

## VISOA Bulletin - FEBRUARY 2022

# The Benefits of Filing Consolidated Strata Bylaws

As a strata owner, you probably know that a new bylaw or any change to a bylaw needs to be passed by a ¾ vote of the owners at a general meeting. But do you know what happens afterwards?

A bylaw doesn't come into effect until the change has been filed at the Land Title Office using a "Form I: Amendment to Bylaws". The form must be signed by two council members (or the strata manager, if the council has delegated this task). A copy of the resolutions and results of the votes from the AGM or SGM are usually included but not required.

### Who files the Form I?

Strata corporations that have more than 7 strata lots must file this form electronically. Web filing can only be done by professionals who are authorized and certified by the Land Title Office. These are usually lawyers, notaries and land surveyors. Strata corporations of 2-7 strata lots can file using a paper form but might find it easier to have it filed electronically.

### What does the Land Title Office do with the bylaws?

They don't read the bylaws or check them in any way. It's up to your strata to make sure that all the bylaws you pass comply with

the law.

And if you forget to file a bylaw, it's not enforceable. The Land Title Office keeps a record of the filing in what's known as a general index. The index for your strata corporation will contain the strata plan and schedule of unit entitlement. There might be other filings such as bylaws, change of mailing address, designation of limited common property and more.

### Are there different versions of the bylaws?

There could be many! Records are not deleted from the general index even if a bylaw no longer

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applies. So, there could be dozens of records with bylaw amendments in your strata's general index. Problems can arise if a bylaw wasn't properly repealed and replaced. If a new bylaw is filed with the intention to replace the old bylaw but it does not expressly state that, both bylaws might continue to exist or have some overlap. This causes no end of confusion, so it's best to work with a strata lawyer to write bylaw amendments for you. Take care not to repeal any rental or age restriction bylaws unless you have legal advice.

### **Going down a rabbit hole**

Here's where it gets interesting. The last full set of bylaws filed could be 20 years old. Then stratas often file just the bylaws that changed. If that goes on for years it makes it very difficult to know which bylaws are current. You have to read that old set and then all of the subsequent filings and figure out which bylaws have been replaced. A practical way of navigating this mess is to print everything and cross out a previous version of a bylaw every time you find a newer amendment. That can be challenging. Scans of old paper

documents can be difficult to read. We once found 5 versions of a pet bylaw in a mass of papers where some pages had dates that were illegible. So which pet bylaw is the most recent?



### **Confusing bylaws are a risk**

As you can imagine it's a nightmare for prospective purchasers to read through multiple versions of bylaws. If they miss even one page, they might be buying a strata lot mistakenly thinking that they can rent or have a pet. A seller could lose a sale because a buyer read the wrong version of a bylaw. For owners and tenants, you can imagine the potential for all sorts

of bylaw violations taking place simply because they didn't realize that they read an out-dated version of a bylaw. There's also a risk for council members and managers who might not realize that a bylaw complaint is based on an old bylaw. Council might enforce and fine someone without realizing their mistake.

### **The solution – consolidate your bylaws!**

Here's a very simple solution that will benefit buyers, sellers, owners, tenants, council and managers. It will save time, avoid confusion, and show off your strata as organized and professional.

Every time you have a general meeting that proposes bylaw amendments, have your strata lawyer include a  $\frac{3}{4}$  vote resolution on the agenda for owners to approve filing a new consolidated copy of the bylaws at the Land Title Office. If that's done correctly your strata corporation will have all your current bylaws in one document. The filing fee is the same whether it's one page or 100 pages, so do this each time there is any change to your bylaws.

Doesn't that make life easier?

## **Editor's Message** *Welcome to another issue of our Bulletin.*



A few years ago, we asked our readers if you had any suggestions for a name change, or if you wanted a name change from "Bulletin". Not that we thought it needed to change, but just wondered what you all thought. Your response was underwhelming (nobody said a word!) I was reading an article the other day that mentioned a different publication named "The

Bulletin" and it reminded me of the question we posed those few years back. Just musing on what other names might be useful I checked Google - of course – looking for alternative names for "newsletter". "Bulletin" was top of the list of suggestions, and so our name is vindicated. Google approved!

This is a short message, because our issue is so packed full that I have only a few lines available. We have articles from several of the VISOA board members this time. Thanks to Wendy,

David and Graeme for contributing; and I penned two articles this time, based on suggestions from members. We also have an article from one of our business members, Les from TSS Cleaning Services, about the dangers of not inspecting and cleaning your dryer ducts – an enlightening read!

