

Strata Property Amendment Act

In October, government passed Bill 8, the *Strata Property Amendment Act, 2009* (see http://www.leg.bc.ca/39th1st/3rd_read/gov/08-3.htm).

Government recently approved an Order in Council bringing several sections of the bill into force on **December 10, 2009**. These amendments will result in increased consumer protection, clarity, and consistency for strata owners. In all, about half of the sections of Bill 8 have taken effect on December 10th, including the following: sections 2, 3, 4, 6, 7(b), 8, 9, 11, 13, 14, 17, 18, 20 to 24, 26, 28, 29, 32, 33(b), 35, and 36 of Bill 8.

This Order in Council also makes minor changes to the Strata Property Regulations (B.C. Reg. 43/2000), effective January 1, 2010, to support the sections of Bill 8 being brought into force.

Other amendments in Bill 8 address strata governance issues including: improved dispute resolution, requirements for depreciation reports, and mandatory audited financial statements. These amendments can only take effect after additional consultation and development of regulations.

An updated version of the *Strata Property Act and Regulations* is available @ www.bclaws.ca or www.choa.bc.ca

Some key amendments being brought into force now include:

- o Reducing the minimum voting threshold required to hold a special general meeting to consider a resolution or other matter from 25 percent to 20 percent of strata voters;
- o Requiring council members to disclose potential conflicts of interest, consistent with similar requirements regarding disclosure in other corporate statutes;
- o Ensuring that the money collected under special levies is accounted for separately from other money of the strata corporation and invested only in

permitted investments or insured accounts; and

- o Increasing the flexibility strata owners have to rent their units in new strata corporations developed after January 1, 2010.

Unit Entitlement

In a separate Order in Council, government has also made an amendment to the *Strata Property Regulations* related to strata unit entitlements. The amendment limits the ability of a court to order significant changes to strata owners' financial obligations and property rights. As a result, strata owners will have greater assurance that an important basis on which they bought their units will not change.

Strata owner uncertainty has increased recently due to two BC Supreme Court decisions, which ruled that areas of a strata lot (including basements) that can be lived in should be included as habitable area in the schedule of unit entitlement, whether or not they were defined as habitable area in the original schedule and whether or not the areas have been finished and are being used as living area.

Developers deposit a schedule of unit entitlement when setting up each strata corporation. Unit entitlement is most often determined based on the habitable floor area of each unit. Besides setting strata fees, the unit entitlement determines required contributions to reserve funds and special assessments as well as the share of the common property that each owner owns.

The amendment to section 14.13 of the Regulations increases certainty for strata owners by preventing applications to court to reclassify as habitable any areas that the developer determined (and the surveyors and Superintendent of Real Estate accepted) as not being included as habitable area on the original schedule of unit entitlement. The change took effect on November 25, 2009.

Thus, strata owners and councils will no longer be able to use section 246(7) of the

Strata Property Act to ask the court to amend the schedule of unit entitlement if the discrepancy between the schedule and the actual habitable area existed at the time of deposit of the strata plan.

It is worth noting that this amendment will not prevent all changes to the schedule of unit entitlement. Changes can occur with a unanimous vote of the strata corporation under section 261. An owner who wishes to increase or decrease the habitable part of a residential strata lot must seek such a vote under section 70. A limited number of other types of inaccuracies not present in the original schedule could still be corrected by the court under section 246(7) and (8).

Effective January 1, 2010 the following Regulations come into force and effect:

1. Part 4 of the Strata Property Regulation, B.C. Reg. 43/2000, is amended by adding the following section:

Definition for section 34.1 of the Act

4.01 For the purposes of section 34.1 of the Act, "hearing" means an opportunity to be heard in person at a council meeting.

2. Section 6.8 is amended by
 - (a) renumbering the section as section 6.8(1), and (b) adding the following subsection: (2) for the purposes of section 108(4.1) of the Act, the maximum rate of interest that a strata corporation may establish under that section is 10% per annum compounded annually.
3. Section 6.11 is amended by striking out "in the following investments for the purposes of section 95(2) (a) of the Act: "and substituting "or money collected on a special levy in the following investments for the purposes of section 95(2) (a) or 108(4) (b) (i), as the case may be, of the Act:"

4. The following section is added:
Investment of money collected under special levies

6.12 (1) Subject to subsection (2), a strata corporation need not comply with section 108 (4) (b) of the Act with respect to money collected on a special levy if that

money was invested by or on behalf of the strata corporation before the coming into force of this section.

