
STRATA PROPERTY AMENDMENT ACT, 1999

CHAPTER 21

Assented to June 29, 1999

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

- 1** *Section 1 of the Strata Property Act, S.B.C. 1998, c. 43, is amended by repealing the definitions of “approving officer”, “bylaw” and “tenant” and substituting the following:*

“approving officer” means an appropriate approving officer appointed under the Land Title Act;

“bylaw” means a bylaw of a strata corporation;

“tenant” means a person who rents all or part of a strata lot, and includes a subtenant but does not include a leasehold tenant in a leasehold strata plan as defined in section 199 or a tenant for life under a registered life estate; .

- 2** *Section 3 is repealed and the following substituted:*

Responsibilities of strata corporation

- 3** Except as otherwise provided in this Act, the strata corporation is responsible for managing and maintaining the common property and common assets of the strata corporation for the benefit of the owners.

- 3** *Section 14 (4) is amended by striking out “6 weeks” and substituting “8 weeks”.*

- 4** *Section 21 (6) is amended by striking out “6 weeks” and substituting “8 weeks”.*

- 5** *Section 28 (3) is amended by striking out “section 116.” and substituting “section 116 (1).”*

- 6** *Section 35 (1) (b) is amended by striking out “with telephone numbers at which they can be contacted”.*

- 7** *Section 40 (2) is amended by striking out “one month” and substituting “2 months”.*

- 8** *Section 46 is repealed and the following substituted:*

Agenda and resolutions at an annual or special general meeting

- 46** (1) Subject to subsection (2), the council determines the agenda of an annual or special general meeting.

Section 9

- (2) Persons holding at least 25% of the strata corporation's votes may, by written demand, propose a resolution or raise a matter specified in the demand.
- (3) A resolution or matter raised under subsection (2) must be included
 - (a) in the notice given under section 45 (3) about the next annual or special general meeting of the strata corporation, and
 - (b) on the agenda of that meeting.
- (4) Subsection (3) does not apply to a special general meeting held under section 43 (6).

9 Section 48 is amended by adding the following subsection:

- (3) Unless otherwise provided in the bylaws, if within 1/2 hour from the time appointed for an annual or special general meeting a quorum is not present, the meeting stands adjourned to the same day in the next week at the same place and time but, if on the day to which the meeting is adjourned a quorum described in subsection (2) is not present within 1/2 hour from the time appointed for the meeting, the eligible voters present in person or by proxy constitute a quorum.

10 Section 50 (1) is amended by striking out “, the regulations or the bylaws.” and substituting “or the regulations.”

11 Section 51 is amended by repealing subsections (10) and (11) and substituting the following:

- (10) The resolution stands and may be implemented only if one of the following conditions is met:
 - (a) a demand for reconsideration is not made under this section;
 - (b) the resolution is approved by a 3/4 vote at the special general meeting held under this section;
 - (c) the meeting held under this section does not proceed for lack of a quorum as set out in subsection (9).
- (11) The resolution may be presented for reconsideration under this section only once.

12 Section 52 is repealed and the following substituted:

Unanimous votes

- 52** (1) This section applies only to strata corporations comprised of 10 or more strata lots.
- (2) If a resolution required to be passed by a unanimous vote under the Act or the regulations is supported by all of the strata corporation's votes except for
 - (a) the vote in respect of one strata lot, in a strata corporation comprised of at least 10 strata lots, or

- (b) the votes in respect of more than one strata lot, if those votes together represent less than 5% of the strata corporation's votes,
- the strata corporation may, by a resolution passed by a 3/4 vote at an annual or special general meeting, apply to the Supreme Court for an order under subsection (3).
- (3) On application under subsection (2), the court may, if satisfied that the passage of the resolution is in the best interests of the strata corporation and would not unfairly prejudice the dissenting voter or voters, make an order providing that the vote proceed as if the dissenting voter or voters had no vote.
- (4) In making an order under subsection (3), the court may make any other order it considers just, including an order that the strata corporation offer to purchase a strata lot owned by a dissenting voter at its fair market value or that the strata corporation otherwise compensate a dissenting voter.

13 Section 53 is amended

- (a) in subsection (2) by striking out "section 116." and substituting "section 116 (1).", and
- (b) in subsection (3) by striking out "46 (1)" and substituting "46 (2)".

14 Section 56 (3) is repealed and the following substituted:

- (3) The following persons may be proxies:
- (a) only if permitted by regulation and subject to prescribed restrictions, an employee of the strata corporation;
- (b) only if permitted by regulation and subject to prescribed restrictions, a person who provides strata management services to the strata corporation;
- (c) subject to the regulations, any other person.

