

THE OPEN HOUSE

Your Window to REBGV Government Relations

September 21, 2012

Volume 7 • Number 10

Alternative dispute resolution for stratas coming

Resolving strata disputes will soon become faster, more accessible and more affordable thanks to recent provincial legislation.

Bill 44: The Civil Resolution Tribunal Act, which passed earlier this year, creates an independent body, the Civil Resolution Tribunal, which will provide dispute resolution tools as an alternative to going to court. The tribunal is expected to be operational by 2014.

This is welcome news for the Board, which together with BC Real Estate Association (BCREA) had, for many years, voiced concerns about strata property legislation.

In 2008, BCREA invited member Boards and REALTORS® to provide feedback. A key concern from REBGV members was the strata dispute resolution process, which members believed could benefit from a legislated mediation component.

BCREA advocated for this change and in 2011 reiterated the industry's position during the province's 2011 consultation process on strata dispute resolution.

Who can access tribunal services?

Strata corporations, strata owners and tenants will be able to access tribunal services.

- If two individuals are in a dispute, both must need to agree to participate in the tribunal.
- If a strata owner or a tenant decides to use tribunal services, the affected strata corporation must participate.

The tribunal will have the authority to handle strata disputes between strata property owners and strata corporations, including:

- non-payment of monthly strata fees or fines;
- unfair actions by the strata corporation or by those owning more than half of the strata lots in a complex;
- uneven, arbitrary or non-enforcement of strata bylaws (such as smoking, noise, pets, parking, rentals);
- issues of financial responsibility for repairs and the choice of bids for services;
- irregularities in the conduct of meetings, voting, minutes or other matters;
- interpretation of the legislation, regulations or bylaws; and
- issues regarding common property.

The tribunal will not decide matters that affect land, including:

- ordering the sale of a strata lot;
- court orders respecting rebuilding damaged real property;
- dealing with developers and phased strata plans; or
- determining each owner's per cent share in the strata complex (the "Schedule of Unit Entitlement").

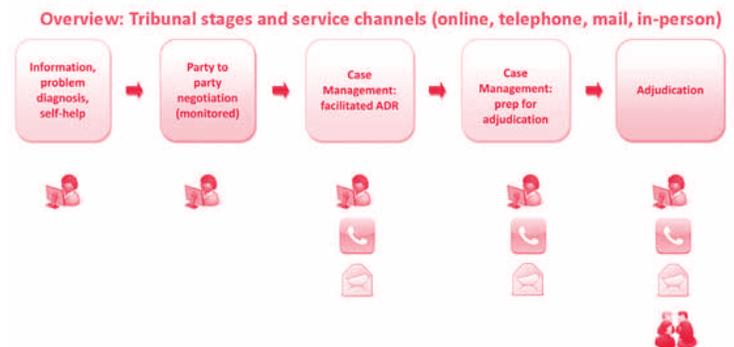
These matters will continue to be heard in the BC Supreme Court, as will other matters, including:

- the appointment of an administrator to run the strata corporation;
- orders vesting authority in a liquidator;
- applications to wind up a strata corporation;
- allegations of conflicts of interest by council members; or
- appointment of voters when there is no person to vote in respect of a strata lot.

How will tribunal services be accessed?

The tribunal services will be available online 24/7. Assistance will also be offered by phone, mail or even in person. Disputes are expected to be resolved within 60 days, compared to 12 to 18 months for the court process.

The tribunal will have five stages



Source: BC Ministry of Justice

Continued on page two

Government Relations Advocacy Goal

REBGV advocacy will result in an economic and regulatory environment that supports property ownership, sustainable communities and the business of real estate.

GOVERNMENT RELATIONS
MANAGER
Harriet Permut | 604.730.3029
hpermut@rebgv.org

GOVERNMENT RELATIONS
COMMITTEE CHAIR
Jim Woolsey | 604.250.1875
GRChair@rebgv.org

The Open House is published by the
Real Estate Board of Greater Vancouver
2433 Spruce Street
Vancouver, BC V6H 4C8
Phone: 604.730.3000
Fax: 604.730.3100
www.rebgv.org
www.realtylink.org
Intranet site: www.realtorlink.ca

Editor - Harriet Permut
Writers - Harriet Permut, Teresa
Murphy, and contributors
Design - Jamee Justason



 REALTOR® is a trademark
of the Canadian Real Estate
Association.

ORDER OF EXCELLENCE



GOLD RECIPIENT
QUALITY

Alternative dispute resolution for stratas coming continued

Stage 1 - Self-Help: Information and tools will be available online 24/7 to help parties resolve disputes.

Stage 2 - Online Party-to-Party

Negotiations: If Stage 1 fails, parties can go through a guided negotiation monitored by tribunal staff.

Stage 3 - Facilitated Settlement: Where an agreement is still not reached, parties can pay applicable fees and request active facilitation by the tribunal involving mediation or other dispute resolution processes. All parties must consent.

Stage 4 - Case Management Preparation: A case manager will facilitate mediation and explore options for settlement.

Stage 5 - Adjudication: Any dispute not settled by agreement will be heard by an adjudicator with the authority to decide the outcome and make binding decisions.

Fees for tribunal resolution of a dispute have not been finalized.

Learn More

Information on strata property and the tribunal available at: www.housing.gov.bc.ca/strata

Looking to the future - Coquitlam's vision for Transit-Oriented Development

Coquitlam has released its new Transit-Oriented Development (TOD) Strategy, a vision for new growth along the Evergreen Line.

The strategy outlines how Coquitlam will maximize space and sustainability by taking advantage of the opportunities created by the Evergreen Line to create higher-density, mixed-use, walkable, connected and compact neighbourhoods.

TOD will be characterized by:

- high quality urban design which includes a higher intensity mix of land uses and open spaces;
- increased and more affordable housing choices; and
- healthier lifestyles and less environmental impact through increased transit use, cycling and walking.

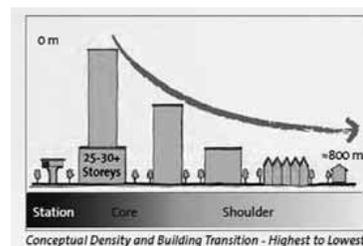
TOD neighbourhoods will blend into surrounding lower density neighbourhoods through a transition to lower densities and

lower building heights as the distance increases away from transit hubs.

The TOD strategy includes proposed key objectives, guidelines, focus areas, neighbourhood specific planning, implementation activities and timing.

To read the strategy, go to:

www.coquitlam.ca and in the search box enter Transit-Oriented Development Strategy.



Source: Coquitlam's Transit-Oriented Development Strategy

New Chief for Tsawwassen First Nation



Chief Bryce Williams

Bryce Williams has been elected chief of the Tsawwassen First Nation (TFN). Williams who sat on the TFN's 13-member executive council for one term, won the election by nine votes. He defeated Chief Kim Baird, who had held that office for 16 years.

During her time in office Baird made history in 2009 by negotiating BC's first urban Aboriginal treaty,

which gave the TFN self-governing powers similar to those of a municipality including jurisdiction over lands, resources, governance and social programming.

Baird was also instrumental in the partnership to build a planned industrial park, shopping malls and 1,600 home residential development. These projects will continue under Williams.

The TFN is a member of the board of Metro Vancouver.