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## Strata Living

Headline: What is a hearing?

Topics: Hearings

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**Dear Tony:** Our strata council starts each of our council meetings at 7:30 with an open discussion period with owners and tenants who are welcomed to attend and raise any issues. Several owners are unhappy with this process as they claim to have personal issues they want to raise. The council have been very open with the owners and with our limited schedule we can only manage one meeting a month. Is there a quick rule on how to handle these requests?

*Joe Morin*

**Dear Joe:** The *Strata Property Act* and the Schedule of Standard Bylaws of the *Act* both address the issue of hearings and how they are managed. If an owner issues a request for a hearing, the strata council must hold the hearing within 4 weeks after the request. The owner or tenant must submit the request in writing and state the reason for the request. Owners and tenants have several reasons for requesting a hearing of council. They could be to address a matter relating to the administration of the strata corporation, a bylaw matter relating to permission for alterations, rental requests, special accommodation for pets under the bylaws, dispute of a bylaw fine or enforcement, or a hardship rental exemption application. The council is not permitted to delegate the obligation to conduct a hearing, so a hearing is a properly convened council meeting, which requires a quorum of council, minutes of the meeting where decisions have been made, and a record of the response of the strata council. If a decision is requested, the strata must respond in writing within 7 days of the meeting. The person requesting the hearing is there to make their request and provide information that relates to the matter. The council are there to listen and gather information to make a decision if requested within the 7 day period. Observers are not permitted if the hearing relates to

bylaw contraventions, hardship exemptions or any matter if observers attendance would unreasonably interfere with a person's privacy. Under the Civil Resolution Tribunal, owners and tenants will be required to request a hearing to resolve their disputes before they file an application for a CRT claim.