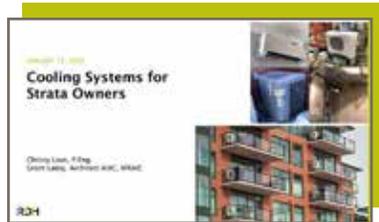
As always, if you have comments on this issue, or ideas for articles of interest, please contact us at [editor@visoa.bc.ca](mailto:editor@visoa.bc.ca)

*Sandy Wagner*

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- ▶ Top 10 Tips for Heat Pump Bylaws for Stratas
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# Top 5 Things Every Strata Should Know about Heat Pumps

By Wendy Wall

Heat pumps are a hot topic right now. We need to have cooling strategies for our strata buildings. CBC reported that 526 deaths happened in BC during the “heat dome” that created temperatures above 40C from late June to early July, 2021. The provincial coroner’s service reported that 231 people died in a single day on June 29.

As strata owners and council members we aren’t HVAC specialists. Heck, do any of us even know what a heat pump is? Here are 5 facts to get you started.

## 1. Heat pumps aren’t just about heat

Heat pumps provide heating and cooling. A heat pump is a machine that moves heat using the magic of the refrigerant cycle. In the case of an air-source heat pump, in the winter the heat pump is absorbing heat from outdoor air. It sounds crazy but even when the temperature is below freezing outside, a heat pump can still extract heat from the air. The heat pump moves the air via refrigerant to the inside of the house to heat it. In the summer, the cycle is reversed. It removes heat from the inside of the house and ejects it outside. Cool huh? OK, that pun was intended.

## 2. There are many kinds of heat pumps

While there are many types of heat pumps, the ones that most of us are familiar with are what’s known as air-to-air heat pumps. Whether they are mini-split or ducted style, they both have a compressor unit outdoors and a cassette unit

indoors which has a fan that blows the hot or cool air. Two holes are cut in the exterior wall to run the refrigerant and condensate lines. Air-to-air heat pumps tend to be most easily retrofitted into existing condo or townhouse units.

But there are also air-to-water heat pumps which take heat from the air and put that heat into water. For example, it could transfer that heat into the water distributed to a hydronic baseboard heating system, or heat the water for kitchens and bathrooms (domestic hot water system).

## 3. Heat pump noise might be a thing of the past

The most common concern from stratas is noise from the compressor units that sit outdoors. Well, there are new air-to-air heat pumps that don’t require an outdoor unit. Instead, they have a single unit that goes inside the condo, mounted against an exterior wall. They still need to have two holes through the exterior wall. These units do tend to be more limited in terms of their capacity. Townhouses or large condos might need more than one unit to provide all of the heating and cooling needed.

## 4. Consider electrical capacity

If everybody in your building added a heat pump, can the building as a whole handle the electrical load? You also need to consider your current and future electric vehicle charging needs. It would be prudent to have an electrical engineer or contractor evaluate your building’s electrical capacity before allowing owners to install heat pumps. Your building

probably has more electrical capacity if it currently has electric baseboard heating than if it has a gas-heated system. Regardless, it’s a good idea to do an electrical evaluation up front.

Once your strata has a report that provides information about spare electrical capacity, the strata could adopt bylaws that set specifications for heat pumps installed by owners. The bylaws could state a minimum performance efficiency standard for heat pumps so that everyone can have a heat pump and stay within the overall electrical capacity of the building. A high efficiency heat pump might also mean that an owner doesn’t have to upgrade their own electrical panel.

## 5. Controlling heat isn’t just about installation of heat pumps

There are lots of ways of addressing heat gain in a building and considering the whole building as a system is really important. Buildings don’t need as much cooling if we reduce the amount of heat coming into our buildings in the first place.

Really simple and cost-effective ways of controlling heat gain include passive cooling measures such as using shading devices: everything from exterior shades, cloth awnings, old-fashioned shutters, and landscaping. All of these can reduce the amount of mechanical cooling you need.

The amount of cooling you need can also be reduced by improvements to the building and an understanding of how building systems work together. Think

*Continued on page 5*

about asset planning. There are opportunities to reduce heat gain when you have projects such as a building envelope renewal, replacing windows, and air-handling systems. Understanding the sequence of things and how they interrelate is important in planning your renewals and replacements.

Addressing overheating issues is more important than ever for the safety, livability, and comfort of our residents and the value of your home. Encourage your strata corporation to make a plan, set targets, and make smart choices along the way.

*This article features highlights of information from VISOA's webinar "Cooling Systems for Strata Owners" with guest speakers Christy Love and Grant Laing from RDH Building Science. Watch the video to learn more about cooling measures, heat pumps and considerations for a broader approach to adapting your strata buildings to climate change.*

## Post-Disaster Training Now Available Online

Would your residents know what to do after a disaster? Moderate to severe earthquakes, wind storms and flood events can cause significant damage to buildings, posing serious risks to residents. Buildings need to be assessed for hazards following an emergency to make sure they're not unsafe for further occupancy.

