

# BRITISH COLUMBIA



BRITISH COLUMBIA  
LAW INSTITUTE

# LAW INSTITUTE

1822 East Mall  
University of British Columbia  
Vancouver, British Columbia  
Canada V6T 1Z1  
Voice: (604) 822 0142  
Fax: (604) 822 0144  
E-mail: [bcli@bcli.org](mailto:bcli@bcli.org)  
Website: <http://www.bcli.org>

# RESPONSE BOOKLET

## Consultation Paper on Complex Stratas

Prepared by the  
Strata Property Law  
(Phase Two) Project  
Committee

August 2016

Supported By:



## Disclaimer

The information and commentary in this publication is not offered as legal advice. It refers only to the law at the time of publication, and the law may have since changed. BCLI does not undertake to continually update or revise each of its publications to reflect post-publication changes in the law.

The British Columbia Law Institute and its division, the Canadian Centre for Elder Law, disclaim any and all responsibility for damage or loss of any nature whatsoever that any person or entity may incur as a result of relying upon information or commentary in this publication.

You should not rely on information in this publication in dealing with an actual legal problem that affects you or anyone else. Instead, you should obtain advice from a qualified legal professional concerning the particular circumstances of your situation.

---

© 2016 British Columbia Law Institute

The British Columbia Law Institute claims copyright in this publication. You may copy, download, distribute, display, and otherwise deal freely with this publication, but only if you comply with the following conditions:

1. You must acknowledge the source of this publication;
2. You may not modify this publication or any portion of it;
3. You must not use this publication for any commercial purpose without the prior written permission of the British Columbia Law Institute.

These materials contain information that has been derived from information originally made available by the Province of British Columbia at: <http://www.bclaws.ca/> and this information is being used in accordance with the Queen's Printer License—British Columbia available at: [http://www.bclaws.ca/standards/2014/QP-License\\_1.0.html](http://www.bclaws.ca/standards/2014/QP-License_1.0.html). They have not, however, been produced in affiliation with, or with the endorsement of, the Province of British Columbia and **THESE MATERIALS ARE NOT AN OFFICIAL VERSION.**

# British Columbia Law Institute

1822 East Mall, University of British Columbia, Vancouver, BC, Canada V6T 1Z1

Voice: (604) 822-0142 Fax: (604) 822-0144 E-mail: [bcli@bcli.org](mailto:bcli@bcli.org)  
WWW: <http://www.bcli.org>

-----

The British Columbia Law Institute was created in 1997 by incorporation under the provincial *Society Act*. Its strategic mission is to be a leader in law reform by carrying out:

- the best in scholarly law reform research and writing; and
  - the best in outreach relating to law reform.
- 

The members of the Institute are:

Prof. Joost Blom, QC (Chair)  
Thomas L. Spraggs (Treasurer)  
Jan Christiansen  
Oliver A. Fleck  
Frances M. Kelly  
Margaret H. Mason  
Dr. Richard F. Oppong  
Stanley T. Rule

Lisa A. Peters (Vice-chair)  
Hon. Marion J. Allan  
R. C. (Tino) Di Bella  
Prof. Robert G. Howell  
Hon. Kenneth C. Mackenzie, QC  
Susan M. Mercer  
Andrea L. Rolls

The members emeritus of the Institute are:

Arthur L. Close, QC

D. Peter Ramsay, QC

-----

***This project was made possible with the sustaining financial support of the Law Foundation of British Columbia and the Ministry of Justice for British Columbia. The Institute gratefully acknowledges the support of the Law Foundation and the Ministry for its work.***

-----

# Strata Property Law (Phase Two)

## Project Committee

The Strata Property Law (Phase Two) Project Committee was formed in fall 2013. This volunteer project committee is made up of leading experts in strata-property law and practice in British Columbia. The committee's mandate is to assist BCLI in developing recommendations to reform strata-property law in the seven areas selected for study in this phase-two project. These recommendations will be set out in final reports for each area. The project as a whole will complete in December 2017.

