



FIRSTSERVICE RESIDENTIAL CONNECTIONS

SUMMER | 2016



HIGHER TECH, LOWER BILLS

Upgrading heating and lighting will keep costs down

.....

RENTING AND RAVING

Avoiding conflicts in a world of short-term rentals

.....

FUMING

Protecting the rights of both smokers and non-smokers

FirstService Residential B.C. provides full-service strata management solutions to a wide range of strata corporations including some of Metro Vancouver's most beautiful and recognizable communities. For more than 37 years the organization has worked hard to serve homeowners in British Columbia, and today it is recognized as the leading strata management company throughout the province. For more information, visit www.fsresidential.com/british-columbia/home.

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FirstService Residential more than doubles last year's donation total for Canuck Place





We hope you are enjoying the beginning of the summer season. Our team is pleased to share with you the latest edition of FirstService Residential CONNECTIONS, our educational strata newsletter exclusive to FirstService Residential clients.

Our newsletter was created to help teach homeowners across Metro Vancouver more about the intricacies of strata living. By providing you with articles by strata experts on current issues facing strata corporations, our goal is to help foster education across the property management industry.

The newsletter now reaches more than 33,000 homeowners throughout the Lower Mainland. We encourage you to share the publication with your fellow residents, and we welcome your valued feedback.

Sincerely,

Scott Douglas
President, FirstService Residential BC



FirstService
RESIDENTIAL

WATCH OUR YOUTUBE VIDEO ON BYLAW ENFORCEMENT

FIRSTSERVICE RESIDENTIAL hosted a seminar in Vancouver dealing with strata bylaws and enforcement. It was led by guest speakers Sean Ingraham, Managing Broker for FirstService Residential, and Jamie Bleay, a lawyer at Access Law Group.

To view the video [click here](#), or to learn more about bylaw enforcement, visit www.firstserviceresidential.com.



HOME OR HOTEL?



Despite still being (officially) illegal, short-term rentals in the Lower Mainland may be here to stay. Here's how to deal with them.

By the professionals at FirstService Residential

SHORT-TERM RENTALS are not only gaining ground across the Lower Mainland and causing consternation in the ranks of strata corporations, they're blurring the distinction between hotels and traditional rental properties.

As of summer 2015, Airbnb had more than 4,600 active listings in Metro Vancouver – nearly 20 percent growth from the beginning of the year. The trend is continuing, with some 75 percent of all Lower Mainland Airbnb listings being in Vancouver.

Many strata councils are taking a firm stance against short-term rentals through Airbnb, VRBO, Kijiji, Craigslist and others by issuing violation fines under their existing bylaws, while working to have stricter ones passed. They are not wrong in wanting to address the issue, but an even-handed approach will yield the best results.

What we know

For the unit owners renting out their homes, online rental services can be a good source of income while delivering a unique vacation experi-

ence for travelers.

On the other hand, strata corporations are concerned about security. When neighbours don't recognise each other, keys and fobs are harder to track, and renters are less likely to follow security protocols.

Section 10.21.6 of the City of Vancouver's Zoning and Development Bylaws prohibits anyone from using a dwelling unit for less than one month unless it's a hotel or bed and breakfast. But since Vancouver and other Lower Mainland cities don't provide resources to actively enforce this bylaw, strata councils are trying to address the issue themselves.

Inadequate wording may neutralize traditional strata bylaws. Short-term rentals can be deemed a "licence" instead of the traditional "rental," and the bylaws therefore may not apply.

What to do

Strata councils need to engage the ownership they represent to better understand their commu-

nity's wants and needs. Open discussions at general meetings, along with surveys and information sessions held within the building, are great ways to gather feedback.

If those with opposing views can better understand the other's position, there typically will not be any surprises at the general meeting when it comes to voting on a new rental bylaw. Information sessions also allow any objections to be addressed or potential revisions to be accommodated in the proposed bylaw changes.

The strata council then needs to design new bylaws that reflect the community's needs. In most cases, this will be limiting rentals/licences to a specific time period such as 6 or 12 months.

Further regulations may be warranted such as well worded bylaws for "move-in" fees or restrictions on advertising terms for the rental/licence agreement.

The ownership will then need to approve the proposed bylaw changes at a general meeting and have them filed with the Land Title Office to be enforceable.

Finally, the strata council and the strata management company can begin working on ensuring owners know of the changes and are in compliance with the new bylaws.

A typical scenario

Below is a common scenario for strata councils addressing short-term rentals:

1. *Have an open discussion at your next annual general meeting to gather input from the owners in attendance. Stay open-minded and record concerns and objections.*
2. *Create a summary page that identifies why the strata council feels there needs to be a change, what the impact would be, any proposed bylaw changes, how short-term rentals will be tracked, and when the changes to short-term rentals would take place.*
3. *Share the summary page with the ownership. One way to accomplish this is by including it with the distribution of meeting minutes. Consider including contact information so owners may provide additional feedback.*
4. *Hold a meeting in the lobby or amenity room with council members present to answer any questions about the proposed changes. This is the time to engage the ownership and ensure the council's plan is clearly articulated.*
5. *If a change in bylaws is needed, ask your strata manager for assistance. Your management company will also assist in ensuring a general meeting is called and a vote held for approval of the bylaws.*
6. *Educate the ownership by broadcasting the changes through email, notices and letters to the owners.*
7. *Site staff, such as building managers and concierge personnel, should be trained on the changes so that they can educate the ownership and be part of a successful implementation.*
8. *Identify those owners who are not complying with the changes. Send them correspondence that outlines the new changes that have been implemented.*
9. *Reinforce the changes in strata council meeting minutes and other correspondence.*
10. *Send bylaw violation warning letters to owners who are in contravention. If no response is received, contacting the owner's agent directly or calling the owner may be required.*
11. *Continue following up and be consistent with all owners.*
12. *Review short-term rentals on an annual basis and be prepared to make minor changes or updates, as needed, to best reflect your community's needs.*

Additional items to consider

If the council does not understand the ownership's needs, it may be difficult to pass the required three-quarter vote. Specific bylaw wording will be needed to address short-term rentals that may not qualify as a defined "tenancy." Consult your strata management company to craft the appropriate bylaw wording.



FUMING

Conflicts between smokers and non-smokers are on the rise. Here's how to prevent a full-blown inferno.

