

STRATA CONNECTION TO EDUCATION

EMERGENCY READINESS

WINTER PREP AND BEYOND

CLIMATE CHANGE

PROACTIVE WATER MITIGATION

EVENTS

VIEW OUR UPCOMING EVENTS FOR 2025



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A MESSAGE FROM **OUR PRESIDENT**

SEAN INGRAHAM, CCI BC President

f C CI British Columbia has had great success this year, including winning the 2024 CCI Chapter of the Year award and the 2024 Best Magazine award. With new board members joining us following our Annual General Meeting, we have more hands on deck to help make 2025 our best year yet.

We have a slate of exciting educational events planned, including tackling the tricky subject of asbestos. Early next year, we'll also be discussing water sensors and how they can result in discounts on strata insurance.

Our focus in 2025 will be on continuing to grow our membership by providing more value, including enhancing our website library.

To build strong camaraderie and a vibrant culture, we're planning more in-person events, such as a golf tournament scheduled for late 2025.

We are always on the lookout for topics that our members find challenging so we can plan educational events that matter most to you.

Feel free to reach out and let us know what issues your strata corporation is currently facing!







2024-2025 BOARD OF DIRECTORS



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BFL CANADA

Realty Insurance Services

Flowguard Water Detection Program Protecting your Peace of Mind

Did you know around 60% of residential property insurance claims are caused by water damage? 1

Coming up with solutions to prevent this costly problem has never been more important, yet until now there have never been any insurance incentives to reward proactive measures.

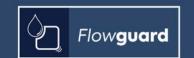
That's why we're pleased to introduce the BFL CANADA Flowguard Program - an innovative solution that rewards properties that install water detection systems to help curb rising claims. Flowguard is more than just an insurance incentive - it's a smart investment that will save you money, time and hassle in the long run. Don't wait until it's too late! ²



Contact us today and find out how you can get started with BFL CANADA's Flowguard Water Detection Program.

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² The credit offered under the Flowguard program are only applicable to the BFL CANADA Strata, Condo and Apartment Protect programs and are subject to the discretion of the participating property insurers. The insurers always reserve the right to determine the applicable discount based on their assessment of the installed water detection and shut-off devices. Terms and conditions apply.



¹ Statistic based on BFL CANADA claims data from 2019-2023.

HOW TO STAY COMFORTABLE AND PROTECTED IN A CHANGING CLIMATE



FIONA THERRIEN Managing Broker, C&C **Property Group**

Managing Broker of C&C Property Group, a boutique strata agency serving Greater Vancouver. Formerly Managing Broker of Tribe (2017-2022) and Regional Director for BC at First Service Residential (2013-2017). Strata veteran. Dog and cat lover.

 ${f T}$ houghtful building maintenance in Vancouver is becoming increasingly important as the effects of climate change intensify. The city faces more frequent extreme precipitation and heat waves. This is an overview of issues for Councils to be aware of and discuss with their management companies.

1.Waterproofing and Drainage Systems **Increased Rainfall and Storms:**

Vancouver was always wet, but we're seeing increasing frequency and intensity of rainstorms. This makes it critical for building maintenance teams to ensure that gutters. downspouts, and drainage systems are properly functioning. Strata managers with any grey hair have noticed that days of extreme rainfall (and the resulting aftermath) have become more common and intense.

Sustainable Drainage:

Installing green roofs, permeable paving, and rain gardens can reduce storm-water runoff and help manage excess water. After all, if water has nowhere to escape... it will likely come through your roof or walls.

2. Energy Efficiency and Cooling Systems **Rising Temperatures:**

Recent summers have seen heatwaves. But adding heat pumps or air conditioners is a topic fraught with complications: damage to the building envelope,



the building's ability to handle the electrical load, human rights claims, and responsibility for future maintenance are all important to consider.

Energy Efficiency Retrofits:

Upgrading windows, adding insulation, and sealing air leaks can help reduce the need for excessive heating in winter and cooling in summer, minimizing energy consumption and improving comfort. Something as simple as re-caulking windows can make a difference.

3. Preventing Mold and Mildew **Increased Humidity and Precipitation:**

Preventative measures like proper ventilation and dehumidifiers are necessary to protect indoor environments.

Maintenance of Exterior Surfaces:

Cladding, siding, and window seals need to be regularly inspected and maintained to prevent moisture from entering the building's structure. Furthermore, Vancouver may see more freeze-thaw cycles due to fluctuating winter temperatures, which can cause roof materials to expand and contract. This increases the risk of cracks and leaks. Regular inspections and maintenance is needed to address these issues early.

HOW TO STAY COMFORTABLE AND PROTECTED IN A **CHANGING CLIMATE**

2. Advanced Communication

The use of LoRa (Long Range) communication protocol enhances the system's ability to transmit data over long distances, ensuring timely alerts and response.

3. Comprehensive Data Collection

The AKWA Concierge system provides a detailed data collection platform, allowing property managers to monitor and respond to potential issues proactively.

4. Temperature Monitoring

AKWA Technologies' sensors detect temperature variations and provide early warnings when temperatures drop to levels that could cause pipes to freeze. This proactive feature enables property managers to take preventive action before damage occurs.

Why Choose AKWA Technologies?

AKWA Technologies has been at the forefront of water leak detection and mitigation. Their expertise in connected objects and IoT devices ensures that their systems are not only reliable but also adaptable to various building configurations and applications. By customizing features to meet specific client needs, AKWA Technologies, in partnership with H2O Leak Detect, offers a tailored approach to water damage prevention with its 150,000 sensors being monitored 24/7 365.

Benefits of a Water Mitigation Solution:

1.Early Detection

Advanced sensors and monitoring systems detect leaks and temperature drops before they become major issues, allowing for quick intervention.

