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### > Happy Holidays!

Happy holidays from FirstService Residential! We hope you enjoy the December issue of *CONNECTIONS*. We wish you and your families a safe and relaxing holiday season.

### > FirstService Residential Gives Back

This holiday season, FirstService Residential is making donations to both the **Greater Vancouver Food Bank Society (GVFBS)** and **Canuck Place Children's Hospice** on behalf of the stratas we proudly manage.

In addition to our donation to the GVFBS, our employees came together this December to donate more than 50 boxes worth of much needed food. These donations will help the GVFBS continue to provide assistance to over 28,000 people weekly through 15 food depots and over 100 community agencies.



Our donation to the Canuck Place Children's Hospice will help provide specialized pediatric palliative care for children living with a life-threatening illness and support for their families throughout British Columbia. Canuck Place encourages each child to 'embrace life' and believes in enhancing the quality of whatever time a child may have left by empowering them to live fully and joyfully.



FirstService Residential looks forward to becoming a regular contributor to Canuck Place and a continued contributor to GVFBS to help build our city by supporting those in need.

## > Win Canucks Tickets!



We are giving away two Vancouver Canucks tickets to the January 29<sup>th</sup> game against the Chicago Blackhawks. We want YOU to win! For your chance to win, simply “like” us on Facebook or follow us on LinkedIn. We will be drawing a lucky winner in mid-January.



Facebook Page:  
**FirstService Residential BC**



LinkedIn Page:  
**FirstService Residential BC**

## > Condo Owner Forced To Sell: *The Jordison Case Examined*

The following article was written by Gerry Fanaken, the former CEO of Vancouver Condominium Services Ltd. (now FirstService Residential) and author of *Understanding The Condominium Concept: An Insightful Guide to the Strata Property Act*.

“**Condo Owner Forced To Sell**” screamed recent headlines following the November 12, 2013 decision from the Court of Appeal for British Columbia (“BCCA”). Several written articles, as well as radio and television news reports correctly reported the Jordison decision but may have left the impression that a strata corporation can now, with relative ease, force an owner to sell his or her strata lot should that owner be an undesirable owner. To be clear, the BCCA decision is a healthy boost for strata councils when dealing with difficult owners; however, it will not be quite so simple and easy.

This article will not delve into the details of the Jordison decision but readers are very strongly urged to read the decision. It can be found online at: [www.courts.gov.bc.ca/jdb-txt/CA/13/04/2013BC-CA0484.htm](http://www.courts.gov.bc.ca/jdb-txt/CA/13/04/2013BC-CA0484.htm). The citation is *The Owners Strata Plan LMS 2768 v. Jordison*, 2013 BCCA 484. The docket is CA040812 dated 2013-11-12. Do read it, especially if you are a strata council member.

At the heart of this case is the standard bylaw, commonly found in strata corporations, that prohibits undesirable conduct such as unreasonable noise, interference with the rights of other residents, nuisance and so on. It is this bylaw (or a facsimile) that strata councils routinely rely upon when dealing with excessive stereo or television noise, loud parties, domestic disputes and similar disturbances. In the Jordison case, it was this bylaw that they violated which ultimately led to the decision by the Supreme Court of British Columbia authorizing the strata corporation to sell the strata lot. The Jordisons appealed the decision to the BCCA and lost. As noted, this precedent decision is a vital tool that strata councils can now utilize to enforce the corporation’s bylaws. But, the point of this article is the importance of documentation.



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## Condo Owner Forced To Sell: The Jordison Case Examined

If your strata corporation is experiencing a problem with a difficult owner contravening the nuisance bylaw, it is vital to document a considerable amount of history and detail before using the Jordison decision to “evict” them. In my thirty years of practicing strata property management, I rarely witnessed the “solid paper trail.” It is insufficient to conclude that two or three incidents will do the trick, or that hearsay statements will be adequate to support council’s conclusion that the nuisance bylaw has been violated. Councils and strata property agents must take the time to fully investigate any allegations; they must obtain corroborating witness evidence; they must create and maintain detailed records of the allegations and the subsequent investigation; they must offer an opportunity to the impugned owner to respond to the allegations; and, they must be fair, objective and impartial in all of their actions and deliberations. Further, the alleged violations must be substantial (not petty) and they must be plentiful. Only if all of these criteria and standards are met, will a strata council be in a good position to take its case before the Supreme Court of British Columbia and ask for a Jordison decision. A court application will be very expensive and it will be a terrible waste of money to have a case thrown out as a consequence of improper preparation as outlined above. Additionally, the offending owner will be “off the hook”.