The members of the committee are:

Patrick Williams—chair  
*(Partner, Clark Wilson LLP)*

Veronica Barlee (Jul. 2014–present)  
*(Senior Policy Advisor, Housing Policy Branch, Ministry of Natural Gas Development and Responsible for Housing)*

Larry Buttress (Oct. 2013–Jun. 2016)  
*(Deputy Executive Officer, Real Estate Council of British Columbia)*

Garth Cambrey  
*(Real Estate Institute of British Columbia)*

Tony Gioventu  
*(Executive Director, Condominium Home Owners Association)*

Tim Jowett  
*(Senior Manager, E-Business and Deputy Registrar, Land Title and Survey Authority)*

Alex Longson (Jul. 2016–present)  
*(Senior Compliance Officer, Real Estate Council of British Columbia)*

Judith Matheson  
*(Realtor, Coldwell Banker Premier Realty)*

Elaine McCormack  
*(Partner, Wilson McCormack Law Group)*

Doug Page (Oct. 2013–Jul. 2014)  
*(Director of Legislation, Housing Policy Branch, Ministry of Natural Gas Development and Responsible for Housing)*

David Parkin  
*(Assistant City Surveyor, City of Vancouver)*

Allen Regan  
*(Vice-President, Bayside Property Services Ltd.)*

Stanley Rule  
*(Lawyer, Sabey Rule LLP)*

Sandy Wagner  
*(President of the Board of Directors, Vancouver Island Strata Owners Association)*

Ed Wilson  
*(Partner, Lawson Lundell LLP)*

Kevin Zakreski (staff lawyer, British Columbia Law Institute) is the project manager.

**For more information, visit us on the World Wide Web at:**  
**<http://www.bcli.org/project/strata-property-law-phase-two>**

# Call for Responses

We are interested in your response to this consultation paper. It would be helpful if your response directly addressed the tentative recommendations set out in this consultation paper, but it is not necessary. We will also accept general comments on reform on complex stratas—specifically, legal issues relating to sections, types, and phases.

The best way to submit a response is to use a response booklet. You may obtain a response booklet by contacting the British Columbia Law Institute or by downloading one at **<http://www.bcli.org/project/strata-property-law-phase-two>**. You do not have to use a response booklet to provide us with your response.

Responses may be sent to us in one of four ways—

- by mail:      British Columbia Law Institute  
                 1822 East Mall  
                 University of British Columbia  
                 Vancouver, BC V6T 1Z1  
                 Attention: Kevin Zakreski
- by fax:        (604) 822-0144
- by email:      strata@bcli.org
- by online survey:    link from [www.bcli.org/project/strata-property-law-phase-two](http://www.bcli.org/project/strata-property-law-phase-two)

If you want your response to be considered by us as we prepare our report on complex stratas, then we must receive it by **15 January 2017**.



## RESPONSE

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Position: \_\_\_\_\_

You may provide us with your name, the name of any organization you represent, and the title of your position within that organization, if you wish. You do not have to give us any of this information. You may still submit your response even if you leave some or all of the above spaces blank. You may respond to all or some of the tentative recommendations in this response booklet. If you wish to provide a more extensive comment than space permits, then please use the additional pages at the end of this response booklet.

Your response will be used in connection with the Strata Property Law (Phase Two) Project. It may also be used as part of future law-reform work by the British Columbia Law Institute or its internal divisions. All responses will be treated as public documents, unless you expressly state in the body of your response that it is confidential. Respondents may be identified by name in the final report for the project, unless they expressly advise us to keep their name confidential. Any personal information that you send to us as part of your response will be dealt with in accordance with our privacy policy. Copies of our privacy policy may be downloaded from our website at: <http://www.bcli.org/privacy>.

The numbers in parentheses refer to pages in the consultation paper where the tentative recommendation is discussed.