15 Section 61 (1) is amended by striking out "may be given" and substituting "must be given".

16 Section 63 (1) is amended by striking out "may be given" and substituting "must be given".

17 Section 65 is repealed and the following substituted:

Informing resident owners and tenants

- 65 For the purposes of sections 98 (6), 106, 108 (4), 125 (4), 128 (4) and 167, and any regulations that require the strata corporation to inform owners or tenants of certain matters, the strata corporation may, instead of giving notice under section 61, inform resident owners and tenants by one or more of the following methods or by any other method:

Section 18

- (a) leaving a document containing the information at a location designated by the strata corporation for the distribution of such information;
- (b) posting a document containing the information in a part of the common property designated by the strata corporation for the posting of such information.

18 *Section 68 (4) is amended by adding “but subject to the regulations,” after “Despite subsections (1) to (3),”.*

19 *Section 83 is amended by striking out “person who is authorized” and substituting “public or local authority which is authorized”.*

20 *Section 84 (1) and (2) is amended by striking out “person authorized” and substituting “public or local authority authorized”.*

21 *Section 93 is repealed and the following substituted:*

Minimum and maximum contributions to contingency reserve fund

- 93 Subject to the requirements set out in the regulations, the strata corporation must determine the amount of the annual contribution to the contingency reserve fund.

22 *Section 95 is amended by adding the following subsection:*

- (4) Despite subsection (2), the strata corporation may lend money in the contingency reserve fund to the operating fund as permitted by the regulations.

23 *Section 98 (3) is amended by adding “, whether physical or otherwise” after “loss or damage”.*

24 *Section 105 is repealed and the following substituted:*

Budget surpluses and deficits

- 105 (1) Subject to section 14, contributions to the operating fund which are not required to meet operating expenses accruing during the fiscal year to which the budget relates must be dealt with in one or more of the following ways, unless the strata corporation determines otherwise by a resolution passed by a 3/4 vote at an annual or special general meeting:
- (a) transferred into the contingency reserve fund;
 - (b) carried forward as part of the operating fund, as a surplus;
 - (c) used to reduce the total contribution to the next fiscal year’s operating fund.
- (2) If operating expenses exceed the total contribution to the operating fund, the deficit must be eliminated during the next fiscal year.

25 Section 116 is amended

- (a) in subsection (1) by adding “with respect to that strata lot” after “any of the following”,**
- (b) by repealing subsection (1) (e),**
- (c) by repealing subsection (2) and substituting the following:**
 - (2) The strata corporation may register a lien against any strata lot, but only one strata lot, owned by an owner as owner developer, by registering in the land title office a Certificate of Lien in the prescribed form if the owner developer fails to pay an amount payable to the strata corporation under section 14 (4) or (5), 17 (b) or 20 (3)., **and**
- (d) by renumbering subsections (3) to (5) as subsections (4) to (6) and by adding the following subsection:**
 - (3) Subsections (1) and (2) do not apply if
 - (a) the amount owing has, under section 114, been paid into court or to the strata corporation in trust,
 - (b) arrangements satisfactory to the strata corporation have been made to pay the money owing, or
 - (c) the amount owing is in respect of a fine or the costs of remedying a contravention.

26 Section 125 is amended

- (a) by repealing subsection (2) and substituting the following:**
 - (2) A rule is not enforceable to the same extent that a bylaw is not enforceable under section 121 (1)., **and**
- (b) in subsection (4) by adding “and tenants” after “inform owners”.**

27 Section 128 is amended

- (a) by repealing subsection (2) and substituting the following:**
 - (2) An amendment to a bylaw has no effect until an Amendment to Bylaws in the prescribed form is filed in the land title office., **and**
- (b) by adding the following subsections:**
 - (3) An Amendment to Bylaws must be filed in the land title office within 60 days of the amendment being approved.
 - (4) The strata corporation must inform owners and tenants of any amendment to the bylaws as soon as feasible after the amendment is approved.

28 Section 135 (2) is amended by striking out “must promptly” and substituting “must, as soon as feasible.”.

Section 29

- 29 ***Section 150 (1) is amended by striking out “against liability of the strata corporation” and substituting “to insure the strata corporation against liability”.***
- 30 ***Section 151 is amended by striking out “, other than liability or expenses incurred as a result of a breach of section 6 (1) (a) or 31 (a)”.***
- 31 ***Section 159 (1) is amended by striking out “30 days” and substituting “60 days”.***
- 32 ***Section 167 (1) is amended by striking out “promptly if it is sued.” and substituting “as soon as feasible if it is sued.”***
- 33 ***Section 169 (1) is amended***
- (a) by striking out “as owner, or” and substituting “as owner or as owner developer, or”, and***
 - (b) by striking out “and” at the end of paragraph (a), by adding “, and” at the end of paragraph (b), and by adding the following:***
 - (c) does not, despite being an owner, have a right to attend those portions of any annual or special general meeting or council meeting at which the suit is dealt with or discussed.***
- 34 ***Section 181 is amended by striking out “discuss with the parties” and substituting “advise the parties of”.***
- 35 ***Section 182 (2) is repealed and the following substituted:***
- (2) A person who receives notice under this section may make a statement in writing to the arbitrator.***
 - (3) A person who makes a statement under subsection (2) may be joined as a party in the arbitration if***
 - (a) the person consents to being joined as a party,***
 - (b) the arbitrator requests that the person be joined as a party, and***
 - (c) the other parties consent.***
- 36 ***Section 184 (3) is repealed and the following substituted:***
- (3) A person who is not a party to a dispute may give evidence only if***
 - (a) the person consents to give evidence, and***
 - (b) the person is requested to give evidence by a party to the dispute.***
- 37 ***Section 185 (3) is amended by striking out “2 weeks” and substituting “4 weeks”.***
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38 Section 207 is amended