Pre-COVID, BC Housing's Security and Emergency Services team developed a Post-Disaster Building Assessment (PDBA) Training Program for emergency preparedness which we previously offered to our members – a full day in-person course. We're pleased to tell you that that the first course, "Rapid Damage Assessment (RDA)", is now available online in a self-paced learning format. You no longer have to travel to take this course!

### Why do strata owners need post-disaster training?

In the aftermath of a disaster, how do you know if it's OK to let residents go back into the building? It won't be easy to find a professional to assess your building for you. It could take

days, even weeks for engineers and city workers to reach all of the sites in need. So, it's essential that strata owners have the skills and training necessary to conduct a Rapid Damage Assessment (RDA).

### What you'll learn

BC Housing's RDA program is designed to provide non-professionals with the basic skills to assess structural and non-structural hazards in wood frame, masonry and concrete structures. You learn to assess damage to determine whether buildings can be occupied. While you can't declare a building is safe, the course teaches skills to identify unsafe conditions. You learn what placards to use in different situations to clearly communicate that an area has been assessed and whether it's unsafe. Placards not only inform residents, they also tell professionals that a RDA has been done and brings unsafe conditions to their attention.

The intent of RDA is to enable people to remain in their buildings, or return to their buildings as quickly and as safely as possible after a damaging event.

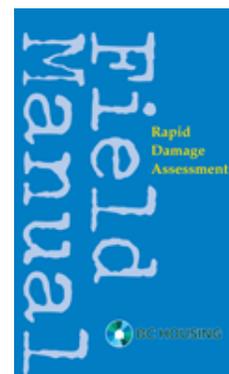
### Take the course

To get started, go to BC Housing's learning portal and create an account. Select the course and pay the \$115 fee. If you wish, you can also purchase the RDA Field Manual from Crown Publications for \$15.

In the coming months, BC Housing will add the second course to their online course catalogue. It's called Coordination of Damage Assessment (CDA) training.

### Free resources

Visit the BC Housing PDBA Training web page for free resources and tools. You can download checklists, placards, forms, sample reports and more.



# What's the Deadline for Providing a Form B?

By Sandy Wagner

## What is a Form B?

If you've ever bought or sold a strata lot, you've probably heard of a Form B. In the *Strata Property Act*, its formal name is an Information Certificate. This form discloses a variety of important information about a strata lot such as the monthly strata fees, an amount that the owner of the strata lot owes to the strata corporation, whether a parking stall or locker is assigned or available to the lot owner, whether there is a special levy, the amount in the contingency reserve fund and much more. Typically, this form is requested by a listing realtor or when someone is considering buying a strata lot, but any owner in the strata can request a Form B at any time.

## How long is it valid?

The reality is that the information is valid only on the day it is signed. There might be an expenditure from the CRF the next day, or there could be a general meeting that passes a special levy or new rules. This is why a lawyer usually asks for a new Form B in the days leading up to the conveyance date.

## How much does it cost?

Section 59 of the *Strata Property Act* allows the strata corporation to charge a fee and may refuse to issue the certificate until the fee is paid. Regulation 4.4 sets out a maximum fee of \$35 plus the cost of photocopying, or other means of reproduction, up to 25 cents per page. There are several documents that must be attached to the Form B, including the Depreciation Report which can run to hundreds of pages on its own. So that Form

B could cost the realtor or lawyer \$100 or more.

A self-managed strata can keep the fee but if you have a licensed strata property agent (commonly known as the strata manager) their contract usually specifies that they keep the fee.

Now back to the main question.

## What is the deadline for providing a Form B?

Sounds like a simple question, right? The *Strata Property Act* s59 says: "Within one week of a request by an owner, a purchaser or a person authorized by an owner or purchaser, the strata corporation must give to the person making the request an Information Certificate in the prescribed form."

So, it comes down to the definition of "within one week". Is it 7 business days or 7 calendar days? Does the date of the request count? Some strata property managers say that they have 12 days because they add on 4 days when they receive the request by email or mail.

To be safe, I recommend that strata corporations and property managers complete and give the Form B within 7 calendar days.

## How long does it take to complete a Form B?

Whether you are a self-managed strata or a property manager, good record keeping will help you obtain all the documents and information you need to complete the form. You may need to check the Strata Plan for information about parking stalls and lockers; the financial

reports to find the balance of the CRF account and how much is committed to current projects; and agreements under which the owner takes responsibility for expenses relating to alterations.

