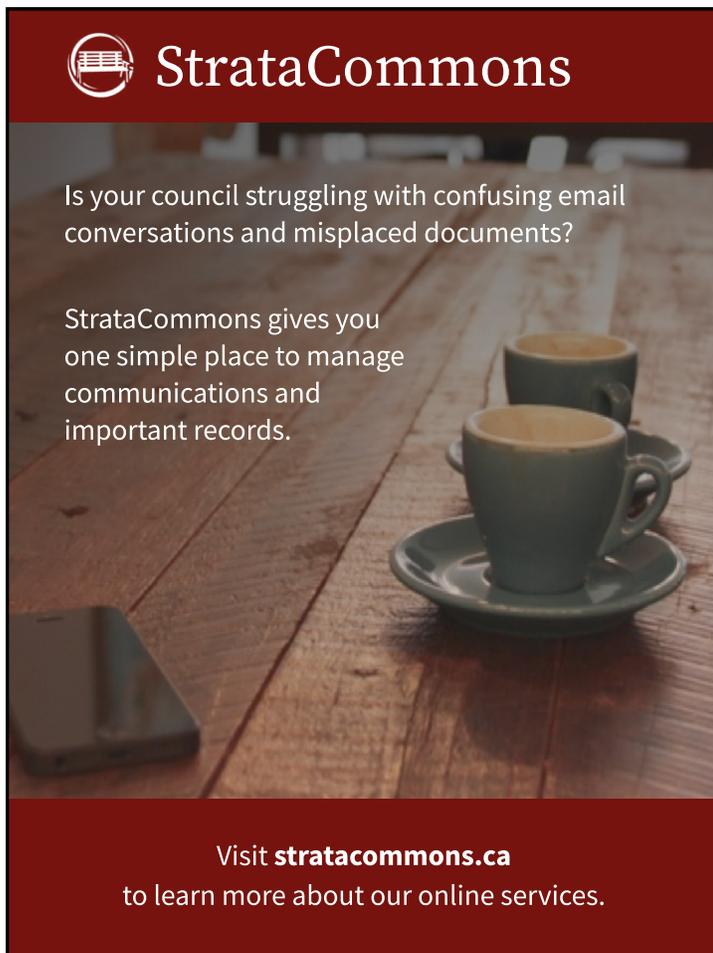
Forcing someone to do something doesn't necessarily

produce the desired result. I prefer an approach to education that provides positive support. Let's respect our volunteers. Let's make education available and encourage them to take it. Let's understand that they have jobs, are raising children, or may be taking care of parents or a spouse. Being a council member is not a career choice. These volunteers are often pressured into it because no one else will take on the task. And let's face it. It's not a pleasant role. Council members often find they are dealing with difficult situations and conflict. Education can help them perform their duties. But they also need the support and positive reinforcement from their strata community.

Why now?

You may be wondering why the BCREA and the real estate industry is proposing mandatory education for strata councils. Realtors sell real estate. They're not in the business of supporting strata councils. Their news release presents something akin to an ultimatum to the Minister of Housing and Municipal Affairs.

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Mandatory Strata Council Training?

The news release essentially says that if the Ministry allows BCFSa to require realtors to obtain strata documents prior to listing a strata property for sale, then BCREA demands a full review of the *Strata Property Act* and mandatory education for strata councils. The core issue appears to centre on strata documents in real estate transactions.

Fees for strata documents

For years, realtors have expressed their wishes to get strata documents faster and for lower fees. That's understandable. Anyone operating a business wants to trim their operating expenses.

The fees for strata documents are set out in Strata Property Regulation 4.4 which says, "The maximum fee that the strata corporation may charge for an Information Certificate [Form B], including required attachments, referred to in section 59 of the Act is \$35 plus the cost of photocopying, or other means of reproduction, up to 25 cents per page." Those fees have been in place since July 2000. They have not increased in 26 years.

Whereas data from the [Greater Vancouver Realtors' Monthly MLS Housing Market](#) data show that the benchmark price of an apartment (condo) in Greater Vancouver has increased from \$159,260 in July 2000 to \$775,700 in January 2022 and down slightly to \$704,600 in January 2026. The benchmark price for a townhouse has increased over 500%.

Where realtors wish to receive a Form B, bylaws, and rules in less than one week, or other documents requested under SPA s. 36 in less than two weeks, the strata or management company will often charge rush fees.

Standardizing the amount that can be charged for rush fees would bring clarity and fairness for realtors, strata councils and strata managers. However, rush fees can be avoided by requesting the documents sooner.

In my own experience, some realtors, notaries, and lawyers wait until the last moment to order documents, a Form B, or a Form F.

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Mandatory Strata Council Training?

Closing thoughts

The 3 small sections of the *Strata Property Act* that deal with timelines (SPA s. 36, 59, and 115) and fees for documents (Regulation 4.2, 4.4, and 6.10), will continue to be argued by industry professionals. Strata managers want the fees increased. Realtors want them decreased.

While I respect the views of 25,000 realtors, my priority remains with the views of 1.5 million strata owners. The *Strata Property Act* is so much more than the transaction of buying or selling a property. It's about living in a home, owning a home. The *Strata Property Act* governs day-to-day matters that touch our lives in many ways. We all agree that the *Strata Property Act* requires amendments. Let's not forget that there are 322 sections. 322 sections that could better support owners and councils in managing their properties. **V**

Wendy Wall has served as a VISOA board member since 2013 and president since 2020.