2. Customizable Solutions

Systems can be tailored to fit the specific layout and requirements of any building, ensuring optimal performance.

3. Comprehensive Support

From design to implementation and ongoing support, AKWA Technologies and H2O Leak Detect provide a complete solution for water damage prevention.

Mitigating Risks and Preparing for the Future

As we continue to face the effects of climate change, it is crucial for property managers and condominium associations to adopt proactive measures to protect their assets. Investing in advanced water mitigation technology is a key strategy in safeguarding properties against the risks associated with freezing temperatures and other weatherrelated challenges.

By choosing reliable, Canadian-made solutions like those offered by AKWA Technologies and H2O Leak Detect, property managers can ensure that their buildings remain secure and resilient in the face of changing climate conditions.

4. Emergency Preparedness

Extreme Weather Events:

Strata corporations need to have emergency protocols in place for structural damage, HVAC failures, and water infiltration, along with backup systems like generators for power outages.

5. Sustainable Landscaping

Drought and Heat Tolerance:

Landscaping around buildings should prioritize droughttolerant plants and trees to reduce water consumption, especially during the drier summer months. This is especially important as municipal water restrictions have become longer and more common.

By proactively addressing these maintenance needs, Vancouver's strata corporations can help ensure that structures remain protected, comfortable, and energyefficient in the face of a changing climate.





DRYING IN PLACE: AN EMERGING, SUSTAINABLE APPROACH IN RESTORATION



IAMIE MADILL Director of Sustainability, **Pro-Claim Group**

Madill is *lamie* revolutionizing sustainable practices in the restoration industry through initiatives like electric vehicle adoption and advanced waste management. He loves collaborating to help everyone reach their goals and actively champions circular economy practices across Canada.

rying in place is becoming a renewed and increasingly popular technique in water-damage restoration, offering a sustainable alternative to the "rip everything out" approach that has dominated the industry for the past 15-20 years. Instead of removing and replacing materials, drying in place involves preserving existing components, like drywall and flooring, by carefully extracting moisture from within the structure. This approach reduces waste, conserves resources, and often shortens project timelines—all while helping residents return to their homes faster and with minimal disruption.

But drying in place isn't a universal solution. Not every waterdamaged environment can be successfully restored this way, and the process requires a high level of skill, technical expertise, and a scientific approach to make it work effectively. For strata councils, understanding the basics of drying in place can help clarify when this method is viable and what questions to ask contractors to ensure the right choice is being made for each situation.

What Makes Drying In Place So Effective?

Drying in place relies on specialized equipment, including dehumidifiers, high-powered air movers, and injectidry mats that target moisture within walls, floors, and other affected areas. The process doesn't just involve setting up equipment and hoping for the best; it demands a deep understanding of psychrometry—the science of controlling air, temperature, and humidity to remove moisture effectively.

By carefully monitoring these conditions, technicians can create an ideal drying environment, often using controlled drying chambers to manage airflow and humidity with precision.

In addition to traditional drying tools, borescopes small cameras used to look inside walls—play a critical role in the drying process. Borescopes allow technicians to inspect for microbial growth in hidden spaces, but perhaps more importantly, they help identify the construction assembly itself. For example, is there double-layered drywall, insulation, or other features that may impact how moisture moves through the structure? Understanding these construction details allows for a tailored approach, ensuring that the drying process is thorough without causing additional damage.

Is Drying In Place Right for This Job? **Questions Strata Councils Can Ask**

Since drying in place is a highly specialized approach, it's worth discussing with restoration contractors to determine if it's a viable solution for a given project. Here are some questions that strata councils can ask to confirm whether drying in place is appropriate:



DRYING IN PLACE: AN EMERGING, SUSTAINABLE APPROACH IN RESTORATION

1. Where did the water come from, and what category of water damage is it?

Not all water damage is the same. Restoration professionals categorize water into three types: **Category 1** (clean water, from sources like a broken pipe), Category 2 (gray water, with minor contaminants), and Category 3 (black water, highly contaminated from sources like sewage). Ask contractors about the category of water involved, as this will determine if drying in place is safe and feasible or if removal is required.

2. Can the affected materials be effectively dried without removal?

Some materials, like certain types of drywall or insulation, may not retain their integrity after being saturated. Ask contractors to assess if the specific materials affected can be restored through drying.

3. What equipment and technology will be used for this drying process?

• Drying in place requires more than just standard fans. Specialized tools such as dehumidifiers, injectidry mat systems, thermal imaging, and borescopes to inspect hidden areas may be necessary to monitor and control the drying environment effectively.

4. How will you verify that moisture has been fully removed?

· A proper drying process involves monitoring moisture levels continuously. Verification tools, like moisture meters, thermal imaging, or even Al-based monitoring systems, can provide transparency and confidence that drying is complete.

5. Is there a controlled drying environment being set up?

• Ask if the contractor plans to create a drying chamber or another form of containment to optimize conditions for moisture extraction. This helps control airflow, temperature, and humidity precisely.

6. What experience does your team have with drying in place?

• Drying in place is a specialized skill that not all contractors have. Inquire about the team's experience with this technique to ensure they understand the science and commitment it requires.



Why Drying In Place Isn't Always Feasible

While drying in place is an emerging trend with considerable benefits, it isn't suitable for every job. In some cases, the extent of water damage or the nature of the materials affected may make removal and replacement a more practical option. For instance, in cases where water has extensively saturated porous materials or where contamination is present, drying in place may not yield effective results.

Strata councils should also consider that drying in place takes time and careful monitoring, which may not be feasible in certain high-priority situations where rapid results are essential. Additionally, environmental factors like humidity levels in the building and the specific type of water damage (e.g., clean water vs. contaminated water) can impact the suitability of this approach.

