

The Proline Pulse

COMMUNITY EDITION

In this Issue:

Industry Insights

Updating Bylaws.....2

Benefits of Being on Council ...3

Big, Wonderful Changes.....4

Learning Station.....4

Community Corner

Habitat for Humanity5

Inside the Heart of Proline

Summertime.....6

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Proline Management Ltd.

WELCOME!

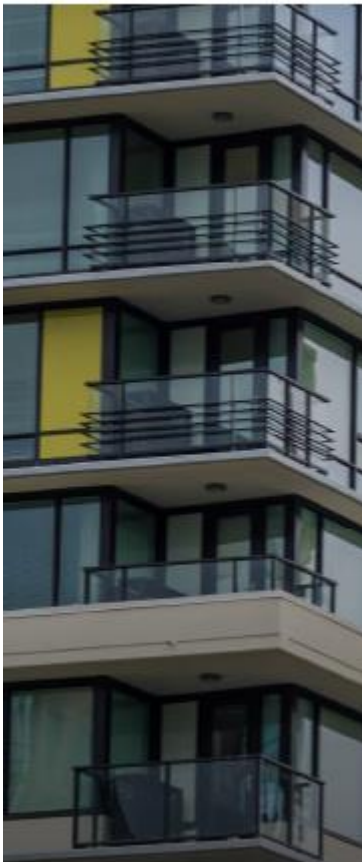
by Andy Spurling, President and Kelly Whitney, Vice President, Operations

Welcome to summer. Welcome to the next stage of a “return to normal”, or something approaching that, anyway. We have all experienced significant changes over the past 16 months which were met by doing things differently, from strata meetings, to showings of rental properties, to communications in general. We have worked together to support all our communities. As an organization, we appreciate and value the trust our clients have in the services we deliver, and we push ourselves to do better for all our clients.

As we move forward with the changes described on page 4, we want you to know that we change to serve all our clients more effectively. To deepen our relationships and work together in support of your properties and your communities. As we evolve and grow, we want to know your thoughts. We believe that feedback is a gift, and your feedback is precious. While we are confident that the projects we are working on will make things better for you, we want to know that they are. The last 16 months showed how well we can all work together in reaction to a problem. May the next 16 show how we can work together proactively for positive change!

A strata corporation's bylaws should be regularly reviewed and updated to ensure relevance and legal enforceability. Outdated bylaws quickly defeat their intended purpose of regulating activity within a strata corporation.

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LAWYERS



INDUSTRY INSIGHTS – Updating Bylaws

By Chloe Sauder, Haddock & Company

Outdated bylaws I see routinely are short-term accommodation bylaws. I still see versions that do not permit fining up to \$1,000 a day per infraction, an option permitted under the Strata Property Regulation (the "Regulation"), since November 30, 2018. I also see short-term accommodation bylaws that use "boilerplate" language that is unlikely to survive Supreme Court of British Columbia or Civil Resolution Tribunal ("CRT") scrutiny. This can have costly consequences. Consider the case of *The Owners, Strata Plan EPS4743 v. Hoang* 2021 BCCRT 118 ("Hoang"). In Hoang, the CRT did not impose fines due to the poor wording commonly used to restrict short-term accommodation licence agreements and rental agreements. The bylaws at issue in Hoang, are reproduced below (you may even recognize them from your own bylaws!):

- a. For purposes of this Bylaw, a "short-term rental" is a strata lot, or a room in a strata lot, that is rented for less than 30 days at a time.
- b. A resident must not use, or permit to be used, a strata lot except as a private residential dwelling home. Specifically, a strata lot is not to be used or occupied for transient, commercial or hotel purposes under a contract, licence arrangement or any other form of agreement for transient, short-term rentals or short-term occupancy or accommodation of any kind such as a hotel or hotel-like accommodation, a boarding house, house letting or house sitting, a bed and breakfast or for any other short term accommodations, including without limitation, short-term accommodation advertised under the names "VRBO", "Airbnb", "Home Away" or monikers advertising, by newspaper, Craigslist, internet or otherwise, short-term occupancy or accommodation of any kind, unless granted prior written approval by the council.

