



VANCOUVER ISLAND STRATA OWNERS ASSOCIATION

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VISOA BULLETIN - NOVEMBER 2006

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PRESIDENT'S REPORT

Harvey Williams

Membership: The good news is that VISOA remains a strong, vibrant organization. Corporate membership for the 2006 fiscal year has fluctuated between 225 and 230 strata corporations. Individual memberships, 125 as of September 30, have trended upward over the year. Business memberships hover around six, but Elsie Lockert, our membership chair, has several new business memberships pending. The bottom line is that VISOA is healthy and serving its members effectively.

Amendments to the Strata Property Act: There has been some discussion of late of amending the Strata Property Act

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BOARD OF DIRECTORS

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PRESIDENT'S REPORT ...continued from page 1

(SPA). In this Bulletin, VISOA board member Tony Davis reports on an open meeting he attended sponsored by CHOA, our sister (or brother, as you wish) organization, for the purpose of obtaining input from strata owners and other interested parties regarding possible amendments to the SPA. While the Act is basically sound, in my view, it has two major shortcomings: 1) it's a "one size fits all" act that fails to adequately recognize that different types of stratas have different needs; 2) it leaves strata owners in limbo regarding its meaning and application.

With regard to "one size fits all," while unit entitlement may be a reasonable basis for levying maintenance fees on apartment-block type stratas, inequities are obvious when it is applied to, say, new roofs on town house stratas. Should a town house of three storeys be assessed 50% more for a new roof than a town house of two storeys because the three-storey town house has more livable area although, in fact, both have the same roof area? Strata corporations that include both apartment blocks and town houses clearly have different management issues and problems. Yet the SPA makes no distinction between the two types of stratas.

Although the Act does provide for sectioning on the basis of strata type, the process is cumbersome, expensive, and beyond the ken of all but the most legally astute strata owners. And sectioning doesn't necessarily solve all the problems. Finally, bare land strata issues such as services and property maintenance are not adequately addressed.

The second major gap in the SPA is the extremes to which the principle of "self-enforcement" is carried. Strata owners and

councils are left to fend for themselves in the interpretation of the SPA. If a provision of the Act is unclear or challenged by an owner, the other strata owners have no public authority to which to turn for a simple explanation of the provision. Their only recourse is to seek legal counsel, which can be costly. Strata owners should have some readily available and inexpensive source of information regarding the provisions of the SPA and Regulations.

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HELP US TO HELP YOU QUESTIONNAIRE RESULTS

Thanks to all who took the time to complete the questionnaire "HELP US TO HELP YOU," which was circulated with the August Bulletin.

You rated "Bulletins" as the most important service VISOA provides, followed closely by the HelpLine, Seminars, and Web site.

When it came to topics you wanted VISOA to address in the Bulletins and/or Seminars, depreciation schedules and long term planning came out as the top priority. Topics to do with building maintenance,

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HELP US TO HELP YOU QUESTIONNAIRE RESULTS

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budgeting, strata council responsibilities, the act, regulations, bylaws, insurance & appraisals, and fire safety were close behind.

You had a number of other good suggestions for VISOA which the board is reflecting on.

You have given the Board some challenges and direction. We appreciate the input and will do our best to focus on your needs.

Our challenge to you is to share with us your success stories. Drop us a line by mail or e-mail and let us know about how you went about solving some of your strata's issues. We can all learn from each other.

REPORT ON THE CONDOMINIUM HOME OWNERS' ASSOCIATION STRATA REGIONAL ADVISORY COMMITTEE

Tony Davis, VISOA Board Member

The Strata Property Act (SPA) has been in effect for six years and the Homeowner Protection Act (HPA) for eight with no public review. On the evening of Friday, September 29th, I attended a meeting sponsored by the Condominium Home Owners' Association of British Columbia (CHOA), chaired by Tony Gioventu, the Association's executive director, held to allow council members, strata owners, strata managers, and industry partners an opportunity to contribute to and provide feedback on possible amendments and updates to the two acts.