(2) If an investment referred to in subsection (1) is disposed of after coming into force of this section, the proceeds from the disposition may only be invested as permitted by section 108(4) (b) of the Act.

5. Section 17.15 is repealed.
6. Section 18.1 is repealed.
7. Form I is amended by striking out "section 128(3) of the Act provides that an Amendment to Bylaws must be filed in the land title office within 60 days of the amendment being approved." and substituting" section 128(2) of the Act provides that an Amendment to Bylaws must be filed in the land title office."
8. Form J is amended
 - (a) before section 1 by adding the following:
This Rental Disclosure Statement is [check whichever box is correct and provide any required any information] the first Rental Disclosure Statement filed in relation to the above-noted strata plan a changed Rental Disclosure Statement filed under section 139(4) of the *Strata Property Act*, and the original Rental Disclosure Statement filed in the relation to the above-noted strata plan was filed on... [dd/mmm/yyyy], and (b) in sections 2 and 3 by repealing the table and substituting the following:

Description of Strata Lot [strata lot number as shown on the strata plan]	Date Rental Period Expires [specify a date - "indefinitely" or timing related to an event is not acceptable]*
	[dd/mmm/yyyy]
	[dd/mmm/yyyy]

*Section 143 (2) of the *Strata Property Act* provides that, if this Rental Disclosure Statement is filed after December 31, 2009, a bylaw that prohibits or limits rentals will not apply to a strata lot described in this table until the date set out in the table opposite the description of the strata lot, whether or not the strata lot is conveyed before that date.

Please contact the CHOA office to order a print copy.

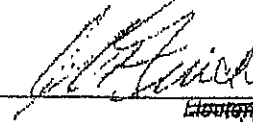
PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

604

Approved and Ordered

NOV 25 2009



Lieutenant Governor
Administrator

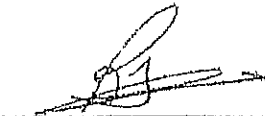
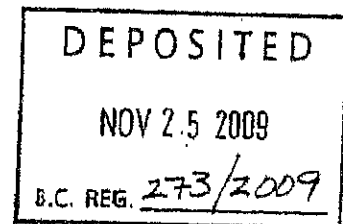
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the ~~Lieutenant Governor~~ ^{Administrator}, by and with the advice and consent of the Executive Council, orders that, effective November 25, 2009, section 14.13 of the Strata Property Regulation, B.C. Reg. 43/2000, is repealed and the following substituted:

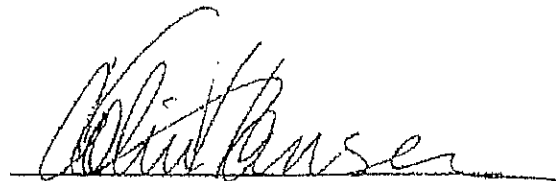
Court ordered amendments to Schedule of Unit Entitlement

14.13 An application must not, after November 24, 2009, be brought under section 246 (7) of the Act in respect of a strata lot

- (a) if the inaccuracy referred to in section 246 (7) (b) of the Act was contained in the Schedule of Unit Entitlement at the time of the deposit of the strata plan in a land title office, or
- (b) in any other case, unless one or both of the following conditions apply:
 - (i) the actual habitable area or square footage of the strata lot is at least 10% greater than, or at least 10% less than, the habitable area or square footage used to determine the unit entitlement of the strata lot;
 - (ii) the actual habitable area or square footage of the strata lot is at least 20 square metres greater than, or at least 20 square metres less than, the habitable area or square footage used to determine the unit entitlement of the strata lot.



Minister of Housing and Social Development



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Strata Property Act, S.B.C. 1998, c. 43, ss. 246 (7) and 292

Other (specify):- OIC 130/2000

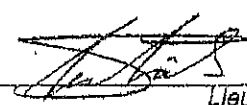
October 8, 2009

page 1 of 1

R/771/2009/7

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order In Council No. 707, Approved and Ordered DEC 10 2009



Lieutenant Governor

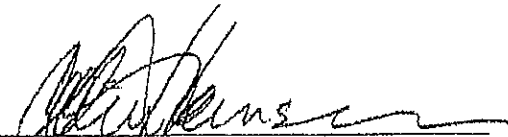
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) sections 2, 3, 4, 6, 7 (b), 8, 9, 11, 13, 14, 17, 18, 20 to 24, 26, 28, 29, 32, 33 (b), 35 and 36 of the *Strata Property Amendment Act, 2009*, S.B.C. 2009, are brought into force, and
- (b) effective January 1, 2010, the *Strata Property Regulation*, B.C. Reg. 43/2000, is amended as set out in the attached Schedule.