A New Era of Restoration

As drying in place becomes more recognized and widely used, it's shaping a new era in the restoration industry that prioritizes sustainability, resource conservation, and community well-being. This approach is setting new standards for reducing waste and environmental impact in restoration projects, all while aiming to help people get back to normal life as quickly as possible.

While drying in place won't be the right solution in every situation, it represents a step forward for the industry. By asking the right questions and partnering with skilled contractors who understand the science and dedication involved, strata councils can make informed choices that support both the community and the environment.

THE BALLAD OF THE DEPRECIATION REPORT ENGINEER



IUSTIN TUDOR, P.ENG. President, Keller Engineering

Justin has more than 15 years of experience in the field of building science and structural engineering. He has overseen and completed hundreds of reserve fund studies, building conditions assessments and technical audits, while leading building element investigation including odour transfers, cladding failures, water infiltration, concrete, masonry deterioration and membrane replacements. As a contract administrator, Justin prepares drawings and specifications for the structural rehabilitations, win- dow and roofing replacements, parking renewals, and envelope restorations.

riving to a Council meeting on a dark and rainy night Preparing to discuss how to get the funding plan right Contemplating how many members in the room Confident this meeting would have been better on Zoom

Mercifully, the Council has convened a special meeting The focus: Depreciation Report, other matters shall be fleeting Two hours scheduled, much to be discussed This topic's important and must not be rushed

Discussing a bit of the Depreciation process What's needed, what's spent, and where are the losses Reviewing the need for more in depth inspection "The inspections are visual; and this roof needs dissection"

The draft had been provided, but scantily read Presenting a summary of the path ahead The building is aging and real work projected The Condo Act requires the building be protected

An increase in fees, but no special levy A reasonable plan to keep things steady But an air fills the room, the tension enhanced "I have questions for you, not provided in advance"

"My aunt Mary, can roof this for this less" Has your aunt Mary, considered the rest? Has she included the full scope of the replacement Or is it a loose quote with broad limitations

The non-scoped quote may not align With the forecasted work, the planners defined The planner will draw from industry practices To estimate the costs with reasonable exactness

How rigid is this? Is this written in stone?" The work plan's a guide, and not referenced alone Councils should be prudent and monitor distress If an element has failed, is only part of the test

Can the caulking be done when the windows are cleaned? Does equipment need replacement, or just parts machined? The Depreciation Report can't include every variable So Council's must be sure to leave options on the table

"Can we spread out the increase over ten years" But would that be fair to your future peers The fund won't be adequate, it's just a charade And the report will update twice a decade

Let's partially fund – just to get us through And deal with the future, when the update comes due" This is not a plan, but a promise forebode to be in a worst state five years down the road

Adequate is adequate and we should not pretend That future owners will increase their spend On projects that Councils knew about today But didn't begin to put funds away.

THE BALLAD OF THE DEPRECIATION REPORT ENGINEER

"Why must I fund for projects after I'm gone?" The legacy of the strata lives on If not for this rule, where would we be? Special levies only! (to infinity)

"Should we look ahead to 50 plus years?" Yes – it's standard practice to allay your fears Major work costs beyond the 30-year threshold Should begin funding now, before they are too old

"If we spread out the project over 4 phases Won't that limit the amount of actual raises?" When practical, this can be a good approach But do not just fake it, when it matters most

If the work can't be done in multiple blocks Don't fund it that way, or you're in for some shocks Don't smooth out a cost just to lower your fee You will buy some time, but at great costs, you'll see "We've created our own plan" the Council implored Not fully funded, but one we can afford" It might be permitted under legislation But, "I won't endorse it, I have reservations"

"I've provided my opinion and urge you to heed it My counsel, as always, is there if you need it I'm an engineer, I am not a minion; And this, of course, is not legal opinion"

An engineer's job should some days be hard Lest they cop-out and their futures be tarred A principled approach and lifetime data Is required to maintain all aging strata

Wrapping up the meeting and resolving to issue An updated draft that the Council can commit to A successful meeting – neither bumps nor scrapes The Engineer moves on; not all heroes wear capes.



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WATER DAMAGE IS THE NEW "FIRE":

WHAT CAN STRATA COUNCILS AND OWNERS DO TO TURN THE TIDE ON COSTLY RESIDENTIAL WATER DAMAGE?



PAUL MURCUTT Senior Vice President, Strategic Development, BFL Canada

Paul began his insurance career at BFL in 2003 and has worked in various leadership capacities with both the client service and broking teams. Today, Paul is the Senior Vice President of Strategic Operations in the Real Estate Division. He manages a large team that provides service and support to our real estate clients and leads BFL's real estate strategic initiatives. Paul's focus is on enhancing operations to achieve business growth. He is an active volunteer with many industry associations including the past president of the Canadian Condominium Institute and he is a Canadian Accredited Insurance Broker.

The problem of residential water damage is becoming more widespread and a serious challenge for insurers and owners alike. In fact, water-based insurance claims total around 60% of total residential losses, and the average water damage claim in 2024 is more than \$70,000. Water is now considered the new "fire."

And the consequences can be serious. Terms like "Niagara Falls" are being used by news media to describe the scope and scale of high-profile instances of water damage. These metaphors are quite accurate when you consider that a 6-inch water pipe with a line pressure of 60 pounds per square inch with a 3 mm crack can spray 24.5 litres of water per second. Within 30 minutes that could mean as much as 44,157 litres of water have escaped, which is enough to fill two 33 foot above ground swimming pools!

In one case in Vancouver's luxurious downtown waterfront, a gasket broke on the 29thfloor of a recently built condo tower and water flooded down into 17 units below, submerging the underground parking lot, and putting three elevators out of service. Although crews were on scene within 30 minutes of the incident starting, the damage was already done. Repairs were costly and took a month to complete and similar gaskets had to be replaced with more robust, improved models.