Homeowner Protection Office

The Homeowner Protection Office (HPO) was established in response to recommendations by the Barrett Commission's 1998 report on leaky condos. The Crown Corporation's mandate is to help bring about improvements in the quality of residential construction in B.C. and to increase consumer protection for new home buyers.

HPO responsibilities include:

- ♦ Licensing residential builders and building envelope renovators;
- ♦ Monitoring the performance of the home warranty insurance systems;
- ♦ Supporting research and education, including building science, best practices, and consumer information;
- ♦ Providing financial assistance to owners of leaky homes.

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REPORT ON THE CONDOMINIUM HOME OWNERS' ASSOCIATION**STRATA REGIONAL ADVISORY COMMITTEE ...continued from page 3**

The HPO is managed by a volunteer Board of Directors with representation from consumers, homebuilders, developers, and public interest groups. Tony Gioventu is the consumer representative.

The HPO is responsible for builder licensing, which is needed in order to get a building permit and to commence construction. Residential builders must also arrange for home warranty insurance before obtaining a building permit or starting construction. It was noted that although a builder needs to be licensed and take out warranty insurance, there is no guarantee of building expertise.

The HPO Web site is a good source of information on research and education and a variety of maintenance topics:

<http://www.hpo.bc.ca/>

For owners of leaky condominiums, the HPO provides the following assistance:

- ♦ No-interest repair loans
- ♦ PST relief grants
- ♦ Licensing and home warranty insurance requirements for repairs
- ♦ Mediation regulations
- ♦ On-site strata meetings
- ♦ Guide for resolving residential construction disputes
- ♦ 100-page guide to managing leaky condo repairs

The HPO is now carrying out a process called "Raising the Bar," aimed at raising standards and increasing accountability. The HPO has carried out owner/builder surveys and established industry task groups.

The following challenges still need to be addressed:

1. Absence of meaningful entry requirements for builders

2. Voluntary nature of training programs
3. Limited legal authority of HPO to perform gate keeping
4. Black-market building

The HPO has recommended amendments to the HPA to deal with these challenges. These recommendations have gone to the Minister [of Finance], and legislative amendments are targeted for spring 2007.

For more information, contact the HPO at its Web site or 1-800-407-7757.

Strata Property Act (SPA)

The SPA and Regulations came into effect on July 1, 2000. Since that time there have been changes in privacy legislation, banking, case law decisions affecting the Act, insurance provisions and regulations, and the *Real Estate Services Act*, Regulations, Rules of the Real Estate Council, and *Real Estate Development Marketing Act* and Regulations.

Six years of practical implementation have revealed a number of sections of the SPA that either conflict with other legislation or are insufficient to meet the reasonable operational requirements of strata corporations.

In 2006, CHOA commenced a series of Regional Advisory Council Meetings for the purpose of consulting with members and industry, in order that the Association might formulate a researched proposal to the Ministry of Finance asking ministry officials to consider amendments to the Act to make strata living and operations more efficient and effective. The Regional Advisory meetings will be completed by mid 2007, with a final recommendation being submitted for consideration for the 2008/2009 sessions of the Legislature.

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REPORT ON THE CONDOMINIUM HOME OWNERS' ASSOCIATION

STRATA REGIONAL ADVISORY COMMITTEE ...continued from page 4

The CHOA consultation process is expected to be completed by the spring of 2007, with recommendations delivered to Government by the fall of 2007. CHOA is consulting and developing recommendations for the following sections of the Act and Regulations:

Arbitration, Division 4, Sections 175 - 189

Section 27 - Voting Entitlement

Section 56 - Proxies

Land registry filing corrections

Section 59 - Form B, Information Certificate

Section 128 - Form I, Amendment to Bylaws

Bylaw amendment procedures

Form E, Certificate of Strata Corporation - Sections 78, 79, 80, 100, 214-257, 259, 261, 262, 263, 266, 269, 274, 283, Regulations 17.20 - 17.22

Insurance Section 149 - 162, Regulations 9.1 - 9.3

Interest on special levies - Section 107, Regulation 6.8

Phased strata plans, Sections 217 - 238, Regulations 13.1 - 13.6

Management termination and return of the funds, Section 37

Sections 84 & 85, Address the local government act and orders

Section 72 2(b), Pertaining to non allowance of owner responsibility for common property

Section 193, Creation or cancelling of sections

Personal Information Protection Act 3 (5)
Elections BC signage: to permit or not permit?

