

# CONDO NEWS

YOUR STRATA CONNECTION TO EDUCATION  
*CCI Vancouver Chapter*

***Includes:***

***Civil Resolution Tribunal Updates  
Legal Corner***

***Business Partner and Professional Members***

***Directory and CCI Vancouver Services at a Glance***

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condominiums

Summer 2018

## THIS ISSUE

- ▶ The Residential Tenancy Act – What Strata Councils Need to Know?
- ▶ Get Your Condo Safe for Barbecues
- ▶ Figuring Out An Owner's Ceiling Amount Of Reserve Fund Contributions Is As Basic As Determining Their Net Worth



## PRESIDENT'S MESSAGE

Paul Murcutt,  
President, CCI Vancouver

**As we work and play our way through summer**, I am sure everyone is welcoming of the warmer weather.

In the strata world, things tend to slow down (although it does not feel like it!) even if only for a little, while people enjoy well deserved breaks and time off. Due to this, we put educational events for our members on hold until September, when we get back into the swing of things with our Annual General Meeting. This said, our board is still very busy renewing memberships and planning the chapter's upcoming events.

We have had a great spring and hosted 2 informative sessions, "By-Laws that Work" took place on May 26th where attendees learned about writing and enforcing bylaws. Thank you to our sponsors for making this event possible: Access Law Group, Appraisal Institute of Canada – British Columbia, FirstService Residential, RHN, Remdal, and Tribe Community Management.

Our June Lunch & Learn on "Short-term Rentals" took place on June 11th at the Vancouver City Hall. A big Thank You to our sponsors: Assertive Northwest, BFL Canada, and Superior Flood & Fire Restoration.

We also held, with great success, our Condo 101 program for members at Associa Property Management. Thank you to all the presenters at these great sessions and a special thank you to Kelly McFadyen, who organized the Condo 101 sessions. We will be holding another Condo 101 seminar in the fall and will also be providing this program through property management companies. Stay tuned for details.

In-between all this we had the pleasure to attend the CCI National Leaders' Forum, this year hosted by the CCI South Alberta Chapter and in beautiful Banff. We had a strong Vancouver board presence at this event with 5 board members making their way to Alberta to be part of a great conference that included a session on the use and growing of marijuana in condos, and related conflict management. As a chapter and a national organization, there have been many questions asked of CCI about the legalization of marijuana, so we will be sure to host a session in the future here in Vancouver.

I hope that everyone has a great summer and we will see you in September!

Paul Murcutt – President CCI Vancouver

## Welcome New Members

- ▶ CMI Concierge & Security Inc.
- ▶ Strata Plan BCS 1073
- ▶ Strata Plan LMS 2586

▶ To receive issues of Condo News by email and be notified of upcoming CCI-Vancouver Strata Educational Seminars and Courses:

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## HAVE A STORY OR ADVICE TO SHARE ON STRATA ISSUES?

CCI Vancouver accepts *educational articles* from *Strata Councils*, *Business Partner and Professional Members* that are useful for strata councils and corporations in BC. Submitting an article provides you with the opportunity to contribute toward our award winning publication aimed at helping strata councils and strata corporations to be better equipped to perform their duties.

Articles submitted by *Business Partner and Professional Members* should be relevant to the contributor's area of expertise. Only one article per industry/company will be accepted for each issue.

Articles submitted by *Strata Councils* should tell the story of how a problem was solved or the strata community was improved. By sharing your stories, your challenges and successes, you will inspire other councils to problem solve and be contributing toward strata best practices, helping others to build strong communities.

Go to the CCI website to see [submission requirements](#). Issue deadlines:

**Fall – September 15**

**Winter – January 15**

Advertising Opportunities in *Condo News* are available (only) to Business Partner members of CCI Vancouver. To become a *Business Partner Member* and to see *Ad Pricing and Specifications* visit *Our Website*.

Articles and ads can be forwarded to:  
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## Everything You Need To Know About Strata Living

**Stratology** is written by Phil Dougan, a strata lawyer with Access Law Group, and will be published regularly in Condo News with the goal of providing information on fundamental strata matters that strata owners and council members need to know.

### Hoarding

Hoarding is not about too much stuff. The 'stuff' is the symptom; the cause is a form of mental illness.

Hoarding is a very difficult issue for a strata corporations to deal with as it often is manifest entirely within an owners unit and does not directly affect anyone. However, the side effects can become increasingly invasive and worrying for other residents. Practically, hoarding also creates potential fire risks, health risks and nuisances actionable at law.

In some municipalities there may be help. In Vancouver, the Hoarding Action Response Team can bring professional assistance to the situation to help resolve concerns. (<http://vancouver.ca/people-programs/hoarding-action-response-team.aspx>) A google search of 'hoarding' provides lots of resources.

Key for stratas is that the courts have said that living in community means that the wishes of an individual must be tempered by the needs of the whole community. Put more bluntly, if you move into a strata corporation, you have no right to 'do what you want in your own home.'

Purchasers must know that the strata corporation has the right, the duty and the responsibility to insure each owner is not materially impacting the other owners negatively or creating legal or physical risks that endanger life, property, or even the value of the property.

A strata corporation must enforce its bylaws (Strata Property Act s. 26) manage and maintain the common property (s.3) and each council member must

(a) act honestly and in good faith with a view to the best interests of the strata corporation, and

(b) exercise the care, diligence and skill of a reasonably prudent person in comparable circumstances. (s. 31)

In other words, a strata cannot ignore hoarders and cannot allow a material danger or legal nuisance to continue. ■





## ***Dog Win in a CRT Dispute Should Give Strata Corporations 'Paws' When Enforcing Pet Bylaws***

The Civil Resolution Tribunal (CRT) in *Esfahani v. Strata Plan BCS 2797*, 2018 BCCRT 176 recently ruled that a residential strata owner could keep his golden retriever because his strata corporation's pet bylaw was too vague.

At the time the owner purchased and moved into his strata lot, the retriever was a puppy. The strata, having a bone to pick, advised the owner that his dog did not meet the definition of a "small dog" as defined in the strata's pet bylaw which reads as follows:

3 (4) An owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following:

- (a) a reasonable number of fish or other small aquarium animals;
- (b) a reasonable number of small caged mammals;
- (c) up to 2 caged birds;

(d) one small dog or cat is permitted; small being defined as an animal that can comfortably be picked up and carried. [Emphasis Added]

The strata argued that while the puppy may have fit within the definition of a "small dog", that breed of dog would mature into a larger dog which would not be permitted under the pet bylaw. The strata corporation gave a deadline for the dog's removal, following which they would 'unleash' weekly fines on the owner.

The owner, refusing to roll over, argued before the CRT that the absence of any objective, tangible criteria for determining whether a pet is "small" for the purpose of the pet bylaw was fatal to it. He also argued that his dog met the criteria by providing videos of him picking up the dog.

The strata argued that the CRT should interpret "small dog" as defined by the American Kennel Club or any other dog related organization. However, the CRT held that the strata corporation was barking up the wrong tree with its arguments.

The CRT Member ruled in favour of the owner and his dog, finding the bylaw too vague for it to be 'paw-sible' to objectively interpret and ordering the strata to reverse all the related fines. The CRT Member held:

Considering the wording of the pet bylaw alone leaves a number of questions unanswered. For example, who must be able to pick up and carry the animal? It does not specify that this must be a resident of the strata lot. How long must the person be able to carry the animal for it to qualify? How does one determine what is comfortable? At what point in time should the measurement be made?

...

Applying the literal meaning of the words, there is evidence that the applicant can pick up and carry the dog. Comfort is a very subjective factor, but there were no signs of distress shown by the applicant when he was holding the dog in his arms. It is true that the dog squirmed when being held up in the air and this might mean that it was not under control. But control is not a component of the pet bylaw definition. The application of the literal meaning is an illustration of the difficulties with the language of the pet bylaw.

...

I find that there are sufficient uncertainties in the language of the pet bylaw that a reasonably intelligent person would not be able to determine the meaning. There is no objective criteria to determine if a dog is or is not in compliance with the bylaw. There may be cases where a golden retriever weighs less than 35 pounds, in which case it would be a small dog by the American Kennel Club definition. This may be because of age, condition or perhaps breeding.

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This case 'sheds' light on the principle that bylaws should be clear and be capable of objective interpretation or they risk being declared unenforceable. If a pet bylaw is declared unenforceable and the strata amends the bylaw to clarify its meaning then it will not be able to enforce it against a pet that lives with the owner at the time the bylaw is amended and continues to do so.