Taller buildings are more vulnerable to water damage since they need to have booster pumps and high-pressure lines to deliver municipal water, which can normally only reach seven storeys, to higher floors. If there is a break or a failure of a gasket, then the consequences of this pressurized water can be disastrous.

But failed gaskets and valves aren't the only source of this damage and the resulting claims. The average condo unit has ten individual water connections. This offers a wide range of sources for leakages and include pin-hole leaks in copper or plastic piping, plugged condensate drains on water-source heat-pumps, sprinklers "spontaneously" discharging, freezing of exterior hoses and pipes, hot water tanks, rubber washing machine hoses, broken toilets and bathroom fittings including shower lines inside walls, and malicious activation of hose stations.

These instances of water damage can create costly losses, rising deductibles, and higher insurance premiums. Insurance companies increasingly want to see proactive action from councils to combat water damage in their communities and have recently turned their attention to properties that install water detection and shut off valves. We are now starting to see incentive programs enter the marketplace that provide premium incentives for properties that install such devices. Finally, a proactive approach to preventing claims is being rewarded.

Benefits of Water and Leak Detection:

1.Damage Prevention and Mitigation:

Early detection of leaks can prevent significant water damage to property, reducing repair costs and minimizing disruption.

WATER DAMAGE IS THE NEW "FIRE": WHAT CAN STRATA COUNCILS AND OWNERS DO TO TURN THE TIDE ON COSTLY RESIDENTIAL WATER DAMAGE?

2. Cost Savings:

Catching leaks early will avoid costly repairs from extensive water damage. 3. Preserving Property Value: Properties equipped with water leak detection systems are often more attractive to buyers and tenants, as they offer added protection and peace of mind.

3. Insurance Benefits

Many insurance companies offer discounts on premiums for properties with installed water leak detection systems, as they reduce the risk of costly claims.

4. Convenience

Modern water leak detection systems can send real-time alerts to your mobile device, allowing you to address issues promptly, even when you are not at home.

By incorporating a water and leak detection system into individual units, properties and owners can reduce the potential for water damage. However, even with these preventative measures, water incidents can still happen. When they do, strata councils and owners should be prepared to respond and minimize the impact to avoid further damage.

A few simple steps board members and owners can take to avoid water damage:

- Consult a professional as soon as you notice that sewers are plugged, releasing unpleasant odours or that drains are backing up.
- Check the condition of all water seals and caulking in your kitchen and bathroom such as bathtub, faucets, showerhead, toilet, and dishwasher. Leaks around these fixtures can result in water damage to floors, walls and fixtures. Replace caulking seal as
- Check caulking around doors, windows, or other wall penetrations such as plumbing and air conditioning units. Replace if cracked.
- Know where emergency shut off valves are for major sources of water in your unit such as toilets and sinks. Immediate action will minimize the risk of water damage.

- Replace rubber hoses to washing machines every five years. Rubber hoses tend to deteriorate so it is recommended that newer reinforced and braided hoses are used as they are more durable. Reinforced braided hoses should be replaced every fifteen
- Inspect pipes and fixtures and if you see rust or corrosion call a professional.
- Ensure that hot water tanks are placed in a drain pan with provisions for the safety valve line to drain without causing damage.
- Turn off all the water at the main valve before you leave for a vacation. In cold weather, arrange for someone to check your unit to ensure the furnace hasn't shut off, which could cause the plumbing pipes to burst.
- Check eavestroughs for debris or blockage.
- Install a water detection system.



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PREPARING FOR THE FREEZE: **PROACTIVE STRATEGIES TO PROTECT** STRATA PROPERTIES THIS WINTER



DUSTIN ORR Vice President, Zojacks

Dustin Orr is the Vice President of Business Development at ZoJacks and was recognized as a top tech leader by Parks & Associates in 2023. With over 15 years of experience across industries like tech startups, renewable energy, and automotive, Dustin holds an MBA in Management of Technology and Innovation (MTI) from the Ted Rogers School of Management. He has led strategic business development, market expansion, and partnership cultivation at ZoJacks, driving the company's growth in IoT solutions for property protection. His passion for fostering relationships and leading dynamic teams is central to his business philosophy.

 ${f A}$ s weather patterns shift and cold snaps become more unpredictable, strata properties across BC face increasing risks from freezing temperatures, water damage, and power outages. The implications for property owners, strata councils, and managers are significant: from burst pipes to frozen sprinkler lines, the potential for costly damage is everpresent.

Technology is one tool available to help properties mitigate these risks through advanced monitoring systems. For example, technology solutions offer real-time insights, automatically shutting off water lines in the event of leaks and alerting property managers to dangerous drops in temperature before they cause expensive damage. Temperature monitoring is one of the more effective ways to mitigate damage and reduce risk, as a low temperature caught early enough, has not yet caused any damage.

Key Winter Risks for Strata Properties Cold snaps can cause various issues, especially in properties that may not have been fully winterized.

Common risks include:

1.Frozen Pipes

When pipes freeze, they often burst, leading to significant water damage. This is particularly a concern in unoccupied units or less frequently used areas of a building, or areas with poor insulation.

2. Frozen Sprinkler Systems

For properties with fire suppression systems, freezing temperatures can lead to frozen sprinkler lines, rendering them ineffective in an emergency and causing costly water damage if pipes burst.

3. Heating System Failures

A failed heating system, especially in older buildings, can quickly become an emergency as indoor temperatures plummet, leading to frozen pipes, tenant discomfort, and property damage.

Proactive Winter Solutions Prevention is the most effective strategy to combat these risks.

1. Prepare Based on Past Issues

The most likely problems you'll face are those that haven't been properly addressed in the past. If you've had issues with inadequate insulation for pipes in an attic, be proactive and reinforce that insulation. Pipes that have frozen before will freeze again if left unresolved. Ensuring past vulnerabilities are properly dealt with will save you from recurring headaches and potential costly damage in the future.