### Sections—general

*1. The Strata Property Act and the Strata Property Regulation should continue to contain provisions enabling the creation and operation of sections. (53–57)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Sections—qualifying conditions

*2. The Strata Property Act should continue to allow sections only for the purpose of representing the different interests of (a) owners of residential strata lots and owners of nonresidential strata lots, (b) owners of nonresidential strata lots, if they use their strata lots for significantly different purposes, or (c) owners of different types of residential strata lots. (58–60)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Sections—creation

*3. The Strata Property Act should continue to permit an owner-developer to create sections. (60–62)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## Response Booklet for Consultation Paper on Complex Stratas

---

*4. If an owner-developer creates sections at the time a strata plan is filed in the land title office, then the Strata Property Act should provide that, on or before the date of the strata corporation's second annual general meeting, the sections comprising the strata corporation may, by resolutions passed by a majority vote of each of the sections, cancel the sections. (63-64)*

☐ Agree

☐ Disagree

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*5. The Strata Property Act should provide that, if a section is created after a strata corporation's first annual general meeting, then the bylaws must set out the date of the first annual general meeting of the section. (64-65)*

☐ Agree

☐ Disagree

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Response Booklet for Consultation Paper on Complex Stratas

---

6. *Section 193 of the Strata Property Act should be amended to clarify that creation or cancellation of a section requires a resolution passed by a 3/4 vote in all cases, despite the provisions of section 128 (1) (b) and (c), which allow amendments to a bylaw to be approved by a resolution passed by a voting threshold other than a 3/4 vote in the case of a strata plan composed entirely of nonresidential strata lots or in the case of a strata plan composed of both residential and nonresidential strata lots. (66–67)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---

7. *Special forms should be prescribed under the Strata Property Act for the creation, amendment, and cancellation of a section. (67–68)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---

8. *Section 193 (5) of the Strata Property Act should be repealed and section 250 (2) of the Strata Property Act should be amended to provide for the categorization of filings addressing the creation, amendment, and cancellation of sections. (68–70)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---

## Sections—powers and duties

9. *The Strata Property Act should provide that bylaws respecting sections cannot provide for the control, management, maintenance, use, and enjoyment of common property.* (70–73)

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. *The Strata Property Act should provide that bylaws respecting sections can provide for the control, management, maintenance, use, and enjoyment of common assets of the section or a strata lot of the section.* (73–74)

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. *Section 194 (2) (f) of the Strata Property Act should be retained as it is currently worded.* (74–75)

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Response Booklet for Consultation Paper on Complex Stratas**

---

*12. Section 194 (4) of the Strata Property Act should be amended by striking out “only” and by adding as a new paragraph (c) the words “for any other purpose in the discretion of the section.” (75-76)*

☐ **Agree**

☐ **Disagree**

**Comments:** \_\_\_\_\_

---

---

---

*13. The Strata Property Act should provide that a mortgagee may give a Mortgagee’s Request for Notification to a section, as well as to the strata corporation. (76-77)*

☐ **Agree**

☐ **Disagree**

**Comments:** \_\_\_\_\_

---

---

---

*14. The Strata Property Act should require a section to file its correct mailing address, and any changes to that address, in the land title office. (77-78)*

☐ **Agree**

☐ **Disagree**

**Comments:** \_\_\_\_\_

---

---

---

## Sections—governance

15. *The Strata Property Act should contain an express declaration that the act applies to sections.* **(78–79)**

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. *The Strata Property Act should require a section to provide an information certificate under section 59 for matters concerning the section on request by an owner, a purchaser, or a person authorized by an owner or a purchaser.* **(80–82)**

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. *The Form B (information certificate) for strata corporations should be modified to ask (a) does the strata corporation have sections, (b) if so, is this strata lot part of a section, and (c) if yes, which section does this strata lot belong to.* **(82–83)**

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Response Booklet for Consultation Paper on Complex Stratas

---

*18. The Strata Property Act should require a section to provide any information necessary to complete a certificate of payment under section 115 of the act within three days of a request from its strata corporation. (83–84)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---

*19. A new form under the Strata Property Act should be created for the section to provide the requisite information to the strata corporation. (83–85)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---