Strata corporations should include clear and objective criteria in their pet bylaws. If they do they can generally tell a contravening pet owner, "That's just 'ruff'!" ■

**Alex Chang** is a lawyer with Lesperance Mendes specializing in advising strata corporations and owners in all manner of condo issues including construction deficiency claims, bylaw enforcement, repair disputes, collections, and tenancy issues. He has acted for strata corporations and owners at all levels of court in BC and publishes articles regularly on strata law matters.

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### **CondoSTRENGTH**

*Program for Strata Councils Coming in 2018*

*You are not alone. Other strata council members are out there who can relate to your challenges.*

**CondoSTRENGTH** is a new program offered by CCI-Vancouver through which strata council members can draw on one another's wealth of knowledge, experience and support to build even better strata communities. The program, originally developed by a condominium mediator from Ontario, has been met with very positive feedback in other CCI chapters. Now it will be offered right here in BC through CCI Vancouver!

*It consists of three key components:*

#### ► **Resources:**

*Council members are provided with success stories from other strata council members which aim to provide possible solutions and the benefits of hindsight in resolving similar challenges.*

#### ► **Networking:**

*The program also facilitates gatherings of council members to discuss relevant topics. The location of the meetings are disclosed only to other council members who will be attending.*

#### ► **Recognition:**

*Council successes will be recognized and celebrated, as evaluated by other council members.*



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# LEGAL CORNER

## STRATA CASE LAW IN BC

By Jamie Bleay,  
Access Law Group



### Case Law 1

#### ***The Owners, Strata Plan VR 855 v. Shawn Oaks Holdings Ltd. 2018 BCSC 1162***

Shawn Oaks Holdings Ltd. ("Shawn Oaks") is a developer that between the fall of 2015 and August 2016 purchased a significant number of strata lots in a 72 unit residential strata property with the intention of potential redevelopment of the property. Shawn Oaks proceeded to rent the strata lots to tenants despite the existence of bylaw 3 of the strata corporation that stated:

#### BY-LAW: 3 STRATA LOT OCCUPANCY

- 3.1 With the exception of those strata lots listed in Section 3.2, all strata lots are to be occupied by the owner, or their immediate family.

For clarity, immediate family, means anyone being 19 years of age, or over, who is a sibling of the husband/wife, or the son/daughter, father/mother, grandparents or grandchildren of the owner of a strata lot.

Before the owner of a strata lot permits a member of their immediate family to occupy the strata lot they shall advise Council, and furnish the name(s) and the relationship of the individual(s) concerned.

Unauthorized renting/leasing, or actions which may be construed as renting/leasing of any strata lot not listed in By-laws 3.2: up to \$500 monthly or any portion thereof.

- 3.2 Subject to the Condominium Act of British Columbia, the number of strata lots within Strata Plan VR855 that may be leased/rented is restricted to 4, namely:

Strata Lot #16 [...]

Strata Lot # 8 [...]

Strata Lot #17 [...]

Strata Lot #72 [...]

in the City of Vancouver, B.C. V6M 2V5

- 3.3 Any owner of the strata lots listed in Section 3.2, who leases their lot shall submit a completed Form "K" to the management company within 15 days of commencement of the lease. Failure to comply will incur a fine of \$50 monthly or portion thereof.
- 3.4 Those strata lots, listed in Section 3.2, which are now leased/rented will be permitted to continue to be leased/rented until the sale of such strata lot(s), at which time this permission shall terminate automatically.
- 3.5 In accordance with By-Law 3.2, owners who are allowed to rent/lease their strata lot must advise their lessees of the existence of the Strata Property Act, By-Laws and the current Rules and Regulations of the Strata Corporation VR855. Upon each leasing or renting of their strata lot, the owner shall be charged a non-refundable [sic] of \$50 payable to the Strata Corporation to cover future administration costs to contact the owner and/or the tenant.

Shawn Oaks had proposed that a bylaw amendment repealing bylaw 3 be put to the owners at the building pursuant to section 43 of the Strata Property Act (the "Act"). A special general meeting was held on October 5, 2016 to vote on the proposed amendment but the resolution to repeal bylaw 3 was defeated. The strata corporation had, since December 2016 fined Shawn Oaks, as the owner of the strata lots being rented, for contravention of bylaw 3.

The main issue before the court was the validity and enforceability of bylaw 3. Arguments were made by the strata corporation that bylaw 3 was a valid prohibition of rentals, subject to those permitted by the bylaw. Shawn Oaks argued, in part, that bylaw 3 was not a valid bylaw and not enforceable as it did not comply with the provisions of the Act.

After hearing submissions and considering the arguments made by legal counsel for the parties, Madame Justice Norell dismissed the strata corporation's petition finding that bylaw 3.1 of bylaw 3 was not

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valid as it did not comply with the Act and was not enforceable. The Judge also found that the fines that had been levied were not valid and not recoverable from Shawn Oaks.

In her decision Madame Justice Norell found that bylaw 3.1 did not come within the parameters of section 141 of the Act which states:

- (1) The strata corporation must not screen tenants, establish screening criteria, require the approval of tenants, require the insertion of terms in tenancy agreements or otherwise restrict the rental of a strata lot except as provided in subsection (2).
- (2) The strata corporation may only restrict the rental of a strata lot by a bylaw that:
  - (a) prohibits the rental of residential strata lots, or
  - (b) limits one or more of the following:
    - (i) the number or percentage of residential strata lots that may be rented;
    - (ii) the period of time for which residential strata lots may be rented.
- (3) A bylaw under subsection (2)(b)(i) must set out the procedure to be followed by the strata corporation in administering the limit.

The Judge found that bylaw 3.1 was more of an occupancy bylaw than a bylaw that prohibited rentals and as such contravened section 141(2)(a) of the Act and that bylaw 3.1 had the effect of screening of tenants that was contrary to section 141(1) of the Act. ■

**Editor's note:** It is vitally important to ensure that bylaws that purport to restrict or limit or prohibit rentals strictly comply with section 141 of the Act. If they do not strata corporations will be unable to enforce their rental bylaws or recover fines for breach of their rental bylaws.

**Jamie Bleay** has practiced extensively in the area of condominium/strata law for most of the past 27 years, working with/acting for several hundred strata corporations in that time including dealing with major construction projects, contract review and interpretation and contract disputes.

He is the former president and one of the founding directors of CCI Vancouver.

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## LEGAL CORNER

### STRATA CASE LAW IN BC

By Lisa Frey, Associate,  
and Hannah Thomson  
(summer articulated student)  
Gowling WLG (Canada)  
LLP



#### ***Case Law 2*** ***Court of Appeal Clarifies Strata Windup Process***

The Hampstead is a four-storey residential building built in the late 90s, and located in Vancouver's West End. Capital expenditures to maintain and repair its building and physical infrastructure are rising, with anticipated costs for 2018 alone estimated to be more than \$675,000, or about \$20,000 for each of the 33 units.

In light of re-zoning in the area permitting increased density, strata council of the Hampstead began exploring the possibility of selling the entire building to a developer in early 2016. By September 2016, the owners of the strata had voted to retain a commercial real estate broker to market the property. After reviewing the top three offers in February 2017, the strata council selected a bid from Townline Ventures Inc. The strata council then negotiated a conditional purchase and sale agreement (PSA) with Towline, which was conditional upon the contract being approved an 80% majority of the owners; and a court order confirming the winding-up resolution, appointment of a liquidator, and approval of the sale.

Under the PSA, each owner would receive approximately 2.5 times the assessed value of his or her unit, making it more attractive to sell the building as a whole rather than unit-by-unit. After numerous meetings, more than 80% of the owners voted to wind up the strata corporation and appoint a liquidator to complete the sale to Townline in June 2017. Due to court delays, a second vote was held to refresh the resolution and correct a deficiency in the first resolution, which had not named the liquidator who had subsequently been selected to carry out the winding-up.

In the previous lower court decision, the judge approved the winding-up resolution, appointed the liquidator, approved the PSA, and made a number of ancillary orders. The judge considered the objections of four owners opposing the sale, but concluded that overall, the winding-up and sale was in the best interests of the majority of the owners.

On the other hand, the Court of Appeal found that the lower court judge had erred in appointing the liquidator, vesting the property in him and making orders ancillary to his role when the liquidator had not applied for that relief as required by the Act.

The appellants likened a winding-up in which there are dissenting strata owners to an expropriation of property, thereby requiring strict compliance by the taker with statutory requirements. On the other hand, the Respondents felt there was no reason to depart from the modern principle of statutory interpretation where the words of an Act are to be read in their entire context, in their grammatical and ordinary sense, harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.