DEPOSITED
DEC 11 2009
B.C. REG. 312/2009


Minister of Housing and Social Development


Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- *Strata Property Amendment Act, 2009*, S.B.C. 2009, s. 37; *Strata Property Act*, S.B.C. 1998, c. 43, s. 292

Other (specify):- OIC130/2000

SCHEDULE

- 1 *Part 4 of the Strata Property Regulation, B.C. Reg. 43/2000, is amended by adding the following section:*

Definition for section 34.1 of the Act

4.01 For the purposes of section 34.1 of the Act, "hearing" means an opportunity to be heard in person at a council meeting.

- 2 *Section 6.8 is amended by*

(a) renumbering the section as section 6.8 (1), and

(b) adding the following subsection:

(2) For the purposes of section 108 (4.1) of the Act, the maximum rate of interest that a strata corporation may establish under that section is 10% per annum compounded annually.

- 3 *Section 6.11 is amended by striking out "in the following investments for the purposes of section 95 (2) (a) of the Act:" and substituting "or money collected on a special levy in the following investments for the purposes of section 95 (2) (a) or 108 (4) (b) (i), as the case may be, of the Act:".*

- 4 *The following section is added:*

Investment of money collected under special levies

6.12 (1) Subject to subsection (2), a strata corporation need not comply with section 108 (4) (b) of the Act with respect to money collected on a special levy if that money was invested by or on behalf of the strata corporation before the coming into force of this section.

(2) If an investment referred to in subsection (1) is disposed of after the coming into force of this section, the proceeds from the disposition may only be invested as permitted by section 108 (4) (b) of the Act.

- 5 *Section 17.15 is repealed.*

- 6 *Section 18.1 is repealed.*

- 7 *Form I is amended by striking out "Section 128 (3) of the Act provides that an Amendment to Bylaws must be filed in the land title office within 60 days of the amendment being approved." and substituting "Section 128 (2) of the Act provides that an Amendment to Bylaws must be filed in the land title office."*

- 8 *Form J is amended*

(a) before section 1 by adding the following:

This Rental Disclosure Statement is [Check whichever box is correct and provide any required information.]

- the first Rental Disclosure Statement filed in relation to the above-noted strata plan
- a changed Rental Disclosure Statement filed under section 139 (4) of the *Strata Property Act*, and the original Rental Disclosure Statement filed in the relation to the above-noted strata plan was filed on[dd/mmm/yyyy]....., and

(b) in sections 2 and 3 by repealing the table and substituting the following:

Description of Strata Lot [strata lot number as shown on the strata plan]	Date Rental Period Expires [specify a date – "indefinitely" or timing related to an event is not acceptable]*
	[dd/mmm/yyyy]
	[dd/mmm/yyyy]

*Section 143 (2) of the *Strata Property Act* provides that, if this Rental Disclosure Statement is filed after December 31, 2009, a bylaw that prohibits or limits rentals will not apply to a strata lot described in this table until the date set out in the table opposite the description of the strata lot, whether or not the strata lot is conveyed before that date.

Home > Documents and Proceedings > 1st Session, 39th Parliament > Bills > Bill 8 — 2009:
Strata Property Amendment Act, 2009

2009 Legislative Session: 1st Session, 39th Parliament
THIRD READING

The following electronic version is for informational purposes only.
The printed version remains the official version.

Certified correct as passed Third Reading on the 6th day of October, 2009
Ian D. Izard, Q.C., Law Clerk

HONOURABLE RICH COLEMAN
MINISTER OF HOUSING AND SOCIAL DEVELOPMENT

BILL 8 — 2009
STRATA PROPERTY AMENDMENT ACT, 2009

HER MAJESTY, by and with the advice and consent of the Legislative
Assembly of the Province of British Columbia, enacts as follows:

***1 Section 1 (1) of the Strata Property Act, S.B.C. 1998, c. 43, is
amended by adding the following definition:***

"Provincial Court" means the Provincial Court of British
Columbia; .

2 Section 11 is repealed and the following substituted:

Passing resolutions after first conveyance

11 In the period after the first conveyance of a strata lot to a
purchaser but before the first annual general meeting, the
strata corporation may pass a resolution requiring
a 3/4 vote as follows:

(a) for a resolution to amend the bylaws under
section 127 (2) or (4) (b), the resolution may be
passed in accordance with section 127 (2) or (4)

transaction or matter, and

(e) leave the council meeting

(i) while the contract, transaction or matter is discussed, unless asked by council to be present to provide information, and

(ii) while the council votes on the contract, transaction or matter.