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Editor's Message

2026 is already shaping up to be an interesting year. There seems to be no shortage of hot topics about strata living. As always, we welcome your suggestions for articles. If you'd like to write an article, contact us at editor@visoa.bc.ca for submission guidelines.

In December, we drew the winners of our 2025 photo contest. The cover photo in [February 2025](#) featured One Shady Lane in Duncan which won first prize, a one-year corporate VISOA membership. Second prize of \$50 went to the photographer of the [May cover photo](#) featuring Yale House in Oak Bay.

We're now accepting entries for the 2026 photo contest. See details on page 12. **V**

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

VISOA Spring Workshops

Check out VISOA's series of Zoom workshops on Saturday mornings in March, April, and May. Tickets are \$15 for VISOA members and \$30 for non-members. See our [events page](#) to learn more and register.



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Workshop for New Strata Council Members

March 14, 2026, 9 am – 12 pm

If you've recently been elected to the council of your condo, townhouse, or bare land strata corporation but are unsure of what your responsibilities are and how to carry them out, this workshop will help you become an effective contributor.

This is also a great refresher course for current council members as well as an introduction for those who may be interested in becoming a council member in the future.

Topics include:

- What are the responsibilities of strata council members?
- *Strata Property Act*, Regulations, Bylaws, and Rules
- Council organization and effective meetings
- Looking after your property
- Budgets, financial statements, and insurance
- Depreciation reports, contingency reserve fund
- Keeping records and privacy

Workshop Best Practices for Strata Secretaries

March 28, 2026, 9 am – 12 pm

Attend this how-to workshop by Zoom to learn about strata council and secretary duties for your condo, townhouse, or bare land strata.

Topics include:

- Recording the minutes of council meetings and general meetings
- *Personal Information Protection Act* (PIPA) and strata privacy officer
- Correspondence
- Record keeping
- Requests for records
- Completing Strata Property Regulation forms
- And more

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VISOA Spring Workshops

Workshop Best Practices for Strata Treasurers

April 4, 2026, 9 am – 12 pm

Covers financial aspects of managing your condo, townhouse, or bare land strata. For self-managed stratas and stratas that have a strata manager.

Topics include:

- Preparing the annual budget
- Banking and financial reports
- Contingency Reserve Fund (CRF) contributions, expenditures, and investments
- And more

Workshop STRATACCOUNT Level 1 – Beginner

April 18, 2026, 9 am – 11 am

For treasurers using VISOA's ©STRATACCOUNT accounting program for the first time or interested in purchasing it.

Bookkeeping and the preparation of financial statements for strata corporations doesn't need to be complicated. ©STRATACCOUNT is a simple Excel accounting package to help strata treasurers maintain the books and easily produce financial statements which comply with the requirements of the *Strata Property Act* and Regulation. No accounting or bookkeeping expertise is required.

Learn how to do the following in ©STRATACCOUNT:

- Set up the budget and strata fees
- Enter monthly revenue and expenses
- Produce monthly and year-end financial statements
- Record CRF revenue and expenses

Workshop STRATACCOUNT Level 2 – Intermediate

May 2, 2026, 9 am – 11 am

For strata treasurers who have experience using ©STRATACCOUNT. Learn how to track arrears, reconcile bank accounts, enter year-end adjustments, produce a year-end statement, track CRF projects, record loans from the CRF, find information to complete a Form B, use ©STRATACCOUNT for a special levy, and more. 

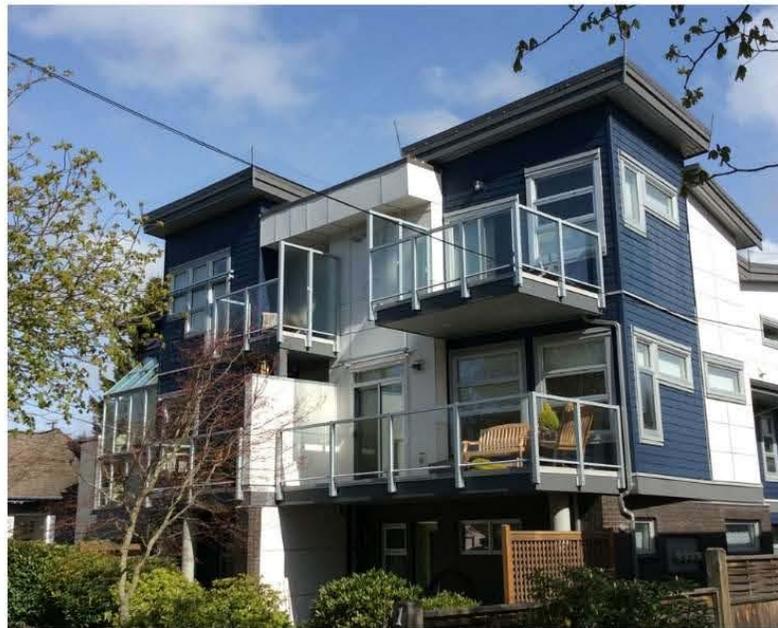


2026 Cover Photo Contest

Submit your photo of a BC strata to editor@visoa.bc.ca. Photos selected for the cover of Bulletin issues in 2026 will be entered into a draw on December 1, 2026.

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

Second prize: \$50 to the submitter.



Protecting Fire Safety Equipment During Renos

by Kathleen Nicholas

Spring often leads to thoughts of renovations. Time to brighten, lighten, and revive your home! If you live in a building with a fire safety system such as a condo building, be aware of the devices in your suite and how to protect them from damage. Even a simple painting project can cause damage that renders a device useless and puts lives at risk. You might also be held responsible for the cost of damaged devices, trouble signals, or false alarms.