By Veronica Franco, Clark Wilson LLP

WITH THE HEALTH DANGERS of second-hand smoke now so well documented, it's not surprising that conflicts between smokers and non-smokers in strata corporations are on the rise. Marijuana is also causing conflict, especially since it is likely to be smoked more openly with the growing acceptance of medicinal marijuana.

It's important for strata corporations to understand the laws around smoking and non-smokers' rights – especially in cases where they are legally obliged to resolve conflicts. Proactive councils will take the necessary steps to avoid costly legal action.

So what does the law say about the rights of

non-smokers? The BC Tobacco Control Act (TCA) bans smoking in areas within three metres of a doorway, window or air intake of common areas. The TCA also requires strata corporations and their property managers to enforce the smoking ban. Failure to do so is a contravention of the Act.

Because some BC municipalities have bylaws that are either similar to, or more stringent than, the TCA, strata corporations need to check to see whether the municipal bans are specified by the TCA or are broader.

Note that the TCA deals only with tobacco products, so cannot be used to prevent smoking of such other substances as marijuana. Of course, it is still illegal to smoke marijuana under the federal Controlled Drugs and Substances Act. But the extent to which the law is enforced varies from municipality to municipality. As a result, a strata corporation or condo resident cannot rely on government statutes to ban marijuana smoking in a strata corporation.

The BC Strata Property Act (SPA) does not directly address smoking, but condo owners may ban smoking by bylaw or rule. Because smoking bans under the TCA or a municipality's bylaws must be enforced, a strata corporation should consider creating a no-smoking bylaw that mirrors or goes beyond the legislation. Without its own bylaw, a strata corporation may be limited in its ability to enforce government-imposed smoking bans.

Even without a specific bylaw, a strata corporation may have other bylaws to limit smoking. For example, the standard bylaws to the SPA provide that an owner, tenant, occupant or visitor must not use a strata lot or common property in a way that is a nuisance. Nuisance is defined as an unreasonable interference with the use and enjoyment of land. If someone makes a complaint about smoke, the strata council must investigate to determine whether the smoke actually constitutes a nuisance. The investigation may involve hiring an expert or going to the scene.

If smoking is found to be a nuisance, it is un-

likely the smoker will comply with a complete ban. As a result, a negotiated solution that minimizes transfer of smoke (such as renovations to the strata lot and its ventilation system) may be required. But the Clean Air Coalition of BC says air filters, purifiers and ventilation systems do not eliminate second-hand smoke. So the repairs may not be effective, and other solutions may need to be found.

Ultimately, if the problem continues, the strata corporation will have to enforce its bylaws by levying fines or denying access to a recreational facility in accordance with the SPA. If these measures don't work, the strata corporation may have to apply for a court injunction to ban smoking – or to evict the tenant if he or she is a smoker. An owner that fails to abide by a court injunction may be found in contempt of court proceedings and forced to pay a fine or go to jail.

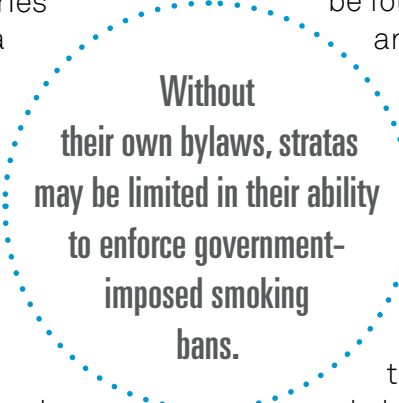
Alternatively, the strata corporation could apply for a court order to force the owner to vacate the strata lot.

If the strata corporation fails to enforce the bylaw, an owner has two remedies. He or she may apply to court for an order to force the strata corporation to enforce its bylaws. Alternatively, he or she may bring a claim under the Human Rights Code that the strata corporation has discriminated by failing to provide a smoke-free environment, which the owner requires because of a disability.

While there are examples of human rights complaints by non-smokers, very few cases have been brought forward by smokers. Where marijuana is involved, the alleged discrimination is often on the basis that smoking is required for medicinal purposes to treat a disability.

The demands of non-smoking residents can easily conflict with smokers' desires to smoke in the comfort of their own homes. Know the law and be proactive to avoid costly legal action.

Veronica Franco is a partner at Clark Wilson LLP – www.cwilson.com



**Without
their own bylaws, stratas
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to enforce government-
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bans.**



New Tesla Model 3 has been pre-ordered by almost half a million buyers. Delivery is promised by the end of 2017. The Model 3 is at the leading edge of a whole new generation of electric cars including models from BMW, Nissan, Chevrolet, Ford, and others.

GETTING JUICED

Electric cars are fast approaching. Will your strata have the charging stations to cope?

By Deryk Norton, Board Member, Vancouver Island Strata Owners Association

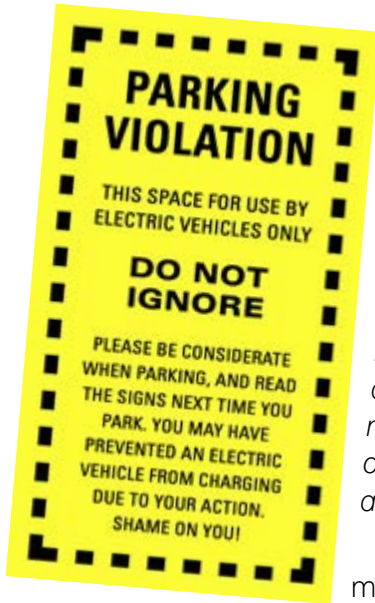
In the September, 2009 issue of the Vancouver Island Strata Owners Association Bulletin, a man named Marcus Murphy wrote an article entitled **Charging for Charging**. It raised important questions about how older strata buildings should cope with the electricity demands of electric vehicles (EVs).

Of course, in 2009 electric vehicles were rare, and unattractive to consumers due to their high

initial cost and limited range. Their challenge to strata corporations was only on the horizon.

Much has changed in seven years, specifically:

- EV prices are now much closer to the prices of gasoline-powered vehicles (some in the \$30,000-\$35,000 range);
- The driving range of EVs is significantly higher. Although most EV models are still limited to



distances of 60-140 km per charge, one manufacturer has a model with an impressive range of 420 kilometres.

