

# VISOA Webinar: How Stratas Do Business...and how to do business with them

November 21, 2020



**Disclaimer:** The webinar speaker is a VISOA board member and volunteer who is familiar with doing business with strata corporations, the Strata Property Act and strata issues. The comments provided by them are information only and should not be considered either as legal or technical advice. Professional advice should be sought as appropriate. No person is permitted to use a reference to VISOA, and its members who are acting on behalf of VISOA, in a manner which claims, implies or suggests that VISOA, or such members, have given a legal or technical opinion, ruling or determination on a particular issue. [www.visoa.bc.ca](http://www.visoa.bc.ca)

Question	Answer
As a business, what is the best way to reach out to the strata owners/councils for new services or solutions? Would it be through VISOA? other mechanisms?	VISOA offers business membership. Business members are listed in a directory on VISOA's website and the quarterly bulletin. Business members can also advertise in the bulletin for very reasonable rates. There is a slideshow before every webinar that promotes the business members. When gatherings are permitted and we hold in-person seminars, there are tables for business members who wish to promote their services.
<b>Decision-making / Responsibilities</b>	
Can you touch on the roles and responsibilities of the Property Manager related to capital projects?	Wendy, VISOA: Generally speaking, a property manager has no authority to make decisions. They certainly cannot make a decision on their own to spend CRF funds or enter into a contract for a large project. Under the law, the council and owners make the decisions. They can then direct the pm to do something such as getting quotes. That said, a strata council should read their contract with the property management company for details.
Who is responsible for insuite hot water tanks, chimneys, dryer ducts, smoke alarms and garage doors?	Wendy, VISOA: Each strata is different. The council and owners should check their bylaws to determine who is responsible to repair, maintain and replace items like these. For example, the strata may have a bylaw to take responsibility to check smoke alarms or clean chimneys every year even though they would otherwise be the responsibility of each individual owner.

Question	Answer
Does the strata have to choose the best method to repair or replace?	Wendy, VISOA: No. Numerous supreme court cases have upheld the "good, better, best" principle. While some owners and professionals may feel that there is a better solution, there is no requirement that the strata undertake the "best" method of repair or renewal. Case law has found that a strata may prioritize its repairs and choose an option that takes into consideration the ability of owners to pay and other repairs that may also need to be done. Even if it is found later that it wasn't a good decision, the strata would not normally be found negligent if they reasonably relied on the opinion of a professional.
What is an information meeting?	Wendy, VISOA: Information meetings are informal meetings also known as town hall meetings. They often include a guest speaker such as a contractor or engineer to explain a large project. While no decision-making takes place, these meetings can be an effective in educating the owners about why a project is necessary, the process that will be followed, timelines and offer a chance to answer questions and calm fears. For very large (expensive) projects, there may be a few of these meetings throughout the planning and implementation process.
<b>Funding</b>	
How many owners are needed to get funding approved?	Wendy, VISOA: If the work is outside the scope of the annual operating budget, the funds must come from the CRF (Contingency Reserve Fund) or a special levy. The decision is made by a vote of the owners at an annual or special general meeting (AGM or SGM). A special levy always requires a 3/4 of the owners. Spending from the CRF is by majority vote if the major repair or renewal is identified in the Depreciation Report, and 3/4 vote if not in depreciation report.
Larger projects for example EV chargers where there are available incentives that could reduce the required upfront cost to \$0.00 for strata and owners?	Wendy, VISOA: A vote of the owners (not council) is still required because it is a "change of use" under the Strata Property Act. In other words, to allow installation of an EV charger requires a ¾ vote just to change the permission of how that stall can be used and the use of common electricity. If funding is required, that requires another vote of the owners (not council) to get funding. Installation of EV charging is a lot more complex on the legal side that you may realize. Contact <a href="mailto:president@visoa.bc.ca">president@visoa.bc.ca</a> for more information.

Question	Answer
<p>If the project doesn't require the strata to allocate any budget dollars, does that expedite the project's approval process?</p>	<p>Wendy, VISOA: A project will always require money. If it is day-to-day service or maintenance such as waste removal or janitorial services (things that happen once per year, or more often than once per year), council can make decisions by majority vote at a council meeting to spend money from the annual operating budget. If it is a project that happens less often than once per year, a majority vote of the owners at an Annual General Meeting (AGM) or Special General Meeting (SGM) is required to spend funds from the Contingency Reserve Fund (CRF) or a 3/4 vote for a special levy.</p>
<p><b>Risk / Liability</b></p>	
<p>We are a small strata. Is it council's responsibility to ask for proof the worker has a WorkSafe BC account in good standing? Does this mean we can never hire an individual i.e. shoveling snow off driveway and steps, or a handyman for small jobs?</p>	<p>Wendy, VISOA: This is a common question, especially for small stratas. The council must act in the best interests of all owners. By hiring workers who do not have WorkSafe BC coverage, the strata is accepting risk. While not strictly required, it may be prudent to protect the owners by hiring companies who have WorkSafe BC coverage and commercial liability insurance. Even sole proprietors can get WorkSafe BC coverage.</p>
<p>Can Stratas get their own WCB coverage?</p>	<p>Wendy, VISOA: Yes. If you hire a worker who does not have current coverage with WorkSafe BC, you can register with WorkSafe BC and pay the fees yourself. For a recent project in my strata for \$6,000, it only cost \$44 for the strata to pay the WorkSafe BC fees.</p>
<p>Some councils ignore a problem, saying why should they do it if there has been no problem for last 30 years . They simply ignore my report and don't believe there is an issue. But, as a professional, I know it poses a fire risk. What to do?</p>	<p>John VISOA - Like any home owner, Councils can ignore good advice, but they do have a duty to report to the Owners regarding the ongoing maintenance of the property, by including the information/decision in the Council Minutes. Owners then have the right to raise the discussion and ask Council to revisit the decision. If they refuse to consider moving ahead with the work, an owner can take further action through the CRT.</p>

Question	Answer
Other	
<p>Who needs to notify owners if a contractor is working on their unit, such as roof or window cleaning? And how much notice? if roofers are onsite and have been asked to check on their previous work, do the owners of the effected area need to be notified?</p>	<p>Wendy, VISOA: Check your bylaws. You likely have a bylaw the same or similar to Standard Bylaw 7 (permit entry to strata lot). So if access is required to the strata lot, unless it is an emergency, your bylaw likely states that the council must give notice: <i>"at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act."</i>  <a href="https://www.bclaws.ca/civix/document/id/complete/statreg/98043_18#ScheduleofStandardBylaws">https://www.bclaws.ca/civix/document/id/complete/statreg/98043_18#ScheduleofStandardBylaws</a></p>
<p>We had a situation where the roofers were onsite working elsewhere and another owner asked them to come and look at their roof and previous work by the roofers. So they slapped up a ladder on common property and went stomping onto the roof and parking a very loud and smelly diesel generator close to another residents window. Those owners were angry and made a scene.</p>	<p>Wendy, VISOA: it is frustrating when an owner directs a contractor without any authority from council. It is helpful to provide the tradesperson or contractor with the contact information for one person - that way they know who they are to take direction from. If another owner approaches them, they can check with the contact person first.</p>