PREPARING FOR THE FREEZE: PROACTIVE STRATEGIES TO PROTECT STRATA PROPERTIES THIS WINTER

2. Temperature Monitoring & Automatic Shut-Off Valves:

Temperature sensors monitor for dangerously low temperatures, providing early warnings if heating systems fail. This can be caused by windows or patio doors being left open, or heating systems failing. Tying this into an automatic shut off valve is crucial since if the low temp is not dealt with in time, having the water off will inhibit substantial damage from occuring. This helps property managers act quickly, avoiding frozen pipes and ensuring tenant comfort.

4. Customized Monitoring Dashboards:

Real-time visibility into a property allows managers to stay informed during cold periods. A centralized software platform can help property managers monitor multiple units or buildings and receive real-time alerts and insights across their entire portfolio. This eliminates much of the guesswork, ensuring swift action can be taken when risks arise.

3. Leak Detection & Automatic Shut-Off Valves:

Leak detection sensors monitor areas prone to water leaks or damage, such as laundry rooms, plumbing manifolds, dishwashers, basements, mechanical rooms, and appliances. When a leak is detected, the system can automatically shut off the water supply, preventing extensive damage. Having a leak detection system work in conjunction with a temperature monitoring system is critical as these two events are often related to each other.

5. Warning: Operational During Power Outages:

When determining which tech company you are going to go with, be sure to do your homework and make sure they communicate via cellular connections and operate with backup batteries in place. Most temperature and flood events happen when the power is out, so if a system is dependent on wifi, and has no backup batteries, when the power goes out it will be rendered inoperable.



CRITICAL MISTAKES YOUR STRATA COUNCIL CAN'T AFFORD TO MAKE



DEBORAH KNOTT Tribe Management

Deborah Knott has worked in the industry for more than 10 years with Tribe Management and formerly Gateway Property Management.

 \mathbf{A} nyone who's ever served as a member of their Stata Corporation's respective Council knows it's no walk in the park. Volunteering your time and energy as a Strata Council member is a commendable endeavour. However, just because your Strata Council has the best of intentions, doesn't mean that they're immune to mistakes, errors and pitfalls. So, what critical mistakes can your Strata Council not afford to make - and what can be done to fix them if they happen?

Mistake #1: Not fully understanding the **Strata Property Act**

The Strata Property Act, which first came into action in 1998, is the cornerstone of all strata activity in British Columbia. Understanding and properly executing this legislation is crucial for Strata Councils. However, many councils struggle with this.

"I've often had to guide Councils that are trying to enforce bylaws or fines for infractions that the Strata Corporation doesn't have a bylaw in place. They get frustrated when I tell them they can't enforce a fine unless allowed under the Strata Property Act or their bylaws. I work with my Councils and encourage them to understand their bylaws or lack of, and that they're governed by the SPA which is a legal entity that we must follow." Lana P, Strata Manager



This kind of mistake can have real implications for any Strata Council: in June 2024, the B.C. Civil Resolution Tribunal penalized a Strata Council in Burnaby for trying to enforce fines for bylaws that didn't even exist during the time of an alleged infraction.

Reading bylaws and understanding the fundamentals of the Strata Property Act can be challenging. With complex jargon and lengthy documentation, it can feel daunting for a volunteer Strata Council member to sift through all this material.

Your experienced property manager can help Council understand where their authority starts and stops in their community, and provide guidance on Corporation documents including when best to seek the advice of a lawyer. Licensed property managers should be well-versed on any changes to the Strata Property Act as well as other legal mandates Strata Corporations must follow. Take it one step at a time: build your fundamental knowledge of Strata Bylaws first and grow your knowledge from there.

This kind of mistake can have real implications for any Strata Council: in June 2024, the B.C. Civil Resolution Tribunal penalized a Strata Council in Burnaby for trying to enforce fines for bylaws that didn't even exist during the time of an alleged infraction.

CRITICAL MISTAKES YOUR STRATA COUNCIL CAN'T AFFORD TO MAKE

Mistake #2: Coming Unprepared to Council Meetings

Another common Strata Council mistake? Not coming prepared to Council meetings. Whether it's a scheduled meeting with a Strata Manager or an informal internal meeting, these are meant to foster meaningful dialogue that will lead to key decision-making and action items. It is not the time to read the meeting agenda for the very first time.

"Common mistakes made by the Council include not reading the agenda, coming unprepared for meetings and failing to prioritize directives and focus on the most relevant topics," - Melvin, Strata Manager

There's no shortcut to avoiding this critical Strata Council error; the solution is simple: come prepared. Reading a meeting agenda may not be as exciting as the latest New York Times bestselling novel. Focus on the key components of the agenda and prioritize accordingly. If winter is approaching, for instance, the snow removal quote is more important at that moment than the spring bike audit.

Another option? Consider assigning designated committee members within your Council to help divide up the work: one member could be responsible for mechanical issues, one for landscaping, and so on.

Councils should decide how far in advance the meeting agenda is to be circulated so that everyone is informed and prepared. If you have a Strata Manager, coordinate with them to determine a fitting timeline. Finally, keep in mind that if your manager is waiting on documents from contractors or other parties involved, you may not always have a complete agenda beforehand.

Mistake #3: Being Ractive, Not Proactive

Unfortunately, when some Strata Councils are asked how their day is going, they respond with "You know, we just put out fires...". This is a consequence of a reactive approach, which can lead to more significant issues down the line. By adopting a proactive approach and, in most cases, working with an experienced manager, these challenges can be effectively managed and even prevented. Running a Strata Corporation can

feel like you're a juggler with far too many balls than you can manage. How do you decide which ones to catch first?