### Sections—finances

*20. The Strata Property Act should enable sections to file a lien under section 116 of the act. (85–87)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---

## Response Booklet for Consultation Paper on Complex Stratas

---

21. *If a strata corporation and a section both file liens under section 116 of the Strata Property Act with respect to the same strata lot, then the strata corporation's lien should rank in priority ahead of the lien of the section. (87-89)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

22. *A section's lien should rank in priority to every other lien or registered charge except (a) to the extent that the strata corporation's lien is for a strata lot's share of a judgment against the strata corporation, (b) if the other lien or charge is in favour of the Crown and is not a mortgage of land, or (c) if the other lien or charge is made under the Builders Lien Act. (89-90)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Response Booklet for Consultation Paper on Complex Stratas

---

23. Section 112 of the Strata Property Act should be amended to provide that before a strata corporation or a section registers a lien under section 116 of the act against a strata lot, then that strata corporation or section must give notice, as the case may be, to the section or strata corporation. **(90-91)**

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

24. Consequential amendments should be made to sections 112 to 118 of the Strata Property Act to include sections. **(91-92)**

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

25. The Strata Property Act should expressly require a section within a strata corporation to have a separate budget. **(92-94)**

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Response Booklet for Consultation Paper on Complex Stratas

---

26. *The Strata Property Act should provide that operating funds, contingency-reserve-fund funds, and special-levy funds must be accounted for separately and maintained in separate accounts in a financial institution for the strata corporation and for each section. (94–95)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

27. *Section 192 (a) of the Strata Property Act should be amended by inserting after “bylaws that provide for the creation and administration of each section” the words “provided that the administration of expenses relates solely to the section.” (96–97)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Sections—cancellation

28. *The Strata Property Act should require that a resolution to cancel a section must be approved by sectional 3/4 votes in each other existing section of the strata corporation. (97–100)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

29. *The Strata Property Regulation should require that the resolution to amend the by-laws to provide for the cancellation of a section must set out all of the following: (a) any funds in the operating fund and contingency reserve fund for common expenses of the section have been transferred or disposed of; (b) any court proceeding or arbitration involving the section has been settled or discontinued; (c) any contracts in the name of the section have been assigned or terminated; (d) any land or other property held in the name of or on behalf of the section has been disposed of in accordance with the act; (e) any lien filed under section 116 of the act has been transferred or discharged; (f) any other charges, interests, liabilities, or assets of the section have been transferred or disposed of. (100–05)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **Types—legislative enabling provision or definition**

*30. The Strata Property Act should contain a provision that expressly enables the creation of types of strata lots. (118–19)*

☐ Agree

☐ Disagree

**Comments:** \_\_\_\_\_

---

---

---

### **Types—creation**

*31. The Strata Property Act should require, for a strata corporation to create a type of strata lot: (a) the strata corporation must hold an annual or special general meeting to consider the creation of the type; (b) the notice of meeting must include a resolution to amend the bylaws to provide for the creation of each type; and (c) the resolution referred to in (b) must be passed (i) by a 3/4 vote by the eligible voters of the strata lots comprising the type identified in the bylaw, and (ii) by a 3/4 vote by all the eligible voters in the strata corporation. (119–20)*

☐ Agree

☐ Disagree

**Comments:** \_\_\_\_\_

---

---

---

## Response Booklet for Consultation Paper on Complex Stratas

---

32. *The vote authorizing the creation, amendment, or cancellation of a type should require a resolution passed by a 3/4 vote in all cases, despite the provisions of section 128 (1) (b) and (c), which allow amendments to a bylaw to be approved by a resolution passed by a voting threshold other than a 3/4 vote in the case of a strata plan composed entirely of nonresidential strata lots or in the case of a strata plan composed of both residential and nonresidential strata lots. (119-21)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---

33. *If a strata corporation allocates expenses by types, then amendments to the strata corporation's bylaws concerning the allocation of an expense to a type must be approved at an annual general meeting or a special general meeting by both a resolution passed by a 3/4 vote of the strata corporation and a resolution passed by a 3/4 vote of the type. (119-21)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---