No owner, tenant, or occupant will for any reason grant a licence to any person to occupy a strata lot under any of the following arrangements:

- a. As vacation, travel, or temporary accommodations; or
- b. As a motel, hotel, inn, hostel, or bed and breakfast, or other similar accommodations; or
- c. As a boarding house, home stay, or student housing; or
- d. through any website designed for booking short term accommodations, temporary accommodations or vacation rentals, including but not limited to www.Airbnb.com, www.vrbo.com and other similar website; or
- e. Through any app designed for booking short term accommodations, temporary accommodations or vacation rentals; or
- f. Through any other person, agency, or organization which makes arrangements for, or which itself reserves, short term accommodations, temporary accommodations, or vacation rentals; or
- g. At a nightly or weekly rate.

The CRT found that the original bylaw was "awkwardly worded." After analysis, the CRT determined that while the original bylaw applied to both short-term accommodation licences and leases, it did not permit the strata corporation to fine the owner for licencing the strata lot for a short-term period. The amended bylaw only applied to licencing agreements and it did not permit the strata corporation to impose fines for advertising a strata lot for such use. The limited language of the bylaws prevented the strata corporation from imposing a total of \$54,800 in fines – a devastating financial loss that could have been avoided.

Updating Bylaws continued

Carefully worded bylaws show how they apply to activity the strata can legally regulate.

Section 121 of the Strata Property Act (SPA) cautions that a bylaw can only be enforced if it does not contravene any other provision of the SPA, or any other enactment or law, or improperly restrict an owner's right to freely sell, lease or mortgage any interest in a strata lot. Section 126 of the SPA permits stratas to change, repeal, replace, add to, or amend bylaws. Practically speaking, stratas can either update all bylaws at once or tackle revisions one bylaw at a time.

If a strata is concerned of outdated or possibly unenforceable bylaws, it should consider hiring an experienced lawyer to review them before submitting for approval by the owners. Remember, notices for general meetings where a bylaw amendment will be considered needs to include a properly worded $\frac{3}{4}$ vote resolution, along with the full text of the proposed bylaw, and be distributed at least 20 days in advance of the meeting.

The bylaw resolution must be approved by the owners by the proper vote threshold and with quorum established. The voting threshold varies depending on the type of strata development. Section 128 of the SPA requires a $\frac{3}{4}$ vote approving the bylaw amendment for a residential strata development. Non-residential strata developments permit bylaw amendments by either a $\frac{3}{4}$ vote of the owners or another percentage if established in the strata corporation's bylaws. Bylaw amendments in mixed-use developments, require approval by both the residential (by a $\frac{3}{4}$ vote threshold) and non-residential owners (either a $\frac{3}{4}$ vote or the voting threshold established in the strata corporation's bylaws) in order to pass. If the amendment is not voted in favour of by both the residential and non-residential strata lots in a mixed-use development, the bylaw amendment will not pass. Once approved, bylaw amendments must be filed in the land title office, otherwise they have no effect.

This article is for general information purposes only and does not constitute legal advice. Every situation is unique and readers are encouraged to seek out the advice of a lawyer when implementing the strategies suggested in this article.



Photo by The Northwest Forager

Benefits of Being on Council

Joining your strata council can be very rewarding for connecting with your community and learning about the ongoings in your strata. We've been surveying council members for the past five years and are continually delighted that **85% of all members enjoyed their time on council.**

If you are on council and wonder why you haven't taken this survey, it is because we only ask members after they have served their term and are no longer on council. We have a 95% completion rate and really appreciate those 350+ members for taking the time so we can listen and learn from their input.

The top three reasons those surveyed enjoyed their time on council were:

1. Connection and contribution to the community.
2. Being informed on how money was spent and learning about the ongoing processes of maintaining the strata.
3. Ability to effect change.

Another question we asked was how we can encourage more people to join council with the top three themes emerging:

1. Explaining the roles and highlighting how important it is to be on council.
2. Communicating to owners about what is being worked on and letting them know their input is valuable.
3. Let owners know how fun it can be to connect with your fellow members.

It was also interesting to see that there is a mix of new and experienced people joining council. 58% of members were new to living in stratas.

There was feedback about too many emails as well, which is something we are actively working on with all of our councils.

Finally, we asked why they left council with most sharing that their term was up and they wanted to pass the opportunity on to someone else. Speak with a current member or your property manager if you're interested in joining.