The appellants argued that Act requires the liquidator to market and sell the property independent of the strata council and owners. They felt the requisite appointment of a liquidator is to ensure that an impartial, professional person markets the strata property and informs objectively about any proposed disposition before obtaining their approval to sell the strata property.

However, the court noted that under the appellants' interpretation of the Act, more than 80% of the owners would have to agree to wind-up a strata corporation based on the mere fact that a suitable offer could be obtained. They would then sit back as the liquidator obtained a vesting order, and registered it in the Land Title Office so that he or she held title to the property, at which point the strata plan would be cancelled. The liquidator would then market the strata, returning to the owners with any offer the liquidator viewed as acceptable, at which point approval could be obtained by a three-quarter vote – a significantly lower threshold than an 80% majority.

The court found the above interpretation to be inconsistent with the context in which voluntary windings-up occur. It also did not accord with the legislative intention to provide the court with a meaningful supervisory role in protecting the interests of those opposed to the winding-up of a strata corporation.

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# LEGAL CORNER

## CONDO CASES ACROSS CANADA

Summaries provided by  
James Davidson,  
LLB, ACCI, FCCI,  
Davidson Houle Allen LLP  
Condominium Law



### British Columbia

#### **Allwest International Equipment Sales Co. Ltd. v. The Owners, Strata Plan LMS4591 (BC Court of Appeal) May 3, 2018**

##### **Appeal Dismissed. Court orders owner to remove heat pump.**

The lower Court ordered the owner to remove a heat pump, which the Court said was an unauthorized modification to the common property.  
[See Condo Cases Across Canada, Part 60, December 2017.]

The owner appealed and the appeal was dismissed. The Appeal Court said:

*I accept the appellant's position that immaterial changes to common property will not be "alterations" for the purposes of Bylaw 6(1). It seems to me, however, that on any sensible definition of "alteration", the cutting of a 2-inch hole in an exterior wall, and the installation of permanent pipes in the wall and out to a heat pump constitutes an "alteration" that is material. The judge made no error in coming to such a conclusion.*

*Because the heat pump was both affixed to the patio and permanently attached to the pipes, I also agree with the chambers judge's conclusion that it constituted an alteration to the common property.*

### Ontario

#### **Omotayo v. Da Costa (Ontario Superior Court) March 29, 2018**

##### **Condominium Corporation not liable for assault at Board Meeting**

At a Board meeting, one of the participants allegedly assaulted one of the other participants. The meeting had taken place on the condominium's common elements. The injured party sued the alleged assailant as well as the condominium corporation. The alleged assailant also cross-claimed against the condominium corporation. The allegation against the condominium corporation was that it should have done more to keep the meeting safe, and to calm the escalating hostilities between the two participants. This was also alleged to be part of the condominium corporation's obligation as occupier of the common elements.

The claims against the condominium corporation were dismissed. The Court said:

*Based on the case law and evidence before me, I find that there is no genuine issue requiring a trial on the issue of whether MTCC 1292 breached its duty of care to the plaintiff.*

*It would be unduly onerous to find that a condominium corporation has a duty to provide security at every Board meeting to prevent a potential assault. Even given the contentious environment at the Board in this case, it would not be reasonable to require the condominium corporation to provide security. It is reasonable to expect individuals who participate on the boards of condominium corporations to adhere to a standard of conduct that includes, at a minimum, refraining from assaulting another participant.*

## Ontario

### York Regional Condominium Corporation No. 818 v. Przysuski (Ontario Superior Court) April 12, 2018

#### Court confirms election results and role of chair

The condominium corporation applied for an order revising the results of a Directors' election held during the condominium corporation's recent annual meeting. The condominium corporation asserted that the scrutineers at the meeting had failed to account for more than 30 votes under a particular proxy that had allegedly been filed with the meeting.

The Court found that the proxy in question had not been filed with the meeting and confirmed the election results as declared by the chair of the meeting, based on the vote count determined at the meeting by the scrutineers and provided to the chair.

The Court also noted that the meeting chair had ruled (and so instructed the scrutineers) that a proxy vote was only to be counted if the signatory's initials were present in certain locations on the proxy instrument. These instructions were clear and unambiguous, and there had been no objection to the instructions at the meeting. Based on the instructions, the proxy instrument in question (if it had been filed) would have been rejected by the scrutineers in any event.

In summary: The Court confirmed the election and dismissed the condominium corporation's application.

The Court said:

*The general understanding is that it is the duty of the chairperson of the condominium owners' meetings to enforce the rules of order including instructing scrutineers. The chairperson decides questions of validity when they arise, including decisions as to the validity of ballots and proxies.*

*The chairperson has the responsibility to examine all ballots, decide on their validity, count the votes, cast and declare the result. In the case of uncertainty, the matter of proxy validity should be referred to the chairperson for him or her to decide. Once the chairperson makes a declaration as to the result of the vote, it is final and binding unless otherwise reversed by the court. ■*

#### Editorial Note:

*The Court did not decide whether or not the chairperson's instructions in relation to proxies were correct. Rather, the Court deferred to the chair on this. In other words, it appears that a Court will be reluctant to overturn a decision of a meeting chair as long as the decision is not completely contrary to condominium law or basic corporate procedure and as long as there is no serious ambiguity or uncertainty in the chair's instructions.*

**James Davidson** is one of the founding partners of Davidson Houle Allen LLP and has been practicing condominium law for over 30 years. He represents condominium corporations, their directors, owners, and insurers throughout Eastern Ontario. His experience also includes building deficiencies, shared property interests, co-ownership and construction law. Jim is proud to be an associate (ACCI) and also a fellow (FCCI) of the Canadian Condominium Institute.

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By Kimberly Coates,  
Director of Member Engagement,  
Landlord BC



## *The Residential Tenancy Act – What Strata Councils Need to Know?*

To succeed as a landlord requires a certain amount of due diligence. Understanding the Residential Tenancy Act, and the rights and responsibilities of landlords and tenants should be the first step taken when someone decides to place their condominium up for rent.

### What is the Residential Tenancy Act?

The **Residential Tenancy Act of British Columbia** (RTA) is the provincial legislation that governs the relationship between a landlord and the tenant of the rental property. Under the RTA, a landlord is defined as “the owner of the rental unit, the owner’s agent [for example, a licensed rental property manager] or another person who, on behalf of the landlord, permits occupation of the rental unit under a tenancy agreement or exercises powers and performs duties under this Act, the tenancy agreement, or a service agreement.” It is important that strata councils understand the legislative definition of a landlord, as often when dealing with issues pertaining to rentals in strata buildings, the council may not be dealing with the legal owner of the unit when looking to address tenant issues, complaints, or disputes. There are instances where the strata council may have to communicate with a property manager or a landlord’s agent.

While the RTA governs most forms of tenancy in BC, there are instances where the Residential Tenancy Act does not apply. Those instances include accommodations where the tenant shares a bathroom or kitchen with the owner of the unit.

Further to this, it is very important for strata councils that permit rentals within their buildings have a full understanding of the Residential Tenancy Act as the RTA cannot be contracted out of. This means that a provision in the Residential Tenancy Act cannot be voided to enforce a strata bylaw and any attempt by the landlord or strata council to circumvent the RTA can be deemed unconscionable and/or unenforceable.

### Recent Changes to the RTA and what those changes mean for strata councils?

In late 2017 the provincial government passed an update to the RTA legislation known as Bill 16. This bill enacted major changes to the Residential Tenancy Act and one change that has been most impactful to strata rentals is the limitation of the use of the fixed term tenancy with a vacate clause to specific regulated situations.

There are two forms of tenancy agreement; periodical (known as a month to month agreement) and fixed term tenancy (commonly referred to as a lease). If the fixed term tenancy ended in a vacate clause, that meant that the tenant must vacate the rental unit on the agreed upon date. However, the changes to the Residential Tenancy Act brought forth by Bill 16 removed the enforceability of a vacate clause. This means that almost all fixed term tenancies will now convert to a month to month tenancy once the original term has expired.

So, why is this information important for Strata Councils? The Residential Tenancy Act lays out a specific exception for when a vacate clause can be enforced. This exception does not include a strata council wanting the tenancy to end or ending a tenancy in accordance with a strata bylaw.

The only exception available for a landlord to enforce a vacate clause is when the landlord intends to move into the rental unit or intends to have a close family member (defined in Section 49 of the RTA as a parent or child of the landlord or the landlord’s spouse) move into the rental unit at the end of the fixed term. This information can be found in the Residential Tenancy Act Regulations.

