

Condo Smarts

Headline: What is the role of strata council?

Topic: Strata Council Responsibilities

Publication date: March 6, 2014

Publication: The Province

Written by: Tony Gioventu

Dear Tony: Our newly elected strata council are having a tough time with our strata manager. Since we were elected in January, he continues to make decisions without our knowledge, including sending out bylaw violation notices and ordering work at our strata without any approval. We know we are volunteers, but this is our property, so how do we take control of the situation and maintain and working relationship with our manager? We would like to be able to rely on our manager to guide us in our decision making, but that will require us to share information, and he is reluctant to provide us with any information. The manager is also working behind the scenes with our past strata council, which is also making a functional business relationship unlikely. Any help would be greatly appreciated.

Karen Milford

Dear Karen: The transition between strata councils can be extremely awkward, especially if the replacement of council has been polarized or hostile in your community, and it is a very stressful and vulnerable time between managers and new strata councils. At the first meeting (which should not be immediately after your AGM because council meetings required 7 days notice) the strata council and manager should sit down with a specific check list of roles and responsibilities and the strata management contract and clearly identify the responsibilities of each of the parties. Don't forget though, this is your strata, and the decisions are made by the strata council and the owners. If the manager cannot respect your authority and obligations, time for a new manager, or new company. Ideally, your strata should have the time and support to be able to prepare an agenda and documentation for your meetings to enable your strata to use your time to vote on and make decisions, which provides lawful instructions to the manager, contractors, or any other council members given specific responsibilities. Think of these as job descriptions. The same process should apply to minutes of council meetings. Action records help to facilitate good results. The motions that council vote on, enable decisions, and each decision or outcome should have an action item

that identifies what was decided, who is responsible for the action, and a time period of completion. Last week, the provincial government tables a valuable amendment to the *Strata Property Act*, that once it becomes law, will enable strata corporations to approve contingency expenses planned in their depreciation reports, by a majority vote. However, that is only the first step. Strata councils will need to review their reports and determine what renewals or maintenance requirements are projected. Then council will have to start an investigation into the scope of work and planning process for the construction so once they reach their AGM, they will be able to include resolutions and agenda items for the approval of those costs. Planning is essential to schedule work, schedules are critical to plan for the construction and funding, and the funding is a key part of the decision making of the strata council and the owners. At www.choa.bc.ca, CHOA has an extensive number of resources available in printed format, programs for maintenance and renewal schedules, and scopes of work for council operations. A web site or information cloud for your strata corporation is helpful to ensure your owners can maintain a corporate history for future councils and managers. Join us next Wednesday, March 12th on radio AM 650 at 6:00pm as we walk through the sequence of strata council decision making when a strata corporation is required to replace a roofing system.

**For more information on CHOA resources and benefits visit www.choa.bc.ca
or contact the office at 1-877-353-2462 or email office@choa.bc.ca.**

No part of this publication may be reproduced without the prior written permission of CHOA

This publication contains general information only and is not intended as legal advice. Use of this publication is at your own risk. CHOA will not be liable to you or any other person for any loss or damage arising from, connected with or relating to the use of this publication or any information contained herein by you or any other person.