**Note:** The above article did not include smoking as a nuisance. Should smoking also be added to the list of offensive conduct? Next month, we will tackle this topic.

## > Holiday Quiz Time

**Can you name all 9 of Santa’s reindeer?**

Dasher, Dancer, Prancer, Vixen, Comet, Cupid, Donner, Blitzen, and Rudolph



## > 2014 Strata Insurance Outlook

For the real estate insurance industry in BC, the past 5 years have been full of change. All strata corporations have seen significant premium increases and most deductibles have been pushed up considerably. Insurance is now a much larger entry on a strata’s financial budget.

Much of the change has been caused by the increasing number of global natural catastrophes and the knock on nerves felt by insurance companies surrounding the earthquake risk in Vancouver. The effects of that change were made more painful when several insurers chose to withdraw from the segment. Those insurers that remained were able to demand more money to accept the same risk.

2013 has presented insurers with a different challenge. Hailstorms in Alberta, windstorms in Quebec and devastating floods in Calgary and Toronto, have caused Canadian property insurers to suffer their most expensive year ever.



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## 2014 Strata Insurance Outlook

### Looking Ahead

It is likely that flood and hail coverage will be more difficult and expensive to purchase across the country. It is also likely that flood deductibles will rise in BC, regardless of location. Properties in higher risk (flood prone) areas may see considerable deductible increases.

On the plus side, like any market that is based on supply and demand, the increasing premiums that BC based properties have paid over the last 5 years are beginning to attract new insurance companies into the mix. It is likely that 2014 will see new entrants. Their introduction will limit premium increases. As we look forward to 2014, we anticipate increased premium costs but remain optimistic they will not be as significant as with previous years.

Strata corporations can be reassured that comprehensive insurance protection remains available to protect their assets. Your insurance broker should be looking towards insurance companies to support the industry as this helps towards the overall cost for consumers. In closing, remember whilst cost is important, insurance is only as good as the claims it pays for.



This article was written by Paul Murcutt, Client Executive at BFL Canada. Paul began his insurance career with BFL in 2003. He specializes in Real Estate Insurance programs and is responsible for a large portfolio of clients operating in both the Residential and Commercial Property Management Sector.

## > Updated Strata Collections

Earlier this year, we discussed in our newsletter amendments that were being made to the *Limitation Act*. The amended *Limitation Act* has since come into effect on June 1, 2013, and has decreased the limitation period available to strata corporations to file a civil claim for outstanding debts to two years. Councils should be prudent in their collection strategies for outstanding debts and work with their Strata Manager to ensure accounts receivable are reviewed at each strata council meeting.

We would like our valued clients to be aware that we have updated our collections procedures to further support your collection efforts following changes to the *Limitation Act*. In addition to the effective lien filing procedures we have in place, we will also be updating the Aging Account Summary you receive monthly with your financial package (available online using FSRConnect™). As a result of our prudent collection and Accounts Receivable procedures, we now file monthly liens against only 0.09% of the more than 41,000 residential units we proudly manage.



Effective January 1, 2014, all Aging Account Summaries will be updated to include a column that flags all accounts that are outstanding for 12 months or more. This creates an added control for councils, providing ample notice to review arrears and decide on further collection efforts. Your Strata Manager will review aging accounts with council regularly to help guide further collection efforts, where necessary.

## > Cooking Corner: Spiced Almonds

Here is a recipe that has our office going 'nuts' over the holidays. This recipe makes two cups of tasty spiced almonds.

### Ingredients

- 3 tbsp cooking oil (peanut or vegetable)
- 2 cups blanched almonds (or pecans, cashews don't work well)
- ½ cup plus 1 tbsp sugar
- 1 ½ tsp salt
- 1 ½ tsp cumin
- 1 tsp crushed chili peppers (or to taste). Use ½ tsp for people not accustomed to really hot foods.



### Preparation Instructions

1. In a heavy frying pan or sauté pan place oil, almonds and ½ cup sugar. Put on high heat and stir. The sugar will gradually melt and caramelize. Stir constantly until the almonds are nice and brown and the overall mixture is fluid.
2. Have the remaining ingredients pre-measured and ready. Remove nuts from heat and immediately stir in the extra sugar, salt, cumin and crushed chili peppers. Have a baking sheet ready and pour the almonds out onto it. Spread them out separating them as much as possible. When cool, break nuts into small pieces.
3. After you have made these a few times, you can adjust the amount of chili.

### Storing Instructions

To store – place in plastic bag, remove the air and seal, or the caramel coating will start to absorb moisture from the air and in a few hours become soft and sticky.

