



BRITISH COLUMBIA
REAL ESTATE
ASSOCIATION

June 15, 2018

Kevin Zakreski
British Columbia Law Institute
1822 East Mall
University of British Columbia
Vancouver, BC V6T 1Z1

Submitted by email: kzakreski@bcli.org

Dear Kevin,

RE: BCLI Consultation Paper on Governance Issues for Stratas

The British Columbia Real Estate Association (BCREA) appreciates the detailed work of the Strata Property Law (Phase Two) Project Committee. Strata properties are an increasingly important housing type, and BCLI’s work to ensure an appropriate legal framework is valued.

Rather than completing the online survey, with this letter we offer comments on nine of your 83 tentative recommendations.

Tentative BCLI recommendations	BCREA response
<p>38. The <i>Strata Property Act</i> should be amended to provide that, when a strata corporation amends a bylaw that restricts the rental of strata lots, then (a) in the case of a strata lot that was validly rented under the rental-restriction bylaw that existed immediately prior to the amendment, the new rental-restriction bylaw does not apply to the strata lot until the later of one year after a tenant who is occupying the strata lot at the time the bylaw is passed ceases to occupy it as a tenant, and one year after the bylaw is passed; and (b) in the case of any other strata lot, the new rental-restriction bylaw applies upon the bylaw taking effect in accordance with the Act.</p>	<p>We agree, and encourage you to make the language as straightforward as possible. As currently worded, this is somewhat convoluted.</p>

1420 – 701 Georgia Street W, PO Box 10123, Pacific Centre, Vancouver, BC V7Y 1C6

President James Palanio
Past President Jim Stewart

President-Elect Michael Trites
Chief Executive Officer Darlene Hyde

bcrea@bcrea.bc.ca | 604.683.7702 (tel)
www.bcrea.bc.ca | 604.683.8601 (fax)



Tentative BCLI recommendations	BCREA response
<p>40. The <i>Strata Property Act</i> should not be amended to add a definition of “strata manager.”</p>	<p>For clarity, BCREA supports a definition of “strata manager,” but in the <i>Real Estate Services Act</i> rather than the <i>Strata Property Act</i>.</p>
<p>70. The Strata Property Regulation should not contain a prescribed form for strata-corporation financial statements.</p>	<p>BCREA disagrees. We have a long-standing position that a prescribed alternative short form should be required of all strata corporations. This form could be completed by the strata council or property manager, and could assist and provide clarity for self-managed stratas.</p>
<p>75. The Strata Property Regulation should be amended (a) to raise the maximum fee a strata corporation may charge for an Information Certificate to \$300 plus the cost of photocopying, or other means of reproduction, up to 25 cents per page and (b) to raise the maximum fee for a Certificate of Payment to \$50.</p>	<p>We strongly disagree with this, as increased fees would create hardship for strata owners and others who request the documents. The fees should reflect actual costs, and the per page fee is inappropriate for documents provided electronically.</p>
<p>76. The Strata Property Regulation should continue to provide that a strata corporation may not charge a fee for the inspection of a record or document under section 36 of the <i>Strata Property Act</i>.</p>	<p>We agree.</p>
<p>77. The Strata Property Regulation should not allow a strata corporation to charge a fee for an inspection of a record or document under section 36 of the <i>Strata Property Act</i> by electronic means.</p>	<p>We agree.</p>

Tentative BCLI recommendations	BCREA response
78. The Strata Property Regulation should allow a strata corporation to charge a fee of up to \$0.25 per page for copy of a record or document provided under section 36 of the <i>Strata Property Act</i> by electronic means.	We strongly disagree. Fees should reflect actual costs, and the per page fee is inappropriate for documents provided electronically.
82. Section 144 (4) (a) (i) of the <i>Strata Property Act</i> should be amended by striking out “one week” and replacing it with “two weeks.”	We agree.
83. Section 144 (4) (a) (ii) of the <i>Strata Property Act</i> should be amended by striking out “two weeks” and replacing it with “three weeks.”	We agree.

Thank you for the opportunity to comment on the committee’s tentative recommendations, and BCREA looks forward to the results of your consultation.

BCREA is the professional association for about 23,000 REALTORS® in BC, focusing on provincial issues that impact real estate. Working with the province’s 11 real estate boards, BCREA provides continuing professional education, advocacy, economic research and standard forms to help REALTORS® provide value for their clients.

Sincerely,



Norma Miller
Government Relations Manager

Kevin Zakreski
Page 4
June 15, 2018