

## Condo Smarts

Headline: Email Records

Topic: Record Keeping, Strata Council Emails

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Dear Tony: We are the newly elected strata council of Pinehurst Green in the Fraser Valley. Our strata is a 166 unit townhouse complex, and even though we have had a few rocky years, our operations and management are now functioning very well. We do have one problem that we would like to bring to public attention. For the past 5 years, our strata council has done everything by email, including council meetings for routine business, bylaw violations, fines and penalties, and approvals for changes to strata lots or common property. The council did not believe that owners had access to those emails, and at the end of their term, all of the emails were deleted and none of the decisions were ever put into published council minutes. As a result, we are left with \$32,741 in collections and absolutely no record of how they were generated. We have decided as a council that we will no longer conduct any business by email, and our strata will probably have to write off the collections.

*Pinehurst Council*

**Dear Pinehurst Council:** Before any strata council considers a dialogue or a decision making process by email they must understand the consequences. Email is not a confidential form of communication. As soon as one party chooses to distribute information, or information is accidentally forwarded to another party, or your email accounts are breached, the information within the context of your strata business is now public information. While each council member may have their own designated email address, you as the council cannot control who is at the other end of a computer and who is reading the email. The bylaws of strata corporations generally do not permit strata councils to convene meetings by email and all of the emails that transact strata business with council members are part of the correspondence of the strata corporation and subject to request and access. Council members often find they have to reach consensus on issues in between

meetings, and may have to agree to a timely decision; however, those decisions should be ratified/reported at the subsequent council meeting and included in the minutes as part of the strata record and to inform the owners. With so many properties across BC that are strata titled, and so many absentee or holiday owners, email has become a convenient method to communicate, but it does not replace a properly convened council meeting. Council meetings enable direct debate and discussion which are a significant parts of the strata decision making process.

The Standard Bylaws do not permit a person to participate as an observer in a meeting where a matter is addressing a hardship application, bylaw enforcement or a matter that requires the protection of an individual's privacy; however, if you address a bylaw matter by email, you cannot exclude observers. Those matters should never be discussed or documented by email, as the strata council could easily find they have breached the privacy rights of an owner or tenant.

Email is a useful method of discussing upcoming council agenda items and providing research and information without breaching any personal information or identifying individuals. Bylaw enforcement, hardship exemptions, and personal privacy matters are best addressed only in the environment of a properly convened council meeting as they require a vote to determine the outcome. One of the best solutions to ensure you have a record of decisions, bylaw enforcement, alteration agreements, collections, and transactions is to maintain a file for each strata lot. Set up a binder(s) or on line storage system with back up to maintain records for each suite. It will also ensure any records or documents that may be required as part of the sale of a strata lot will also easily be accessible and your strata will not lose its corporate history.