- Publicly accessible charging stations being installed across BC and North America are making long-distance or inter-city EV driving achievable.

So today, many more strata owners and corporations are facing demands to accommodate the charging needs of EVs. The **Pembina Institute** estimates that one third of BC vehicles could be electric by 2030.

Lack of EV charging capability, already becoming a barrier to resale of units in some strata buildings, will become more noticeable as more EVs are sold in BC, leading to loss of market value in strata buildings not equipped to accommodate them.

The complexity and cost of installing an EV charging station in a strata building depend on the type of strata, its parking arrangements and the adequacy of its electrical system. But clearly most new plug-in locations will require some change to the building's electrical system and the installation of a dedicated circuit.

In bare land and many townhouse strata developments, the strata lot owner is responsible for maintenance of the electrical system within the home and garage. In these cases, the strata owner may take action (subject to strata bylaws and building and electrical codes) to install an EV charging outlet inside the garage, and directly pay BC Hydro for the added cost of electricity consumption. However, in most strata situations (such as apartment buildings), electric wiring is part of the common property, and EV owners must work with the strata council and other owners. These situations will require:

- Identifying which parking stalls should have EV

charging outlets;

- Determining the cost of necessary changes to the electrical system, and
- Establishing and collecting of a new type of user fee.

Right now, it costs about \$10,000 to install a so-called charging station that can charge two cars at the same time; you may already have seen some of these in public places. This type of station has the capability (if a network subscription fee is paid) to bill the user directly, and enables the strata corporation to recover the cost of installation and electrical consumption. Alternatively, two EV charging outlets (without the features of a charging 'station') could be installed for as little as \$2500. A separate meter for a group of EV charging outlets is permitted by BC Hydro and would help ensure that any user fee covers the cost of electricity used.

As one might expect, the installation cost per station or per outlet declines as the number of outlets or stations increases.

Also, costs will vary from one strata building to another owing to variations in both wiring distance and the complexity of modifications/upgrades needed to install the new circuits.

Regardless of the type of charging station or charging outlet chosen, though, the strata corporation will require owner approval (by a three-quarter vote):

- To make a bylaw that establishes a user fee for a charging station;



(continued page 21)



Covering your assets

Up to 60 percent of strata home owners in the Greater Vancouver Regional District lack insurance. A good policy will protect your biggest asset and help you keep your head above water.

IMAGINE RETURNING FROM A RELAXING VACATION only to discover that your strata council had to call out contractors to stop a water leak around your unit.

Quite apart from the potential damage caused, there's also the worrying question of who pays for the fix, you or the strata corporation?

If the leak originated from your unit, the repairs – and also the damage caused to other units – could be charged back to you as the owner.

If not, the damage could be covered by the strata's insurance deductible.

Typically, strata corporations have bylaws in

place that allow the strata to charge damages under the deductible back to the responsible owner.

But again, who is actually responsible?

Responsibility does not mean negligence. It means the accident originated from your unit, irrespective of an act or failure at your end.

Yes, accidents happen, but accidents originating in your unit may make you responsible.

How can you protect yourself?

We recommend that all strata owners purchase strata owners' insurance as a cost-effective way to manage accidents that could leave them financially responsible for large repairs. Believe it or

not, up to 60 percent of strata homeowners across the Greater Vancouver Regional District (GVRD) are without insurance.

A basic homeowner insurance policy protects you against strata insurance deductibles that can be charged back in the case of an accident that originated in your unit. The deductibles on personal strata owner insurance policies can be around \$500, which helps to mitigate any financial loss. Contact your local insurance broker today with a copy of your strata corporation's insurance certificate to get signed up.

Condominium unit owner's insurance provides coverage for:

1. **Changes and upgrades (improvements and betterments) inside your unit – such as to flooring, cupboards or other kitchen and bathroom features.** *If a loss occurs in your unit, your insurance will cover replacement of the original features and replacement cost of any improvements and betterments only if you declare them to the insurance company prior to the loss.*
2. **Personal contents – your belongings are important to you.** *If you experience a loss, your policy will provide coverage to replace what was lost – electronics, clothing, books, sporting equipment, appliances and more. Remember to let your broker know about any high-valued items you want covered under the policy. They need to be listed separately: laptops/computers, jewelry, artwork, bicycles, etc.*
3. **Personal liability for injuries to visitors to your home.** *If a guest visits your property, has a fall and sues for injuries, defense costs and damages are provided by the policy.*
4. **Loss originating in your unit causing damages to a neighbouring unit or common property.** *If you are found responsible for damages to a neighbouring unit or common property, the insurance company protecting those assets can*

subrogate against you – demand payment for their loss.

Strata
owners should purchase
insurance to manage acci-
dents that could leave them
financially responsible for
large repairs.

5. **If you as a landlord have a tenant or a tenant's guest who causes damages,** *your insurance will provide defense and damages coverage, if your tenant is uninsured.*
6. **Additional living expenses –** *if an insured loss occurs which requires you to be temporarily relocated while repair work is completed, your policy will cover the additional living expenses.*

7. **Loss assessment coverage –** *if a loss occurs to common property and the strata needs to collect funds to pay for the deductible, it may charge a special assessment to each unit. Your loss assessment coverage will step in to help.*
8. **Deductible assessment insurance –** *some strata policies have very high deductibles for property claims; for example, earthquake, flood and water damage. If a catastrophic event occurs and the deductible is so large the strata cannot afford to pay it, you, as the unit owner may be called in to pay a portion of it. Your personal insurance will cover this, but remember to bring a copy of your strata's insurance policy to your personal broker to ensure there are no gaps in coverage.*

Rental Dilemma (from Page 5)

There may be insurance coverage issues if residential units are being used for non-residential means, such as short-term rentals.

The Strata Property Act requires a one-year exemption for rental units after a new bylaw restricting rentals is passed. If this is applicable to a strata corporation, the exemption should be planned for, and reminders issued well in advance.

Firm, consistent pressure is the key to weaving bylaw changes into the fabric of your strata.

BUSTED!

1

A bylaw violation is reported to the strata council (ex: parking bylaw).

YES

2

Has a warning been given to the alleged offender? Council must begin the process for enforcing the bylaw. It is common for strata councils to start by issuing a warning.

