

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-173

Condo Smarts

Headline: They've shut down the hot tub and pool

Topic: Authority of strata council

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Dear Condo Smarts: I recently purchased a penthouse unit in a high rise building in Vancouver. The pool, hot tubs and sauna were one of the key reasons I decided on this location, but now the strata council has decided that the cost of gas is too excessive and have given notice to the owners that until further notice, the pool and hot tubs will be shut down. Many of the owners are upset because the budget approved the gas for the pools. They are still collecting our strata fees, not using the money for the pools and refusing to discuss their decision with the owners. Do we have to go to court?

- Mrs. V.R. Stephens

Dear Mrs. Stephens: Your complaint is unfortunately quite common. Strata councils often develop the misconception that they have supreme authority over the affairs of the strata, resulting in decisions both unpopular with the owners and sometimes in violation of the Strata Property Act and the bylaws.

If the strata has approved specific funds for a specific task, the council has an obligation to meet those obligations.

If there are projected deficits, technical failures or changes in the intended use, the council must convene a special meeting and have the owners approved amendments to the use of the funds: however, a significant change requires a 3/4 vote of the owners at a general meeting.

If the council is unresponsive to your request, a minimum of 25 per cent of the voters can sign a petition and demand a special general meeting to discuss or vote on your concerns.

Use a three-step approach: First consult with the strata council and manager to resolve the dispute. Failing that, petition for a special general meeting for the strata owners to make the decisions.

As a last resort, take legal action. With the over-whelming costs and delays, hopefully your strata will not find itself in court over such a matter, but ultimately legal action is an option if the dispute cannot be resolved.

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