As mentioned earlier, misrepresenting your intentions to have close a family member move into the unit, which they must occupy for a minimum of six months, or any attempt to contract outside of the legislation could result in significant compensation being awarded to the tenant as well as possible administrative penalties being levied against the landlord by the Residential Tenancy Branch.

The residential rental housing industry in BC provides over 500,000 units of housing (approximately 30% of all BC households). LandlordBC, along with over 3000 of our members, works to set the industry standard in professionalism. Our members are housing providers who take pride in their business and are focused on providing safe, secure market rental housing to their tenants. The new Landlord Registry™ and I Rent It Right™ e-learning tool is an excellent resource available to landlords, building managers and property managers to provide them with fundamental education and best practises regarding the Residential Tenancy Act. More information on the registry can be found at [www.landlordregistry.ca](http://www.landlordregistry.ca). ■

**Kimberly Coates** is Director of Member Engagement for LandlordBC. LandlordBC is the industry association representing owners and managers of rental housing and, working as the respected voice for the rental housing industry, strives to balance the landlord's rights to operate in a free market with the tenants' rights to access safe, stable housing.

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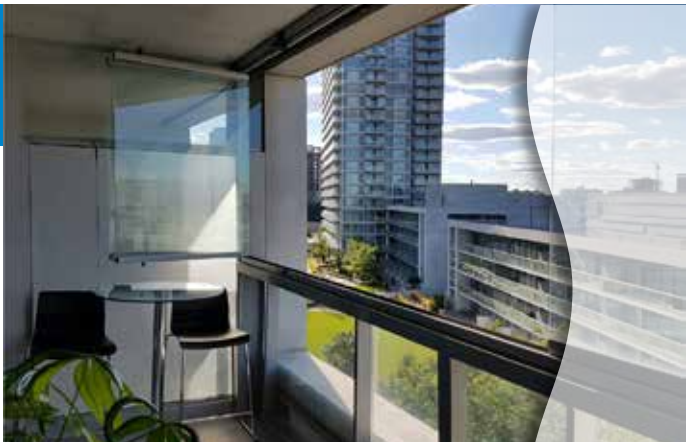
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# FROM THE STRATA EXPERTS

## Get Your Condo Safe for Barbecues



*Summer – time to celebrate he outdoors with friends and family, and to enjoy a barbecued meal. BUT, as a condo owner, are you familiar with all the safety rules associated with the use of a barbecue?*

### What to Keep in Mind

In most cases, having a barbecue on your terrace or balcony is permitted. On the other hand, they can be banned because of the risks related to propane and charcoal, the smell and the smoke. It is important to carefully read your building by-laws, or co-ownership agreement to make sure they are permitted.

Take the time to check with your municipality that there are no restrictions; precautions should be taken, especially if you're dealing with limited space. For safety reasons, barbecues must be at a distance of 60 cm from any door, window, as well as the building.

### Statistics That Speak for Themselves

Risks associated with the use of a barbecue must be taken seriously. In its most recent research, Statistics Canada estimates that cooking appliances as well as smoking and open-flame objects were the two main sources of ignition in residential fires; combined, these two categories represent about 60% of the fires. But open-flame appliances alone account for 24% of occurrences: hence the importance of using them with great caution to keep yourself and others safe.

Two components are involved when it comes to the cause of a fire: the source of ignition, and what we call the "action or omission." The source of ignition is usually linked to the equipment, appliance or object that started the fire, like a breach or damage, while the action or omission designates the human component, or the circumstances which caused or contributed to the fire, like forgetting to turn off the appliance, for example.

## Insurance

By Paul Murcutt,  
BFL Insurance



**7** good habits to have a great and safe barbecue season:

- 1 NEVER KEEP YOUR PROPANE GAS TANKS INSIDE**, or store them near a source of heat (charcoal barbecues may not present a risk of explosion, but they may cause a fire or carbon monoxide intoxication);
- 2 KEEP THE COVER OPEN** to avoid gas accumulation when you light the barbecue;
- 3 ALWAYS TURN OFF THE GAS** as soon as you're done cooking, and stay away from the tank if you smell gas;
- 4 NEVER COOK WITH A RUSTED OR DAMAGED TANK.** In Canada, tanks must be changed or inspected every 10 years;
- 5 IF YOU SUSPECT A GAS LEAK**, fill a bottle with a vaporizer spout with a little bit of dish soap, and vaporize on the connections when the gas is on; if you see bubbles, it means there's a leak;
- 6 BE CAREFUL WHEN TRANSPORTING THE TANK** from the store to your home. When riding in the car, place it on the floor of the car, with valves upward and with open windows, instead of in the trunk;
- 7 ALWAYS BE CAREFUL WHEN USING STARTING FLUIDS OR ACCELERANTS**, wait a minute before lighting the barbecue, and make sure to store the bottles away from the barbecue.

## Tips for a Safe Summer

To prevent any accident, you should clean up your barbecue at the beginning of spring and at the end of fall, before storing it for winter. It is also extremely important to make sure that your burner is in good condition.

Whether you use a propane or charcoal barbecue, you must be careful not to place any flammable product near the barbecue. It should be placed in a wide space where it's easy to circulate, and never leave it unattended, especially in the presence of children or pets. You should always, always keep a bottle with a vaporizer spout and a fire extinguisher at hand. ■

**Paul Murcutt** is an Insurance Broker working in the real estate sector. He began his insurance career at BFL in 2003 and has worked in various capacities. Today, Paul is a Vice President and Unit Leader in the Real Estate Division running a large team and book of business. His diversified role sees him working in both management and sales in the Property and Casualty insurance field ensuring the highest level of service and client satisfaction is achieved.

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By Jean-François Proulx,  
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### ***Figuring Out An Owner's Ceiling Amount Of Reserve Fund Contributions Is As Basic As Determining Their Net Worth***

Are Strata Council officers presently equipped to make sound financial decisions about the Reserve Fund (RF) contributions portion of Strata Fees? After five (5) years of required Depreciation Reports (DRs) in BC, what is the common ground on Reserve Fund Planning and Reporting (RFPR)? Are stakeholders in agreement about the importance of standard procedures and tools to achieve useful results? How are consumers protected under the present regime?

While some skill is needed to understand reserve fund planning tools – and to interpret their results – the government's Strata Property Act (SPA); legal precedents; court rulings; the media; stakeholders, and professional opinions are failing to lead Strata Councils towards standardisation. Owners' hold on their money, their gut feelings, or the little attention they are willing to give to managing common assets are still prevailing over the standard way to measure the position of a reserve fund, and the resulting owners' contributions.

Having attended many Strata Council and Owner meetings as a treasurer, president, trade, contractor, consultant for engineering and appraisal firms, and as a reserve-fund planner – on most of the strata fence's positions – it appears that Owners have diverging opinions on the perspectives that professionals hold. This situation dilutes respect for a common standard to RFPR.

Owners who have experienced war or systemic corruption have a different understanding of trust in the information provided by authorities or professionals. Some Canadians defer to authority because they have no tradition of identifying a government as a source of oppression or conflict. Yet the habit of deference to authority – an officer, a property manager or a professional – is ingrained in most strata corporations. This is not always a good thing, as it keeps Owners complacent, attached to opinions, or in the dark. This doesn't change the fact that a standard is crucial to producing useful information for mitigating the risk of a disruptive  $\frac{3}{4}$  special levy.

When it comes to knowing the fair-share of owners' use of common assets, stakeholders should find comfort in knowing that determining a RF's position – where the RF stands in relation to where it should be – is no different than determining a person's net worth – a financial value at a point-in-time. There are standard methods for measuring both.

While the REIC CRP RFPR functional methodology has been used across Canada as early as in the 1970s, the government has not made it clear that there is but one standard for measuring the position of a RF, and the fiscal-year based ceiling amount of contributions to be drawn from Owners. There are no strata police. The standard for RFPR continues to be maligned, and variations on the standard have made it difficult to compare two strata lots in relation to the liabilities of two developments.

It is presently difficult to rationalize spending thousands on non-compliant DRs. Why not stick with the SPA guideline, forget about DRs, and stash \$25,000 in a personal account in case a surprise  $\frac{3}{4}$  special levy comes up? That would not be fair to the corporation, nor to current and future Owners – especially when a tried-and-true methodology for determining RF contributions exists. And it is misguided because it leads lenders to impose higher mortgage rates at renewal time, and because it has Owners content about not paying their fair-share of the true-cost of ownership.

Strata finances are organized around the Operating Fund, RF, and  $\frac{3}{4}$  Special Levy Fund. Sound risk-management requires the fiscal-year management of the first two funds.