NO

Try giving the alleged bylaw offender a warning along with time to comply with the bylaw. This will show that the strata council is focused on community-building.

In fostering a sense of community, it may be helpful to start by sending a friendly reminder of the bylaw to the alleged offender ahead of a formal warning.

3

Was the breach corrected?

YES

If the breach is corrected, the strata council may decide not to take any further steps.

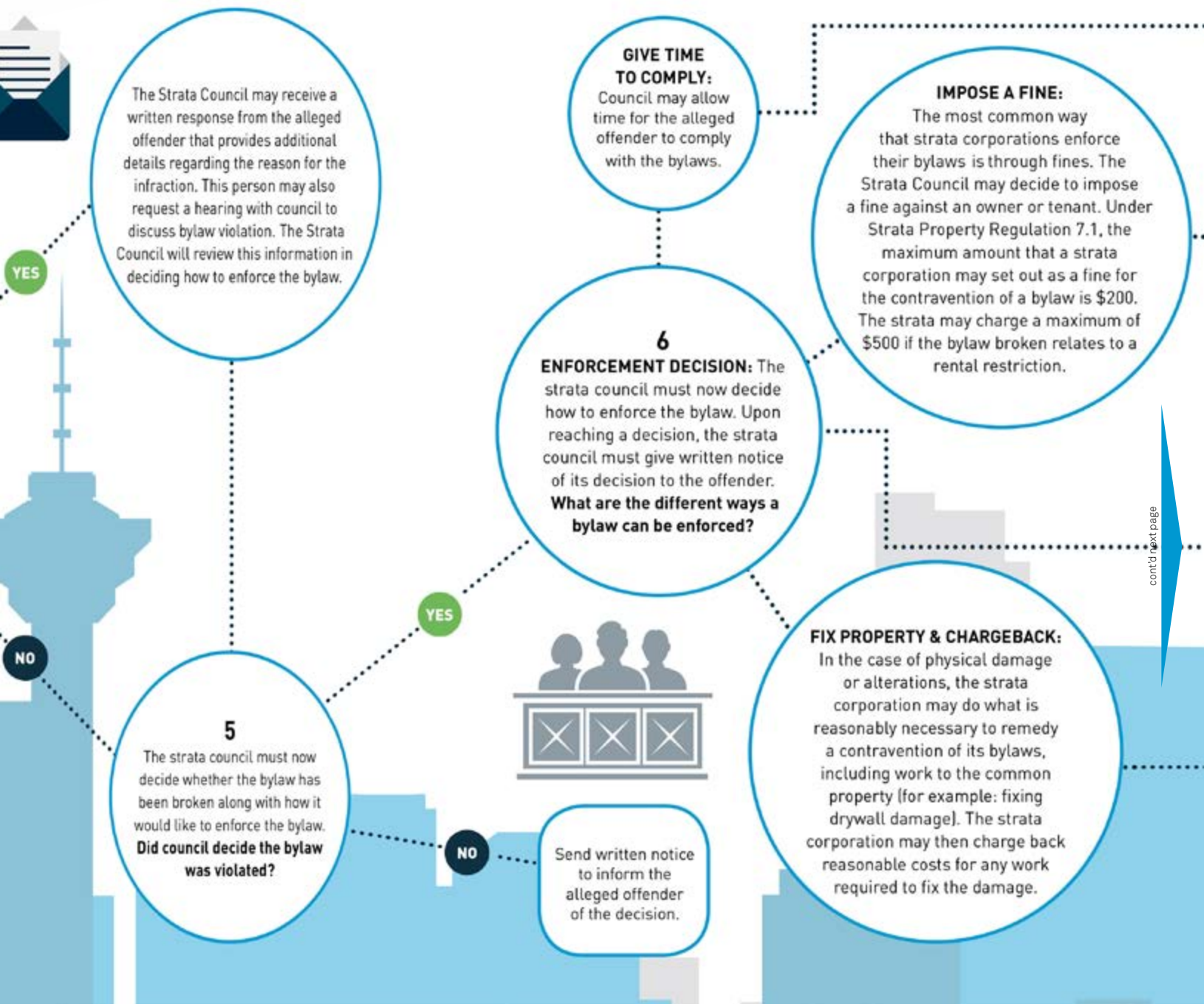
NO

4

The strata council may proceed with further enforcement and must give the alleged offender a reasonable opportunity to respond to the complaint, including an opportunity to respond at a hearing at a strata council meeting, if requested under Section 135 (1) (e) of the Strata Property Act. **Was a response received or a hearing requested?**

Section 135 (1) (e)