"It ends up costing Strata Corporations a lot of extra money, rather than putting in the time upfront to investigate where possible, they wind up cleaning up a mess. However, the other flip side of that is overkill or taking too long to make decisions." - Michella, Strata Manager

So how does a Strata Council shift their thinking from being 'reactive' to 'proactive'? It's all about looking ahead. Depreciation reports can serve as a valuable resource and potential road map into future capital improvement projects, such as re-piping, window replacements, and exterior painting.

Regularly engaging with the community, through action items such as surveys and town halls, can also help ensure that your Strata Council is attuned to the Strata Corporation's needs – both current and future.



CRITICAL MISTAKES YOUR STRATA COUNCIL CAN'T AFFORD TO MAKE

Mistake #4: Not Trusting Each Other

Some might consider this the most dangerous of Strata governance pitfalls - lack of trust amongst fellow Council members. This issue can severely undermine the functionality of the Council.

"Councils begin to develop trust issues, for various reasons: misinformation within the industry, personal issues, differing priorities and agendas, and so on. This lack of trust ultimately erodes Council relationships amongst not only each other, but with the Owners, their manager, and various trades and contractors employed by the Strata Corporation." - Michella, Strata Manager

Distrust can lead to serious consequences for Strata Corporations, such as poor record keeping, secrecy, and lack of transparency. It can also result in the disclosure of confidential or sensitive information and, perhaps worst of all, a dysfunctional Strata Council where members act on personal agendas and fail to meet regularly.

The best way to combat this problem? Good ole' fashioned communication. A successful Strata Council prioritizes strong and effective communication skills, continuously makes efforts to listen to each other, and is always transparent.

It's also vital to bring empathy to the table. Councils who seek to understand each other better - their opinions, perspectives, motivations and strengths - will be better positioned to work effectively with each other.

You might not always agree with each other's votes at a Council Meeting. If a Council majority votes in one way, respect it and stand with the decision. Upholding the integrity of the democratic process can go a long way.

Always a Learning Opportunity

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REASONABLENESS IN AN UNREASONABLE WORLD: STRATA CORPORATION'S AND EXTREME WEATHER



MATTHEW S. BOTH Partner, Bleay Both Uppal LLP WITH

SEAN BAILEY Associate, Bleay Both Uppal LLP

There is much discussion today about the effects of shifting weather patterns. An important aspect of this discussion is the possible effects of erratic and destructive weather patterns on property. Snap freezing, fires, and floods have become a reality of the world we live in. Such events have, and

will continue to directly impact strata corporations and their respective councils, property owners, and property managers. For our purposes, it raises the following legal question: what is the scope of a strata corporation's responsibility for maintaining and repairing damage to strata property in the case of such events? With that in mind, this article will provide a general overview of a strata corporation's legal duty to repair and maintain, while providing guidance with respect to navigating the issues that might arise during weather-related emergencies and avoiding the potential risk and associated liability.

It Starts With The Strata Property Act

The starting point in assessing a strata corporation's duty to repair and maintain strata property is, unsurprisingly, the Strata Property Act, SBC 1998 c 43 (the "SPA"), and in particular, sections 3 and 72 thereof. That section provides that unless otherwise modified by bylaw, strata corporations are responsible for common property, and owners are responsible for their own respective units. Generally, when the repair or maintenance issue is clearly on either common property or within a strata lot, allocating responsibility is uncontroversial. Notwithstanding, as is often the case with law, there exists nuance.

In some cases, a strata corporation may be on the hook for damage to a strata lot. Generally, it will depend on the nature of the cause of the damage. For instance, if an owner's unit is damaged by a strata corporation's failure to repair or maintain common property, then the strata corporation will generally be liable for such damage. For example, In Wright v Strata Plan #205 (Owners), 1996 CanLii 2460 (BC SC), the court found that water leaking from common property into an owner's unit was the strata corporation's responsibility. In Hill v The Owners Strata Plan KAS 510, 2016 BCSC 1753, a strata corporation was responsible for repairing a crack in the foundation of an owner's unit despite it being localized on the owner's property. In Oldaker v The Owners Strata Plan VR 1008, 2007 BCSC 669, it was held that repair of an issue in the building envelope that surrounded an owner's property was the strata corporation's responsibility.

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The Key is to Act Reasonably

Once it is established that a strata corporation has a duty to repair a portion of property, how is that duty to be measured? In other words, how do we know if a strata corporation has followed through with its duty to repair and maintain? The short answer to this is: if a strata corporation has acted reasonably, then it has probably met its duty.

It is interesting to note that the case law also speaks of "negligence" as a source of strata liability, yet rarely frames a strata corporation's liability for damages in terms of the usual elements required to establish a negligent tort. Instead, the discussion invariably revolves around the duty to act reasonably. But what does reasonableness mean? An oftenquoted maxim in the case law is that a strata corporation is "not an insurer." (See Taychuk v The Owners, Strata Plan LMS 744, 2002 BCSC 1638 and Wright v Strata Plan #205 (Owners), 1996 CanLii 2460 (BC SC). However, this is a potentially slippery concept which could mean different things to different people depending on their own viewpoints, interests, and personal circumstances. As with many legal concepts, reasonableness is one which lacks an objective, black and white definition. As such, it is necessarily a framework and a starting point, the substance of which is filled in by the courts.

Case law has recognized that a strata corporation is entitled to deference when assessing its duty to act reasonably. For example, In Sterloff v Strata Corp of Strata Plan No VR 2613, (1994) 38 RPR (2d) 102, it was recognized that a strata corporation has a considerable degree of discretion when it comes to making repairs within the purview of its responsibility, and that courts should not routinely interfere with the strata corporation's exercise of this discretion.