What life safety devices are in your suite?

Smoke alarms are required in both the hallways and the bedrooms of each suite. They have a 10-year lifespan and must be replaced after that time. They also need to be cleaned annually, if not by your service provider, then by you. A simple vacuuming will do. During renovations, they should be carefully taped over with plastic so that paint neither enters the device nor is painted onto the surface of the case. Some painters use spray devices which can obscure the alarm's ability to detect smoke.

Heat detectors are found in many suites that don't have a building-wide sprinkler system. They too can be damaged by paint spray in the air or being painted over, so be sure to cover them completely as well.

Mini horns, with or without silence buttons, are also at risk during painting by having their decibel level reduced by sprayed or rolled paint, which can flow into the horn's main face plate.

We all agree that these are not attractive but don't be tempted to paint over them to match your gorgeous new wall colour. Your clever decorating trick will be discovered during the annual fire safety inspection and the device will have to be replaced.

Removal or relocation of devices

In the case of both heat detectors and mini horns, if they are removed from the wall and have their wiring removed, they will send a trouble signal to the main fire alarm panel and to the fire alarm monitoring station (if the building is connected to it).

continued on page 14



Smoke alarm



Heat detector



Mini horns



Sprinkler head

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Protecting Fire Safety Equipment During Renos

While this will not cause the fire department to race over to your building, the strata council will have to call out the fire alarm service company. They will track down the removed device, reattach it, and reverify that it is operating correctly. Until the problem is fixed, the building could end up on fire watch, which is a costly 24-hour per day patrol of the whole building.

If you will be undertaking work that requires the removal or relocation of any fire alarm system device, please contact your council or strata manager well in advance so that they can arrange to have your fire alarm service company do the removal and reinstallation correctly. This ensures that your renovation does not compromise the system or its ability to provide proper detection or notification of an emergency situation.

Sprinkler heads are located in many suites and buildings, especially in newer buildings. Owners don't really pay attention to sprinkler heads until a fire breaks out or something happens to one.

A single activated sprinkler head can release more than 20 gallons of water per minute, which is the equivalent of the amount of water typically used during a 10-minute shower with a low-flow showerhead.

Painting, whether with a sprayer or a brush, can cause significant damage to sprinkler heads, rendering them useless in the event of a fire. You also need to ensure that you keep a minimum of 18 inches of clearance below all sprinkler heads. Piling things up and blocking the projected flow – extremely common in storage locker areas – can lead to fire damage that would otherwise have been avoidable.

Avert disastrous and costly mistakes

While not related to renovations, these cautionary tales illustrate the cost of misuse or carelessness.

Hanging anything from a sprinkler head can be a disastrous and costly mistake.

continued on page 15



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Protecting Fire Safety Equipment

In 2024, a Toronto condo owner set off a fire sprinkler in his unit after hanging clothes from a sprinkler head. This set off the fire alarm and flooded his condo and several other units.

In the Civil Resolution Tribunal (CRT) case *The Owners, Strata Plan EPS5579 v. Kwong, 2023 BCCRT 742*, the tribunal member found that a tenant hit a sprinkler head in the bathroom of the condo, causing the system to activate. This resulted in over \$200,000 in water damage to other strata lots and the common property. The CRT ordered the condo owner to pay the strata over \$12,000. Had the strata not made an error in the process to inform all owners of changes to the strata's insurance policy, the owner would have been on the hook for \$100,000.

Best practices when renovating

In the end, it's so much simpler to talk with your council before renovations, including painting, to avoid costly damage and repairs to the fire alarm system devices in your suite.

Happy spring renovations! 

Kathleen Nicholas is the owner of Artemis Fire Consulting Inc., which specializes in helping stratas with fire alarm upgrades, customized Fire Safety Plans, and Fire Safety Directorship services. Contact her at 250-661-9931 or admin@artemisfire.ca



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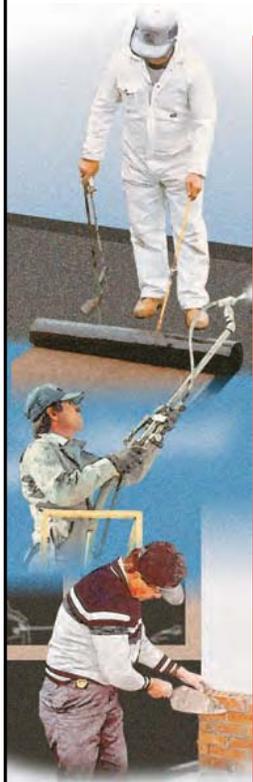
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You Asked

Q: We delivered the AGM notice packages but the venue is no longer available. Do we have to change the date of the AGM and give 20 days' notice again?

A: In the VISOA webinar called *How to Successfully Conduct a Strata AGM*, the speaker discussed what to do if the meeting location has to change.

The strata must notify owners of the change of location but there's no requirement to give 20 days' notice again. You have to give notice of the change of location in the same manner that you gave notice. So, if you slipped the original notice under everyone's door, go around and slip the change of location notice under everyone's door. Posting a sign in the lobby is not sufficient.

Watch [How to Successfully Conduct a Strata AGM](#) on YouTube to learn about giving notice, holding, and conducting an annual or special general meeting.

Q: What is the minimum amount the strata has to have in its contingency reserve fund?

A: The rules about contributions to the CRF are much easier to understand since the Strata Property Regulation was changed in 2023. Prior to 2023, the *Strata Property Act (SPA)* and Regulation required a small minimum balance but there was no requirement to go above it. Since November 2023, no minimum balance is required but stratas must contribute every year.

