

## Condo Smarts August 1<sup>st</sup>, 2018

### What is a hearing?

Dear Tony: Our strata council has an owner, that was the past president, who is constantly requesting hearings and demanding to come to council meetings. It is disrupting the business of our council meetings to the point where other than hearings we get nothing done. The owner is always dragging in other people to the meetings and raising a long list of frivolous issues that we have no chance to prepare for, or items that date back several years before any of us were on the council. It has been 3 months since our council has managed to review financials, address letters from other owners and review service agreements and maintenance contracts. We are meeting 2 times a month and everyone is concerned we are going to be dragged into the Tribunal if we don't comply with this owner's request. Most council members are ready to quit. Is there any way to manage this better? Caroline V. Richmond

Dear Caroline: A hearing is an opportunity for an owner or tenant to be heard on a specified matter and for the council to gather information in preparation of a response. Hearings are not an opportunity for owners and tenants to harass council members and attempt to prevent the business of the strata corporation from being conducted. The most effective method of managing your council meetings and the requests of the owners is to ensure you are following the *Strata Property Act* and the bylaws in a disciplined manner that apply to your strata corporation. If you reasonably apply the Act and the Standard Bylaws, there are some opportunities that may be helpful. If an owner or tenant requests a hearing, they must put their request in writing and state the reason of the request. The strata must hold the hearing within 4 weeks after the request, and if a decision on a matter has been requested, the council must give the applicant the decision within one week after the hearing. Your council has a duty to comply with these requests; however, there is no obligation to permit additional items to be raised at the hearing that were not part of the request, and the council is not permitted to allow observers if the matter regards a bylaw contravention, rental hardship request, or any other matters the council deems may unreasonably interfere with an individual's privacy.

Here are a few do's and don'ts that might help in planning hearings and meetings. When you are conducting a hearing, provide the person with a reasonable amount of time to address the matters in the written request. Don't tell the person they have only 10 minutes for their hearing and they're out. Manage your meeting efficiently so you have time as a strata council to be able address other business. Don't put the hearing at the end of meetings and then inform the owner there is no time left. Conduct the hearing separately and take minutes of the general information and decisions of the council. Don't forget a hearing is a council meeting where minute of the decision of council are reported. Gather as much information about the request as possible, including a request for personal information that may help in responding to the person. Don't release or publish personal information of an owner or tenant. Only permit matters raised in the request, and individuals whose identified in the request. Don't permit matters not raised in the request and don't let your council members engage in debates with the person. Remember, this is their request to be heard and your opportunity to gather information. When your hearing is complete, council meets without any observers present and decides on how they are going to respond to the request, which may include a request for more information on a matter. At some point if the person is intent on abusing the hearing process and harassing your strata council, it is time to seek legal advice on how to respond, when to respond, and when to let the matter go into the Civil Resolution Tribunal or the courts.

Sincerely,

Tony Gioventu, Executive Director  
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