## Response Booklet for Consultation Paper on Complex Stratas

---

34. *The Strata Property Act should allow an owner-developer to create types of strata lots at the time the strata plan is deposited by filing in the land title office bylaws that provide for the creation of each type. (121-22)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **Types—sharing operating expenses**

35. *The Strata Property Regulation should continue to allow operating expenses (expenses that usually occur either once a year or more often than once a year) to be shared by types of strata lots. (122-23)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Response Booklet for Consultation Paper on Complex Stratas

---

36. *The Strata Property Regulation should not allow operating expenses (expenses that usually occur once a year or more often than once a year) to be shared by types of strata lots, if the expense is in relation to an item that does not exclusively benefit the type. (123-24)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

37. *Section 105 of the Strata Property Act should be amended to provide that, if a strata corporation has adopted a bylaw establishing types of strata lots, the strata corporation must carry out a year-end reconciliation and if, based on that reconciliation, there is a surplus or a shortfall with respect to a contribution to the operating fund that was shared only by owners of strata lots of that type, then the surplus or shortfall must be dealt with as follows: (a) in the case of a surplus, the surplus must be used to reduce the total contribution to the next fiscal year's operating fund by owners of strata lots of that type; (b) in the case of a shortfall, the shortfall must be eliminated during the next fiscal year by owners of strata lots of that type. (124-25)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Types—sharing capital expenses

38. *The Strata Property Regulation should not allow capital expenses (expenses that occur less frequently than once a year) to be shared by types of strata lots, even if the capital expense relates to an item that benefits only the type of strata lot.* **(126–28)**

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

39. *The Strata Property Act should not allow a type of strata lot to have a contingency reserve fund.* **(128–30)**

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

40. *The Strata Property Regulation should not allow capital expenses (expenses that usually occur less frequently than once a year) to be shared by types of strata lots, if the expense is in relation to an item that does not exclusively benefit the type.* **(130–31)**

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Types—powers, duties, and governance

41. *The Strata Property Act should not authorize bylaws respecting types to provide for the control, management, maintenance, use, and enjoyment of the strata lots, common property, and common assets of the type or adjacent to the type. (131–32)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---

42. *The Strata Property Act should not require that bylaws respecting types provide for the creation of a type executive. (132–33)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---



## Types—cancellation

43. *The Strata Property Act should require, for a strata corporation to cancel a type of strata lot: (a) the strata corporation must hold an annual or special general meeting to consider cancellation of the type; (b) the notice of meeting must include a resolution to amend the bylaws to provide for the cancellation of the types; and (c) the resolution referred to in (b) must be passed (i) by a 3/4 vote by the eligible voters of the strata lots comprising the type identified in the bylaw, and (ii) by a 3/4 vote by all the eligible voters in the strata corporation. (133–34)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Phases—general

44. *The Strata Property Act should continue to enable the development of strata properties in phases. (Error! Bookmark not defined.–73)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Phases—applying to deposit a phased strata plan

45. *The Strata Property Act should continue to require an owner-developer to file a Phased Strata Plan Declaration as a condition to depositing a phased strata plan. (173–74)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

46. *The Strata Property Act should continue to require an owner-developer to obtain the approval of an approving officer to a phased strata plan. (174–75)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

47. *The Strata Property Act should provide that an approving officer's approval of a Phased Strata Plan Declaration expires after two years unless the first phase is deposited before that time. (176–78)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Response Booklet for Consultation Paper on Complex Stratas

---

*48. Section 228 of the Strata Property Act should be amended to provide that despite section 510 of the Local Government Act the deposit of a phase of a phased strata plan does not require provision of park land or payment for parks purposes. (178–79)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Phases—changing circumstances

*49. The Strata Property Act should not be amended to allow a strata-lot owner or prospective strata-lot owner, a strata corporation, or an approving officer to apply to the supreme court for a mandatory injunction requiring the owner-developer under a phased strata plan to complete the phased strata in accordance with the Phased Strata Plan Declaration. (179–82)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Response Booklet for Consultation Paper on Complex Stratas