5 Section 33 (1) is amended by striking out "section 32, the strata corporation or an owner may apply for an order under subsection (3) of this section to a court having jurisdiction" and substituting "section 32 (a), the strata corporation or an owner may apply for an order under subsection (3) of this section to the Supreme Court or the Provincial Court".

6 The following section is added:

Request for council hearing

34.1 (1) By application in writing stating the reason for the request, an owner or tenant may request a hearing at a council meeting.

(2) If a hearing is requested under subsection (1), the council must hold a council meeting to hear the applicant within 4 weeks after the request.

(3) If the purpose of the hearing is to seek a decision of the council, the council must give the applicant a written decision within one week after the hearing.

7 Section 35 (2) is amended

(a) by repealing paragraph (i) and substituting the following:

(i) the budget and financial statement, including any related auditor's report, for the current year and for previous years; ,

(b) by repealing paragraph (n) and substituting the

following:

(n) the records and documents referred to in section 20 or 23 obtained by the strata corporation; , **and**

(c) by adding the following paragraphs:

(n.1) any depreciation reports obtained by the strata corporation under section 94;

(n.2) any reports obtained by the strata corporation respecting repair or maintenance of major items in the strata corporation, including, without limitation, engineers' reports, risk management reports, sanitation reports and reports respecting any items for which information is, under section 94, required to be contained in a depreciation report; .

8 Section 36 is amended**(a) by adding the following subsection:**

(1.1) On receiving a request from a former owner, from a former tenant referred to in subsection (1) (b) or from a person authorized in writing by the former owner or former tenant, the strata corporation must, with respect to records and documents referred to in section 35 that, whenever created, relate to the period during which the former owner or former tenant was an owner or tenant, make those records and documents available for inspection by, and provide copies of them to, the former owner, former tenant or person authorized in writing, as the case may be. , **and**

(b) in subsection (3) by adding ", (1.1)" after "(1)".

9 Sections 43 (1) and 46 (2) are amended by striking out "25%" and substituting "20%".

10 Sections 52 (2), 58 (1), 59 (6), 164 (1) and 165 are

amended by adding "or the Provincial Court" after "the Supreme Court".

11 Section 53 is amended by adding the following subsection:

(4) Despite subsection (1), if there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president, may, if the bylaws so provide, break the tie by casting a second, deciding vote.

12 Section 59 is amended

(a) in subsection (3) by adding the following paragraph:

(l.1) which parking stalls and storage lockers, if any, have been allocated to the strata lot; , **and**

(b) in subsection (4) by adding the following paragraph:

(d) the most recent depreciation report, if any, obtained by the strata corporation under section 94.

13 Section 61 is amended

(a) in subsection (1) (b) by striking out "or" at the end of subparagraph (v), by adding ", or" at the end of subparagraph (vi) and by adding the following subparagraph:

(vii) by emailing it to an email address provided by the person for the purpose of receiving the notice, record or document. , **and**

(b) by repealing subsection (3) and substituting the following:

(3) A notice or other record or document that is given to a person under subsection (1) (a) (ii) or (b) (ii) to (vii) is conclusively deemed to have been given 4 days after it is left with an adult occupant, put under the door, mailed,

put through the mail slot or in the mail box, faxed or emailed.

14 Section 63 is amended

(a) by repealing subsection (1) (c) and substituting the following:

(c) by faxing it or emailing it to

(i) the strata corporation using the strata corporation's fax number or email address, or

(ii) a fax number or email address provided by a council member for the purpose of receiving the notice, record or document, or, **and**

(b) in subsection (2) by striking out "faxed or put through the mail slot or in the mail box." and substituting "faxed, emailed or put through the mail slot or in the mail box."

15 Section 94 is repealed and the following substituted:

Depreciation report

94 (1) In this section, "**qualified person**" has the meaning set out in the regulations.

(2) Subject to subsection (3), a strata corporation must obtain from a qualified person, on or before the following dates, a depreciation report estimating the repair and replacement cost for major items in the strata corporation and the expected life of those items:

(a) for the first time, the date that is 2 years after the coming into force of this section;

(b) if the strata corporation has, before or after the coming into force of this section, obtained a depreciation report that complies with the requirements of this section, the date that is the

prescribed period after the date on which that report was obtained;

(c) if the strata corporation has, under subsection (3) (a), waived the requirement under this subsection to obtain a depreciation report, the date that is the prescribed period after the date on which the resolution waiving the requirement was passed.