- (a) *in subsection (1) by striking out* “The leasehold landlord” *and substituting* “Subject to subsection (3), a leasehold landlord”, *and*
- (b) *in subsection (3) by striking out* “under a ground lease” *after* “A leasehold landlord”.

39 Section 239 is amended by adding the following subsection:

- (3) Despite any other provision of this Act, a strata lot may not be subdivided by the deposit of a strata plan that, under section 2, would establish a strata corporation.

40 Section 243 is amended by adding the following subsection:

- (3) An approving officer must not approve a bare land strata plan unless it complies with the regulations.

41 Section 244 (1) (a) is repealed and the following substituted:

- (a) show the boundaries of the land included in the strata plan and, except in the case of a strata lot in a bare land strata plan, show the location of the buildings, .

42 Section 255 is amended by striking out “Owners Strata Plan” *and substituting* “Owners, Strata Plan”.

43 Section 257 is amended by striking out “To designate limited common property on a strata plan, or” *and substituting* “To amend a strata plan to designate limited common property, or to amend a strata plan”.

44 Section 259 is amended by adding the following subsection:

- (5) Despite any other provision of this Act, a strata plan may not be amended to divide a strata lot if the amendment would result in a strata plan consisting of bare land strata lots and strata lots that are not bare land strata lots.

45 Section 260 (1), (2) and (3) is amended by striking out “prior”.

46 Section 273 (3) is amended by striking out “If a strata corporation has a schedule of interest on destruction,” *and substituting* “If a strata corporation has a schedule of interest on destruction that was required under section 4 (g) of the *Condominium Act*, R.S.B.C. 1996, c. 64, or a similar schedule that was required under any former Act,”.

47 Section 278 (3) is amended by striking out “If the strata corporation has a schedule of interest on destruction,” *and substituting* “If a strata corporation has a schedule of interest on destruction that was required under section 4 (g) of the *Condominium Act*, R.S.B.C. 1996, c. 64, or a similar schedule that was required under any former Act,”.

Section 48

48 Section 286 is repealed and the following substituted:**Application**

286 This Part applies to bare land strata plans except to the extent set out in the regulations.

49 Section 292 is amended**(a) in subsection (2) by repealing paragraph (g) and substituting the following:**

(g) respecting the persons who may be proxies, the number of proxies they may hold, the circumstances in which they may be proxies and restrictions on their powers as proxies; , **and**

(b) in subsection (3) by renumbering paragraph (h) as paragraph (j) and by adding the following paragraphs:

(h) respecting the determination of the amount of the annual contribution to the contingency reserve fund under section 93;

(i) respecting the circumstances in which a strata corporation may lend money in the contingency reserve fund to the operating fund; .

50 Section 293 is amended**(a) by repealing subsections (1), (2) and (3) and substituting the following:**

(1) Except as otherwise provided by this Act and the regulations, this Act and the regulations apply to a strata plan deposited and a strata corporation created under the *Condominium Act*, R.S.B.C. 1996, c. 64 or any former Act. , **and**

(b) by renumbering subsections (4), (5) and (6) as subsections (2), (3) and (4).**51 The Schedule of Standard Bylaws is amended****(a) in section 5 (1) (d) by striking out “doors or windows” and substituting “doors, windows or skylights”,****(b) by repealing section 7 (1) (b) and substituting the following:**

(b) at a reasonable time, on 48 hours’ written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act. ,

(c) in section 8 (c) (ii) (D) and (d) (iv) by striking out “doors and windows” and substituting “doors, windows and skylights”,**(d) by repealing section 10 (1), (3), (4) and (5) and substituting the following:**

(1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected. ,

(e) in section 14 (4) by striking out “as soon as possible” and substituting “as soon as feasible”,

- (f) *in section 15 (2) by striking out "2 weeks" and substituting "one month", and*
- (g) *in section 18 (3) by striking out " , along with the names of the council members moving and seconding any resolutions, and the names of any dissenting or abstaining council members".*

Consequential Amendment

Homeowner Protection Act

- 52 *Section 23 (5) of the Homeowner Protection Act, S.B.C. 1998, c. 31, is amended by striking out "Condominium Act." and substituting "Strata Property Act."*

Commencement

- 53 This Act comes into force by regulation of the Lieutenant Governor in Council.

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