

Condo Smarts June 26, 2019

How Do We Get the Legislation Changed?

Dear Tony: Our strata corporation is made up of 78 apartments and 16 townhouse units. We are all one strata corporation. Every year when we vote on repairs and maintenance, there is an owner in the apartment building who collects proxies and votes against any townhouse maintenance and supports all the apartment maintenance. After the last 5 years, nothing has been done to the townhouses and the townhouse owners are fed up. Is there any way we can resolve this problem or prevent the number of proxies a person can hold? Is there some way to lobby government to limit the number of proxies a person can hold? Jim S

Dear Jim: Since 2013, the BC Law Institute has hosted a research project that was focused on the reform of the Strata Property Act. There was a committee of volunteers that administered the research from the real estate industry, lawyers, land titles, consumers and government. After a period of extensive meetings, research and discussions, a consultation paper was issued for public review. One of the public reviews addressed governance for strata corporations. In the summary there was a discussion over the question of proxies and possible limits to proxies. While the issue on proxies was debated, there are significant limitations to the legislation as the proxy is not an instrument issued by the corporation, but by each owner. There are many complications that would make it difficult for the strata corporation to control a limitation on proxies as it would end up violating owner's voting rights without the knowledge of the owner. As a result, the importance of unrestricted proxies is to protect voting rights of owners. Unfortunately, there are individuals who abuse the power of proxies. Owners who issue proxies need to remember one very important issue. Your proxy assignment (the proxy holder) may vote at their discretion if a secret ballot is called, unless your proxy is specifically restricted. As an owner, if you want to control the outcome, don't issue a proxy. Show up at meetings and exercise your voting rights and obligations. There are other options to consider. If the townhouse units are being neglected at the expense of the apartment units, townhouse owners may apply to the Civil Resolution Tribunal to obtain a decision ordering the corporation to repair the common property, including the town house units. Your strata corporation is not rare when it comes to unfair repair and maintenance of common property. The tribunal has the authority to order a strata corporation to conduct repairs if they are acting unfairly or not complying with the Strata Property Act or bylaws of the corporation.

"According to Pat Williams, Chair of the BCLI Research Committee on reform of the Strata Property Act, the committee members contributed more than 3,000 hours of volunteer time. The members were supported by the exemplary research and administrative excellence of the BC Law Institute team headed by Kevin Zakreski". The BCLI project has just posted their final report on Common Property, Land Titles, and Fundamental Changes for Stratas. Since 2013, there have been 5 reports published, 206 recommendations made to government, one report implemented to amend the Act for Terminating a Strata, support of 18 participating committee members, 60 monthly meetings, 9 project funders and 596 responses to public consultations. To read a copy of the final report go to: www.bcli.org

Tony Gioventu, Executive Director CHOA

Sign up now for Spring Seminars in your area. Topics this spring will highlight Insurance, Above and Below the Deductible, Creating an Operations Plan for Maintenance, Renewals, & Annual Budgeting, and Bullying and Harrassement in your strata and the workplace. Go to: <http://www.choa.bc.ca/seminars/>