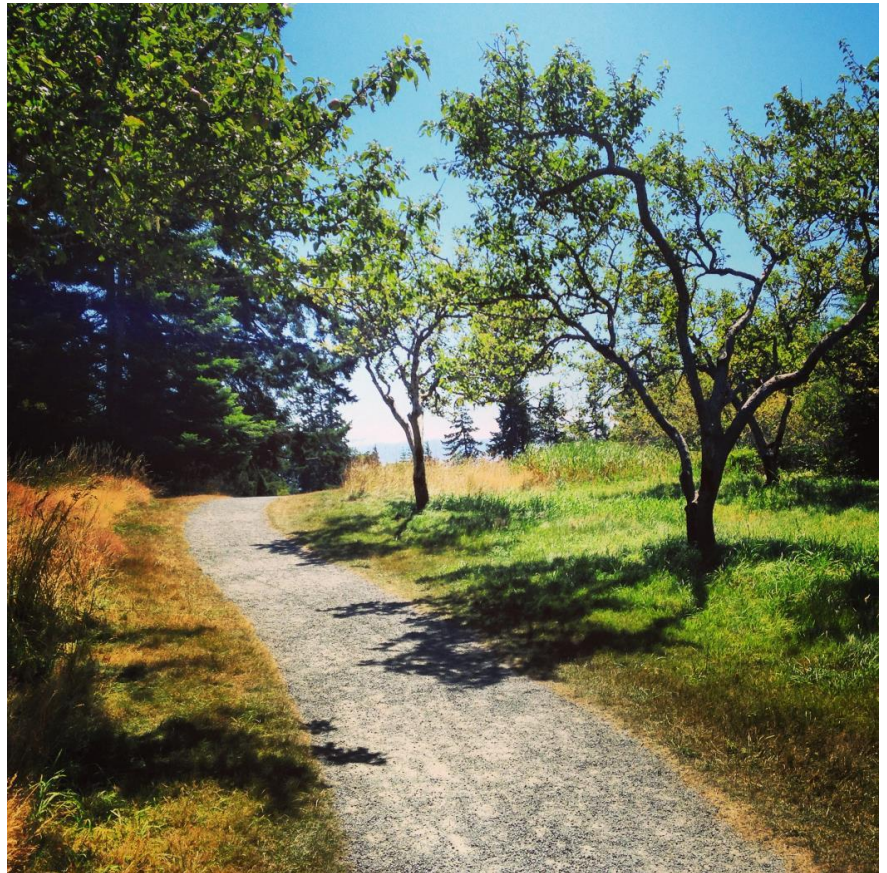
LEARNING STATION – CHOA Lunch & Learns

CHOA continues their Lunch & Learn sessions, bringing together experts to discuss items affecting BC's strata communities. Written and presented to assist strata councils, strata managers, owners, contractors, service providers and industry partners, these webinars are conducted via Zoom and are free to attend.

The next two sessions are:

- **August 3rd from 12:00 – 1:00**
Insurance Risk Bylaws and Educating your Residents
- **August 17th from 12:00 – 1:00**
Roofing Maintenance & Inspections: What to do, what not to do!

For more information about CHOA and to register for upcoming seminars, visit their site at <https://www.choa.bc.ca/seminars/>.



Big, Wonderful Changes!

The future is looking bright and we are delighted to be transitioning back to in person meetings again. Our offices are open and we look forward to seeing you. We plan to finish construction on our new building on Attree in the Westshore soon and are very excited to show you our Client Resource Centre and host general meetings in our Event Space in September and onward. Our Burnside office remains to operate with the same levels of service as it always has.

More exciting news is coming from our online world. We are looking at new software options to provide better, faster service to keep our clients happy. A new system will allow self-serve options including viewing your real time account ledger, paying fees online and providing access to strata documents through a new portal.

Speaking of happy clients, we are starting a new quarterly survey that is simpler for you to provide feedback on our services. We want our clients to be pleased with our service and we want to be able to make changes that are of value, are useful and helpful to you. Unlike past surveys with lots of questions, we have limited ourselves to one question with a rating: How likely are you to recommend Proline to a friend, family member or colleague? This allows you to provide feedback in one click or you can add comments if you wish.

We appreciate any and all feedback you provide in any form and hope this new survey will be easier for you to provide it and allow us to immediately intervene and ensure steps are taken to address any issues – before they linger. Stay tuned for the first one coming your way soon.

New Community Members

Welcome to two new developments, The Wade in Harris Green, who joined us July 1st, and The Crest at Royal Bay in Colwood, who joined us May 1st. We're glad you're part of the Proline community!

Team Updates

Welcome to Allira as our Front Stage Coordinator in Courtenay, Kimberley, as a new to us Property Manager in Victoria, Samantha and Dan, as new PM trainees in Victoria, and congratulations to Adam for his recent transition into Property Manager trainee.