---

50. *The Strata Property Act should require an owner-developer to obtain the consent of the affected strata corporation to an election to extend the time to proceed, an election not to proceed, or other amendments to a Phased Strata Plan Declaration. (182-83)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---

51. *The Strata Property Act should require that a strata corporation's consent to an amendment to a Phased Strata Plan Declaration should not be unreasonably withheld. (182-83)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---

52. *The Strata Property Act should require that a strata corporation's consent to an amendment to a Phased Strata Plan Declaration should be required to be expressed by (a) a resolution of the strata corporation passed by a 3/4 vote and (b) the filing in the land title office of a Certificate of Strata Corporation in the prescribed form stating that the resolution referred to in paragraph (a) has been passed. (182-84)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---

## Response Booklet for Consultation Paper on Complex Stratas

---

53. Section 236 of the Strata Property Act should be amended to allow a strata corporation to apply to the supreme court for a declaration that the owner-developer be deemed to have elected not to proceed even if no order that the owner-developer complete the phase by a set date has been made. **(184–86)**

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

54. Section 232 of the Strata Property Act should be amended to provide that (a) an owner-developer may amend a Phased Strata Plan Declaration to extend the time for making an election to proceed with the next phase without applying to an approving officer for approval of the amendment and (b) an owner-developer must not amend a Phased Strata Plan Declaration to extend the time for making an election to proceed (i) more than once or (ii) for more than one year from the date stated in the declaration, except in accordance with an order of the supreme court. **(186–88)**

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Phases—governance and phased strata plans

*55. A new, freestanding regulation should be adopted that expressly sets out the owner-developer's obligations from part 3 of the Strata Property Act upon deposit of a phase other than the first phase of a phased strata plan, which are currently incorporated by reference in section 13.4 of the Strata Property Regulation. (188–89)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*56. Section 230 of the Strata Property Act, which requires a strata corporation to hold an annual general meeting during the six-week period that begins on the earlier of the date on which 50% plus one of the strata lots in the new phase have been conveyed to purchasers and the date that is six months after the deposit of the new phase, should be repealed. Consequential amendments should be made to sections 13.2 to 13.6 of the Strata Property Regulation. (190–95)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Response Booklet for Consultation Paper on Complex Stratas

---

57. *Section 13.5 of the Strata Property Regulation, which requires the election of two additional council members from the owners of a new phase at the phase annual general meeting that must be held after the deposit of a subsequent phase in the land title office, should be repealed. (195-97)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

58. *The Strata Property Regulation should require an owner-developer to turn over to the strata corporation the records listed in section 20 (2) (a) of the Strata Property Act for a phase other than the first phase of a phased strata plan by no later than 90 days following the deposit of that phase in the land title office. (198-99)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Response Booklet for Consultation Paper on Complex Stratas

---

59. *Section 13.3 (2) of the Strata Property Regulation should restrict the ability of a phased strata property to amend bylaws dealing with the keeping or securing of pets, the restriction of rentals, the age of occupants, or the marketing activities of the owner-developer which relate to the sale of strata lots in the strata plan until the earliest of the following: (a) the annual general meeting held following the deposit of the final phase; (b) an election not to proceed is made under section 235 or 236 (2) of the act; (c) the strata corporation obtains the written consent of the owner-developer; (d) the owner-developer is not in compliance with the dates for the beginning of construction of each phase as set out in the Phased Strata Plan Declaration or amended Phased Strata Plan Declaration; (e) the date that is six months after the date of completion of construction disclosed in section 2 (c) of the original Phased Strata Plan Declaration.* **(199–202)**

☐ Agree

☐ Disagree

**Comments:** \_\_\_\_\_

---

---

---

60. *The Phased Strata Plan Disclosure form should be amended to require an owner-developer to identify how it intends to designate parking and storage lockers.* **(203–04)**

