
Strata Living

Headline: How do we get our strata to comply with the Act>

Topics: Disputes, Civil Resolution Tribunal Act

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Dear Tony: We own an investment condo at Big White in Kelowna. It is not a very large strata and the owners have self-managed it for over 10 years. There were always problems with onsite issues like security, repairs, general meetings and bylaw enforcement because everyone was absent. Two years ago our strata decided to hire a management company thinking it would solve the problem. The situation is far worse. The manager only talks to council president, we never have meetings, hearings are declined, and all sorts of decisions are being made without the knowledge or consent of council or the owners. It is now a much more serious problem because some upgrades have been done to the lobby that cost over \$5,000 and were never approved by the owners. We tried to petition for a special general meeting but could never get a quorum so the meetings never went ahead. We hired a lawyer to help our group of 4 owners but the only solution is arbitration or Supreme Court of BC and we have already exhausted \$8,000 with no result. The president of council controls enough votes and holds enough proxies that we can never force a change in council to move towards some reasonable compliance with the *Act*. Are there any other solutions?

The Big White Investors

Dear BWI's: At this time your options are limited to arbitration or a court action to obtain an order for compliance with the *Act*, to order the strata to do or stop doing something, or to pay for something or to determine if a person exercising more than 50% of the voting rights is acting in a significantly unfair manner. An owner(s) may also make an application to the Supreme Court of BC for the appointment of an administrator to exercise the powers and perform the duties of the strata corporation, if, in the court's opinion, the appointment of an administrator is in the best interests of the strata corporation. The tragedy for

a strata controlled by one owner, is that the obligation to act on behalf of the strata corporation/all owners, is ignored and the only option is the most expensive option, court. If you are an owner(s) with limited resources, this is impossible.

Strata owners will have some relief later this year when the Civil Resolution Tribunal is in effect. The CRT will be able to decide on issues relating to compliance with the *Strata Property Act* and Regulations, and the bylaws of the strata corporation. The CRT will have the ability to order a strata, an owner, tenant or occupant to comply with the *Act* and the Bylaws and order them to do or stop doing something and to pay for something, including fines, insurance deductibles and damages. The benefit for users will be the access to a free online process to help diagnose your problems and provide the users with tools for letter writing, hearing requests, petition requests for meetings and responses. Costs will only start once a complaint is filed and will be comparable to small claims court. Disputes will be adjudicated within a 60-90 day period and the decisions are enforceable. Find more information on the CRT @ civilresolutionbc.ca.