It's OK if the CRF balance drops to almost nothing because of a big project. The strata just has to contribute every year to build it back up again. [Strata Property Regulation 6.1](#) says the amount of the contribution to the CRF "must be determined after consideration of the most recent depreciation report". Depending on the projects on the horizon, most stratas should be contributing much more than 10%.

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You Asked

Q: An owner's son is their power of attorney. Can he vote on resolutions at an AGM or SGM?

A: *Strata Property Act* (SPA) s. 54 says who can vote at annual and special general meetings, such as an owner. Section 55 deals with "special voters" such as who can vote for an owner if the owner is a child.

SPA s. 55 (1) If a person who may vote under section 54 is under 16 years of age, the person's right to vote may be exercised **only by** the person's parent or guardian.

(2) If a person who may vote under section 54 lacks the capacity to make a decision for a reason other than being under 16 years of age, the person's right to vote may be exercised **only by** someone who is legally authorized to act for the person with respect to the strata lot.

Note that SPA s. 55 (2) only applies when the owner "lacks the capacity". If the owner still has the capacity

to make decisions for themselves, for the purposes of this section of the *Strata Property Act*, the owner is the eligible voter for the strata lot regardless of whether they have a Power of Attorney. The owner can vote or they could appoint a proxy to vote for them at the meeting.

If the owner lacks the capacity, the question becomes who is "legally authorized to act for the person with respect to the strata lot?"

There are different kinds of power of attorney and representation agreements. A person needs a special kind of power of attorney for matters relating to real estate ("real property" such as a strata lot.) See [Enduring Power of Attorney: There are special requirements relating to real estate](#). It says the power of attorney must be registered at the Land Title Office. It also says a power of attorney for real property ends automatically in three years.

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Start by confirming who is legally authorized. You can purchase a copy of the title record for the strata lot online and see the names of registered owner(s) and the registered power of attorney (if any).

You could also ask the person to provide a copy of the power of attorney or representation agreement document to confirm the person is legally authorized to make decisions about real estate.

If the owner is not capable of making their own decisions, and there is no authorized person on the title record, there might be no one eligible to vote for that strata lot at a general meeting.

A single vote could be the difference between a motion passing or failing so it's important not to let an ineligible person vote. If in doubt about who can vote for a strata lot, council may wish to get legal advice. You can find strata lawyers in VISOA's [Business Directory](#).

Q: Who is responsible for maintenance and repair of a door lock on a door which provides entry to a strata unit from a common property hallway?

A: The door that faces the common property hallway is common property (CP). So, the question is whether the lock on the CP door is the strata's responsibility to repair.

This Civil Resolution Tribunal (CRT) decision may be helpful. Keep in mind that CRT decisions don't set precedents like court decisions do.

In *The Owners, Strata Plan LMS447 v. Seni, 2024 BCCRT 1192*, the front door lock was vandalized with glue rendering it inoperable. The strata called its locksmith who drilled out the old cylinder and replaced it. Then the strata charged the owner for the cost. The owner refused to pay the charge. The tribunal found the "front door is common property. Since the locking mechanism is part of the door, I find the locking

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You Asked

mechanism is also common property. So, I find the strata has a duty to repair and maintain the lock under SPA section 72(1).”

The decision also distinguished different situations:

It found that the strata’s duty to repair and maintain is not triggered when an owner wants to change their lock such as when they move into the suite or lose their keys. (If the locking mechanism is not broken or damaged, there is no need for the strata to “repair” it.)

If an owner breaks their key off in the lock, the lock becomes inoperable and the strata would have a duty to repair the lock. However, some stratas have bylaws that make the owner responsible for the cost since the owner caused the damage.

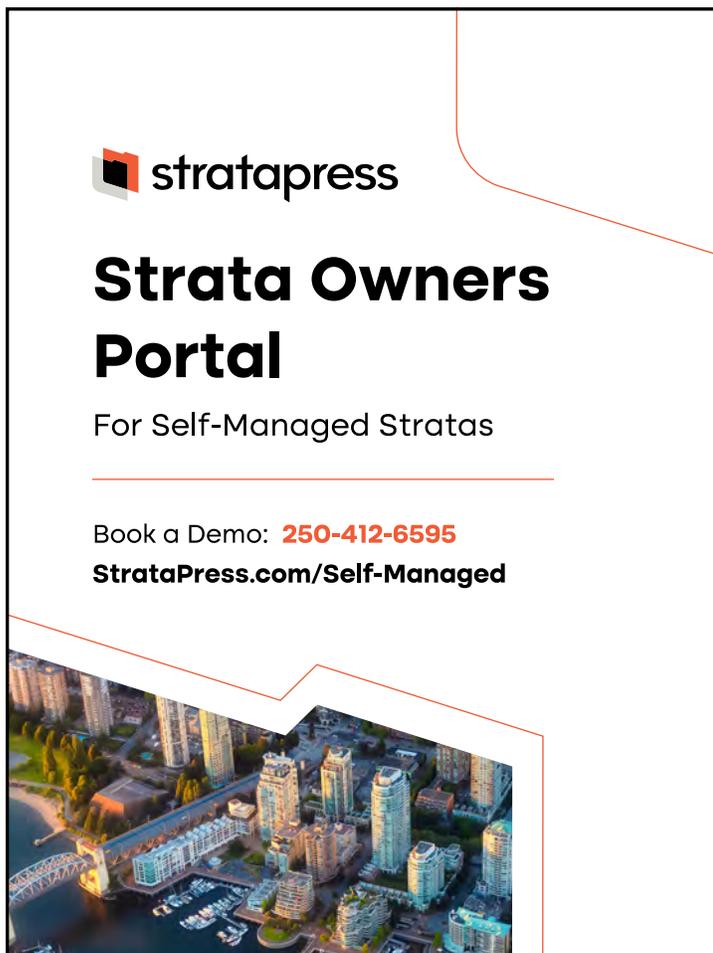
In the *Seni* case, the owner did not cause the damage. The strata was found responsible for the repair and could not charge the cost to the owner.