Provided that a strata corporation attempts to make reasonable efforts to effect repairs, courts will generally find that it has complied with its duty. In Wright v Strata Plan #205 (Owners), 1996 CanLii 2460 (BC SC), the court held that a strata corporation that had hired a contractor to rectify a water issue on common property had acted reasonably despite the failure of the contractor to solve the issue.



Good, Better, Best and the Greatest Good for the Greatest Number of Owners

In circumstances where a strata corporation has a number of options provided by multiple experts, courts will provide it with some latitude in implementing a solution. In Weir v the Owners, Strata Plan NW 17, 2010 BCSC 784, the court held that a strata corporation had acted reasonably in preferring their own expert report in favour of the expert report of a group of owners, even though the owners disagreed with the solution the strata corporation had landed on. In coming to its decision, the court noted that a strata corporation must work within a budget that the owners can afford. This entitles the strata corporation to choose between "good, better, and best" solutions, and in carrying out its duty, a strata corporation must act in the best interests of all the owners and endeavour to achieve the "greatest good for the greatest number" of owners.

Get a System in Place

In some circumstances, a strata corporation will meet its duty to reasonably repair and maintain by having a system in place. In Basic v. Strata Plan LMS 0304, 2011 BCCA 231 (CanLII), a case dealing with damage arising from a flood caused by leaking pipes, the court found that the strata corporation had acted reasonably in attempting to prevent, and respond to, the flood in question by having a regular system of nightly inspection and then acting quickly when the problem became apparent.

General Deference, But There are Limits

In Hirji v Strata Plan VR 44, 2015 BCSC 2043, it was held that in assessing reasonableness, the strata corporation's actions must be determined by the circumstances at the time, and that reasonableness is not perfection and should not be considered through the lens of hindsight.

When assessing the reasonableness of a strata corporation's response to a repair issue, courts have also recognized that strata councils are ultimately volunteer bodies and that courts should take consideration of this. For example, in Mitchell v The Owners, Strata Plan KAS 1202, 2015 BCSC 2153, it was held that because the members of a council are volunteers, courts should understand that mistakes and missteps will necessarily occur. Therefore, where a strata corporation has retained a professional to perform its maintenance and repair obligations and reasonably follows that professional's advice, it will have generally fulfilled its statutory duty, regardless of whether the professional was ultimately correct (see also Lecler v The Owners, Strata Plan LMS 614, 2012 BCSC 74; Joshi v the Owners, Strata Plan NW 1833, 2019 BCCRT 39).

This proposition was expressed and elaborated upon by the Supreme Court of British Columbia (the "SCBC") in Slosar v the Owners, Strata Plan KAS 2846, 2021 BCSC 1174, a case where owners brought an action against a strata corporation for failure to repair the fascia of the building's common property. The dispute was originally before the Civil Resolution Tribunal (the "CRT"). The tribunal member dismissed the case on the basis that the strata corporation had acted reasonably by promptly implementing repairs. On judicial review, the SCBC agreed with the reasoning of the tribunal member, noting that the strata corporation had been aware of, and responding to, the common property issue from 2013 to 2016. The court further found that the strata corporation "hired two qualified consultants in 2013 and followed their recommendations within reason, albeit perhaps not the [owner's] 'Johnny-come-lately' liking."

Once the full extent of the issue was known in the fall of 2018, the strata corporation began the remediation and repairs. On that basis, the SCBC found that the strata corporation had acted reasonably.

Despite such cases, the general deference to the decision of strata corporations is not unlimited. For instance, in Oldaker v The Owners Strata Plan VR 1008, 2007 BCSC 669, the court found that the strata corporation had not responded reasonably to an issue with the building envelope surrounding an owner's unit. The court cited the strata corporation's long delay in dealing with the problem, its knowledge about issues in the building for years prior to taking action, and its failure to act on the issue until an administrator had been appointed.

In Browne v Strata Plan 582, 2007 BCSC 206, a group of owners brought a petition seeking to force a strata corporation to make certain building envelope repairs. The owners had experienced water ingress problems since at least 2002, and at a special general meeting, the owners voted in favour of a repairs expenditure of \$30,000. Eventually, the strata corporation hired an engineering firm to assess the condition of the building envelope. The firm indicated the cost of various solutions and broke them down into those that were required immediately, in the "medium-term," and in the "long term." However, the strata corporation was unable to achieve the requisite 3/4 vote approving the expenditure. In finding that the strata corporation had not acted reasonably, the court indicated that a strata corporation's duty to repair is present even if the approved 34 vote is not achieved.

In another case, Hill v The Owners Strata Plan KAS 510, 2016 BCSC 1753, a structural defect to the strata building that surrounded an owner's unit was the subject of a complaint to the strata corporation. The court held that the strata corporation had acted unreasonably in addressing the issue by improperly denying responsibility, waiting four years to act on the repairs, and only after legal action was threatened, and attempting to take shortcuts and solve the problem with a "cheap fix," which even its engineer rejected.

Case Study: Reasonableness and Planning in Practice

So how do these principles apply to circumstances in which damage is caused by some force of nature or extreme weather event? In a recent decision of the CRT, Yoon v The Owners, Strata Plan VR 2001, 2023 BCCRT 100, this very question arose.

In that case, the applicant, Bori Yoon ("Yoon"), was the owner of a strata lot that comprised part of the strata corporation. On September 20, 2018, a flood was caused by an underground water valve crushed by large roots growing around it. The water valve was part of a common property irrigation pipe. As a result of it being crushed, the valve failed, and excess water ran down a slope and pooled outside Ms. Yoon's unit and subsequently entered into her living room. According to Ms. Yoon, the water ingress caused upwards of \$12,256.91 in damage to her unit. She claimed that the strata corporation was negligent in its failure to properly maintain the common property irrigation pipe or, alternatively, in its failure to maintain the building's waterproofing membrane.