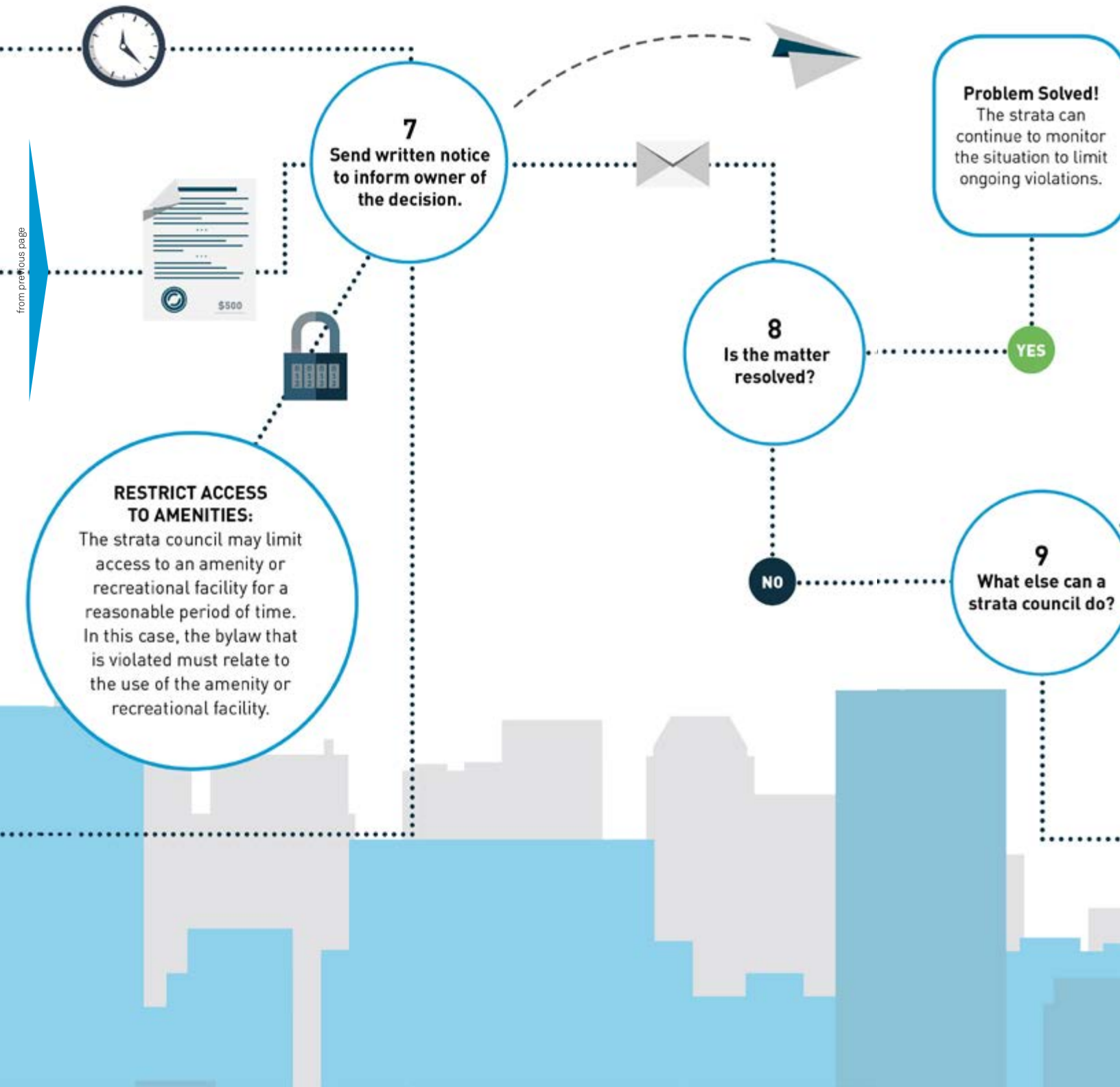
Enforcing strata bylaws helps ensure a positive sense of community. Here's our guide to the steps that lead to charges and their enforcement – and ways to avoid having to levy penalties in the first place.



Depending on the strata corporation, bylaws can do everything from establishing quiet hours to banning smoking in common areas, allowing certain types of pets, restricting the rental of residential units, or even specifying window cov-

erings. Bylaws may require strata lot owners to get written permission from the strata council before making changes to their strata lots; changes to flooring, for example.

Bylaws are something every strata corporation



has. Enforcing them is one of the most common (and difficult) issues strata corporations deal with.

To help make it easier, The Strata Property Act includes a set of Standard Bylaws issued as “default bylaws” for a strata corporation. But a strata corporation may

change its bylaws by a three-quarter vote of the owners.

Whether you are a strata council member, owner, landlord, or tenant, it is important to understand not only what your bylaws are, but how they are enforced to help foster a positive sense of community with your neighbours and volunteer council members.

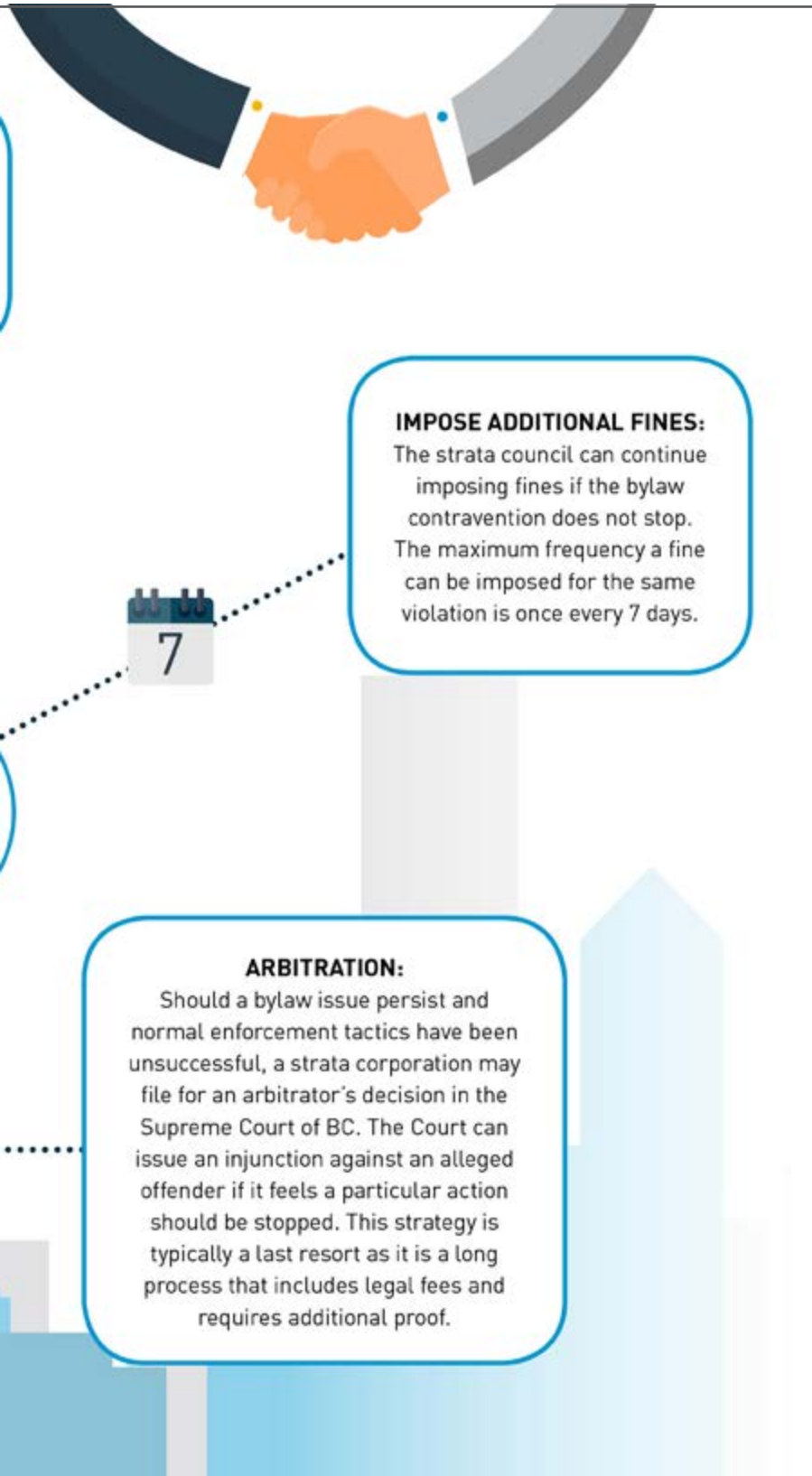
Contrary to popular belief, the strata manager is not responsible for imposing fines and deciding whether a person has contravened a bylaw. Rather, strata managers are typically directed by councils to **assist** with enforcement – by sending warning letters, communicating fines and managing correspondence between the council and residents. So while a resident may receive a letter from a management company saying he or she has been fined for a violation, the strata corporation is the one imposing the fine.