Regulation 6.11 and Section 95, Management and investment of the contingency reserve fund

Regulation 4.1 (4), Section 35, Reference for 35 years

Standard Bylaw 27(7)

In addition to the consultation meetings, strata owners and industry partners may submit their comments and feed back directly to the committee. Additional comments may be submitted by e-mail to tony@choa.bc.ca, by fax to 604-515-9643, or by mail to CHOA, Suite 202-624

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REPORT ON THE CONDOMINIUM HOME OWNERS' ASSOCIATION STRATA REGIONAL ADVISORY COMMITTEE ...cont'd from page 5

Columbia St., New Westminster, BC, V3M 1A5.

CHOA is to be commended for taking the initiative in this review. Although the Ministry of Finance, which is responsible for strata legislation, is not planning to amend the Act in the coming year, the issues raised at this workshop clearly indicate the need for a review.


VISOA should now begin its own review of the SPA to insure that any future amendments to the Act reflect the needs and interests of Vancouver Island's strata owners.

BE SURE YOU KNOW WHAT YOUR INSURANCE COVERS

Peter Viri

For many folks new to condominium or town house living, it may come as a shock that building security should be an issue. Didn't the listing information for their property indicate "Secured Underground Parking"; the front door seems strong - how can anyone gain access?

My rude awakening came about three weeks after I took possession of my new condo in Downtown Victoria. Leaving the spaciousness of a house was quite a shock to my system as I had many things dear to my heart that I just simply couldn't store anymore and had to donate or discard. One item of value I did keep, though, was my wooden toolbox that stored about \$2500.00 worth of tools. After 20 years or so in car-



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penry, I thought I'd hold on to these as long as I could. My building had one extra large parking stall, which the strata kindly assigned to me. Its length allowed me the necessary room to store this precious toolbox, full of memories, nicely behind my Sienna van.

One day on my way out with a client to show a property, I noticed a bit of sawdust behind the van. Someone had used one of my own real estate signs to break the lock on my tool box and gain access to my precious tools.

I was floored at the loss, but comforted by the belief that I could pay a reasonable insurance deductible and purchase a new set of tools. You can imagine my dismay when I was informed by my insurer that items left in common areas were not covered.

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BE SURE YOU KNOW WHAT YOUR INSURANCE COVERS

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I came home and decided that rather than be bitter over the loss of my tools, I would labour to prevent others from suffering similar losses.

To that end, I nagged the developers of our building to bolster the security, perhaps even adding a camera or using a FOB entry system instead of keys. I personally called on members of the strata council to push for improved security. Three months and three vehicle break-ins later, the developers installed an FOB system, but it was paid for by the strata owners.

It's up to us as strata owners to find ways to increase the security on our own strata premises. We can do this in simple ways such as a simple mirror check while entering the parking area, and, even though it

might be perceived as rude, refusing access to someone at the front door, simply because they are rattling keys, as well as courteously reminding strata council of security concerns and keeping an eye out for potential security vulnerabilities in the building.

Through our own diligence, we can make our premises safer.

Editor's note: After reading about Peter's loss of his tools, I called our home owner insurance provider and inquired about our coverage. It turns out that our personal property is covered even when on common property. Since Peter's insurance did not cover his tools, it depends on the policy. Be sure to check and make sure that you are covered.

PREVENTING CLOTHES DRYER FIRES

Elsie Lockert, VISOA Board Member

This article was inspired by the following advice passed on to me in an e-mail from a concerned homemaker.