The strata corporation had a bylaw requiring it to repair and maintain common assets and common property. However, there was no bylaw that required it to maintain or repair individual strata lots; in fact, the bylaws indicated that owners were responsible for repairs to their respective units. The question then arose as to whether the strata corporation was negligent or had acted unreasonably in either its maintenance of the common property irrigation pipe, or in its alleged failure to maintain the waterproofing membrane.

With respect to the common property irrigation pipe, the CRT found that the strata corporation had acted reasonably in the circumstances for several reasons. First, the tribunal member found that the strata corporation had hired a sprinkler maintenance service provider to review the system at least twice annually, which included annual backflow preventer testing. Second, the tribunal member noted that the strata corporation had no reason to suspect that the valve was at risk of failing as it had never done so before.

The tribunal member also rejected Ms. Yoon's suggestion that the strata corporation had failed to maintain the root growth as she provided no evidence that a reasonable system of inspection would have prevented it. Third, the tribunal member held that even if the service provider had acted negligently and placed the valve manifold in a location where root growth was likely, the strata corporation was not vicariously liable for its contractor's negligence.

With respect to the waterproofing membrane allegation, the CRT similarly found that the strata corporation had acted reasonably, favouring the strata corporation's expert evidence over Ms. Yoon's. The CRT noted that the evidence indicated that the strata corporation was not required to modify the sprinkler components because there were no prior flooding incidents, the flood itself was the result of an irrigation rupture, and the irrigation system had since been capped off. The tribunal member rejected Ms. Yoon's claims of negligence because her engineering report had not provided any evidence that there was a defect in the waterproofing membrane. Finally, the tribunal member noted that the report did not indicate that the strata corporation ought to have taken any other action prior to the leak.



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In Conclusion

Sections 3 and 72 of the SPA are the starting point for a strata corporation's duty to repair and maintain property. The SPA and jurisprudence are clear that unless modified by bylaw, a strata corporation is responsible for common property, and damage to an owner's unit that results from its failure to maintain that property.

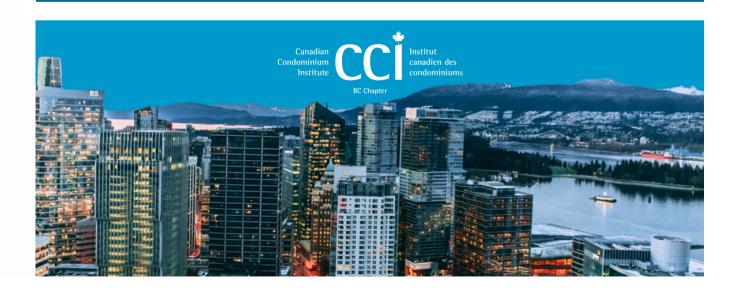
The overarching paradigm of a strata corporation's duty to repair and maintain is reasonableness. The jurisprudence suggests that courts will provide strata corporations with substantial latitude with respect to repair and maintenance, and will generally avoid second-guessing a strata corporation's reasonable decisions, including its reliance on qualified professionals.

In the absence of taking no action whatsoever, engaging in serious delay, or effecting blatantly unreasonable solutions, courts will generally give deference to strata corporations and their councils, including by allowing them the choice among "good, better and best" solutions. However, there are limits to the courts' deference. If a strata corporation does nothing to fix an issue, denies its responsibility, ignores professional opinions, or purports to implement unsafe or unworkable solutions, the courts (or the CRT) will intervene.

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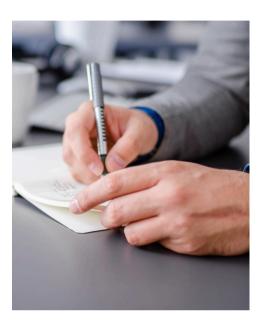


Strata council members, do you have a unique tale to tell or advice to share with other Strata Councils? Submit an article sharing your story, your challenges, and your successes, to help inspire other council members, help them problem-solve, and build stronger strata communities.

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Property Services

ServiceMaster Clean Property Services

David Benoit

Suite 160 - 21900 Westminster Hwy

Richmond, BC V6W 1I5

Tel: 604-561-2903

Email: david@smpropertyservices.ca

Restoration

Canstar Restorations

Chad Kobzey 78 Fawcett Road. Coquitlam, BC V3K 6V5

Tel: 604-789-6949

Email:

ckobzey@canstarrestorations.com

ServiceMaster Restore of Vancouver

Steve Page

7978 North Fraser Way

Burnaby, BC V5| 0C7

Tel: 604-435-1220

Email:

spage@servicemaster.bc.ca

Restoration Cont'd

First Onsite Property Restoration

Amy Barilla

Building 4, 17 - 19272 96 Avenue

Surrey, BC V4N 4C1

Tel: 236-335-0499

Email:

amy.barilla@firstonsite.ca

Platinum Pro-Claim Restoration

Trevor Burns

13880 Mayfield Place

Richmond, BC

V6V 2E4

Tel: 604-250-6567 Email: <u>t.burns@ppcr.ca</u> **Security and Concierge** Services

CMI Concierge & Security Inc.

Wayne Tullson

17th Floor - 808 Nelson Street

Vancouver, BC

V6Z 2H2

Tel: 604-691-1733

Email: wtullson@cmiconcierge.com

Water Mitigation Technology

Zolacks

Dustin Orr

Tel: 403-332-0144

Email: dustin@zojacks.com

H20 Leak Detect

Michael Priest

227 - 1628 West 1st Avenue

Vancouver, BC

V6I 1G1

Tel: 604-802-1795

Email: m.priest@h2oleakdetect.com

Roofing

Design Roofing

Kim Wallace

1385 Kingsway Avenue

Port Coquitlam, BC

V3C 1S2

Tel: 604-315-8309

Email: kwallace@designroofing.ca



IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT **NATIONAL.AGREEMENT@RONA.CA**

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