(3) A strata corporation need not comply with the requirement under subsection (2) to obtain a depreciation report on or before a certain date if

(a) the strata corporation, by a resolution passed by a 3/4 vote at an annual or special general meeting within the prescribed period, waives that requirement, or

(b) the strata corporation is a member of a prescribed class of strata corporations.

(4) A depreciation report referred to in subsection (2) must contain the information set out in the regulations.

16 Section 103 is amended

(a) in subsection (3) by adding "proposed" before "budget", and

(b) by adding the following subsections:

(5) The financial statement to be distributed with the proposed budget must be audited by a qualified person in accordance with any standards prescribed for the purposes of this subsection unless

(a) the strata corporation, by a resolution passed by a 3/4 vote at an annual or special general meeting within the prescribed period, waives the requirement for the financial statement to be audited, or

(b) the strata corporation is a member of a prescribed class of strata corporations.

(6) In subsection (5), "**qualified person**" has the meaning set out in the regulations.

17 Section 108 is amended

(a) by repealing subsection (4) and substituting the following:

(4) The strata corporation must

(a) account for the money collected separately from other money of the strata corporation,

(b) invest all of the money collected in one or both of the following:

(i) investments permitted by the regulations;

(ii) insured accounts with savings institutions in British Columbia,

(c) use the money collected for the purpose set out in the resolution, and

(d) inform owners about the expenditure of the money collected. ,

(b) by adding the following subsections:

(4.1) A strata corporation may, by bylaw or by a resolution approving a special levy, establish a rate of interest, not to exceed the rate set out in the regulations, to be paid if an owner is late in paying his or her strata lot's share of the special levy.

(4.2) The interest payable on a late payment of a special levy in accordance with a bylaw or resolution referred to in subsection (4.1) is not a fine, and forms part of the special levy for the purposes of section 116. ,

(c) by repealing subsection (5) and substituting the

following:

(5) If the money collected exceeds the amount required, or for any other reason is not fully used for the purpose set out in the resolution, the strata corporation must pay to each owner of a strata lot the portion of the unused amount of the special levy that is proportional to the contribution made to the special levy in respect of that strata lot. , **and**

(d) by adding the following subsection:

(7) In subsections (4) and (5), "**money collected**" means the money collected on a special levy and includes any interest or income earned on that money.

18 Section 123 is amended by adding the following subsection:

(1.1) Without limiting a strata corporation's power to pass any other bylaws, a strata corporation may pass a bylaw that restricts the age of persons who may reside in a strata lot.

19 Section 124 is amended

(a) in subsection (3) by striking out "arbitration." and substituting "arbitration or mediation.", and

(b) in subsection (4) by adding ", in a mediation" after "arbitration".

20 Section 127 is amended

(a) in subsection (1) by striking out "before the first annual general meeting unless it is approved by a resolution passed by a unanimous vote at a special" and substituting "before the second annual general meeting unless the amendment is approved by a resolution passed by a unanimous vote at an annual or special",

(b) in subsection (2) by striking out "at a special general meeting held before the first" and substituting "at an annual or

a residential strata lot that has been rented.

23 Section 143 is amended

(a) in subsection (1) by striking out "A bylaw" and substituting "Subject to subsection (4), a bylaw",

(b) by repealing subsection (2) and substituting the following:

(2) Subject to subsection (1), if a strata lot has been designated as a rental strata lot on a Rental Disclosure Statement in the prescribed form; and if all the requirements of section 139 have been met, a bylaw that prohibits or limits rentals does not apply to that strata lot until,

(a) in the case of a Rental Disclosure Statement filed before January 1, 2010, the earlier of

(i) the date the strata lot is conveyed by the first owner of the strata lot other than the owner developer, and

(ii) the date the rental period expires, as disclosed in the Rental Disclosure Statement as it read on December 31, 2009, and

(b) in the case of a Rental Disclosure Statement filed after December 31, 2009, the date the rental period expires, as disclosed in the Rental Disclosure Statement.

(3) Even if a Rental Disclosure Statement filed before January 1, 2010 is changed under section 139 (2) after December 31, 2009, subsection (2) (a) of this section applies. , **and**

(c) by adding the following subsection:

(4) Subsection (1) (b) does not apply to a bylaw that is passed under section 8 by the owner developer.

24 Section 144 is amended

(a) in subsection (3) by striking out "3 weeks" and substituting "4 weeks", and

(b) by repealing subsection (4) and substituting the following:

(4) An exemption is allowed if

(a) the strata corporation does not give its decision in writing to the owner,

(i) if a hearing is held, within one week after the hearing, or

(ii) if no hearing is requested, within 2 weeks after the application is given to the strata corporation, or

(b) the owner requests a hearing under subsection (2) (b) and the strata corporation does not hold a hearing within 4 weeks after the date the application is given to the strata corporation.

