

Strata Living

Headline: Gas Service

Topic: Strata Council Authority, Repair & Maintenance

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Dear Tony: Without the knowledge or consent of our owners, our strata council decided to shut off our gas services this summer to save on pilot lights on gas fire places. When the strata council attempted the restart this fall, there were a number of gas leaks discovered as a result of the depressurization of the lines, and excessive condensation build up. They had also forgotten that approval was granted to two owners to install gas ranges some years ago, one owner who is now commencing a law suit against the strata corporation. Even if our strata can settle the law suit without much cost, by the time we have paid for all the repairs and start up costs, our strata will have expensed more than triple what the projected savings were. Does the council have the authority to just go ahead and do this?

Carmen R.

Dear Carmen: Veronica Franco, strata lawyer at Clark Wilson LLP in Vancouver, advises that "before a strata corporation undertakes significant decisions, it is always in the best interest of the strata community to seek the approval of the owners at a general meeting, and it is a requirement of Section 71 of the Strata Property Act to do so. *Before a strata corporation makes a significant change in the use or appearance of common property or common assets the strata corporation is required to seek the*

approval of the owners of the corporation at a general meeting by three quarters vote resolution. Decisions that impact residential communities are best supported when the ownership have an opportunity to express their opinion and exercise their voting rights. The change of a utility or services authorized by the owners as part of the annual budget is generally not within the scope of the strata council to amend or reallocate without the consent of the owners. Because the strata council chose to alter the utility without the approval of the corporation or owners, the corporation is likely going to be paying the bills for the repairs and restarting costs."

If a strata corporation plans on changing the scope of the utilities or introducing new operations programs in a building, it is recommended to convene a general meeting of the owners to propose the amendments and seek the approval of the owners. A successful decision will ensure the council has the authority to act, and the owners will take a vested interest in programs such as energy savings. Well planned energy upgrade programs can easily reach cost recovery in a short period of time.

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