



MONTHLY INFORMATION BULLETIN

FEATURES THIS MONTH

1. Marijuana Grow Ops
2. 24 Hour Emergency Calls

1. MARIJUANA GROW OPS

As noted in previous bulletins, the issue of marijuana grow-ops is becoming a major concern for our strata councils. VCS has had several major incidents relating to grow-ops in the last few months, some of which have caused tens of thousands of dollars of damage - mostly from water escape. So far, thankfully, there have been no fires but that may be just a matter of time given the craziness of the people who manipulate the electrical wiring.

We hate to "pick on tenants" but, unfortunately, virtually all incidents have involved tenants, not owners, in our strata corporations. Insurance claims can be made (presently) for resulting water damages but the strata corporation cannot subrogate against the tenants for recovery of the deductible expenses. Worse, recovery or not, the mere volume of claims on the insurance policy will give rise to higher deductibles which in the long run are much more financially devastating than paying for one initial deductible.

What can be done about all this? Well, the answer is not easy. Relying on police enforcement is only an after-the-fact step and, even at that, as we have witnessed recently to our utter amazement, charges are not always laid. The solution, therefore, has to be preventative.

In one strata corporation VCS manages, where there was a huge loss, the thought was to initiate some type of strata lot inspection routine. Not a bad idea but, in reality, not a practical solution as many owners would be very resentful of the council or management agent knocking on their doors with a request "May we come in to inspect your suite?" In any event, does the strata corporation really have such a legal right to inspect strata lots? Apparently yes; bylaw 7 of the Strata Property Act says:

Permit entry to strata lot

7 (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot

(a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
(b) at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act.

(2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.

We are not so sure that this bylaw is truly enforceable even if it is prescribed by the Strata Property Act. Section (1)(a) is used routinely by strata corporations, usually for water leaks, but it is rare that strata councils utilize Section (1)(b). Would this bylaw stand a court challenge?

Another preventative measure is to monitor the hydro meters. In another strata corporation VCS manages, a resident reported odour problems to the building manager and on a hunch he monitored the hydro meter for the suspect unit. Sure enough, it was spinning like a gyro for 12 hours a day and then almost nothing for the next 12 hours. "Hmmm..." he thought and his suspicions paid off. The RCMP were called and a raid ensued. After an arrest of the tenant was made, VCS advised the non-resident owner. Incredibly, the NR owner only knew the first name of the tenant. Nice screening! Yet this incident might just point the way to a meaningful vehicle to preventative enforcement.

Let us put pressure on the non-resident, landlord, strata lot owners to accept and be liable for the consequences of grow ops by their tenants. Asking the NR owners to screen their tenants properly is a waste of time. They just will not do it and trying to enforce that aspect is impossible. (We should add that many non-resident owners are very diligent and cognizant of strata council concerns. Our comments here are not directed at these excellent owners: they are directed at the "10%" group who simply do not care about the strata corporation and only focus on the rental income.)

We know that a strata corporation cannot have a bylaw that seeks to recover the deductible portion of an insurance claim. Section 158(1) says:

Subject to the regulations, the payment of an insurance deductible in respect of a claim on the strata corporation's insurance is a common expense to be contributed to by means of strata fees calculated in accordance with section 99 (2) or 100 (1).

We acknowledge Section 158(2) which says:

Subsection (1) does not limit the capacity of the strata corporation to sue an owner in order to recover the deductible portion of an insurance claim if the owner is responsible for the loss or damage that gave rise to the claim.

The problem here is that this process could be costly both in terms of time and money. It can only be a viable solution in very extreme cases.

To use a cliché, we need to think "outside the box" on this one and come up with a punitive bylaw that will allow strata corporations to recover significant costs/expenses from owners (mostly non-resident) who permit grow ops to exist in their rented strata lots.

We are enclosing some literature from the City of Vancouver and from Burnaby on this topic. These municipalities may not be relevant to your strata corporation but the content is excellent and well worth the read.

Do you have any ideas? Please feel free to share them with us. We would be happy to include them in future articles.

2. 24 HOUR EMERGENCY CALLS

HA HAS, BUT NOT?

For those of you who have full management contracts, we want to share with you some of the emergency calls we receive after regular office hours. These are true situations but we have condensed the storylines.

First, a recap of how our emergency service works. Our office hours are 9:00 a.m. to 4:30 p.m., Monday to Friday. After these regular business hours the same telephone number is used (684-6291) and a taped message greets callers inviting them to leave a message for the next business



day or, "If you have a building emergency call _____." (This number changes from time to time.) The number is answered by a private firm called Fraser Valley Teleserve (FVT) - an answering service which is used by a wide range of companies and individuals. These include doctors, contractors and property management companies.

The FVT operator takes information and then pages the "on call" strata agent from VCS who responds to the caller. A decision is made at that point as to what action is taken. When there are legitimate emergencies, VCS has to decide if a contractor should be dispatched immediately or "can it wait until the morning?". We do our best to defer action as dispatching contractors after regular business hours always incurs overtime costs. Also, we have to consider liability issues. For example, it is simply too dangerous to have a contractor climbing slippery, wet roofs in the dark.

Many emergency calls are easily handled by the on-call strata agent. Where problems are difficult, consultation is made with your strata agent (if he/she can be reached) and with senior supervisors and management of VCS.

SOME HA HAS

- (2:00 a.m.) "I've lost my mailbox key."
- (3:00 a.m.) (drunk) "I've lost my apartment key. Gimme a locksmith."
- (5:30 p.m.) (very angry) "I got a letter about a loud party. Why don't you people _____."
- (Sat, 10:00 a.m.) "My window is leaking."
VCS: "When did it start leaking?"
Caller: "I can't be sure, but about a week ago..."
- (Sun, 2:00 p.m.) "I'm at the airport. I need to know how much I owe you before I go on vacation for three weeks."
- "I got a statement in the mail saying I owe money. You people are idiots."
- (11:30 p.m.) "There is a stranger outside the building."
- "The fire alarm is ringing."
VCS: "Have you called the Fire Department?"
Caller: "No."
VCS: "Why not?"
Caller: "'Cause it says here, in case of emergency call VCS."
- (8:00 p.m., Friday) "I'm returning your phone call from Wednesday."
- (6:30 p.m., Sunday) "I'm in Victoria and can't get back tonight. My dog is at home. Can you get a master key and feed him?"

Okay, you get the idea. These are the "ha has" but here is the "BUT NOT".

All this is costly. Costly to VCS and ultimately costly to your strata corporation because we have to build in the cost for our staff to provide this level of service. Realistically it is unlikely that anything can be done to stop such misuse and/or abuse but we are implementing a new policy at VCS that you need to be aware of to address this problem. Between the hours of 11:00 p.m. and 6:00 a.m., and on weekends, calls which are not really building emergencies will not be paged to the on call property agent. FVT will take the call and advise the caller that their message will be passed on to the office. Only genuine building emergency calls i.e., pipe leaks, elevator or garage gate trouble, etc. will be paged out. We recognize that there are "gray areas". These calls will



also be paged as we would prefer to have such a call rather than take a chance that the FVT operator has misinterpreted the situation.

We hope that such a new program will cut down on the unnecessary calls and this means less pressure on our budget and your budget. Please note, however, that some of your residents/owners will be upset that we did not provide the name of a locksmith at 3:00 a.m. We hope you will support us in telling such persons that that is not a strata corporation problem.