Managers have felt for some time that the fee is too low to compensate them for the time involved in completing these forms. In 2019, the BC Law Institute recommended an increase to the base fee, from its current \$35 to \$300 (plus the per page fee) however this recommendation has not been actioned by the Legislature.

## What about rush fees?

Note there is no requirement to comply with a rush request. However, you may if you wish. The Act is silent on "rush fees" and many stratas charge rush fees from \$50 to hundreds of dollars. If a council member or manager can provide it faster than 7 days, the realtor will no doubt be grateful, but please take the time you need to provide an accurate document.

## What happens if there's a mistake on a Form B?

There have been many disputes about Form B's that contain errors. To avoid a Supreme Court action, give yourself enough time to complete the form accurately. If you have issued a Form B and realize that there is a mistake, you can provide a new one with the correct information.

Lastly, the Form B is a prescribed form. Always use the current version of the form from the province. Don't use forms from other sources who have altered it.

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## Privacy Matters Updated Privacy Guidance for Strata Corporations

On January 28, 2022 the Office of the Information and Privacy Commissioner (OIPC) issued updated privacy guidance for stratas. The guide updates and streamlines two other guides that were put on their website in 2015.

BC's *Personal Information Protection Act* (PIPA) applies to the collection, use and disclosure of “personal information” by strata corporations. The OIPC oversees stratas' compliance with PIPA and these guidelines are intended to assist them.

Additional guidance, education and information is available on the OIPC website to help privacy officers understand what is expected. Examples include:

- PrivacyRight (an educational series of videos, webinars and podcasts designed to provide an overview of obligations under PIPA for any organization);
- A Guide to PIPA for businesses and organizations;
- Getting Accountability right with a Privacy Management Program;
- Developing a privacy policy under PIPA;
- Securing personal information: A self-assessment for public bodies and organizations;
- Privacy management program self-assessment; and
- Privacy Breaches: Tools and Resources.



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# Can You Smell Your Neighbour's Laundry?

By Les Topolewski



If you are living in a wooden frame apartment style building and you can smell laundry odours when you are not doing laundry in your unit, you are not alone – but what causes it? Since smells cannot pass through walls or closed windows the likely culprit is the roof vents, but

how would those odours, which are pulled outside, enter into your unit?

Recently I was engaged by the management of a 26-unit strata complex with many complaints of laundry odours. I climbed on to the roof and very quickly located 14 vents, but there should have been 26 – where were the rest? After an extensive search for missing vents, I was given access to the attic for an inspection. What was discovered was beyond belief, and something I've never seen in nearly 25 years in this business. A “monster duct” - not only breaking every building code but defying common sense.

Visualize, if you can: hot, moist air full of lint traveling through a labyrinth of ducts blowing air into each other unable to find an exit to the roof. Everyone in the building is suffering with unpleasant dryer and bathroom aromas as well as a mixture of all kinds of poisonous and possibly combustible gases. So very hazardous. In situations such as this, a dryer fire can occur at any time with the flames traveling quickly through the ducts bypassing firewalls and doors, and into other units.

Over my many years in business I have watched strata corporations unwilling to approve the money to deal with the issue at hand, and instead applying only band aid solutions. Unfortunately, this way of thinking usually leads to greater

complications down the road. When bad designs, poor workmanship and years of negligence are combined, there are no easy fixes. Drastic and expensive measures might be required to, at the very least, minimize the problems looking forward. Passing the buck from one year to the next compounds the problem and jeopardizes every owner's investment.

In conclusion, my advice is: be pro-active, have your dryer vents inspected regularly and especially when you notice those laundry smells from other units.

*Les is the owner of TSS Cleaning Services, a VISOA Business Member, and can be reached at [info@cleandryerducts.com](mailto:info@cleandryerducts.com)*

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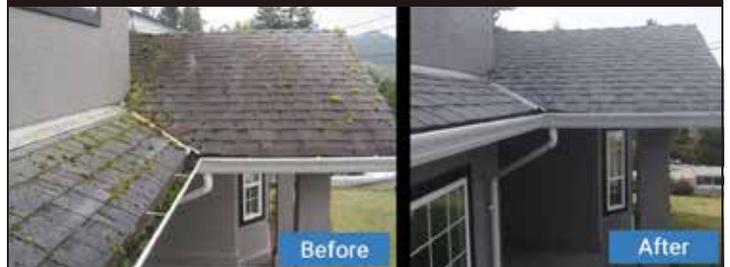
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# Why You Can't Find a Strata Property Manager

## It's All About the Numbers

By Sandy Wagner

Many brokerages are not taking on new strata corporation clients as they are already over capacity. Why are there fewer managers than we need?