25 Section 173 is amended

(a) by adding "or the Provincial Court" after "the Supreme Court",

(b) by renumbering the section as section 173 (1), and

(c) by adding the following subsections:

(2) If, under section 108 (2) (a),

(a) a resolution is proposed to approve a special levy to raise money for the maintenance or repair of common property or common assets that is necessary to ensure safety or to prevent significant loss or damage, whether physical or otherwise, and

(b) the number of votes cast in favour of the

resolution is more than 1/2 of the votes cast on the resolution but less than the 3/4 vote required under section 108 (2) (a),

the strata corporation may apply to the Supreme Court or the Provincial Court, on such notice as the court may require, for an order under subsection (4) of this section.

(3) An application under subsection (2) must be made within 90 days after the vote referred to in that subsection.

(4) On an application under subsection (2), the court may approve the resolution and, in that event, the strata corporation may proceed as if the resolution had been passed under section 108 (2) (a).

26 Section 174 is amended by adding the following subsection:

(7) Unless the court otherwise orders, if, under this Act, a strata corporation must, before exercising a power or performing a duty, obtain approval by a resolution passed by a majority vote, a 3/4 vote or a unanimous vote, an administrator appointed under this section must not exercise that power or perform that duty unless that approval has been obtained.

27 Section 175 is amended

(a) in subsection (1) by striking out "Division applies" and substituting "Division and the regulations under section 292.1 apply", and

(b) in subsection (2) by striking out "Division does" and substituting "Division and the regulations under section 292.1 do".

28 Section 177 is amended

(a) by repealing subsections (1) and (2) and substituting the following:

(1) Subject to section 178 (1), the strata corporation may

following:

(n) respecting the maximum rate of interest that may be established under a bylaw or resolution referred to in section 107 (1) or 108 (4.1); ,

(c) in subsection (2) by adding the following paragraph:

(o.1) requiring strata corporations to establish a process for the voluntary resolution of disputes among owners, tenants and the strata corporation, or any combination of them, including regulations respecting when a strata corporation must establish that process, regulations respecting procedures that must or may be followed in that process and regulations applying some or all of section 124 (2) to (4) in relation to that process; ,

(d) in subsection (3) by adding the following paragraphs:

(a.1) defining "qualified person" for the purposes of section 94 (1) or 103 (6);

(a.2) prescribing a period for the purposes of section 94 (2) (b) or (c) or (3) (a) or 103 (5) (a);

(a.3) prescribing classes of strata corporations for the purposes of section 94 (3) (b) or 103 (5) (b);

(a.4) prescribing information for the purposes of section 94 (4);

(a.5) prescribing standards for the purposes of section 103 (5); , **and**

(e) by repealing subsection (3) (g).**34 The following sections are added:****Regulations respecting mediation and arbitration**

292.1 (1) In this section, "**section 177 dispute**" means a dispute referred to in section 177 (3) (a), (b), (c), (d), (e) or (f).

(2) The Lieutenant Governor in Council may make regulations respecting the mediation or arbitration under this Act of section 177 disputes, including, without limitation, the following:

(a) providing when a mediation or an arbitration may, must or must not occur;

(b) respecting who may, must or must not participate in a mediation or an arbitration;

(c) without limiting paragraph (a) or (b) of this subsection, providing to a party to a section 177 dispute the ability to require the other parties to the section 177 dispute to engage in mediation or arbitration, including regulations setting out when and how that ability may be exercised and the remedies available after its exercise;

(d) respecting the qualifications required for individuals who may act as mediators or arbitrators;

(e) respecting the selection and appointment of mediators or arbitrators, including regulations respecting the involvement of organizations in that selection and appointment process and regulations authorizing a court to appoint the mediator or arbitrator;

(f) respecting the rights, powers and duties of the mediator or arbitrator and the parties to a mediation or an arbitration, including regulations respecting the orders that must or may be made by the arbitrator;

(g) respecting the fees and disbursements of the

mediator or arbitrator, including regulations respecting when, by whom and on what basis those amounts are to be paid and regulations respecting the maximum amount or rate of fees and disbursements that may be charged;

(h) respecting procedures that must or may be followed before, during and after a mediation or an arbitration, including regulations respecting the time within which a person must perform a step in a procedure and regulations respecting when, to what extent and how evidence must or may be given in an arbitration by a party to a section 177 dispute or by any person who is not a party to a section 177 dispute;