"Do you clean the lint from the clothes dryer filter every time you dry a load of clothes?" "YUP," I thought, everyone knows to do that. "And do you know you have to scrub the filter a couple times a year to remove an invisible buildup from fabric-softener sheets that could cause your dryer to overheat and possibly cause a fire?"

Consumer Reports (CR) testers say this e-mail mixes a lot of hyperbole with only a few helpful dryer-maintenance tips. CR's appliance director, Mark Connelly, says it's possible that over a long period fabric sheets, fabric softeners, and laundry detergent ingredients contribute to an unseen film or waxy buildup on the dryer lint

screen. But "it's highly doubtful," he said, "that any such invisible buildup alone leads to heating-unit burnout."

Then I began to wonder what else I should know about my dryer. An hour searching on the Web taught me that clothes dryer safety needs to be taken seriously.

The majority of clothes dryers are heated electrically, but many are heated by natural gas as well. According to Ontario's Office of the Fire Marshal, an average of 300 dryer fires are reported annually in Ontario, most due to a lack of maintenance. Since the population of B.C. is approximately 1/3 that of Ontario (4 million vs. 12 million), this equates to 100 dryer fires annually in B.C. Most stratas are multiunit dwellings with one dryer for each unit or one or more units

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PREVENTING CLOTHES DRYER FIRES

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per dryer, increasing the probability of a fire in such dwellings.

What Causes Dryer Fires?

Dryer-caused fires are equal opportunity hazards in that no particular brand of dryer seems more or less fire prone. Clothing is dried at between 50o and 60°C depending on the fabric. Fabric combined with accumulated lint ignites above 200o C. Fires in dryers are prevented by heat-sensitivity switches that cut off power when the dryer reaches 120o C, leaving an 80o safety margin. In addition, the dryer drums are designed to slow the spread of fire.

Inadvertently placing flammable materials in dryers sometimes causes dryer fires. Fires often start within the drum of the dryer and are fueled by lint that has accumulated in the dryer cabinet. The plastic dryer ducting formerly used to vent the dryers may ignite or melt, allowing the fire to spread.

Major causes of clothes dryer fires include:

- ♦ Lack of maintenance;
- ♦ Improper installation (venting);
- ♦ Drying flammable materials;
- ♦ Accumulation of lint;
- ♦ Use of plastic ducts.

Warning signs that a dryer is not venting properly are:

- ♦ The dryer continues to produce heat but is taking longer and longer to dry clothes, especially towels and jeans.
- ♦ Clothes are damp or hotter than usual at the end of the cycle.
- ♦ The outdoor flapper on the vent hood doesn't open when the dryer is on.

Authorities on dryer safety describe the following as increasing the risk of dryer fires: Dryer duct lengths greater than 25 feet;

Dryer duct elbows -- Each 90-degree bend

in a dryer duct is the equivalent of five feet in actual physical length of the dryer duct.

Flexible plastic duct -- Normally one of the first things to burn when lint ignites, it has been shown to flame in as little as 12 seconds. It is no longer code approved.

Thin foil flexible duct - It tends to "kink" and stop airflow, making it dangerous to use.

For more information on protecting your strata from fires caused by clothes dryers, you can go to the following Web sites:

<http://www.ul.com/consumers/dryers.html>

<http://www.wmshvac.com/webapp/GetPage?pid=113>

<http://www.consumerreports.org/cro/appliances/truths-and-myths-of-dryer-fires-306/index.htm>

This site also dispels some myths about dryers and dryer fires.

WHEN CHEQUE STUBS ARE NOT ENOUGH

Harvey Williams

Anyone who has flipped through booklets of cheque stubs searching for a particular stub knows how frustrating it can be. Cheque stubs for routine payments such as hydro, utilities, and garbage pickup are easily identified, but many cheques are for items and services that are not routine.