The number of strata property managers in BC hasn't changed in last 10 years, but the number of stratas has increased dramatically, as we can all see by our changing neighbourhoods and the number of construction cranes in our towns.

In 2006, B.C. became the first province to license strata property managers. There are currently about 1,200 licensed strata property managers and 275 brokerages providing strata property management services in B.C.

However, according to the BC Strata Housing website, there were 33,871 strata corporations and 720,538 active strata lots at the end of 2021.

Even if half are self-managed, that leaves nearly 17,000 strata corporations to be managed by 1200 managers. With council meetings and general meetings, the strata manager is often working after usual business hours. Managers shouldn't be expected to work 10 - 12 hour days, should they?

The average salary for a strata manager is \$60,519 per year in the Vancouver area – about \$5,000 a month. If you work out an hourly rate for the many hours they actually work, it's not so impressive and this is one reason that fewer people are starting a career in strata management.

Managing brokers say that strata managers are suffering from burnout and fatigue at alarming rates. The number of new licensees

is not increasing, certainly it's not keeping up with the number of new strata corporations being built or the number of experienced managers who are retiring. And new inexperienced managers need more supervision and take on a smaller portfolio of stratas than the person they are replacing.

### Replacing a manager

If you are not happy with your current strata manager, one of your first steps should be to speak to the managing broker. It could be as simple as a personality clash, and they might be able to assign a different manager to your strata.

But even before that, I recommend that you manage your expectations. Remember that the strata corporation is managed by the strata council, who delegate specific tasks to the manager. The manager doesn't "do it all".

Read your contract to understand what's included and what isn't. The management contract generally includes administrative and financial functions. The manager is often the first point of contact for complaints or emergencies, but they will then usually contact the council for direction. You may be able to negotiate additional services for additional fees, if the brokerage has capacity to provide more service.

If you really are determined to change strata management companies it's best to have the new one "lined up" before terminating the current one. Ask friends in other stratas who their management company is, and see how satisfied they are.

After you've found several companies to inquire with, you may find that only a few get back to you or have capacity to take on new clients. You might also find that some are beyond your budget. After narrowing down your choices, ask for a meeting and references. They will likely want to visit your property.

After you have made a selection, speak to the proposed new brokerage about the timeline to switch companies, before you sign a new contract. The strata council members can sign a new management contract without a vote of owners, but depending on the culture of your strata, you may want your owners to weigh in.

Termination of the existing strata management contract requires a  $\frac{3}{4}$  vote of owners at an AGM or SGM unless your contract provides other options. That being said, you can speak to your current managing broker and if both parties agree, you might be able to be released from the contract without a  $\frac{3}{4}$  vote. The brokerage may not want to keep an unhappy client, when they could take a new client in your place.

If you do end the contract, the old and new management companies should arrange the transfer of the strata's files. The new company will obtain the owners' list from the current manager, and send introductory letters to all, along with information on how to pay strata fees. They will also update your strata's registered address at the Land Title Office.

*Learn more about "Working With a Strata Management Company".*

# Can the CRT Change the *Strata Property Act*?

By Graeme Campbell



In 2021, we conducted a survey for public input about what services you want VISOA to provide and what you want VISOA to accomplish over the next few years. In the responses to that survey, we received a couple of comments about the Civil Resolution Tribunal (CRT).

One said that the “CRT should make amendments to the *Strata Property Act* (SPA)”. The other was a concern that “the CRT often gets government to change [the CRT’s] own law [*the Civil Resolution Tribunal Act* (CRTA)]”.

What is apparent in these comments is a misunderstanding of what an administrative tribunal is, and what it can and cannot do. Simply put, CRT decision-makers, like all BC tribunals, apply the law when making decisions, but they have no power to change the law.

To better understand what the CRT can and cannot do, let’s look at how BC tribunals work.

## **British Columbia has 27 administrative tribunals.**

It’s likely that you are familiar with the BC Human Rights Tribunal, Employment Standards Tribunal, Property Assessment Appeal Board, Workers’ Compensation Appeal Tribunal, and the Civil Resolution Tribunal. A tribunal may also be referred to as a “board” or “commission.

## **How is a tribunal created?**

Administrative justice tribunals are established by statute, meaning that they are created by legislation passed by the BC legislature. For example, the Employment Standards Tribunal was created under the *Employment Standards Act* and the CRT was created under the *Civil Resolution Tribunal Act* (CRTA). Generally, tribunals are governed by the *Administrative Tribunals Act*.

Tribunals are supported by and accountable to the ministry responsible for their operation, but they are independent when performing their decision function. This means tribunals don’t take direction from government on the issues before them.

