

## Bill 8 – Strata Property Amendment Act

### Explanatory Notes

SECTION 1: ***[Strata Property Act, section 1]*** adds a definition of "Provincial Court".

SECTION 2: ***[Strata Property Act, section 11]*** clarifies the manner in which resolutions requiring a 3/4 vote may be passed before the strata corporation's first annual general meeting.

SECTION 3: ***[Strata Property Act, section 27]*** limits the strata corporation's ability to direct or restrict the council if the direction or restriction interferes with council's discretion to determine whether a person should be required to pay remedial costs or whether an owner should be exempted from a bylaw that prohibits or limits rentals.

SECTION 4: ***[Strata Property Act, section 32]*** extends the requirement for disclosure to a council member who has a direct or indirect interest in a matter if the interest could conflict with his or her duty as a council member or the matter is to be discussed by council.

SECTION 5: ***[Strata Property Act, section 33]*** adds clarifying language.

SECTION 6: ***[Strata Property Act, section 34.1]*** provides an owner or a tenant with an opportunity to request a hearing at a council meeting.

SECTION 7: ***[Strata Property Act, section 35]*** requires a strata corporation to retain specified records.

SECTION 8: ***[Strata Property Act, section 36]*** allows former owners and former tenants and persons authorized by them to review strata corporation records that relate to the period during which the former owner or former tenant was an owner or tenant.

SECTION 9: ***[Strata Property Act, sections 43 and 46]*** reduces from 25% to 20% the number of votes required to demand a special general meeting, propose a resolution or raise a matter.

SECTION 10: ***[Strata Property Act, various sections]*** allows applications under sections 52 (2), 58 (1), 59 (6), 164 (1) and 165 of the Act to be made to the Provincial Court.

SECTION 11: ***[Strata Property Act, section 53]*** gives the council president or, in certain circumstances, the vice president, a casting vote in the case of a tie vote, if the bylaws provide for this.

SECTION 12: ***[Strata Property Act, section 59]*** requires that an Information Certificate include information on parking stalls and storage lockers, if any, and that the most recent depreciation report, if any, be attached to the certificate.

SECTION 13: ***[Strata Property Act, section 61]*** allows notices to be given by email to a person who has not provided an address outside the strata plan.

SECTION 14: ***[Strata Property Act, section 63]*** allows notices to be given to a strata corporation by email.

SECTION 15: ***[Strata Property Act, section 94]*** requires that depreciation reports be prepared by qualified persons, but allows a strata corporation to waive a requirement to obtain a particular depreciation report.

SECTION 16: ***[Strata Property Act, section 103]*** requires that financial statements be audited by qualified persons, but allows a strata corporation to waive the requirement for an audit.

SECTION 17: ***[Strata Property Act, section 108]*** requires that special levy funds be accounted for separately and be invested in permitted investments, provides for interest to be paid by an owner who is late in paying a special levy and provides for proportionate repayment of excess special levy funds to current owners.

SECTION 18: ***[Strata Property Act, section 123]*** expressly allows for a strata corporation to pass a bylaw that restricts the age of persons who may reside in a strata lot.

SECTION 19: ***[Strata Property Act, section 124]*** provides that use of voluntary dispute resolution processes does not preclude the use of mediation and that statements and records made solely for use of voluntary dispute resolution processes may not be used in mediation.

SECTION 20: ***[Strata Property Act, section 127]*** provides that, without a unanimous resolution, no amendments may be made to the bylaws in relation to a bare land strata plan or a strata plan in which some or all of the strata lots are residential until after the second annual general meeting, and allows bylaws to be amended in relation to a strata plan composed only of nonresidential strata lots or for a nonresidential section at any time before the second annual general meeting of the strata corporation or section respectively.

SECTION 21: ***[Strata Property Act, section 128]*** requires the filing of an Amendment to Bylaws for an amendment to a bylaw to come into effect.

SECTION 22: ***[Strata Property Act, section 142]*** provides that a residential strata lot rented to an owner's family member or under an exemption is not, for the purposes of a bylaw restricting strata lot rentals, to be considered as being rented.

SECTION 23: ***[Strata Property Act, section 143]***

- clarifies that a rental restriction bylaw enacted by an owner developer when there are no other owners is effective immediately;
- provides that if a Rental Disclosure Statement applicable to a strata lot is filed before January 1, 2010, a rental restriction bylaw does not apply to that strata lot until the strata lot is conveyed by the first owner other than the owner developer or until the date the rental period disclosed in the Rental Disclosure Statement expires, whichever is earlier;
- provides that if a Rental Disclosure Statement applicable to a strata lot is filed after December 31, 2009, a rental restriction bylaw does not apply to that strata lot until the date the rental period disclosed in the Rental Disclosure Statement expires.

SECTION 24: ***[Strata Property Act, section 144]*** provides that an owner is exempted from a rental restriction bylaw if the owner applies for an exemption hearing and the strata corporation does not conduct the hearing within 4 weeks after that application.

SECTION 25: ***[Strata Property Act, section 173]*** allows applications under section 173 of the Act to be made to the Provincial Court and allows a strata corporation to seek court approval for a special levy if the levy has been approved by a majority of the votes cast, but not by a 3/4 vote, on the resolution proposing the levy.

SECTION 26: ***[Strata Property Act, section 174]*** provides that if a strata corporation is required to obtain owner approval before taking a step, that approval must have been obtained or must be obtained before an administrator appointed for the strata corporation may take that step.

SECTION 27: ***[Strata Property Act, section 175]*** provides that regulations that may be made under proposed section 292.1 of the Act apply to disputes referred to in section 177 of the Act.

SECTION 28: ***[Strata Property Act, section 177]*** adds clarifying language.

SECTION 29: ***[Strata Property Act, section 178]*** adds clarifying language.

SECTION 30: ***[Strata Property Act, sections 179 to 186]*** repeals provisions rendered unnecessary by the dispute resolution provisions added as proposed section 292.1 of the Act.

SECTION 31: ***[Strata Property Act, section 187]*** makes language in section 187 of the Act consistent with other references in the Act.

SECTION 32: ***[Strata Property Act, section 216]*** provides that restrictions filed under section 206 of the Act in relation to a leasehold strata plan cease to apply when the leasehold strata plan is converted to a freehold strata plan.

SECTION 33: ***[Strata Property Act, section 292]*** provides that the Lieutenant Governor in Council may make regulations respecting the maximum rate of interest that may be established by bylaw under section 107 (1) or 108 (4.1) of the Act, requiring the creation of a voluntary dispute resolution process and respecting qualified persons, periods, classes of strata corporations and audit standards and removes a regulation making authority rendered unnecessary by the regulation authorities provided in proposed section 292.1 of the Act as added by this Bill.

SECTION 34: ***[Strata Property Act, sections 292.1 and 292.2]*** provides authority to make regulations respecting dispute resolution processes and different regulations for different situations.

SECTION 35: ***[Strata Property Act, section 15 of Schedule of Standard Bylaws]*** removes from the Standard Bylaws a provision that is proposed to be added to the Act by this Bill.

SECTION 36: ***[Transition — bylaws]*** provides for situations under which, despite section 127 (1), (3) and (4) (a) of the Act as amended or substituted by this Bill, an amendment may be made to the bylaws of a strata corporation before the second annual general meeting.