☐ Agree

☐ Disagree

**Comments:** \_\_\_\_\_

---

---

---



## Phases—protecting the financial interests of owners in a phased strata plan

61. *If a strata corporation for a phased strata plan has adopted its own budget, then the Strata Property Regulation should require an owner-developer, after the deposit of a phase subsequent to the first phase, to prepare an interim budget that is only applicable to the strata lots in that subsequent phase. (205–10)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---

62. *The Strata Property Regulation should be amended to require a strata corporation to account separately for the revenue and expenses during the interim-budget period after deposit of a phase subsequent to the first phase in the land title office. (210–11)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---

**Response Booklet for Consultation Paper on Complex Stratas**

---

*63. Section 223 of the Strata Property Act should continue to require an approving officer's approval of security for common facilities. (211-12)*

☐ **Agree**

☐ **Disagree**

**Comments:** \_\_\_\_\_

---

---

---

*64. Section 223 of the Strata Property Act should be amended to provide that an approving officer may (a) charge a reasonable fee to the owner-developer for approving the Phased Strata Plan Declaration and (b) require the owner-developer to provide an estimate of the cost of common facilities that are to be constructed in a phase other than the first phase, or constructed on a separate parcel, which estimate must be verified by the certificate of a registered architect or professional engineer. (213-14)*

☐ **Agree**

☐ **Disagree**

**Comments:** \_\_\_\_\_

---

---

---

## Response Booklet for Consultation Paper on Complex Stratas

---

65. *Despite the Strata Property Regulation, the owner-developer should be required to ensure that the term of any insurance policy entered into by or on behalf of a phase subsequent to the first phase in a phased strata plan continues for at least four weeks after the subsequent phase is deposited in the land title office. (214-16)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

66. *The Strata Property Act should provide that the owner-developer should be considered to have an insurable interest in any property insured under an insurance policy that continues in effect for at least four weeks after the subsequent phase is deposited in the land title office. (217)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Response Booklet for Consultation Paper on Complex Stratas

---

67. *The Strata Property Act should provide that, despite the terms of an insurance policy that continues in effect for at least four weeks after the subsequent phase is deposited in the land title office, in making a payment, other than a payment arising from the liability of the strata corporation, under the strata corporation's insurance policy, an insurer must make the payment (a) to the order of the insurance trustee designated by the bylaws, or (b) if an insurance trustee is not designated, to the order of the strata corporation to be held in trust until paid out under section 157 of the Strata Property Act. (218)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---

68. *The Strata Property Act should require an owner-developer to give a strata corporation for a phased strata plan an insurance appraisal for the full replacement value of a new phase no later than 14 days before the deposit of the new phase in the land title office. (219-20)*

☐ Agree

☐ Disagree

Comments: \_\_\_\_\_

---

---

---

## PRINCIPAL FUNDERS IN 2015

The British Columbia Law Institute expresses its thanks to its principal funders in the past year:

- Law Foundation of British Columbia
- Ministry of Justice and Attorney General for British Columbia
- Notary Foundation of British Columbia
- Real Estate Foundation of British Columbia
- Real Estate Council of British Columbia
- Real Estate Institute of British Columbia
- Strata Property Agents of British Columbia
- Association of British Columbia Land Surveyors
- Vancouver Island Strata Owners Association
- Condominium Home Owners Association
- Ministry of Natural Gas Development and Responsible for Housing for British Columbia
- Employment and Social Development Canada
- Vancouver Foundation
- Coalition of BC Businesses
- Ministry of Jobs, Tourism and Skills Training
- Alzheimer's Association of BC
- Atira Women's Resources Society
- Canadian Network for Prevention of Elder Abuse
- Continuing Legal Education Society of British Columbia
- BC Ministry of Health—Council to Reduce Elder Abuse
- BC Ministry of Health (Vital Statistics)
- eHealth Saskatchewan (Vital Statistics)
- Service New Brunswick (Vital Statistics)
- Service Ontario (Vital Statistics)

BCLI also reiterates its thanks to all those individuals and organizations who have provided financial support for its present and past activities.