## **Why do we have tribunals?**

Administrative tribunals run parallel to the court and provide expertise to decision making and disputes. Each tribunal addresses the needs of a specific subject area. Tribunals are often easier to access than court, more informal, timelier, and often less expensive.

## **What can a tribunal do?**

A tribunal is not a court. Whereas a BC court has “inherent” jurisdiction to consider matters from all legislation in BC, a tribunal is limited to making decisions within their jurisdiction—the matters that the legislation has given them permission to decide. Some tribunals can accept evidence and information that it considers relevant, necessary, and appropriate, whether or not the information

would be admissible in a court of law. Tribunal decisions are often binding, which means that the orders must be complied with. If you don’t agree with a tribunal decision, there can be different options to pursue depending on which tribunal made the decision. For example, you can apply for Judicial Review of a tribunal decision in the BC Supreme Court if you believe the process was flawed or that the adjudicator made an error of law, jurisdiction, or fairness.

## **A fresh perspective**

Now you can see that just like other tribunals, the CRT is limited in what it can do. In the case of strata property disputes, under the *Civil Resolution Tribunal Act*, the CRT only has jurisdiction to make decisions about certain kinds of strata property claims. Just like the decisions from other tribunals, only the court can enforce orders. And only the court can review a decision.

So, the next time you hear someone say that the CRT should lobby the government, fight for your rights, influence policymakers to change the law, investigate a problem you’re having, or educate property managers, think about what a tribunal is and what it can and can’t do.

If you want reforms to the *Strata Property Act*, *Civil Resolution Tribunal Act*, or any other BC law, contact your MLA. You can find contact information on VISOA’s advocacy page.

# DO THE MATH - Condo Living is Not Cheap Living

By H. Marshall

I found an interesting quote on Twitter, and it inspired this article:

*“It’s impossible to pay the rent while working a full-time job for minimum wage, according to ground-breaking new research called math.”*

There are a number of condo owners who are struggling to pay their bills. Many people bought a condo because they were convinced that real estate is an investment that will always go up in value. They wanted “in” before the prices went up even higher.

Condo living is expensive living. After they scraped together the down payment, their legal bills and their other moving costs, some purchasers are barely making it. Paying the first mortgage, the second mortgage, the monthly maintenance fees, the utilities, unit insurance, taxes, their cellphone plan, daily coffees at Starbucks and the car lease payments can be a struggle.

Some people bought a resale unit in an older building. These units are priced cheaper than newer ones. However, unexpected fee increases or Special Assessments, due to major repairs, can quickly cripple a household budget. There

are older condos where the monthly maintenance expenses go up far higher than the rate of inflation. In one older condo, every year the monthly fees increase by almost \$100 a month.

What can the owners do when the wolf shows up at the door? They may cut back on their expenses.



McCafé replaces Starbucks, and pizza joints replace sit-down restaurants. They use the hot water kettle at work and bring their own tea. They may cancel their unit insurance. (Not a good idea!) They get a second job even if it is a part-time one.

## When it gets tough

They may return the leased car

and rent out their parking spot. Every little bit helps. They may rent the second bedroom or rent the den as a “private space”. There are condo apartments where four people live in a one-bedroom plus den.

A few owners, just a few, rent their unit on Airbnb and when the unit is being occupied, they sleep in their car in the underground parking garage, or in their locker. It’s not as bad as it sounds: they shower and shave in the morning using the swimming pool facilities.

When things get too bad, they are forced to sell.

## The Covid-19 pandemic

How is the Covid-19 pandemic affecting condo ownership? A lot depends on how many people lose their jobs, how long we continue to have shutdowns, how many businesses close, how soon the tourists return and when the short-term rental business picks up. It also depends on when the government turns off the subsidies to businesses.

*H. Marshall is the person behind Condo Living Newsletter. All opinions are those of the author and may not comply with your strata’s bylaws.*

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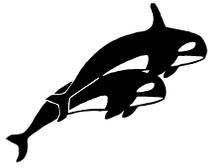
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# Strata Support Team at Work

By David Grubb



For many years the Strata Support Team (SST) had the title of “Helpline”, and it was primarily a telephone contact for people to ask many questions

which were answered variously by the president or by another Board member. The late Harvey Williams had a wonderful following of people and he would spend time chatting with many of them.

As email became more predominant, however, the name was changed because “helpline” had an implication that the business was conducted by “phone line”. Although there is still that option, most communication is conducted online through the use of our SST Form, available on our website. The SST service is mainly for people or stratas who are VISOA members.

