
Condo Smarts

Headline: Notice to the Strata Corporation

Topic: Notice

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Written by: Tony Gioventu

Dear Tony: Our strata council and strata manager have sent the following notice to owners advising the only way we can give notice or request any items from the strata corporation is through the property manager. The council claim they have made a policy change with the instruction of the strata manager and no one may deliver a notice to any council member, and any such notices would be deemed to be void. We have read the *Strata Property Act* and cannot find where the strata council or property manager has the authority to change how notice is issued or how it is received. As a result of this change, several owners have had their requests for hearings declined and have been denied access to information. To the owners this looks like a slick way of preventing access to our strata information. Could you please clarify how notice can be issued?

Devon M. North Vancouver

Dear Devon: No, neither the strata council nor strata manager may make a policy change to how notice is issued or received. A notice, record or other document that is required or permitted under the *Strata Property Act* or Regulations must be given to the strata in one of the following methods: a) by leaving it with a council member b) by mailing it to the strata corporation at its most recent address filed in the Land Title Registry c) by faxing or emailing to the strata corporation to the contacts provided or to a council member if a fax or email has been provided for the purpose of receiving notice or d) by putting it through the mail slot or in the mail box used by the strata corporation for this purpose.

When a strata management company is contracted, they are acting as an agent of your strata corporation, and they may also be a destination for giving notice if they have provided an address, fax or email address.

The *Act* does not permit a strata corporation to change or amend the form of notice that is provided or received. The strata corporation must inform the owners who the council members are, and the council members must receive notice if it is delivered to them. It is then up to the council member to inform the other council members of the details and purpose of the notice.

Strata council members need to be vigilant about the procedures they follow when receiving notice on behalf of the strata corporation. The best solution is one location for address, email and fax so the council and manager can closely monitor what requests and notice have been received; however, because notice can be served on any council member, they need to be educated to understand the requirements for processing the notice immediately as many notices have requests that are time sensitive and could adversely affect your strata corporation.

For strata corporations with rental bylaw limitations a request for a hardship exemption requires a written decision within 2 weeks if no hearing is requested, or within one week of a hearing, otherwise the exemption is automatically granted. Requests for hearings require the hearing must be held within 4 weeks after the request and notice of a Civil Resolution or Court action requires a response within the prescribed time period otherwise judgements may be made without the strata corporation involvement. Requests for documents must be filled within 14 days of the request, 7 days for a request of bylaws and rules, and a Form F Payment Certificate and Form B Information Certificate must be provided within 7 days.