Cheques may be for more than one item or service or to contractors for repairing or upgrading common property, painting stairs, or installing light fixtures. The amounts may cover both labour and materials. Owners and service providers often

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WHEN CHEQUE STUBS ARE NOT ENOUGH

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submit cash register slips and receipts for reimbursement that contain minimal information about the nature of the claim.

A Disbursement Voucher describing the nature of the expenditure with receipts attached is an ideal way to document such expenditures. A voucher similar to the one illustrated can be composed, stored on a

computer, and filled in on the screen before printing, or it can be printed in advance and filled in by hand. Sales slip(s), receipt(s), or other supporting documentation is then stapled to the Voucher and the Voucher either filed or placed in a notebook for future reference.

A Sample Disbursement Voucher:

DISBURSEMENT VOUCHER	
	Strata 1234 Johnson Court 1529 Home Street Victoria, B.C. 3W9 V8V
Date:	_____
Amount:	_____
Cheque No:	_____
Budget category:	_____
Payee:	_____
Purpose:	_____
As per treasurer:	_____
Comments:	_____ _____ _____

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YOU ASKED: Privacy Concerns and The Strata Property Act

Harvey Williams, VISOA President

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

Is it a violation of Bill 38, the Personal Information Protection Act (PIPA), for the strata council to release information about a strata owner to another strata owner?

When I began to delve into this question, I opened a can of worms. Like so many questions about stratas, the answer to this question must be prefaced by, "That depends." The answer depends on the information and the context.

Section 35 of the Strata Property Act (SPA) requires that the strata corporation keep a list of owners, their addresses, mailing addresses if different from their strata lot addresses, parking stall numbers, unit entitlements, names and addresses of mortgagees who have filed a Mortgagee's Request for Notification, names of tenants, and assignments of rights by landlords to tenants, and all correspondence including correspondence with owners. Section 36 of the Act requires that the strata corporation make these records and documents available to an owner or a tenant who has been assigned a landlord's right to inspect them. The PIPA restricts the release of personal information without a person's consent except under certain conditions. The ques-

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tion then becomes one of what constitutes personal information and under what conditions may it be released.

Some information is clearly personal and not required by the Strata Property Act, such as emergency contacts, medical information, credit card information and the like. Bylaws and rules that may require information that may be defined as personal need to be considered in light of PIPA, and strata councils need to be careful in releasing such information. But one could imagine all kinds of scams if owners didn't have access to the information and documents listed in Sections 35 and 36 of the Strata Property Act.

Our strata has made a practice of complying with the Act and has not adopted bylaws that go beyond what is required by

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YOU ASKED: Privacy Concerns and The Strata Property Act

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the SPA, with no legal challenges yet. While B.C., not surprisingly, provides no assistance to strata corporations in complying with PIPA, Alberta does. Readers should find the following Alberta Web site helpful: <http://www.pipa.gov.ab.ca/faqs/pdf/CondoFAQs.pdf1>

LETTER TO THE EDITOR

Re: Successful AGMs

The most important meeting any strata corporation can have is the Annual General Meeting. With this in mind, I would like to expound on the importance of the location of your strata's AGM.