The SST responses are assistance from some knowledgeable strata owners who will depend principally on the *Strata Property Act* as well as the individual’s strata bylaws. The Team members often research information from various sources such as the Civil Resolution Tribunal, the Privacy Commissioner, or the Human Rights Tribunal. They may speak of their own experiences in handling

strata business themselves as strata councillors, as well as correspond with the inquirer to gain additional background information. But they do not pretend to be giving any legal or technical advice since they are neither lawyers nor other specialists. Often the Team will recommend that a member consult a lawyer who specializes in strata law or suggest they consult someone who has technical credentials in a specific area.

The SST replies ask the requestor not to use the phrase “VISOA says....” as if what is suggested is some sort of law - you shouldn’t and it isn’t! Even so, our inquirers seem fairly satisfied with the information the Team gives them.

Rather than have the president mention the work of the SST, simply as an annual statistic in the President’s Report at an AGM, we thought some people might be interested in the types of topics the SST deals with, so we collated the year’s topics and the results – although not surprising to us – might be interesting to our readers.

The SST prepares monthly reports to the Board of all our contacts, listing about 50 categories. The most often asked questions are about Bylaws (creation, enforcement, legality); Council (functions, duties, elections); Finances; and Maintenance and Repair, for both common property

and strata lots. The next most asked are these: AGM’s and SGM’s; Common Property; Alterations; Insurance; Privacy; and Who Pays?

The Team members appreciate an inquirer who is very clear about their problem and how it has been handled so far. They may also seek advice from knowledgeable Board members and other SST volunteers who have more expertise in a specific topic.

Members are always welcome to ask questions. Visit our website’s Stata Support Team Page so the Team will be better able to assist you. We serve all of British Columbia!

Please note that the SST do not specifically recommend any of our Business Members to avoid any perception of conflict of interest, but we do encourage you to patronize them to assist you, and you can advise businesses and services in your area to become Business Members by applying to our Business Membership webpage.

Finally, the SST would be happy to welcome new colleagues to the Team who feel they can serve their fellow members. You should have some practical knowledge of the *Strata Property Act* and the issues facing strata owners and strata councils. Please contact the SST or the President, or pass a message through our Office Administrator.

## ~ DISCLAIMER ~

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

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# YOU ASKED By VISOA Strata Support Team



Have a question about managing your strata corporation? Ask us, we've had a lot of experience helping strata corporations solve problems - 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.

## Do we need only 25% of the operating budget in our CRF?

**Q:** We have the mandatory 25% in our Contingency Reserve Fund. Last year our strata fees went up 37% after a Special Levy so home owners will not be happy about the strata fees going up again. But it seems to me that our contingency is going to be continually depleted if we don't do some 5 year/10 year long term planning. There is not enough money going forward for any of the big replacement items that will face our older building. At the very least I think we need a new Depreciation Report, probably a slight increase in our fees, and some long-term planning.

**A:** The fees for 2022 could well increase, if Council proposed it and owners agreed to fund it, to start growing the Contingency Reserve Fund (CRF). You mentioned that your strata has "the mandatory 25% in our contingency" - I assume that you mean that the strata is contributing to the CRF an amount to bring the CRF to at least 25% of the operating budget for the year as prescribed in the Strata Property Regulation, Section 6.1.

That part of the Regulation, in my view, is designed to get the CRF started in the very first few years of the strata's existence. In year four of that life, the strata corporation should have a depreciation report showing what the capital funding (CRF/special levy items) requirements might be over the next 30 years and can develop its plan to grow the CRF to the size necessary to pay for the component renewals or replacements

when they begin to come necessary. If your strata has been operating on the "25% of operating budget is the CRF contribution" basis for many years without consideration of actual capital spending requirements, I respectfully suggest that your CRF may be underfunded.

In BC there is no *maximum* prescribed amount for the CRF, nor any obligation to fund it beyond the "25% of operating budget" regulation. We are often asked "how much should we have in our CRF?" and the answer depends on your strata, but a common rule of thumb is this: if you have enough in your CRF to pay for the most expensive item that may ever need replacing (your roof? your elevator?) you can consider your strata to be well on your way to "enough".

But what if the roof and elevator both blow out in the same year? Your "enough" in the CRF won't be enough - can your owners each handle a special assessment if this were to happen?

If your owners want to avoid special assessments, you need to check the "fully funded" model in your depreciation report and aim for that amount. Build up your CRF for both anticipated replacements, as well as emergencies.

## Is the strata responsible to repaint?

**Q:** A burst pipe above the walkway outside of a unit sprayed some water sideways causing some staining to the ceiling of the unit. The ceiling has to be repainted at a cost of

about one thousand dollars or less. The owner's deductible is \$1,000 on water damage. Since the burst pipe was in the common property and caused the damage is the Strata responsible for the painting cost to the unit?