What about keys? The tribunal member said,

“I find a strata’s duty to repair and maintain a front door lock does not extend to ownership over the keys. The locking mechanism is part of the door, which is common property. The key is not common property, as it is a physical object.” They also said the strata’s duty to repair and maintain does not give it complete control over the lock and that the strata cannot change the lock without the strata lot owner’s permission.

In *Poon v. The Owners, Strata Plan EPS7041, 2024 BCCRT 718*, an owner replaced the mechanical lock on the door to their condo with an electronic lock. The tribunal member found the owner breached a bylaw that said owners required permission before removing part of the building that is visible from the hallways. [V](#)

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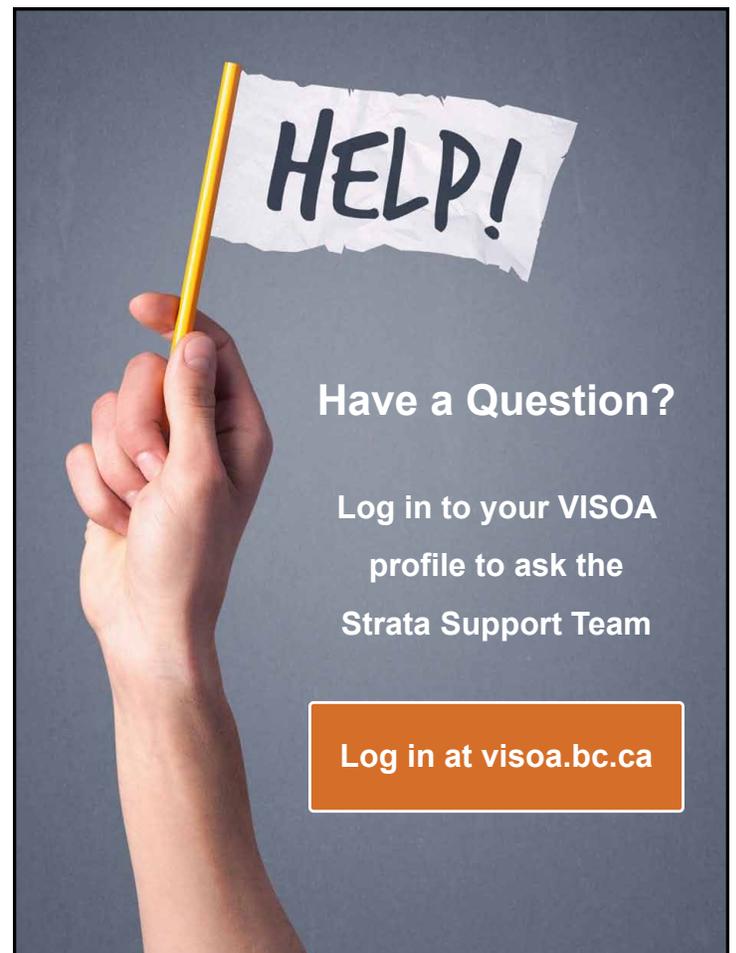


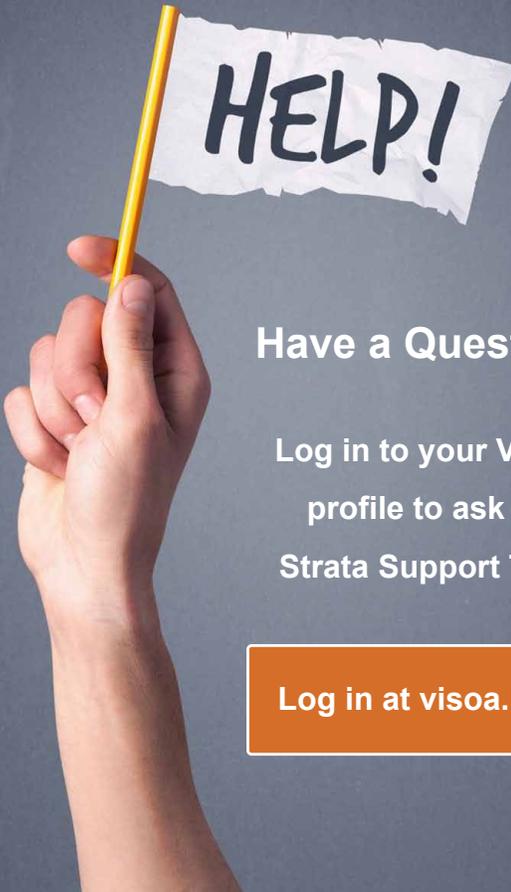
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■ Allocating Expenses by Type of Strata Lot

by Shawn M. Smith

Even though the governing principle when it comes to common expenses in strata living is “you are all in it together” there are occasions where that doesn’t make sense or seem fair. Those situations often involve all the strata lots paying for expenses that benefit only a certain group of strata lots. The *Strata Property Act* (SPA) attempts to address that through the “types” regime.