When Strata Council officers meet at their Annual Budget Meeting (ABM), they work on producing the Proposed Budget. They compare the actual Operating expenses and RF expenditures to what was approved at the last Annual General Meeting (AGM). Variations are explained, and help set the next Proposed Budget. Then, officers shift attention to upcoming RF renewal projects – that occur every two fiscal-years or more – as these require planning, inspections, tendering, scheduling etc. several fiscal-years before they are undertaken. Reviewing when renewals are to occur helps officers know how much of the remaining restricted monies can be invested – interest income reduces contributions, and when these investments are to mature – up to five fiscal-years in the future.

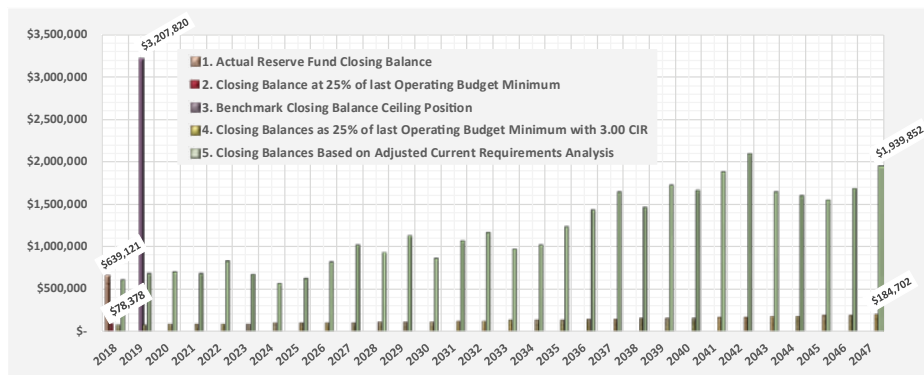
What the Strata Council produces for a simple majority 50 percent vote with its Proposed Budget are the total strata fees divided into two allocations: a portion to the Operating Fund as monthly revenues to meet the unrestricted expenses for the fiscal-year, and a portion allocated to the RF as restricted monthly regular contributions – monies owed to the Strata Corporation for use of its assets one fiscal-year at a time. Well managed and risk-adverse corporations allocate between 15 to 30 percent of their strata fees to the RF to cover Owners' use of aging – depreciating – common assets one fiscal-year at a time. Knowing that insurers and developers unwillingly setup strata corporations to fail with the 5 to 10 percent of the Operating ratio, is relevant as owners are forced to play catch-up. Indeed, this ratio has little to do with the common assets' needs, which are best measured by the RF position at a point-in-time.

The SPA's guideline for reserve fund planning introduced another ratio, based on the Operating Fund financial results, taken from immediate past and current fiscal-years. How useful is this ratio for planning the future needs of a corporation's common assets?

There is a weak relationship between repeated Operating Fund daily, weekly, monthly, yearly bills – an electrical bill – and the development's aging windows or roof. Since the Operating Fund is for re-occurring items needing revenue to offset them, and the RF is for every two fiscal-years or more major repair and replacement expenditures for common assets and fiscal-year RF contributions – it makes little sense to rely on the SPA ratio for sound-management. While it remains as a basic guideline, the SPA has it that DR recommendations override the SPA ratio once acquired. Still, no closing RF balance is to be below the 25 percent threshold, otherwise the equivalent of 10 percent of a current fiscal-year's Operating Budget is to be contributed to the RF, which only complicates planning. The purpose of requiring DRs was to move us away from minimums, last minute fixes, ad hoc decision-making, and surprise levies. Conducting reserve fund planning with this approach also makes it difficult to compare finances across councils in time and strata corporations in space.

The only planning we can reasonably do with operating budgets is to project the SPA guideline ratio's result: a minimum Closing Reserve Fund balance, adjusted in future fiscal-years with the Consumer Price Index (CPI) – or more reasonably with the Construction Inflation Rate (CIR) – since common asset RF renewal projects are affected by construction material and labour inflation rather than the price of tomatoes.

The graph to the right illustrates the results of this analysis for an existing strata corporation, along with the REIC CRP functional methodology's resulting recommended closing balances, based on the standard analysis of adjusted Current Requirements. This corporation has a RF with restricted monies above the SPA ratio – but it is still not at the ceiling amount calculated by the standard RFPR methodology. In some provinces, the officers are to fund to the ceiling in the next fiscal-year with a one-time special contribution. Why are the recommendations below the ceiling? If the officers increase their interest income on the monies in the RF, the recommended closing balances will increase significantly.



Planning with the SPA 25 percent of last fiscal-year metric is misguided. The closing balance would never reach the existing closing balance. This approach would continue to lead to ¾ special levies; not motivate Owners to pay their fair-share, and end up costing more, simply because renewal projects would be surprise levy rush-jobs.

Knowing the RF's position based on the depreciation of the aging assets is crucial. It is calculated based on the effective age of common asset major repairs and replacement listed in the active component inventory, as determined by a visual review of their functional condition. The benchmark RF position gives us a sense of how well operating maintenance impacts the major repairs and replacement of the common assets at a point in time, and what is the ceiling amount of monies needed in the RF – much less that then the current costs for the components, or the appraised-value to re-build the development, neither of which measure the depreciation of aging assets. The RFPR focus is on the performance of the assets, not on the prescribed scheduled expenditures of a portion of the component inventory over a projection.

... continued on page 18

... continued from page 17

Certainly, knowing what the projected adjusted fiscal-year-end Closing Balances in relation to the adjusted Current Requirements will be – based on the RF's position – is relevant for planning the future, but focusing only on the expenditures or the closing balances leads us on a roller coaster ride. Knowing what monies are needed for scheduled expenditures is one thing, but setting stable RF contributions considering this volatility, is what astute Owners care about. Knowing that if RF contributions are set to increase at 5 percent each fiscal-year – after a bump in contributions towards the ceiling amount for a few fiscal-years, remembering that the RF allocation is but a portion of total Strata Fees – then the common asset needs of the Strata Corporation are taken care of, should make sense to all stakeholders.

While net worth is a private matter, the RF position is public knowledge. Regarding consumer protection, government and professional RFPR oversight would be beneficial to all stakeholders, but complying to one standard for RFPR over the life of a development – one that is valid across corporations – is key. Just as with the personal net worth metric, the RFPR standard stands the test-of-time and protects against peoples' agendas or professionals' predilections. We should all ask that RFPR be conducted with the same standard, the same procedures, and the same tools. By using the REIC CRP functional methodology for reserve fund planning and reporting we ensure the sound risk-management of personal and shared finances. ■

**J.-F. Proulx** is Director of Constructive Condo Reporting Corp. He has worked as a trade, contractor and consultant to construction, engineering and appraisal firms – fostering depreciation report divisions along the way, as well as providing warranty review reports, specification writing, Form B information certificate reviews, and other consulting services. J.-F. is REIC Faculty, teaching RFPR across Canada.

He believes that best-practice reserve fund planning can elevate all stakeholders' standards, improve strata living, and lead to better personal and condo/strata financial decision-making.

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## Case Law 2 ... continued from page 9

Furthermore, this interpretation would lead to a number of practical difficulties, including:

- Owners want to know precisely what a wind-up and sale would mean for each of them, both financially and personally, before they agree to wind-up the strata corporation;
- The process contended for by the appellants would result in the cancellation of the strata plan and transfer of the property to the liquidator before the owners have made a decision to sell;

The court also found it significant that the appellants proposed interpretation would prevent a court from affording meaningful protection to the dissenting owners, creditors, and charge holders. If the owners' resolution is not made in the context of an existing offer, then as the judge below noted "court oversight for the dissenting owners is limited to basically approving the liquidator and not much more". How is the court able to determine whether a winding-up of the strata is in the best interests of the owners and other interested parties when it does not know on what terms nor when the property would be sold? In this case, the court would not know how the winding-up and disposition would affect each of the opponents.

While the court agreed with the appellants that the mandatory requirements of the winding-up process must be complied with, it disagreed with the appellants' interpretation of some of those requirements:

- The court agreed with the appellants that the Act requires the liquidator to apply for approval of his appointment and the vesting order (as set out in the Act). However, nothing in the Act prevents the liquidator from bringing that application at the same time the strata corporation applies for approval of the winding-up resolution, with the preliminary issue of the adequacy of the winding-up resolution necessarily to be determined first.
- While the Act requires the liquidator to register the vesting order in the Land Title Office, it does not require this registration to occur immediately upon it being made; the legislature did not include a period within which that step must be taken. Accordingly, there is nothing inconsistent with the liquidator registering the order immediately before title to the strata is to be transferred to the purchaser.
- The court also noted that the mandatory requirements set out in the Act do not prevent the strata council or the liquidator from going beyond those minimum requirements, so long as the steps taken are not inconsistent with the provisions of the Act. This was specifically addressed in relation to obtaining court approval of a particular agreement.