Nor can a strata manager reduce fines or make decisions about appeals. Management companies simply assist strata councils in enforcing bylaws in a manner chosen by the council.

The following schematics outline the steps taken to levy a penalty, and possible ways to avoid having to do so in the first place. Click here to watch FirstService Residential’s seminar:

[Understanding and Enforcing Bylaws.](#)

DISCLAIMER: All strata corporations are unique and may have different bylaws and methods of enforcement. Please consult your strata management company for information regarding your strata corporation’s bylaws. The information in this guide is drawn from the Strata Property Act and BC Housing and is not intended as legal advice or an exhaustive guide for every bylaw situation.





LEDing the charge

Using less than 12 percent of the power of incandescent bulbs while lasting far longer, LEDs can significantly brighten your bottom line. Smart stratas are already converting.

By the experts at Lumenix

With electricity prices rising 6.5 percent a year, it's no surprise that so many building owners and managers are looking for ways to reduce consumption. One of the best solutions is LED (short for light emitting diode) lights.

To say LEDs are gaining in popularity is an understatement. In 2011, less than 10 percent of residential buildings were using LEDs. By 2016 more than 30 percent will have started switching over, and by 2020 that number will be over 70 percent.

How LED lighting works

Like a bad argument, traditional (incandescent) light bulbs produce more heat than light.

Notice how hot a typical 60-watt bulb gets after running for even a minute? That's because its illumination comes from a white-hot metal filament. Heating the filament takes up most of the energy.

But LEDs create very little heat in order to light an area. When a suitable voltage is applied to semiconductor leads, electrons recombine with electron holes to release energy in the form of photons – an effect called electroluminescence.

So in the simplest sense, LEDs use less energy, and produce more light. LEDs also last 10-50 times longer and are free from mercury and glass, making them easier to maintain, and more environmentally friendly.

The Lumenix Retrofit Process



In a typical residence, a 60-watt incandescent bulb can be replaced with a 7-watt LED bulb of equivalent brightness for an energy savings of nearly 90 percent. And you can do this in seconds with one hand.

Strata property applications

For strata applications, the biggest savings for LEDs come from places where the lights are on 24/7 – like lobbies, suite corridors, parking garages and stairwells.

A typical strata council that replaces a building's 24/7 lighting with new LEDs can expect to see an immediate energy savings of 50 to 70 percent and a full payback period of approximately 24 months.

Government Regulations and Rebate Programs

Starting in 2014, the federal government has recognized the need to move consumers away from old, inefficient lighting. In fact, under new regulations, Natural Resources Canada has made it illegal to manufacture or import 100-watt and 75-watt bulbs beginning January 1, 2014. A second ban on 60-watt and 40-watt bulbs became effective on January 1, 2015.

Further bans are being placed on several forms of fluorescent lighting.

Some provinces offer hydro credits and incentives for users who upgrade to LEDs. Here in British Columbia, condominiums that replace older lighting technologies with LEDs can qualify for incentives from BC Hydro to help offset the purchase price of a retrofit project.

Lumenix LED Retrofits Made Easy™

Lumenix has had the unique opportunity to sit with strata councils throughout British Columbia and learn about their needs and concerns. Over the past few years, our team has noticed a significant increase in awareness of the benefits of LED products.

Since 2015, new Lumenix projects will have helped generate more than \$4 million in energy savings for the many FirstService Residential communities who have chosen Lumenix as their retrofit partner. To minimize the impact on their operational budget, many have chosen Lumenix's Pay with Savings Plan to avoid any upfront costs and pay for the project over time as energy savings accumulate.

Lumenix's goal is to make every LED retrofit easy by handling every aspect of the project.

About Lumenix

Lumenix was founded on the vision that LED lighting would be the first widely adopted clean technology to reduce energy without requiring a change in human behaviour. By 2017, adoption of LED lighting will have helped reduce energy and carbon footprints in our communities by over 15 percent. Our mission is to make LED Retrofits Easy™ by partnering with the best manufacturers in the world to deliver customized solutions for Canada and combine it with a five-year service model that is unparalleled in the industry. To learn more, please visit www.lumenix.com or ask your strata manager.





We'll take it from here.

Smart investors use professionals like FirstService Residential to manage their rental properties – and for good reason.

HAVE YOU PURCHASED (or are you considering venturing into) residential rental real estate? Investing successfully in this very stable asset class can depend heavily on good professional property management. And this holds true for purpose-built, multi-family buildings as well as for a single condominium unit or detached family home.

Residential rental properties are governed by a dazzling array of federal, provincial and municipal pieces of legislation – the Residential Tenancy Act (RTA), WorkSafeBC, the Privacy Act, Human Rights Code, the Real Estate Services Act (RESA), the Personal Information Protection Act and the Strata Property Act – along with a multitude of municipal building codes and bylaws.

The Residential Tenancy Act assigns very spe-

cific rights and responsibilities to both landlords and tenants. Property managers are all licensed under the Real Estate Services Act, and earning their licence involves comprehensive study in many fields of law, construction, human resources and contract management. A licensed property manager works to protect the landlord's interests in ensuring that all Residential Tenancy Act rules and regulations are followed, and that the covenants in the Residential Tenancy Agreement are strictly adhered to. The terms and conditions of the Tenancy Agreement are specifically dictated by the Act, down to the wording and clauses that may or may not be used.