What is a type of strata lot?

In order for a types regime to apply, there must be a bylaw in place and that bylaw must identify the “type” of strata lot to which it applies. However, the owners within a strata corporation are not free to create whatever “types” they want. Although the SPA does not set any parameters for what constitutes a “type”, case law does. A “type” bylaw can only be based on differences in the character or form of structure of the strata lots – see *Smith v. G.C. (Goldie) Read* (1993) B.C.J.

No. 1348 (B.C.S.C.) or be of “a class of things having common characteristics” – see *Lim v. The Owners, Strata Plan VR2654, 2001 BCSC 1386*.

Typical examples of different types of strata lots are residential/commercial and apartment/townhouse. However, they can also include things such as gas fireplaces/no gas fireplaces or penthouse/non-penthouses.

In other words, there must be something distinctly different about the strata lots in the type when compared to all the other strata lots. For example, merely being a group of strata lots in a different building from the other buildings does not count (as was determined in *Lim*).

In *Merchant v. The Owners, Strata Plan LMS 992, 2021 BCCRT 263*, the Civil Resolution Tribunal (CRT) held

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Allocating Expenses by Type of Strata Lot

that a proper type bylaw must identify which strata lots belong to which type in order for there to be a clear expression of an intent to establish types. It is unclear whether that requires strata lot numbers or simply a formula for identifying which strata lots fall within the definition.

What kinds of expenses can be allocated to a type of strata lot?

While the SPA does not define what constitutes a “type” of strata lot, it does give direction as to what expenses fall within the scope of a type bylaw. For example, in a strata with a bylaw that identifies condominium type lots and townhouse type lots, the bylaw might allocate all operating costs for the elevators to the condominium type lots. However, as explained below, that is not permitted if the townhouse lots derive some benefit from the elevators.

[Regulation 6.4\(2\)](#) refers to an expense which “relates to and benefits only one type of strata lot”.

Further insight into the application of that phrase was given by the court in [Ernest & Twins Ventures \(PP\) Ltd. v. Strata Plan LMS 3259, 2004 BCCA 597](#) where the court said at paragraph 18 that: “... the section serves to burden the owners of one type of strata lot with an item of expense from which they **derive the only benefit.**” (emphasis added). Even if a strata lot receives only a minimal benefit from the expense, it must be treated as an expense to which all strata lots pay.

Conversely, if an expense applies even minimally to the common property it is a common expense payable by all strata lots. In [Easton v. The Owners, Strata Plan VIS 6371, 2021 BCCRT 147](#), the CRT held that despite each building having its own electrical meter, all electrical costs were to be shared amongst all strata lots because each meter serviced at least part of the common property. It could not be said that any single meter related to and benefitted only one type of strata lot.

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Allocating Expenses by Type of Strata Lot

The court in *Ernest & Twins Ventures (PP) Ltd* also rejected the argument that the strata corporation could “make a bona fide determination of the benefit, if any, of each item of operating expense to each type of strata lot and to allocate each item in proportion to the benefit.” In other words, a type bylaw cannot allocate expenses based on the relative use of two groups. For example, it can’t say commercial lots will be charged 90% of the water bill and residential units 10%.

How are strata fees usually calculated?

SPA s. 99 sets out the basis for determining strata fees and references the classic relative unit entitlement formula. A Schedule of Unit Entitlement, filed at the Land Title Office, assigns a numerical value to each strata lot for this purpose. SPA s. 99 specifically provides that:

- (1) Subject to section 100, owners must contribute to the strata corporation their strata lots’ shares of

the total contributions budgeted for the operating fund and contingency reserve fund by means of strata fees calculated **in accordance with this section and the regulations.** (emphasis added)

$$\frac{\text{unit entitlement of strata lot}}{\text{total unit entitlement of all strata lots}} \times \text{total contribution}$$

How are expenses for a type of strata lot calculated?

One of the regulations which applies to the calculation of strata fees is Regulation 6.4(2) which allows the allocation of certain expenses to a type of strata lot identified in the bylaws. That regulation provides as follows:

6.4(2) For the purposes of section 99 of the Act, but subject to a resolution under section 100 of the Act, if a contribution to the operating fund relates to and benefits only one type of strata lot, and that type is identified as a type of strata lot in the bylaws of the strata corporation, the contribution is shared only by owners of strata lots of that type, and each strata lot’s share of that contribution is to be calculated in accordance with the following formula and not in accordance with the formula set out in section 99 (2) of the Act:

$$\frac{\text{unit entitlement of strata lot}}{\text{total unit entitlement of all strata lots of the type to which the contribution relates}} \times \text{total contribution}$$

It is important to note that Regulation 6.4(2) applies only to the allocation of Operating Fund expenses. It does not apply to contributions to the contingency reserve fund or to a special levy. (Under the *Condominium Act* the types distinction applied to all common expenses). As such, putting a type bylaw in place may not achieve a full division of costs.

Are type bylaws passed after 2002 valid?

In 2000, the *Condominium Act* (CA) was replaced by the *Strata Property Act* (SPA).

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Allocating Expenses by Type of Strata Lot

In the *Merchant* decision, the CRT held that in order to rely on a type bylaw, the strata must have passed that bylaw before January 1, 2002. It based that conclusion on the wording of section 17.13 of the SPA Regulation. [Section 17.13](#) provided a period of over a year for stratas to deal with type budgeting to transition from the CA to the SPA. In particular the wording of subsection (3) which provides:

(3) Before January 1, 2002, a strata corporation may enact a bylaw that identifies the type of strata lot set out in the budget referred to in subsection (1) as a “type of strata lot” for the purposes of sections 6.4 (2) and 11.2 (2).