- The Act requires the liquidator to obtain a three-quarter vote at some point before he disposes of the property. The appellants argued that the court's approval of the PSA conflicts with this section of the Act, and the subsequent three-quarter vote by the member to approve the sale. The court disagreed – the strata council's decision to obtain court approval of the sale to fulfill a condition precedent of the PSA is not inconsistent with the liquidator also obtaining a vote prior to disposition. Court approval does not compel the strata to transfer the property and, although it had not yet been done in the present case, the three-quarter vote must still occur before the transfer of title to Townline. In this way, the final vote immediately prior to disposition is not redundant, especially if the vote is viewed as a final check and opportunity for the owners to reconsider the decision to complete the sale.
- The Act requires the owners to approve an interest schedule, which must contain the information set out in a particular provision. On appeal, the appellants put forward the additional argument that the Act did not authorize an interest schedule containing particular information that exceeded what was required under the Act (namely, a column defining owners' shares of gross sale proceeds under the PSA). The court noted that the inclusion of additional information beyond the requirements of the Act does not amount to non-compliance. In this case, each owner would in any event "do the math" upon receiving the interest schedule, determining his or her share based on the percentage given and the purchase price.
- The Act requires owners to approve the liquidator's final accounts by a three-quarter vote before the Registrar winds-up the strata corporation. The Court found that before dissolution, the liquidator still must apply to the Registrar, which requires a Certificate of Strata Corporation stating that the final accounts referred to in the application have been approved by a resolution passed by a three-quarter vote of the owners at an annual general meeting or special general meeting.

In summary, this case provides helpful guidance to strata corporations determining how to move forward with the windup process. Since this area is so technical, early involvement of legal professionals is recommended. ■

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Email: [abouchard@bestbse.ca](mailto:abouchard@bestbse.ca)  
Website: [www.bestbse.ca](http://www.bestbse.ca)

### Aqua-Coast Engineering Ltd.

Aaron A. MacLellan  
5155 Ladner Trunk Road, Unit 201  
Delta, BC V4K 1W4  
Tel: 604-946-9910, Fax: 604-946-9914  
Email: [adminservices@aqua-coast.ca](mailto:adminservices@aqua-coast.ca)  
Website: [www.aqua-coast.ca](http://www.aqua-coast.ca)

### BC Building Science Ltd.

Jordana Collison  
611 Bent Court  
New Westminster, BC V3M 1V3  
Tel: 604-520-6456, Fax: 604-520-6496  
Email: [info@bcbuildingscience.com](mailto:info@bcbuildingscience.com)  
Website: [www.bcbuildingscience.com](http://www.bcbuildingscience.com)

### Duxbury & Associates - Building Inspection and Consulting Ltd.

Glenn Duxbury  
125 DeBeck Street  
New Westminster, BC V3L 3H7  
Tel: 604-524-2502  
Email: [glenn@glennduxbury-inspections.com](mailto:glenn@glennduxbury-inspections.com)  
Website: [www.glennduxbury-inspections.com](http://www.glennduxbury-inspections.com)

### Entuitive

Mike Lembke  
789 W Pender Street, Suite 1205  
Vancouver, BC V6C 1H2  
Tel: 403-606-911  
Email: [mike.lembke@entuitive.com](mailto:mike.lembke@entuitive.com)  
Website: [www.entuitive.com](http://www.entuitive.com)

### McIntosh Perry

Doru Cornescu  
1003 Brunette Avenue  
Coquitlam, BC V3K 6Z5  
Tel: 604-553-4774  
Email: [d.cornescu@mcintoshperry.com](mailto:d.cornescu@mcintoshperry.com)  
Website: [www.mcintoshperry.com](http://www.mcintoshperry.com)

## Engineering & Engineering Consultants, Depreciation Reports

### Morrison Hershfield

Jacquelyn White  
4321 Still Creek, Suite 310  
Burnaby, BC V5C 6S7  
Tel: 604-454-0402, Fax: 604-454-0403  
Email: [jwhite@morrisonhershfield.com](mailto:jwhite@morrisonhershfield.com)  
Website: [www.morrisonhershfield.com](http://www.morrisonhershfield.com)

### RDH Building Engineering Ltd.

Janet Nacario  
224 West 8th Avenue  
Vancouver, BC V5Y 1N5  
Tel: 604-873-1181, Fax: 604-873-0933  
Email: [jnacario@rdh.com](mailto:jnacario@rdh.com)  
Website: [www.rdh.com](http://www.rdh.com)

### Sense Engineering Ltd.

Ted Denniston  
3035 Crescentview Drive  
North Vancouver, BC V7R 2V2  
Tel: 778-869-3035  
Email: [ted@senseengineering.com](mailto:ted@senseengineering.com)  
Website: [www.senseengineering.com](http://www.senseengineering.com)

### WSP Group

Kevin Grasty  
930 West 1st Street, Suite 112  
North Vancouver, BC V7P 3N4  
Tel: 604-973-0038, Fax: 604-924-5573  
Email: [kevin.grasty@wspgroup.com](mailto:kevin.grasty@wspgroup.com)  
Website: [www.wspgroup.ca](http://www.wspgroup.ca)

## Exterior Renovation/Restoration

### Peak Installations Inc.

Jim Gibb  
11782 Hammersmith Way, Suite 203  
Richmond, BC V7A 5E2  
Tel: 604-448-8000, #2210, Fax: 604-448-8100  
Email: [jim.gibb@peakinstallations.com](mailto:jim.gibb@peakinstallations.com)  
Website: [www.peakinstallations.com](http://www.peakinstallations.com)

### Safesidewalks Canada BC Ltd.

Dave Brian  
10773 Dunlop Road  
Delta, BC V4C 2M7  
Tel: 604-754-3498  
Email: [dave@safesidewalks.ca](mailto:dave@safesidewalks.ca)  
Website: [www.safesidewalks.ca](http://www.safesidewalks.ca)

# Business Partner and Professional Members Directory

## Financial & Accounting

### CWB Maxium Financial Services

Kelly McFadyen  
5725 Owl Court  
North Vancouver, BC V7R 4V1  
Tel: 604.562.5403, Fax: 1-888-735-2851  
Email: [kelly.mcfadyen@cwbsmaxium.com](mailto:kelly.mcfadyen@cwbsmaxium.com)  
Website: [www.cwbsmaxium.com](http://www.cwbsmaxium.com)

### Dong Russell & Company Inc.

Stanley Dong  
2443 Alder Street  
Vancouver, BC V6H 4A4  
Tel: 604-730-7472, Fax: 604-730-7459  
Email: [sdong@dr CPA.com](mailto:sdong@dr CPA.com)  
Website: [www.dr CPA.ca](http://www.dr CPA.ca)

### RHN Chartered Professional Accountants (Richmond)

Venus Duplin  
13900 Maycrest Way, Suite 105  
Richmond, BC V6V 3E2  
Tel: 604-273-9338, Fax: 604-273-9390  
Email: [vduplin@rhncpa.com](mailto:vduplin@rhncpa.com)  
Website: [www.rhncpa.com](http://www.rhncpa.com)

### VersaBank

Karl Neufeld  
40733 Perth Drive, PO Box 2000  
Garibaldi Highlands, BC V0N 1T0  
Tel: 604-984-7564, Fax: 604-898-3442  
Email: [karln@versabank.com](mailto:karln@versabank.com)  
Website: [www.versabank.com](http://www.versabank.com)

## Insurance

### BFL Canada Insurance Services Inc.

Paul Murcutt  
1177 West Hastings, Suite 200  
Vancouver, BC V6E 2K3  
Tel: 604-678-5454, Fax: 604-683-9316  
Email: [pmurcutt@bflcanada.ca](mailto:pmurcutt@bflcanada.ca)  
Website: [www.bflcanada.ca](http://www.bflcanada.ca)

### HUB International Insurance Brokers

Grace Wang  
4350 Still Creek Drive, Suite 400  
Burnaby, BC V5C 0G5  
Tel: 604-937-1732  
Email: [grace.wang@hubinternational.com](mailto:grace.wang@hubinternational.com)  
Website: [www.hubinternational.com](http://www.hubinternational.com)

## Landscape Maintenance

### Premier Landscaping Inc.

Shannon Mitchell  
17530 - 56A Avenue, Suite 4  
Surrey, BC V3S 1G3  
Tel: 604-576-5764  
Email: [office@premierlandscapingbc.com](mailto:office@premierlandscapingbc.com)  
Website: [www.premierlandscapingbc.com](http://www.premierlandscapingbc.com)