(i) respecting forms that must or may be used before, during and after a mediation or an arbitration;

(j) respecting information that may, must or must not be disclosed for the purposes of a mediation or an arbitration;

(k) respecting confidentiality of information disclosed for the purposes of a mediation or an arbitration, including regulations requiring that the information be kept confidential and regulations setting out the circumstances in which that information may be further disclosed;

(l) respecting the costs and other sanctions that may be imposed or the other orders that may be made by a court in relation to a mediation or an arbitration, including regulations respecting costs, sanctions and orders in relation to any failure to

(i) participate in a mediation or an arbitration when and as required, or

- (ii) otherwise comply with the regulations;
- (m) respecting exemptions from mediation or arbitration, including regulations
 - (i) authorizing a court to grant exemptions from participation in one or more procedures that must or may be followed before, during and after a mediation or an arbitration, and
 - (ii) respecting the circumstances, if any, and the manner in which a party to a section 177 dispute may be exempted from participation in one or more procedures that must or may be followed before, during and after a mediation or an arbitration;
- (n) respecting the review by a registrar of a court or by any other person of the fees and disbursements of the mediator or arbitrator, including regulations respecting the powers and duties of the registrar or other person on that review and regulations respecting appeals to a court of any order, decision or direction made by the registrar or other person on that review;
- (o) respecting any consents or approvals required in relation to
 - (i) the strata corporation's ability to initiate mediation, or
 - (ii) any settlement of a section 177 dispute to which the strata corporation may agree in mediation;
- (p) respecting by whom and on what basis the following are to be paid:
 - (i) the strata corporation's mediation-

related expenses;

(ii) any amount the strata corporation agrees in mediation to pay to settle a section 177 dispute;

(q) respecting the notice, records and information relating to a mediation of a section 177 dispute that must, may, need not or must not be given by a strata corporation;

(r) restricting the rights otherwise available to an owner or tenant under this Act or the bylaws to attend an annual general meeting, a special general meeting or a council meeting if mediation between the owner or tenant and the strata corporation has been initiated and has not been completed;

(s) respecting arbitrators' orders for costs, including regulations providing for references to the registrar of a court or any other person in relation to costs, regulations respecting the powers and duties of the registrar or other person on that reference and regulations respecting appeals to a court of any order, decision or direction made by the registrar or other person on that reference.

(3) A regulation made under this section may adopt by reference, and with any changes the Lieutenant Governor in Council considers necessary, all or part of any code, standard or rule respecting mediation or arbitration, as amended before or after the making of the regulation, whether the code, standard or rule is promulgated by any governmental authority or by any association or other body.

(4) If all or part of a code, standard or rule is adopted by regulation, publication in the Gazette of a notice of the

adoption referring to the code, standard or rule and stating the extent of its adoption and setting out any variations to which the adoption is subject, is deemed sufficient publication without publishing in the Gazette the text of the code, standard or rule or part of it adopted.

(5) The Lieutenant Governor in Council may make different regulations under this section for one or more of the following:

- (a) different classes of section 177 disputes;
- (b) different classes of persons.

(6) For the purposes of subsection (2) (o) to (r), the Lieutenant Governor in Council may make regulations providing that a provision of this Act does not apply to one or more of the parties to a mediation under this Act and prescribing circumstances in which or conditions on which the provision of this Act is disapplied under this subsection.

(7) If and to the extent that there is any conflict between a regulation made under this section and any other enactment, including, without limitation, the *Law and Equity Act* and the rules of any court, the regulation made under this section prevails.

Regulations may differ

292 . 2 Without limiting section 292 or 292.1, in making regulations under this Act, the Lieutenant Governor in Council may

- (a) make different regulations for different classes of strata lots or strata corporations, and
- (b) in the case of regulations that may be made respecting definitions, periods, information, standards or other matters referenced in 2 or more provisions of this Act, make different regulations for the definitions, periods,

information, standards or other matters as they pertain to the different provisions.

35 The Schedule of Standard Bylaws is amended by repealing section 15.

Transition — bylaws

36 (1) In this section, "**bylaw**" and "**strata corporation**" have the same meanings as in the *Strata Property Act*.

