

## Bulletin #12

The new *Strata Property Act* is overwhelming. Each month we attempt to inform and educate you on different provisions and we hope this process is helpful. If you need a copy of previous bulletins please feel free to ask your property manager. If you have joined your strata council in recent months you should obtain a copy of previous bulletins as they are most useful. The content of these bulletins does not purport to offer legal opinions or advice. You should retain and consult with legal professionals.

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### Saturday, March 3<sup>rd</sup> Seminar

The response to our March 3<sup>rd</sup> seminar at the Pacific Palisades Hotel on Robson Street has been quite encouraging.



Quite a few strata councils have enrolled for the seminar and we are in the process of lining up the various lawyers who will be making presentations to the seminar on relevant issues from the new *Strata Property Act*. There will be concentrated discussion on the development of bylaws. It is not too late to sign up so please let your property manager know if you are interested in attending.

### Canadian Condominium Institute (CCI)

Most of you are familiar with the Condominium Home Owners Association of B.C. (CHOA) which has operated in British Columbia for the last several decades. It is a non-profit, consumer oriented group dedicated to disseminating information and education on condominium issues. CHOA has done a terrific job over the years. In other provinces there is, to the best of our knowledge, no similar association; however, throughout the rest of Canada the objectives are met by an organization known as the Canadian Condominium Institute. It is similar to CHOA in its objectives and goals. It is a non-profit society dedicated to improving the knowledge and lifestyles of condominium owners.

The difference between CHOA and CCI is that membership in CHOA is restricted to just condominium owners. CCI has wider doors and permits not only condo owners, but also property managers, lawyers, architects, government officials, tradespersons and any others who have a direct and relevant interest in condominium administration.

CCI has, for a number of years, attempted to establish a foothold in British Columbia but has been unsuccessful. Undaunted, the organization is

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attempting again this spring to form chapters in Kelowna, Vancouver Island and, of course, the Vancouver lower mainland area. Vancouver Condominium Services Ltd. is assisting CCI with the development of the Vancouver chapter. It should be noted for the record that VCS continues to support CHOA and the assistance being given to CCI in no way is intended to undermine the efforts of CHOA.

If you are interested in the CCI organization, please mark your datebook for Monday, May 7<sup>th</sup> as the CCI organization is coming to town and is hosting, at no expense to you, a morning session on condo issues and the relevance of its organization. While membership fees have not yet been established for CCI, it is assumed at this time that the fees will be somewhat cheaper than CHOA membership fees. There is no cost to attend the CCI seminar on Monday, May 7<sup>th</sup> and, if you can find the time (yikes! A daytime meeting?), please let your property manager know and we will add you to the list of attendees. For the most part it will be a morning session with a break for lunch and then an afternoon session also. (Lunch is not provided.) The morning session will be the most important. Details will be published at a later date but it would be appreciated if you could express any level of interest at this time. Please advise your property manager.

### Just a Reminder



Please remember that, under the *Strata Property Act*, it is necessary for councils to have rules made by a council ratified at the next Special General Meeting or Annual General Meeting of the corporation. Councils routinely make rules during their deliberations at council meetings. Very often you do not even know that you are making a rule because, in most cases, you are stating a policy position. In effect, however, this is a rule. For example, a council can be dealing with a complaint about someone speeding through the parkade or parking lot and a statement will appear in the minutes that says "*Owners are requested to limit their speed in the parking lot/parkade*

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*to 10 kph*". That constitutes the making of a rule. Such a rule will have life until the next Special or Annual General Meeting and, at that time, it must be ratified at the General Meeting by the owners if it is to continue to remain in force. If it is not ratified, the rule expires.

Remember also that rules have to be posted at the property so whenever you make these policy statements, i.e., rules, the property manager should also be instructed to have a document or sign made to that effect.

Also remember that rules have to be printed on a document which is photocopyable. The intent here is that they should be made available to tenants, prospective purchasers, real estate agents, etc. As you can see, all of this is very cumbersome, time consuming and intrusive. Nevertheless, it is the law.

Some strata councils have decided that rules will not be presented to a Special or Annual General Meeting for ratification since all it will do is create a huge debate and argument, the type of thing that you often see at meetings when bylaws are presented. In these circumstances, the councils are simply letting the rules expire and then, at the next council meeting immediately following the Special or Annual General Meeting, the "old" rules are then re-enacted by the strata council. While VCS does not necessarily endorse this process to avoid the intent of the legislation, we do recognize that it is something that is happening routinely and we are unaware of any statutory provision which prohibits the strata council from following this course of action. If you are concerned as a council member about this process, it is advisable that you seek a legal opinion.

### That's It For Now But...

Thank you for taking the time to read this bulletin. If you have any suggestions for future bulletins, please forward them to our office. We would welcome your suggestions and will incorporate them whenever possible.