Resolving Disputes

A landlord and tenant are always encouraged to resolve any disagreements before they become

bigger issues and before the matter is ever brought before a Residential Tenancy Branch arbitrator. Professional property management is essential in mediating onsite issues between building staff and tenants by helping to resolve any disagreements or misunderstandings.. Excellent rental property managers can quickly resolve issues to the satisfaction of both parties.

Disputes that cannot be resolved must be directed through dispute resolution at the Residential Tenancy Branch. An application for dispute resolution initiates a formal legal process with the Residential Tenancy Branch. Generally, this legal process doesn't require legal counsel or involve courts or the police.

Being one of the largest and most professional residential property management companies in British Columbia, FirstService Residential represents thousands of landlords. To represent our clients properly, our management team must fully understand the rights and obligations of both parties - landlord and tenant.

To prevent disputes from arising, the landlord and tenant should have an in-depth understanding of the Residential Tenancy Act. Property managers work with the building staff to ensure the Tenancy Agreement is enforced, and landlords' rights and assets as well as tenants' rights are protected. The property manager will often call the tenants' attention to government resources to help them understand their rights and obligations. In simplified terms, some of the basic obligations of the tenant are:

- *Pay rent and all other fees on time;*
- *Maintain reasonable health and sanitary standards within the rental unit and the residential property as a whole;*
- *Ensure that the tenant and/or guests do not damage the property, or disturb neighbours within the building or neighbouring property, or endanger the life and safety of others;*

- *Adhere to all covenants in the Residential Tenancy Agreement including any reasonable additional terms and addenda that may be included;*
- *Be available for the move-in condition and move-out condition inspection process.*

Most tenancy agreements require the tenant to carry tenant's insurance. Even though tenants may not think they have a lot of possessions, if a catastrophic loss occurs, landlords have no responsibility for tenants' belongings or for providing alternative housing.

In turn for fulfilling the obligations above, tenants have a multitude of rights bestowed upon them by The Residential Tenancy Act:

- *The tenant expects that the landlord will protect all personal information collected regarding the tenancy, and that the landlord will comply with the Personal Information Protection Act;*
- *The tenant cannot be discriminated against based on race, place of origin, religion, marital or family status, physical or mental disability, age or legal source of income. The landlord must comply with Section 10 of The Human Rights Code;*
- *If the landlord decides to sell the individual unit or wishes him/herself or family member to occupy the unit, the tenant has the right to receive*

continued page 23



HOT SAVINGS

Using high-efficiency utilities will save you money, shrink your environmental footprint and qualify you for as much as \$45,000 in FortisBC Energy Efficiency Rebates.



By Siraz Dalmir, FortisBC

MANAGING A CONDOMINIUM building usually involves trying to reach agreements – whether you’re updating bylaws, managing concerns from owners or conducting building retrofits.

And if there’s one thing everyone can agree on, it’s the value of saving money.

A great way to do that is by upgrading your building’s standard-efficiency boilers or hot water heaters to higher efficiency models. As a bonus, when you replace outdated heaters with the best of today’s more efficient high-tech units, you’ll not only use less fuel, you can take advantage of FortisBC’s Energy Efficiency Rebates for residential condominium and apartment buildings.

Consider that standard-efficiency boilers typ-

ically convert a mere 80 percent of natural gas into usable heat. The remaining 20 percent is vented to the atmosphere – paid for but wasted. In contrast, high-efficiency or condensing boilers extract the majority of the otherwise wasted heat and reuse it inside the boiler.

As a result, properly installed high-efficiency boilers achieve efficiencies of 93 to 96 percent, meaning your gas consumption is less.

At FortisBC, our customers have found that switching to high-efficiency mechanical equipment can yield average annual reductions of 16-22 percent in annual gas consumption¹.

And along with lowering your gas bill and shrinking your environmental footprint, switching to a high-efficiency boiler could qualify you for

as much as \$45,000 in FortisBC Energy Efficiency Rebates, while converting to a high-efficiency water heater could qualify you for a rebate of up to \$15,000.

Having new equipment invariably means greater reliability with fewer breakdowns – which saves the strata money, creates fewer headaches and better satisfies the owners' and residents' expectations.

Think of how your building could reinvest the funds saved to improve your owners' quality of life – maybe by building your Contingency Fund, updating amenities or beautifying exterior spaces to boost curb appeal.

Younger demographics in particular will appreciate the environmental value of condominiums with heaters that sip fuel rather than guzzle it. For a generation raised in a pro-green world, purchasing in a building with a smaller environ-

mental footprint can be a much more important consideration than in the past.

And along with reducing environmental impact, improving condominium energy use helps FortisBC to sustain and grow its distribution network and serve even more customers affordably, safely and reliably.

Want to get started? If you or your strata would like more information on how to take advantage of FortisBC incentive programs, please contact your dedicated FortisBC Key Account Manager or Energy Solutions Manager, or visit us online at www.fortisbc.com/businessoffers

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¹ Based on estimated 2013 results where FortisBC participants implemented two or more energy conservation measures, where one of the measures was an upgrade to condensing high-efficiency boilers.

Getting Juiced (from Page 9)

- To make any common property alterations or re-allocations needed for installation of the stations, and;
- To spend any strata funds on the project.

A user fee levied by a strata corporation must be reasonable and set out in either a bylaw or rule. Section 128 of the SPA (Strata Property Act) requires a three-quarter vote at a general meeting for such a bylaw. In the absence of a bylaw for a new user fee, under section 125(6) a strata council may make a rule for the fee. But that rule would lapse unless approved by a majority vote of owners at the subsequent general meeting.

Section 71 (a) of the SPA requires a three-quarter vote at a general meeting before making “a significant change in the use or appearance of common property.” Installing a charging station would change the appearance of the common property and may be viewed by some as changing the appearance “significantly.” Conversion of “visitor parking” stalls to “EV charging only” stalls would clearly be a significant change in use of common property. Also, charging station projects resulting in reallocation of assigned parking stalls would require re-designation of “limited

common property” and require resolutions passed by a three-quarter vote under sections 74 and 75 of the SPA.