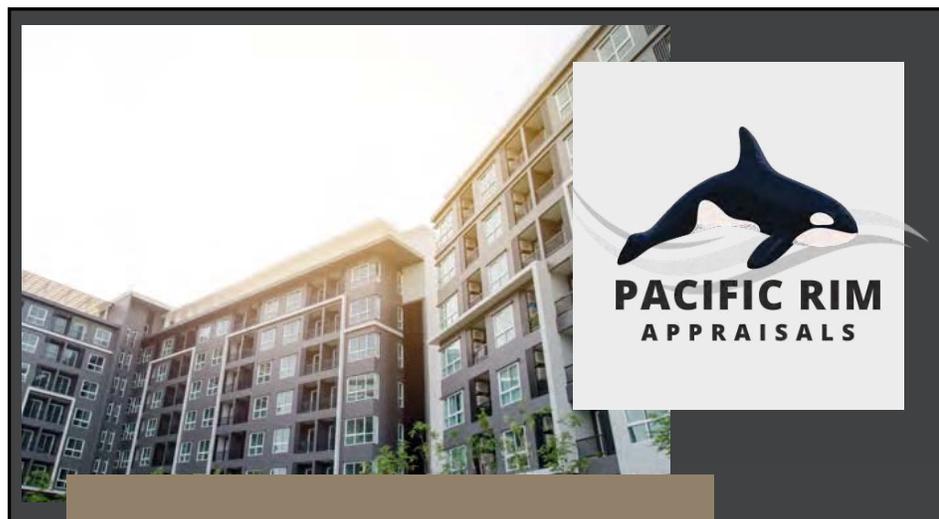
The CRT member held that provision provided only a narrow window within which to create a type bylaw. If the bylaw was not passed before January 1, 2002, one could not be passed after that. In other words, the CRT member’s interpretation was that a strata corporation cannot presently enact a bylaw under SPA Regulation 6.4(2). That decision has been applied

in at least two other CRT cases and creates a problem for strata corporations that have passed a type bylaw after that date.

With respect, that line of reasoning misapprehends the intent of SPA Regulation 17.13. It also misinterprets what the court said in the two leading CA to SPA transition cases, both of which are referenced in *Merchant*. Under the CA, a type distinction could be applied to all common expenses including special levies. It also did not require the type to be identified in a bylaw. With that in mind, SPA Regulation 17.13 was clearly designed as a mechanism to bring the practices of a strata corporation rooted in the CA into compliance with the SPA, which now required a bylaw and applied types only to the Operating Budget.

The cases referenced in *Merchant* ([Coupal v. Strata Plan LMS 2503, 2004 BCCA 552](#); [Owners, Strata Plan LMS 1537 v. Alvarez, 2003 BCSC 1085](#)) dealt with special levies and how the type transition applied to those.

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Allocating Expenses by Type of Strata Lot

The findings made in those cases with respect to SPA Regulation 17.13 addressed only that issue. In my view there is a strong argument to be made that *Merchant* was wrongly decided and there is no restriction on enacting a type bylaw after 2002.

Another potential restriction arising from the CRT's review of type bylaws can be found in *Ksenhuk et al v. The Owners, Strata Plan VIS6540, 2019 BCCRT 945*. In that case the CRT said that "...the SPA and Regulations only allow for a formula different from that set out in section 99, for operating expense contributions, if a section 100 resolution is passed and the expense being contested relates to one type of strata lot alone." In other words, the CRT member's view is that the bylaw referenced in SPA Regulation 6.4(2) must be approved by way of a unanimous vote under s. 100 of the SPA (which allows the strata corporation to use a formula, different from unit entitlement, to calculate strata fees.)

With respect, that is also an incorrect interpretation of Regulation 6.4(2). The regulation clearly refers

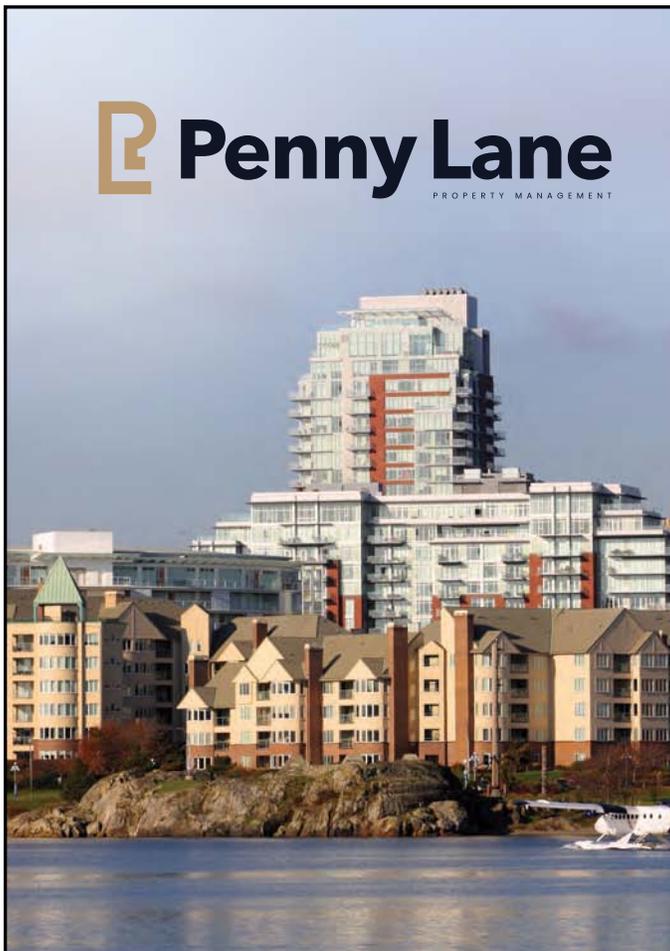
to a "bylaw" which can be enacted by a $\frac{3}{4}$ vote. Although Regulation 6.4(2) says that it is "subject to a resolution under section 100 of the Act" the proper interpretation of that phrase is that a resolution under SPA s. 100 can take precedence over a type bylaw, not that approving the type bylaw requires a unanimous vote.