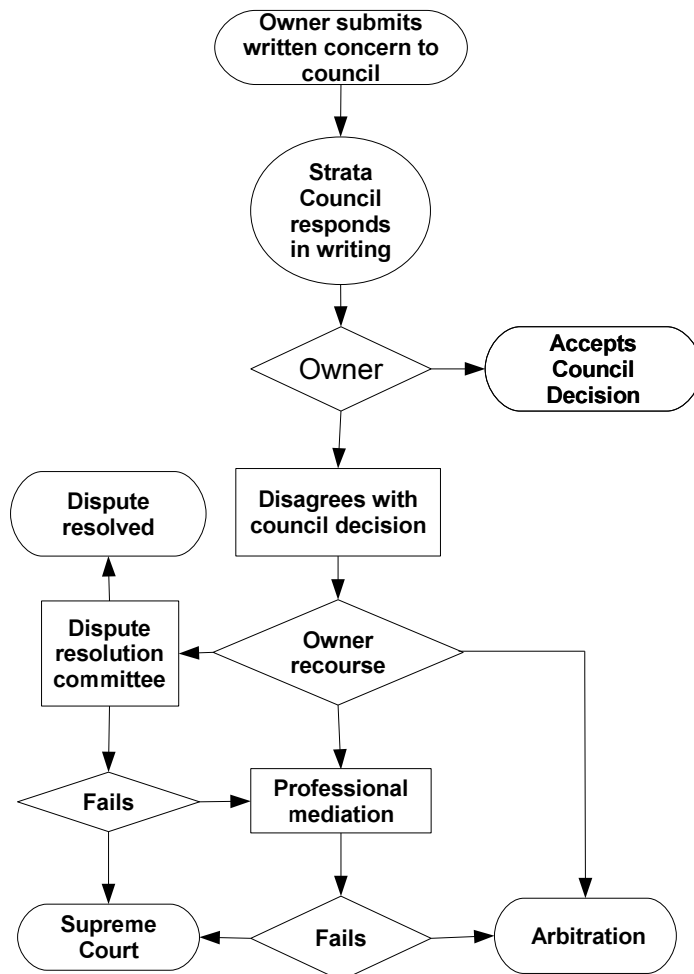
This year, for the first time in 34 years of AGMs in this strata, we moved the meeting out of the building to a more suitable location.

This meant the owners had to make an effort to come to the AGM. We had all the council members at head table. This worked well - the owners could see who was on the strata council, and the strata council could see who the owners were. One of the results of this was that the AGM was conducted in a business-like fashion. It enabled the owners and council to view their building dispassionately and with some degree of objectivity. This is very important when a strata is making financial decisions.

Another idea that was implemented at the AGM was letters from satisfied owners, which were read by individual council members. These letters set the tone of the meeting, which, of course, was positive.

I believe that some thought must be exercised when councils put together the Agenda for the AGM (it must be user friendly) and also select the location and set-up of the room. There must be some space between council and owners.

Jack Barker
VIS#82



DISPUTE RESOLUTION FLOW CHART

This flow chart illustrates the relationships among the various dispute resolution mechanisms provided by the Strata Property Act. It should be used in conjunction with Instruction Guides #25, 26, and 27.

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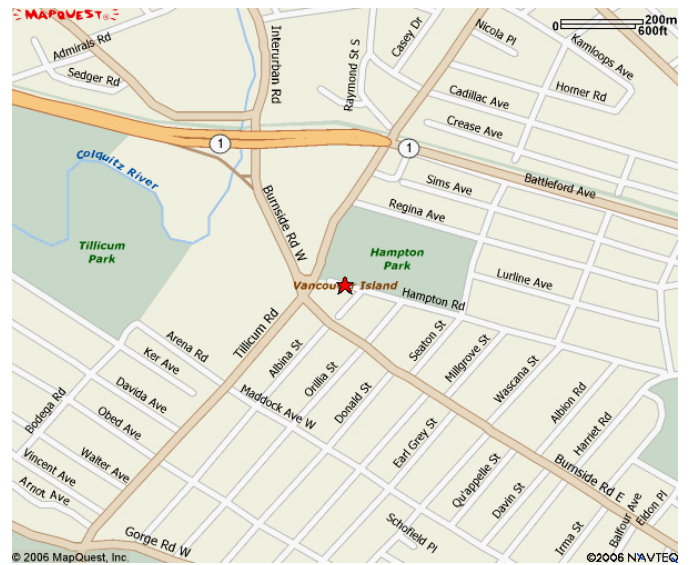
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VISOA'S 2006 SEMINAR SERIES

November 19

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 For Stratas,
 Kathleen McIsaac
 & Gwen Taylor

Les Passmore Seniors Centre
 286 Hampton Rd., Victoria



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 consultation with qualified
 strata professionals.

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 assistance should be sought as
 appropriate.