(2) Despite section 127 (1), (3) and (4) (a) of the *Strata Property Act* as amended by this Act, an amendment may be made to the bylaws of a strata corporation before the second annual general meeting of the strata corporation if

(a) one of the following situations applies:

(i) the amendment to the bylaws was approved by a resolution that was passed before the coming into force of this section but the amendment had not come into effect before the coming into force of this section;

(ii) the amendment to the bylaws was proposed for an annual general meeting or a special general meeting of the strata corporation held before the second annual general meeting, notice of that meeting was given in accordance with the *Strata Property Act* before the coming into force of this section, the meeting is held after the coming into force of this section and the resolution approving the amendment to the bylaws is passed at that meeting, and

(b) an Amendment to Bylaws that sets out the amendment and is in the form prescribed under the *Strata Property Act* is filed in the land title office within one year after the coming into force

of this section.

Commencement

37 This Act comes into force by regulation of the Lieutenant Governor in Council.

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Condominium Home Owners' Association of British Columbia

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SPRING 2010 STRATA EDUCATION PROGRAM

VICTORIA #1, #2, #3*

Date: Saturday, March 13

Time: 9 AM – 3 PM

Location: Ambrosia Centre, 638 Fisgard Street, Victoria

Fee: First strata member \$55 Each additional strata member \$25 (fee includes lunch)

*Plus a special session on **Bill 8**: How amendments to the Strata Property Act will affect your strata

See reverse for seminar description.

Due to the popularity of workshops, pre-registration and pre-payment are required.

Registration is limited to 55 participants so register early.

↓ REGISTRATION ↓

Four ways to register: Complete this form and mail or fax to CHOA, email info@choa.bc.ca with details or pre-register by phone at 604.584.2462 (Ext. 2) or toll-free 1.877.353.2462 (Ext. 2)

Registrant's Name: _____ Enclosed fee for \$ _____

Additional Registrants: _____

Address: _____

City: _____ Prov: _____ Postal Code: _____

Phone: _____ Email: _____

Strata Plan Number: _____ Strata Corp. Member () Associate Member () Non-Member ()

Business Member () Company Name: _____

Payment Option: Cheque payable to CHOA enclosed () VISA () MasterCard () American Express ()

Card #: _____ Expiry _____ / _____

Card holder name: _____ Signature: _____



A non profit association serving strata owners since 1976

Registration cannot be guaranteed 48 hours before strata seminars.

NO REFUNDS for no-shows or cancellations received less than 48 hours prior to event.

CHOA reserves the right to cancel or change seminars without notice, due to unforeseen circumstances.

Seminar Description

#1 Bylaws – Restrictive Use: Age, Rentals, Pets

Understanding:

- How bylaws are created and registered
- The structure of a bylaw, its purpose and what makes it enforceable
- How other legislation affects your bylaws
- Enforcement and limitation of age restriction bylaws
- How age restriction bylaws apply to tenancy agreements
- Enforcement and limitation of rental restriction bylaws: Owners, family rentals, hardship
- How rentals are counted in a rental restriction/limitation bylaw
- The requirements/procedures of a hardship application
- How a hearing is conducted
- What information the strata council may require to make their decision
- Enforcement and limitation of pet restriction bylaws
- How the strata corporation enforces pet bylaws for noise, damages, aggressive behaviour of a pet
- Who pays fines, court actions and collections:
Owner/resident violations
Tenant violations

#2 Insurance – Strata Corporation, Council, Owners, Tenants

Understanding:

- Definitions of Insurance:
Common Property
Common Assets
Fixtures
Betterments
- The different types of policies:
Strata Corporation
Strata Lot owner/tenant
Vehicle Policy
Construction warranties
- Minimal levels of insurance for general liability, property coverage, appraised values
- Optional Coverage:
Errors and omissions
Human Rights claims
Illegal drug activity
Earthquake insurance
- How are deductible amounts set
- What causes higher risks and higher rates
- What documents and materials must you report to the strata owners and tenants
- Who is covered by the strata corporation policy
- Who pays the cost of claims and deductibles
- How do you collect the deductible
- What happens when a tenant causes a claim

#3 Correspondence – The Complications of Written Agreements, Notices, Email and Record Keeping

Understanding the types of notices sent to/from a strata corporation:

- Request for alterations to a strata lot or common property
- Councils response to the request
- Request for a hearing of council
- Councils response to the request
- Hardship application requests
- Councils response to the request
- Notices of General Meetings
- Responsibility of council
- Petition for a Special General Meeting or Agenda Item
- Responsibility of council
- Petition to Remove Council
- Responsibility of Council
- Petition for reconsideration of a 3/4 vote, section 51.
- Responsibility of council
- Complaint of bylaw violation
- Notice of allegation by council
- Notice of arbitration or court action
- Action required by council
- Request for records & documents
Section 35/36:
Response of council
Compliance Period
Charges & PIPA
Form B & F Requests

All sessions include information on updates to the Strata Property Act