Budgeting a type expense in the Operating Budget

A type bylaw is applied to certain line items within the Operating Budget. There are not separate budgets for each type and the approval of an allocation of an operating expense to a type does not require a separate vote. The operating budget as a whole requires a majority vote approval at the annual general meeting as usual.

Like any other line item in the Operating Budget, the allocation is just an estimate of the costs. At the end of the fiscal year, there may be a surplus or deficit in an expense budgeted to a type.

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Allocating Expenses by Type of Strata Lot

SPA s. 105 sets out how to deal with an operating surplus or deficit as a whole but does not specify how to deal with a surplus or deficit of a specific expense budgeted to a type of strata lot.

In *Generalov v. The Owners, Strata Plan BCS 2498, 2018 BCCRT 516*, the CRT said the following with respect to dealing with a surplus in relation to a type expense:

72 The SPA does not give the strata the discretion to allocate surplus funds under section 105 by type. It is not a question of unfairness. I find that allocation of surplus funds by types is an additional allocation that the SPA would expressly mention if it were permitted, as it does for separate sections. Without the power to allocate surpluses by type, the strata was required, when it chose to use the surplus to reduce strata fees, to reduce the strata fees of all owners, not just those of the apartment owners. Although not binding on me, I adopt the comments in *Paterson v. The Owners, Strata Plan VIS 6371, 2018 BCCRT 94* at paras. 31-33 relating to the allocation of prior years' operating surplus.

By application of the same logic, any deficit in relation to a type expense would be payable by all owners, not just those within the type. There is similarly no provision in SPA s. 105 discussing these deficits. That view was supported in passing by the CRT in *Paterson*.

Sharing type surpluses and deficits creates the potential for abuse. A majority can benefit from overestimating or underestimating (depending on what side the majority falls). Under SPA s. 164 and the *Civil Resolution Tribunal Act s. 123*, an owner may make a legal claim for significant unfairness to try to remedy any abuses.

Is a type bylaw right for your strata?

Enacting a type bylaw and allocating expenses under it requires careful consideration and analysis, particularly if one wants to avoid challenges later on. **V**

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

■ President's Message

I'll start 2026 with the positive: a big thank you to our 2025-2026 board of directors: André, Angus, David, George, John, and Susan as well as Cindy our office administrator, for your hard work, unwavering support, and good nature in 2025. I also want to thank Jamie who is retiring from the board. It's been an absolute pleasure working with you.

Thank you to all who expressed interest in serving on VISOA's 2026 board. You kept our nominations committee busy doing interviews in January and the board has recommended 4 new members for election at VISOA's annual general meeting on March 1. I hope you'll join us. The last time we held an AGM in person was just before the pandemic's state of emergency in 2020. We're excited at the prospect of seeing you in person at the Victoria Scottish Community Centre. The Centre shares a beautiful 3-acre site at 1803 Admirals Road with Craigflower Manor, the oldest Scottish-built farmhouse in British Columbia. Alternatively, VISOA members may pre-register to attend by Zoom. See page 3 for details about the AGM and how to register.

BC Budget 2026

I've been doing a lot of number-crunching lately. As every person reading this article knows, we are all feeling the pinch in our daily lives. Don't get me started on the cost of coffee or the perplexing spike in my property taxes while all the neighbouring properties on my street barely changed.

I can't change those things but I can try to help my strata run efficiently and be cost-effective. This year is not going to be easy.

Like many of you, my strata's AGM is at the end of February. As treasurer of my strata council, I sharpened my pencil many times while preparing the proposed budget. However, try as I might the

costs just keep going up. Waste removal increased 5%. Electricity by 3.75%. Landscaping is up 13%. Stormwater utility is up 11.5% and CRD sewer rates increased a whopping 19%.

Then [BC Budget 2026](#) was released on February 17 and our careful planning is out the window.

As of October 1, 2026, British Columbians including strata corporations will be paying 7% Provincial Sales Tax (PST) in addition to the 5% GST for many of the services we use including:

- Strata management
- Accounting and bookkeeping
- Engineering , geoscience, and architectural services
- Security

Over 30% of strata corporations have a fiscal year that ends on December 31. These stratas have just passed their 2026 budgets or will do so by February 28. These budgets didn't include an allowance for 7% PST.

Similarly, we didn't account for an extra 7% to obtain depreciation reports, electrical planning reports, or do repair projects that require certain professionals.

At this point, there are more questions than answers. For depreciation reports and electrical planning reports, will the "qualified persons" who are not engineers and architects have to charge PST such as appraisers, applied science technologists, surveyors, and reserve fund planners? Will stratas now be scrambling to get their reports before October 1, 2026 to avoid the PST?

As always, we'll do our best to keep you informed. Learn more about [BC's Provincial Sales Tax](#).

Wendy Wall, VISOA President
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