Even though all costs should be recoverable through user fees over time, a strata project to install charging stations could require an initial expenditure of contingency reserve funds. Such an expenditure must receive prior approval by a three-quarter vote of owners under section 96 of the SPA. The strata corporation would also need to adjust its operating budget to cover the cost of maintaining EV charging.

When planning and implementing an EV charging station project, strata corporations are advised to consult a qualified electrical contractor and a strata lawyer. Also, the strata council will need to prepare carefully, and fully inform owners about any EV charging station proposal before taking it to a general meeting. Remember that a three-quarter vote is required on several important resolutions for the project to move ahead. Since most strata unit owners will not be owners of EVs, the council would need to demonstrate how costs will be recovered and how charging stations will benefit all owners.

[Click here to download a copy of Marcus Murphy's 2009 article.](#)



FirstService Residential's Max Gajdel (Project Leader of Business Development), along with vendor partners, presents donation cheque of \$64,000 to Canuck Place CEO Margaret McNeil in Vancouver last January. Also present were FirstService Residential team members Scott Douglas (President), Judith Harris (GM) and Sean Ingraham (Director, Business Development). Donations continued to pour in after the event, reaching \$65,500.

\$66K for the kids

FirstService Residential more than doubles its last year's donation to help Canuck Place Hospice help kids with life-threatening issues

TEAMING UP WITH MORE THAN 50 VENDORS used by its strata corporation clients, FirstService Residential raised \$65,500 in donations for the Canuck Place Children's Hospice, more than doubling the total of last year's donation. Canuck Place supports local children with life-threatening conditions.

The donation was presented to Canuck Place by representatives of FirstService Residential and its vendor partners.

"Canuck Place Children's Hospice is grateful for the incredible generosity of FirstService Residential, their vendors and partners," said Margaret McNeil, Canuck Place Chief Executive Officer. "This

remarkable contribution will help ensure Canuck Place can continue to provide pediatric palliative care to children with life-threatening conditions and support the families who love them."

To recognize the contribution, FirstService Residential sent a holiday e-card to its clients – more than 100,000 residents living in over 500 strata properties across Metro Vancouver.

"We are humbled to see support for the Canuck Place campaign more than double," said Scott Douglas, President of FirstService Residential in British Columbia. "The Children's Hospice is a true symbol of hope and community building. The relentless work of the Canuck Place team to make

a difference in the lives of children in need and their families is an inspiration to us all.”

About Canuck Place Hospice

Canuck Place Children’s Hospice is British Columbia’s recognized pediatric palliative care provider. Over 560 newborns, children and teens with life-threatening illnesses and their families receive care from CPCH through outreach programs and two provincial hospice locations; Vancouver and Abbotsford. Services include clinical respite and family support, pain and symptom management, 24-hour phone consultation support and in-house clinical care, art and education, recreation therapy, grief and loss counselling and end-of-life care. Through the investment of the community, the talented team and over 325 energetic volunteers, CPCH makes a lasting difference in the lives of children and the families who love them. For more information visit [the CPCH website](#).

Sponsoring Vendors and Partners:

Allied Maintenance, BFL Canada, Access Law Group, Accurate Glass, Ashton Service Group, Barclay Restorations, Bar-El Building Maintenance, Bartlett Tree Experts, BE-MCO Pacific Services, Black & McDonald, BMS Plumbing & Mechanical, Brighter Mechanical, BUR-HAN Garden & Lawn Care, Busybee Gardening, Cambridge Plumbing Systems, Canstar Restorations, CertaPro Painters Canada, Champion Window and Pressure Cleaning, Clark Wilson LLP, Commercial Lighting Products, DCI Building Services Design Roofing, N.E.S. The Door Express, Fehr Strata Repairs, Fire-Pro Fire Protection, Five Star Building Maintenance, Fraser Valley Snow Removal, Imperial Paddock Pools, Latham’s, Lumenix, Matrix Access Systems, Lesperance Mendes Lawyers, Monterio & Company, Mountain Fire Protection, National Air Technologies, Nikls Property Services, Normac, Para Space Landscaping, Phoenix Restorations, Prostar Painting and Restoration, Remdal Painting and Restoration, Roofix Services, ServiceMaster Canada, Shield Security Services, Silver Lining Landscaping, TEK Roofing, Trotter & Morton, Valley All-Door Vancouver Security Management, Walden Disposal, Waste Management, Xpert Mechanical and XTR Building Services.

Property management for investors (from Page 19)

at least a full two calendar month notice of the intent along with one full month of rent as compensation for the termination of tenancy. If the tenant vacates under the above terms and the landlord does not, at the end of the day, sell or move into the premises, there can be financial penalties to the landlord for non-compliance;

- *A landlord must respond to emergencies as defined in the Residential Tenancy Act, or alternatively allow the tenant to make and pay for emergency repairs and withhold that portion of the rent as a reimbursement; and*
- *The landlord must provide quiet enjoyment to tenants maintaining reasonable privacy, freedom from disturbance and exclusive possession of the rental unit.*

Under the Real Estate Services Act, anyone who performs any of the following services for your rental property must either be licensed under the Act, or a family member or an employee of the ownership of the property (caretaker exemption):

- *Collecting rents or security deposits from tenants;*
- *Making payments to third parties;*
- *Negotiating or entering into contracts;*
- *Supervising employees or contractors;*
- *Managing landlord and tenant matters;*
- *Showing and renting real estate to prospective tenants.*

A professional property manager can mitigate operating and capital costs by managing contracts and projects with care and diligence.

In summary, it can be most rewarding for an investor to own residential rental real estate. The details and tasks are many, but when managed daily by a professional property manager, a stable and safe asset can be ensured for years to come.

FirstService Residential has the operational experience of more than 35 years in property management. Our vast resources and strong complement of highly trained and experienced managers can solve virtually any issues that arise in residential rental and investment properties.



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Have a suggestion for our next newsletter?
Please email *newsletter.bc@fsresidential.com*



FirstService Residential B.C. provides full-service strata management solutions to a wide range of strata corporations including some of Metro Vancouver's most beautiful and recognizable communities. For more than 37 years the organization has worked hard to serve homeowners in British Columbia, and today it is recognized as the leading strata management company throughout the province. For more information, visit www.fsresidential.com/british-columbia/home.