

BILL 12 MISSES THE MARK

March 25, 2009

On March 23 the Provincial Government introduced Bill 12 with the stated purpose of improving “the dispute resolution process for strata corporations and strata owners, while offering greater protection for owners and consumers”. If passed, the Bill would amend the Strata Property Act to enable access to the Small Claims Court to resolve many strata disputes and would clarify mediation and arbitration as an alternative to the courts. It would also establish new requirements for depreciation reporting and auditing of financial statements, subject however to exemptions and regulations yet to be determined.

Although the Vancouver Island Strata Owners Association (VISOA) supports the general direction of these proposed amendments, it finds them to be seriously inadequate to meet the needs of orderly strata development and operation in the 21st century. These inadequacies reflect the lack of public consultation prior to development of the Bill. Some of the inadequacies are:

- Lack of prosecution of strata developers acting contrary to law,
- Absence of an enforceable code of ethics and conduct for strata property management companies that advise and often control strata councils,
- Lack of a publicly available authoritative source of legislation interpretation to enable strata corporations to operate according to law, and
- Lack of specific penalties for those who refuse to act according to law.

“Our Association believes that a comprehensive public review is long overdue. This belief was supported by the very recent recommendation of the legislature’s bi-partisan Finance Committee for an immediate review of the strata property legislation”, said Tony Davis, VISOA President. “We will continue to advocate for an immediate, comprehensive and transparent review. VISOA will continue to support strata owners and other homeowner associations in this endeavour”, he said.

Over 460,000 or one in four properties in the province are directly affected by strata legislation. In the lower mainland and Victoria it is one half of all properties.

VISOA is a non-profit organization that has provided information and education services to strata homeowners and strata councils on Vancouver Island since 1973. It is independent of both government and the real estate industry.

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