

Condominium Home Owners' Association

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Bulletin: 300-284

Condo Smarts

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Dear Condo Smarts: Our strata is a 55 and over retirement community on Vancouver Island. We have an excellent manager, our properties are in great shape, and we have a waiting list of people who want to buy into our community. One problem, we have an owner who harasses everyone to the point that at our recent AGM, no one would stand for council. This owner demands reports on everything we do and interrogates every service technician and contractor who comes on site. So what happens when no one will be on council? Will the government just appoint someone to administer our complex? Many of our owners spend most of the year travelling and can't be bothered with the harassment. Any insight you have would be a big help. Patricia Hartley

Dear Patricia: Strata corporations are a cross section of communities and cultures. Almost every strata has that one person who seems to make everyone else's life unnecessarily difficult. Like your strata, many strata corporations struggle with people unwilling to be on council. It's either too much time, too much trouble, or too much conflict. There are steps a strata can take to reduce harassment and operate smoothly. In your community, like many 55 and over communities, there is a shortage of willing council members, but the bylaws can be amended to permit other types of council eligibility. An example of that is a 36-unit apartment building in Vancouver where the strata has amended the bylaws to permit the children or grandchildren of owners who are not on title, to be eligible to be elected to council. This can expand your council pool, and also bring on some young working professionals who could

greatly contribute to your operations. The other option is to adopt governance bylaws that strictly control how business is conducted. They can include buying restrictions, bidding procedures, contract reviews, supervision of contractors, audit requirements, financial reporting to owners, and management relationships. If owners violate the bylaws the strata then needs to take bylaw enforcement seriously. Occasionally the matter results in the strata council fining the offender or proceeding to the courts to enforce their bylaws and end the constant harassment. The next challenge is attracting people to council. A well funded budget for operations and maintenance is important, but many budgets exclude governance support, such as legal fees or professional services. Strata councils don't have to be isolated from the problems. Use professional services to deal with the problem people. While it may be costly, a strata council has much less stress if they can refer a matter of conflict to their legal counsel rather than struggle with it alone. Strata councils can also be remunerated for their time which may also be an attraction. Here a bylaw can be created that recognizes the work of council and compensates them for their time on behalf of the remaining owners. The 36-unit strata in Vancouver pays three strata council members each \$100/month. It's a small amount considering the number of hours they invest. The government will not impose someone on your strata. If the corporation fails to elect a council and ceases to function, eventually an owner(s) will commence a Supreme Court Application to have an administrator appointed. This can be a positive decision for a dysfunctional corporation incapable of conducting business, but it is costly.

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