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## Before you Convene a Hearing: Hearing Guidelines

1. A hearing is an opportunity for an owner or tenant to be heard in person at a duly convened strata council meeting. The request to hold a hearing is a mandatory requirement of the *Strata Property Act*, and a principle requirement of the Civil Resolution Tribunal (CRT) before an owner or tenant may commence a claim. If your strata corporation does not hold a hearing on written request, that CRT requirement may be waived.
2. The strata corporation must hold a council meeting and convene the hearing if requested, Section 34.1 *Strata Property Act*. As determined in your bylaws, a quorum of council must be present to properly convene a strata council meeting.
3. A hearing must be reasonably held within 4 weeks of the strata corporation receiving a request. The request for a hearing must be in writing and state the reason for the request.
4. If the purpose of a hearing is to seek a decision of the council, the strata council must give the applicant a written decision within 1 week (7 days), after the hearing.
5. The strata council set the procedures for the hearing; however, they must be reasonable in the date and time of the hearing, the amount of time a person is entitled to raise matters, and the collection of information at the hearing.
6. Before your strata council convenes a meeting for a hearing, give notice of a council meeting for the purpose of a hearing if the hearing cannot be scheduled at the same time as a council meeting.
7. The hearing is a function of strata council and the time the hearing is held and who is in attendance forms part of the strata council minutes. If the hearing relates to a bylaw enforcement or a matter that involves a council member as a conflict of interest, the council member may be required to leave meeting and may not be permitted to participate in the council decision process that follows (see SPA sec. 32 Conflict of Interest and SPA sec. 136 Bylaw Complaint against a council member)
8. Personal information may be discussed or collected at a hearing. As a result, observers who are not directly participating in the hearing process are not permitted to stay in the meeting. If the owner or tenant has requested other parties attend the hearing as witnesses or for support or evidence, the strata council are required to determine whether the support attendance may unreasonably interfere with an individual's privacy.

9. During the hearing, the person who has requested the hearing provides information as it may relate to the request. This may be to dispute a bylaw/rule allegation claim, challenge a payment or expense claim, a request for parking or storage locker information, information on repairs or maintenance to buildings, a request for alteration to a strata lot, common or limited common property, a request for a hardship exemption from a strata rental restriction bylaw, special accommodation request relating to a disability or exemption from bylaws such as Pet Restriction bylaws, or any other matter relating to the business of the strata corporation.
10. The hearing is an opportunity for the strata council to collect information and ask questions of the owner or tenant. Following the hearing, the strata council may be required to review the strata corporation bylaws, rules, correspondence, financial information or other documents provided by the person requesting hearing.
11. The strata corporation may request copies of an information or correspondence that relate to the matter of the hearing. If the strata corporation collects any personal information, it must treat it with confidentiality and must protect the information under the procedures of the *Personal Information Protection Act*.
12. Confidential information or discussions that arise from the content of a hearing should never be conducted by email or other electronic communication. It is impossible to protect the privacy of the participants. Electronic communications may be deemed communication of council.

### ***Strata Property Act***

#### ***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.*

#### ***Disclosure of conflict of interest***

- 32** *A council member who has a direct or indirect interest in*
- (a) *a contract or transaction with the strata corporation, or*
  - (b) *a matter that is or is to be the subject of consideration by the council, if that interest could result in the creation of a duty or interest that materially conflicts with that council member's duty or interest as a council member, must*
  - (c) *disclose fully and promptly to the council the nature and extent of the interest,*
  - (d) *abstain from voting on the contract, 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.*

#### ***Complaint against council member***

- 136** (1) *If a complaint is made about a council member contravening a bylaw or rule, the council member must not participate in a decision made under section 135 about the complaint.*
- (2) *Subsection (1) does not apply if all the owners are on the council.*

**SAMPLE: How to Request a Hearing**

*[Your Full Name]*

*[Your Street Address]*

*[Your City, Province, Postal Code]*

*[Your Email Address]*

*[Your Phone Number]*

*[Strata Corporation Name]*

*[Strata Street Address]*

*[Strata City, Province, Postal Code]*

*[Strata Email Address]*

*[Strata Phone Number]*

*[Today's Date]*

Dear Strata Council,

RE: Request for a hearing

In accordance with the requirements of the *Strata Property Act*, please accept this letter as *[my/our]* application for a hearing with strata council. I understand that the Act provides for a hearing as an opportunity to be heard in person at a strata council meeting, and that strata council must hold a hearing within 4 weeks of receiving this request.

The reason for my request is *[describe your reason for asking for the hearing]*. Please contact me at *[enter your preferred contact method, either phone or email]* to arrange a reasonable date and time for this hearing.

Thank you for taking the time to read this letter.

Sincerely,

*[Your signature]*

*[Your Full Name]*

Strata Lot # *[Your Strata Lot #]*