**A:** No, the strata is rarely responsible for repairing anything that is within the "strata lot" of an owner, which includes the ceiling. The location of the damage is usually not the only deciding factor with respect to "who pays". This is the purpose of insurance - if an owner chooses to have a higher deductible, that's a decision which they need to take into consideration when thinking about future repairs to their unit.

Essentially, if you lived in a single detached home and your neighbour in a single detached house accidentally knocked a baseball through your window there isn't an automatic payment required from them to repair the window. You are still responsible for figuring out how to fix your window, and, in the event your neighbour refuses to pay, you would need to take them to small claims court and attempt to recover your costs, though the result is not guaranteed.

The same is true for common property damage that impacts strata lots. The strata lot is considered similar to a single detached house, and if an owner believes that the strata corporation caused the damage through negligence, they need to sue the corporation to recover the damages. There is no automatic obligation for the corporation to pay. Owners who have detailed questions on this should speak to their insurance provider.

# President's Message

## 2022: THE ROAD AHEAD



Reflecting back on my second term as president of VISOA, what a year 2021 was. We had three states of emergency between the pandemic, wildfires and flooding. It sometimes felt like a full-time job just to keep track of the extensions and informing stratas whether they had an extra two months to hold general meetings. Additionally, we all suffered “change fatigue” trying to keep up with Provincial Health Officer Orders. There was one point in the fall when VISOA hosted a webinar to clarify recent health orders about events and gatherings only to have the order changed just 3 days later. I felt like I had VISOA’s lawyer on speed-dial as we reviewed order after order, deciphering text that was unclear in how it applied to strata corporations. But we Keep Calm and Carry On, don’t we?

On the plus side, it was a rewarding year as we continued to be part of consultations with the Housing Policy Branch, BC Financial Services Authority (BFSA), CHOA, and representatives of the property management, insurance and real estate sectors. It will be exciting to see if any new Regulations are created in 2022 in regards to insurance, contingency reserve funds and depreciation reports.

We also did a lot of work with the BC Building Safety Branch in working sessions that included municipalities, academics, engineers and architects, the energy sector, and community associations. Those sessions were deep-dives into understanding issues and proposing strategies to address flooding, wildfires, disasters such as

earthquakes, energy efficiency, and the hot topic - the dangerous overheating we experienced in June-July 2021. What was VISOA’s contribution, you ask? Simply put, it was invaluable to have strata experts at the table. Ideas are all well and good, but if they don’t sync with the *Strata Property Act* they’re not going to work. VISOA was there to explain how stratas are governed, what stratas are required to do under the *Strata Property Act*, and what they are permitted and not permitted to do. These sessions have been a great experience in building relationships with municipalities and organizations who might not have known about VISOA. We’ve made some important connections, gained respect, and opened the door to future collaboration.

In 2022, you will likely hear about upcoming changes to energy efficiency requirements in existing buildings. Whether these changes take form in the BC Building Code or in legislation is yet to be seen, but changes are coming. The “CleanBC Roadmap to 2030” released in October 2021 sets out ambitious energy efficiency targets. “By 2030, all new buildings will be zero carbon, and all new space and water heating equipment will meet the highest standards for efficiency.” That means that after 2030, all new space and water heating equipment sold and installed in B.C. will be 100% efficient. If your strata has a gas boiler for heating water, it’s probably only 80-98% efficient.

You’re going to see a big push in 2022 for condos and townhomes to switch to heat pumps for heating and cooling. You’ll also see a lot of promotion about electric vehicle charging in stratas. VISOA has created materials for you to get ahead of the game. Take charge as a strata corporation. Spend a bit of money now. Hire a professional to assess your electrical system and explain your choices. Make a plan that takes

a holistic approach to the interplay of building systems.

And that’s just the beginning. We expect to see requirements for the efficiency of your building as a whole. The CleanBC Roadmap says “We’ll also incorporate energy-efficiency standards for existing buildings into the BC Building Code starting in 2024.” Deep-energy retrofits is going to be the buzzword this year. The targets might seem like a tall order for some of our older stratas, but make no mistake, mandated targets are coming. Dust off your depreciation report. Energy efficiency isn’t just about windows and heating. The building envelope, air-handling systems, elevators and so many other systems all work together. Adjust your notions about your major projects. Make a new plan. Then make good choices that will serve your residents now and in the future.

And this is where VISOA is essential. We are committed to providing expertise to governments and organizations to ensure that requirements are realistic, achievable, and that incentive programs are designed to work in harmony with strata governance. It’s a lot of work. It requires patience, persistence, passion and a desire to work with others to build the best programs possible.

Is VISOA up for the challenge? You bet we are.

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