We bid a happy retirement to Michael Peters at the end of April. Michael was our first Property Manager, starting with Proline in 1991, and is greatly missed around the office for his incredible stories, cheer and knowledge and we wish him happy sailing.



COMMUNITY CORNER – Habitat for Humanity

Some 14% of renter households in the Capital Region are defined as being in "core housing need", meaning they do not live in, and are unable to access housing which is affordable, in adequate condition, and of suitable size. An affordable home provides the strong foundation on which families can build their future.

Habitat for Humanity Victoria brings communities together to help families build strength, stability and independence through affordable homeownership.

Habitat for Humanity Victoria believes that homeownership brings stability, safety and self-reliance. They partner with families who are ready for the responsibility and challenges of homeownership, including the financial commitment. These families work alongside volunteers and skilled trades people to build their home and purchase it at fair market value. Habitat Victoria provides the affordable financing piece by establishing mortgage payments that are no more than 30% of the family's gross income. Habitat Victoria's Homeownership Program is available to families from all cultures and faiths without discrimination.

Habitat for Humanity Victoria is a registered charity founded in 1990 and has built 34 homes locally and served 34 families.

Proline partners with Habitat for Humanity to provide services to strata complexes they have built. We teach owners how to run a strata corporation for a couple of years, to provide them with all the tools they need to run the strata on their own from there.

How does Habitat for Humanity work?

Through volunteer labour, efficient management and tax-deductible donations of money and materials, each homeowner invests 500 hours of their own labour through volunteer service into Habitat projects, its ReStores, and through the charity's events. Habitat houses are sold to qualified families at fair market value and are financed with affordable mortgages. The homeowners' monthly mortgage payments go into a revolving fund, which is used to build more homes.

A 2014 study revealed that Habitat for Humanity initiated \$39 million in social benefit through its Canadian housing program. Every \$1 invested produces a \$4 return to society. Worldwide, Habitat for Humanity has improved shelter conditions for over a million people, helping one family every 11 minutes.

- **Families BUILD their home in partnership with Habitat**
- **Families BUY their home at fair market value**
- **Habitat RE-INVESTS the mortgage payments to help the next family**



Inside the Heart of Proline

Summertime

Drums please!

Time to sit back and unwind. I'd be lying if I said I can't remember who said that, because I can. It is the first thing I thought when I saw the theme for this edition of the Pulse. And it feels appropriate right now. The unwinding, that is. Drums would be a bonus. These last 16 months have seen us through some really tough times. And while we all worked together to transcend challenges that could have hurt us, it was really hard work. And that kind of work needs a break. The unwinding.

I am not a huge fan of hot weather, so that part of summer I don't really look forward to. But what I do love about hot weather is what it does to cold bodies of water. I love to swim outside. And while I will brave quick dips in almost any body of water at any time of year, there is something different about the relaxation of summer swims. In and out of the water with no need to rush inside or figure out a warming up strategy. Days at a lake take on a whole new tone when a spontaneous swim is a possibility. And sometimes even a necessity!

Even the beautiful oceans that surround us offer beautiful swimming in the heat of summer. A couple of years ago, I was swimming with a friend at McKenzie Bight and immediately after scrambling up onto some rocks by the water, an orca passed right below us. About ten second out of the water and there was a whale. I will probably never have an encounter that close again, but what a swim that creates!

In the heat wave we recently experienced, we got to introduce our kids to ocean swimming off McCurdie Point in Finlayson Arm. The way the rocks are set up there, you are treated to a beautiful swimming hole and crystal clear echo chamber. Watching our kids, who are pretty scared of the water still, swim around with no idea there are hundreds of feet of ocean below them was a great summer moment.

While the swimming is great, I think my favourite thing about summer is the ability to be outside in nature for all of every day. For at least a week or two. I will take a summer camping holiday over a winter getaway to summer elsewhere every time. Cooking and eating outside. Just watching the world unfold. For me that is unwinding.

In an industry where we are constantly with, around and engaged with other people, there is something incredibly relaxing, for me, about being away for all of that. Deep in nature. With my family or friends or just myself. Taking it all in. Remembering what it is all about. Finding some rejuvenation in the long days of summer. And preparing for another season.

This last 16 months has been, in many ways, a long winter. The changing of the seasons didn't seem to bring the great changes that they usually do. But this summer feels different. Things are changing everywhere. Opening up. Lightening up. Freeing. So enjoy a swim, spend some time in nature. Do whatever you love to do in summer. But definitely sit back and unwind. And maybe bust out some drums while you do....

~ Andy Spurling