

Condo Smarts

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Dear Tony: We have an ongoing issue with our strata council. We have lived in our townhouse unit for 4 years without incident, and our neighbour has decided to convert his parking garage, which is adjacent to our living room, into a workshop so he can make wood furniture as a retirement hobby-job. During the day on weekdays we are not home so have no issue with the noise, but other neighbours are complaining. During evenings and on weekends and holidays, his saws and fans run frequently. The past weekend was the final straw, when he started up at 8am on Sunday morning. This guy is also a member of council and the rest of council are a bit of afraid of his aggressive behavior. He threatens to sue people any time they challenge him. We are hoping that we will be able to address this type of issue in the tribunal. Can you provide us any update as to when the tribunal comes into effect and the authority the tribunal has?
Carter D. Port Coquitlam

Dear Carter: The Civil Resolution (CRT) was originally passed in 2012, and the most recent amendments under Bill 44 have been passed and are waiting royal assent. In a nutshell here are the basics for strata corporations. The CRT focus is to make justice accessible to the public across the province in a timely, affordable and understandable capacity so the average person can easily deal with the day to day civil disputes that occur in strata corporations and small claims matters under \$10,000. The system will be entirely on line for convenient access, and will also maintain phone, translation and special needs support to ensure accessibility for everyone. Once the tribunal comes into full effect, the tribunal will be able to order strata corporations, owners and tenants comply with the *Strata Property Act*, the bylaws of the strata, and will be able to decide if a person or the strata corporation is obliged to pay money over an issue. It will not however apply to matters that relate to the appointment of administrators, the sale of strata lots, liquidation or dissolution of a strata. Strata councils who are not enforcing bylaws, not enforcing them fairly, or who are not

complying with the *Act*, Regulations or their bylaws, may discover they are ordered to fulfill their obligations and may be ordered to pay for the damages associated. There are two important features of the Tribunal as they pertain to strata corporations. First, there is no limit to the amount of a dispute between the parties in a strata dispute. Second, the strata council will not require a three quarters vote of the owners to proceed with a claim in the Tribunal. If an owner is not complying with bylaws, or owes fines, money for damages or an insurance deductible, the strata council by majority vote at a council meeting will be entitled to commence a claim. This is one of the more significant benefits of the Tribunal for strata corporations. Currently, an application to enforce a bylaw is a Supreme Court of BC application. The cost and time involved is significant, but more important, it requires a three quarters vote of the owners at a general meeting, which is often defeated because the majority who are not affected by the bylaw infraction simply don't support the cost or time of the action. As a result, the majority decided that the strata will not enforce its bylaws simply because they are not personally affected. The time periods will also be essential. In a short window of 60-90 days and at a filing cost of a couple hundred dollars a strata council will be able to file a claim, proceed through case management and an adjudication to hopefully obtain a successful order to enforce the bylaw or compliance with the bylaw. That order or decision to do something, stop doing something or to pay for something can be registered against the strata lot and enforced in the same manner as court decisions. The CRT will provide an enormous amount of relief to resolve the day to day nagging disputes and compliance issues that plague strata corporations and owners. Implementation will be hopefully the end of this year. To follow the progress and more information, go to: <http://www.civilresolutionbc.ca>.

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