## > New Educational Event Series



**Tony Gioventu**  
CHOA



**Paul Murcutt**  
BFL Canada



**Veronica Franco**  
Clark Wilson



**Megan Cunningham**  
BFL Canada



**Travis Magoon**  
Trotter & Morton



**Sean Ingraham**  
FirstService Residential

This past November, we proudly launched our new educational event series with the inaugural seminar on the topic of Strata Collections and Changes to the *Limitation Act*. The event was held in the amenity room of Pacific Point I in downtown Vancouver. In attendance were guest speakers Veronica Franco (Partner, Clark Wilson LLP) and Tony Gioventu (Executive Director, CHOA), to guide council members through a discussion regarding the amended *Limitation Act* that came into effect June 1, 2013, impacting strata corporation collection strategies.

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## New Educational Event Series

Following this successful seminar, a second event was held regarding Water Loss Reduction for Stratas. This second event featured another great speaker panel with Paul Murcutt (Client Executive, BFL Canada), Megan Cunningham (Claims Advisor, BFL Canada), Travis Magoon (Senior Project Consultant, Trotter & Morton) and Sean Ingraham (Director of Business Development, FirstService Residential), joining guests to discuss water loss reduction strategies for stratas and the impact on insurance.

Council members from neighbouring properties were invited to participate in each complimentary evening seminar, which included a 'meet-and-greet' over drinks and appetizers, followed by an interactive discussion led by the guest speakers. A member of our FirstService Residential front desk (concierge) team welcomed and served guests throughout the evening.

Summaries for each of the events have been prepared to outline learning points from each seminar. The summaries are available online at [www.fsresidential.com](http://www.fsresidential.com) under our "News and Events" section or by [clicking here](#).



## Upcoming Events

We are working on great new events for the new year. Stay updated on upcoming events by visiting us online at [www.fsresidential.com](http://www.fsresidential.com) under our "News and Events" section or by [clicking here](#).

## > Trash Talk with Tej



*This month, Tej Kullar discusses waste reduction tips for the holidays. Tej is the Major Account Manager for Waste Management's Commercial Properties Division, and has over 10 years of waste and recycling experience.*

### Questions for Tej?

For questions or to suggest a topic for future articles, please contact Tej Kullar of Waste Management at [604.520.7919](tel:604.520.7919) or [tkullar@wm.com](mailto:tkullar@wm.com).



Parties, decorations and gifts bring spirit to the holidays, but they can also create more waste. With a little planning, we can have more meaningful holidays and a positive environmental impact. Follow these waste-reduction tips to bring joy without waste this holiday season.

## Entertaining and Parties

Use real plates, utensils and napkins. If you do not have enough to accommodate your group, consider renting, purchasing from a local thrift store or asking guests to bring dishes and silverware. When menu

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## Trash Talk with Tej

planning, use items you already have by taking a look in your pantry. Try out locally-produced foods that require less packaging than traditional food products. Make a list of exactly what you will need and know for how many guests you are planning. Label your inside bins, so that guests know where to find garbage, recycle, and food waste bins.

## Decorations and Wrapping

Make decorations and gift-wrap out of materials you already have. Here are 5 unique ideas to get you started this season:

1. Try using cooking canisters as gift packages.
2. Cover worn ornaments in paper mache and decorate as desired.
3. Use cookie cutters as ornaments.
4. Re-purpose leftover wrapping into gift bows.
5. Glue together old string Christmas lights to create ornaments.



To get the most out of your Christmas decorations, be sure to store decorations, lights, and gift-wrap properly in sturdy containers, so they will be usable next Christmas.

## Shopping and Gifts

As always, remember your reusable shopping bags during the holidays. Think of gifts that will be useful and meaningful. Consider “experience gifts”, which have no packaging and can create lasting memories.

Shop local, where possible, to help reduce your ecological footprint. Try local consignment or thrift stores before hitting the mall. Also consider purchasing recycled goods. Many local retailers create one-of-a-kind products from recycled goods. Some local recycled retailers to start with include: Alchemy Goods, InterConnection, RE Store and NuBe Green.

## We Want to Hear From You!

Send us your questions, topic suggestions, comments, and articles. Let us know what you like and what you want to hear.

Email Max Gajdel at [Maximilian.gajdel@fsresidential.com](mailto:Maximilian.gajdel@fsresidential.com) or call **604.683.8900** with your suggestions.

### GEORGIA BRANCH

(Formerly Vancouver Condominium Services)  
1281 West Georgia Street | Suite 400  
Vancouver, BC, V6E 3J7  
Main: **604.684.6291**

### HORNBY BRANCH

(Formerly Crosby Property Management)  
777 Hornby Street | Suite 600  
Vancouver, BC, V6Z 1S4  
Main: **604.683.8900**