## Legal & Dispute Resolution

### Access Law Group

Jamie Bleay  
1185 West Georgia Street, Suite 1700  
Vancouver, BC V6E 4E6  
Tel: 604-689-8000  
Email: [jamieb@accesslaw.ca](mailto:jamieb@accesslaw.ca)  
Website: [www.accesslaw.ca](http://www.accesslaw.ca)  
*Professional & Business Partner Member*

### Access Law Group

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1185 West Georgia Street, Suite 1700  
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Website: [www.accesslaw.ca](http://www.accesslaw.ca)

### Access Law Group

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Tel: 604-235-4667  
Email: [stodesco@accesslaw.ca](mailto:stodesco@accesslaw.ca)  
Website: [www.accesslaw.ca](http://www.accesslaw.ca)

### Cleveland Doan LLP

Shawn M. Smith  
1321 Johnston Road  
White Rock, BC V4B 3Z3  
Tel: 604-536-5002  
Email: [shawn@clevelanddoan.com](mailto:shawn@clevelanddoan.com)  
Website: [www.clevelanddoan.com](http://www.clevelanddoan.com)

### Gowling WLG (Canada) LLP

Lisa Frey  
550 Burrard Street, Suite 2300  
Vancouver, BC V6C 2B5  
Tel: 604-683-6498  
Email: [lisa.frey@gowlingwlg.com](mailto:lisa.frey@gowlingwlg.com)  
Website: [www.gowlingwlg.com](http://www.gowlingwlg.com)

## High Clouds Incorporated

Deborah Howes  
3438 - 78 Avenue  
Edmonton, AB T6B 2X9  
Tel: 780-466-8250  
Email: [dhows@highclouds.ca](mailto:dhows@highclouds.ca)  
Website: [www.highclouds.ca](http://www.highclouds.ca)

## Lesperance Mendes

Paul Mendes  
900 Howe Street, Suite 550  
Vancouver, BC V6Z 2M4  
Tel: 604-685-3567, Fax: 604-685-7505  
Email: [pgm@lmlaw.ca](mailto:pgm@lmlaw.ca)  
Website: [www.lmlaw.ca](http://www.lmlaw.ca)

## Wilson McCormack Law Group

Cora D. Wilson  
630 Terminal Avenue North  
Nanaimo, BC V9S 4K2  
Tel: 250-741-1400  
Email: [cora@wmlg.ca](mailto:cora@wmlg.ca)  
Website: [www.wmlg.ca](http://www.wmlg.ca)

## Lighting

### Lumenix Inc.

Kevin Tran  
73 E 6th Avenue, Suite 208  
Vancouver, BC V5T 1J3  
Email: [kevin.tran@lumenix.com](mailto:kevin.tran@lumenix.com)  
Website: [www.lumenix.com](http://www.lumenix.com)

## Painting & Restoration

### Remdal Painting & Restoration

Dan Schmidt  
17619 - 96th Avenue, Suite 201  
Surrey, BC V4N 4A9  
Tel: 648-882-5155  
Email: [dans@remdal.com](mailto:dans@remdal.com)  
Website: [www.remdal.com](http://www.remdal.com)

## Professional Services

### Community Fire Prevention Ltd.

Brett Johnston  
1320 Kingsway Avenue, Suite 104  
Port Coquitlam, BC V3C 6P4  
Tel: 604-944-9242, Fax: 604-944-9612  
Email: [brett@comfire.ca](mailto:brett@comfire.ca)  
Website: [www.comfire.ca](http://www.comfire.ca)

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# Business Partner and Professional Members Directory

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## Qondo

Kris Malek  
3993 Henning Drive, Suite 210  
Burnaby, BC V5C 6P7  
Tel: 604-351-0326  
Email: [williamwhleung@gmail.com](mailto:williamwhleung@gmail.com)  
Website: [www.qondo.ca](http://www.qondo.ca)

## Reserve Fund Planning & Depreciation Reports

### Constructive Condo Reporting Corp.

Jean-Francois Proulx  
232 Tenth Street, Suite 14  
New Westminster, BC V3M 3X9  
Tel: 778-232-6707  
Email: [jfproulx@constructivecrc.com](mailto:jfproulx@constructivecrc.com)  
Website: [www.constructivecrc.com](http://www.constructivecrc.com)

## Restoration & Mould

### Phoenix Restorations Ltd.

John Wallis  
1800 Brigantine Drive, Suite 100  
Coquitlam, BC V3K 7B5  
Tel: 604-945-5371  
Email: [johnw@phoenixrestorations.com](mailto:johnw@phoenixrestorations.com)  
Website: [www.phoenixrestorations.com](http://www.phoenixrestorations.com)

### Service Master Restore of Vancouver

Steve Page  
7978 North Fraser Way  
Burnaby, BC V5J 0C7  
Tel: 604-435-1220  
Email: [spage@servicemaster.bc.ca](mailto:spage@servicemaster.bc.ca)  
Website: [www.svmvancouver.ca](http://www.svmvancouver.ca)

### Superior Flood and Fire Restoration Inc.

Mayank Anand  
1066 West Hastings Street, 20th Floor  
Vancouver, BC V6E 3X2  
Tel: 604-773-5511  
Email: [mayank@superiorrestoration.ca](mailto:mayank@superiorrestoration.ca)  
Website: [www.superiorrestoration.ca](http://www.superiorrestoration.ca)

## Security and Concierge Services

### CMI Concierge & Security Inc.

Wayne Tullson  
808 Nelson Street, 17th Floor  
Vancouver, BC V6Z 2H2  
Tel: 604-691-1733  
Email: [wtullson@cmiconcierge.com](mailto:wtullson@cmiconcierge.com)  
Website: [www.cmiconcierge.com](http://www.cmiconcierge.com)

## Strata Management & Real Estate

### All Property Consulting Inc.

Kevin O'Donnell  
PO Box 45694, Sunnyside Mall  
Surrey, BC V4A 9N3  
Tel: 778-323-7335  
Email: [kevin@allpropconsulting.com](mailto:kevin@allpropconsulting.com)  
Website: [www.allpropconsulting.com](http://www.allpropconsulting.com)

### Ascent Real Estate Management Corporation

Michael Roach  
2176 Willingdown Avenue  
Burnaby, BC V5C 5Z9  
Tel: 604-431-1800  
Email: [mroach@ascentpm.com](mailto:mroach@ascentpm.com)  
Website: [www.ascentpm.com](http://www.ascentpm.com)

### Assertive Northwest Management Group Inc.

Jim Allison  
3847 B Hastings  
Burnaby, BC V5C 2H7  
Tel: 604-253-5224  
Email: [jim@assertivenorthwest.com](mailto:jim@assertivenorthwest.com)  
Website: [www.assertivenorthwest.com](http://www.assertivenorthwest.com)

### Blueprint Strata Management Inc.

David Doornbos  
1548 Johnston Road, Suite 206  
White Rock, BC V4B 3Z8  
Tel: 604-200-1030  
Email: [ddoornbos@blueprintstrata.com](mailto:ddoornbos@blueprintstrata.com)  
Website: [www.blueprintstrata.com](http://www.blueprintstrata.com)

### Dynamic Property Management

Mike Young  
37885 Second Avenue  
Squamish, BC V8B 0R2  
Tel: 604-815-4654  
Email: [myoung@dynamicpm.ca](mailto:myoung@dynamicpm.ca)  
Website: [www.dynamicpm.ca](http://www.dynamicpm.ca)

### FirstService Residential

Max Gajdel  
200 Granville Street, Suite 700  
Vancouver, BC V6C 1S4  
Tel: 604-683-8900  
Email: [maximilian.gajdel@fsresidential.com](mailto:maximilian.gajdel@fsresidential.com)  
Website: [www.fsresidential.com](http://www.fsresidential.com)

## Gateway Property Management Corporation

R. Scott Ullrich  
11950 - 80th Avenue, Suite 400  
Delta, BC V4C 1YC  
Tel: 604-635-5000, Fax: 604-635-5003  
Email: [scott.ullrich@gmail.com](mailto:scott.ullrich@gmail.com)  
Website: [www.gatewaypm.com](http://www.gatewaypm.com)

## Obsidian Property Management

Sean Michaels  
7495 - 132nd Street, Suite 2005  
Surrey, BC V3W 1J8  
Tel: 604-757-3151, Fax: 604-503-3457  
Email: [askme@opml.ca](mailto:askme@opml.ca)  
Website: [www.opml.ca](http://www.opml.ca)

