

Condo Smarts

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Dear Condo Smarts: Our strata council passed a rule that they would only receive correspondence through our management company. The rule states that any applications for rentals, hardship applications, requests for alterations, hearings of council, and any related strata business must be addressed only to the strata management company. As owners we have been fine with this, except council members themselves don't abide by the rule, and routinely send out emails to owners in the complex regarding bylaw violations, and official notices. We heard that the changes to the Strata Act will permit email as notice, but who does that have to be emailed to, in order for the email to be valid? What happens if the strata doesn't provide an address, but the council members email an owner? Can they officially reply back to the council member? Karen T, Vernon

Dear Karen: It is easy to understand why a strata corporation wants to maintain only one official address for receipt of notices and sending of notices. If everyone sends their correspondence to council as well as the strata agent or president you could end up with 8 or more potential mailing addresses and email addresses. It will make it extremely difficult to manage notices of meetings and requests of owners and tenants and agents. However; the Act does permit an owner to leave a notice or request for forms or documents required with a council member, by mailing it to the recent address on file in Land Titles for the strata, by putting it through a mail slot or in the mail box used by the strata, by faxing or emailing it to a number or email address provided by the strata corporation, or fax

number or email address provided by a council member for the purpose of receiving the notice. An example, complications of notice often arise when an owner gives a notice of a hardship application to a council member. Under the Strata Property Act, this is deemed to be proper notice, and if the council member ignores the notice and the council does not respond in writing after two weeks of the request, the exemption is automatically allowed. Email is obviously going to become a common method of notice. The strata corporation and council members will only have to officially receive emails as notice if their email address functions for the purpose of receiving notice. Likewise, the strata corporation can only send notice to an owner or tenant by email if the owner or tenant has provided an email address for that purpose. If a strata is considering using email for notices sent and received, it would be a prudent management decision for the councils and managers to create and maintain only one strata identified email address. The strata corporation must ensure that the email is checked daily as requests such as a payment or information certificate, or a hardship application are all time sensitive. Council members, owners, tenants and strata agents all need to exercise caution when using email. Not only do the provisions of the Strata Property Act apply but also the provisions of the Personal Information Protection Act. Always exercise caution in what you write in an email. You cannot guarantee the security of sensitive or confidential information once you hit the send. The updated changes to the Strata Property Act & Regulations are available @ bclaws.ca or choa.bc.ca.

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