## Rancho Management Services (BC) Ltd

Chris Sargent  
1190 Hornby Street, 6th Floor  
Vancouver, BC V6Z 2K5  
Tel: 604-684-4508  
Email: [csargent@ranchogroup.com](mailto:csargent@ranchogroup.com)  
Website: [www.ranchogroup.com](http://www.ranchogroup.com)

## Stratawest Management Ltd.

Cory Pettersen  
224 West Esplanade, Suite 202  
North Vancouver, BC V7M 1A4  
Tel: 604-904-9595  
Email: [cpettersen@stratawest.com](mailto:cpettersen@stratawest.com)  
Website: [www.stratawest.com](http://www.stratawest.com)

## Teamwork Property Management Ltd

Joe Hackett  
34143 Marshall Road, Suite 105  
Abbotsford, BC V2S 1L8  
Tel: 604-854-1734  
Email: [jhackett@teamworkpm.com](mailto:jhackett@teamworkpm.com)  
Website: [www.teamworkpm.com](http://www.teamworkpm.com)

## Tribe Management Inc.

Jaclyn Jeffrey  
1155 West Pender Street, Suite 419  
Vancouver, BC V6E 2P4  
Tel: 604-343-2601  
Email: [info@tribemgmt.com](mailto:info@tribemgmt.com)  
Website: [www.tribemgmt.com](http://www.tribemgmt.com)

## The Wynford Group

Brad Fenton  
815 - 1200 W. 73rd Avenue  
Vancouver, BC V6P 6G5  
Tel: 604-261-0285  
Email: [bfenton@wynford.com](mailto:bfenton@wynford.com)  
Website: [www.wynford.com](http://www.wynford.com)



# Condo 101

Your Strata Connection to Education

## Condo 101 Course for Council Members

Through our **NEW Condo 101** course, CCI Vancouver is committed to providing a friendly, supportive educational environment to help Strata Council members become better equipped to perform their duties.

Taught by Strata Lawyers, this course provides information on the duties, obligations and procedures that all strata council members, or those who would like to join the council, should know. Topics include legal elements of Stratas, discerning various responsibilities of Stratas, administration, finance, insurance, and procedures of Strata Corporation meetings.

This is a complimentary course available to the council members of Strata Corporations with active CCI Vancouver memberships. Owners who would like to join their council in the future are also welcome to register for this course. The registration fee for non-members is \$150. Participants will receive a Condo 101 package including course materials, handouts and a certificate of completion.

### Syllabus Content Includes:

- Council Member Basics
- Getting Started as a Council Member
- Council's Responsibilities and Governance - *The Act, Strata Plan, By-laws and Rules*
- Property Management
- Planning, Financial and Other Responsibilities - *The Annual Plan, Financial Responsibilities, Money and Banking, Contingency Reserve Funds, Insurance*
- Legislation That Affects Strata Corporations

**Saturday, October 20, 2018**

- ▶ To register for the course fill out the [form on the CCI website](#) and send it to us at [contact@ccivancouver.ca](mailto:contact@ccivancouver.ca)
- ▶ If you are not a member, to be eligible for **FREE** registration for Condo 101 have your strata council fill out the "Condominium Corporation Membership" category at the top of the first page of the [Membership Application Form](#) and return it to us at [contact@ccivancouver.ca](mailto:contact@ccivancouver.ca)
- ▶ For the benefit of your strata community, please encourage your fellow strata council members and owners to [Subscribe to CCI Vancouver E-News](#) at our website to be notified of all Strata educational opportunities offered by CCI Vancouver.

### Sponsorship Opportunities are available to Business Partner Members\* for Condo 101 Sessions

- ▶ To become a Condo 101 sponsor, [fill out the form on the CCI website](#) and send it to us at [contact@ccivancouver.ca](mailto:contact@ccivancouver.ca)
- ▶ If you are not yet a member of CCI Vancouver, fill out the "Business Partner Membership" category on the second page of the [Membership Application Form](#) and return it to us at [contact@ccivancouver.ca](mailto:contact@ccivancouver.ca)

*\* Strata Management Company Business Partner Members are not eligible.*

## How Becoming a Member of CCI Vancouver Can Benefit You

Find the category of Membership that is applicable to you:

### ■ Condominium Corporation Membership Category:

Under this membership category, all owners and strata council members of the strata corporation member will benefit from special members' rate for **Strata Educational Seminars** and **Lunch & Learns**, and strata council members can register for **FREE** for strata courses such as **Condo 101** and **CondoSTRENGTH** program which are specifically designed for council members. In addition, the strata corporation member can be nominated for the **CCI Vancouver Strata of the Year Award** by owners, council members, service providers or strata managers.

### ■ Business Partner Membership Category:

Companies that provide services to strata corporations can become a Business Partner member. Under this membership category, companies can **sponsor** strata educational seminars, Lunch & Learns and the Condo 101 course. They can **advertise** in the CCI Vancouver quarterly publication, **Condo News**, and can **submit educational-only articles**, useful for strata council members, to be published in **Condo News**. All employees of the company, can attend the **strata educational seminars and Lunch & Learns** at the members' rate.

### ■ Professional Membership Category:

A Professional Member is an individual who participates professionally in a field or endeavour related to Strata Corporations. Professional members can **submit educational-only articles**, useful for strata council members to be published in **Condo News**. They can also attend the **strata educational seminars and Lunch & Learns** at the members' rate.

### ■ Individual Membership Category:

This classification of membership is devoted to those individuals who live in a strata corporation and wish to become personally involved in CCI. It is not a replacement for strata corporation or professional membership. Individual members can attend the **strata educational seminars and Lunch & Learns** at the members' rate.

#### ■ STRATA EDUCATION SEMINARS (Members Discount)

#### ■ CONDO 101 COURSE (FREE for Members)

#### ■ CondoSTRENGTH PROGRAM (Members Only)

#### ■ STRATA OF THE YEAR AWARD (Members Only)

#### ■ SEMINAR SPONSORSHIP OPPORTUNITIES

#### ■ CONDO 101 COURSE SPONSORSHIP

#### ■ CONDO NEWS ADVERTISING OPPORTUNITIES

#### ■ SUBMIT EDUCATIONAL ARTICLES

All Members and Non-Members who subscribe to CCI Vancouver e-News will be notified about upcoming Strata Education Seminars, Condo 101 courses, the CondoSTRENGTH program and will receive the electronic version of this quarterly Condo News publication. Print versions of Condo News are available at seminars, courses and program sessions or by request at [contact@ccivancouver.ca](mailto:contact@ccivancouver.ca).

TO **BECOME A MEMBER** OR LEARN MORE ABOUT CCI VANCOUVER VISIT OUR WEBSITE: [ccivancouver.ca](http://ccivancouver.ca)

### CCI Vancouver Chapter Upcoming Events:

- |                  |                                   |
|------------------|-----------------------------------|
| ▶ September 29th | Half-day Seminar & AGM, Marijuana |
| ▶ October 20th   | Condo 101 Course                  |
| ▶ November 22nd  | Evening Seminar, TBA              |

▶ To receive issues of Condo News by email and be notified of upcoming CCI-Vancouver Strata Educational Seminars and Courses:

Subscribe to  
**CCI Vancouver E-Newsletter**



CCI Vancouver Chapter

**JOIN**



**Membership** Benefit from educational and networking opportunities as well as the experiences of hundreds of other strata council members and industry professionals.

**LEARN**



### Condo 101 Course

Through our **NEW Condo 101** course, taught by Strata Lawyers, CCI Vancouver is committed to providing a friendly, supportive, educational environment to help Strata Council members or those considering joining their council to become better equipped to perform their duties. **Condo 101** will be offered on:

**October 20th**

**SUPPORT**



### CondoSTRENGTH Program

**You Are Not Alone.**

Other strata council members out there can relate to your challenges.

- ▶ This **NEW** program offers strata council members the opportunity to draw on one another's wealth of knowledge, experience and support helping each other to build better strata communities. By sharing ideas and finding solutions council members will achieve both success and recognition.

**RECOGNITION**



### Strata of the Year Award

**Your Strata Could Be The Next Winner!**

- ▶ An opportunity for well managed stratas to be recognized and rewarded for their achievements.
- ▶ Nominations accepted from July 1st, 2018 until the June 30, 2019 deadline.
- ▶ Finalists selected in July 2019 and the winner will be awarded at the CCI Vancouver Chapter's AGM in the fall of 2019.

Any **CCI Vancouver Strata Corporation Members** can be nominated