



# FIRSTSERVICE RESIDENTIAL CONNECTIONS

FALL | 2014



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**FirstService**  
RESIDENTIAL



## MESSAGE FROM SCOTT DOUGLAS

PRESIDENT

Dear Valued Client,

Looking back on the summer, we are proud to welcome five new Strata Managers who joined our team over the past few months. These five managers bring more than 67 years of property management and customer service experience to our group, complementing the depth of experience of our current management team.

In early June, we successfully moved into our new office at 200 Granville Street in Vancouver. This move brought together nearly 200 employees from our previous office locations and will allow us to realize new synergies by having a centralized team. Our new office is accessible by SkyTrain, SeaBus, car, foot, or bike, making it convenient for both clients and staff.

As well, we are also pleased to welcome the numerous new properties that joined us as strata management clients since May. We look forward to introducing our new clients to the property management services that more than 100,000 residents across Greater Vancouver trust each day to protect their homes and investments.

We look forward to an excellent fall season and hope you enjoy this edition of *FirstService Residential CONNECTIONS*.

A handwritten signature in blue ink, appearing to read 'S. Douglas'.

Scott Douglas  
President | FirstService Residential BC



# Cloverdale Paint

## RESIDENTS - SAVE AN AVERAGE OF 30% OFF CLOVERDALE BRAND PAINT

To start saving, simply print the 'club card' from your FSRConnect community website (see below) OR use promo code "FIRSSE" at any Cloverdale Paint corporate store

## STRATAS - SAVE AN AVERAGE OF 40% - 50% OFF CLOVERDALE BRAND PAINT

These savings can be organized upon the approval of any common area strata painting project

# **CertaPro Painters®**



## RESIDENTS - RECEIVE A 15% DISCOUNT ON PAINTING SERVICES FOR YOUR HOME

To start saving, contact CertaPro at 1.800.689.7271 and identify yourself as a FirstService Residential client for a free estimate and to book your project

## STRATAS - RECEIVE A 5% DISCOUNT OFF COMMON AREA PAINTING PROJECTS

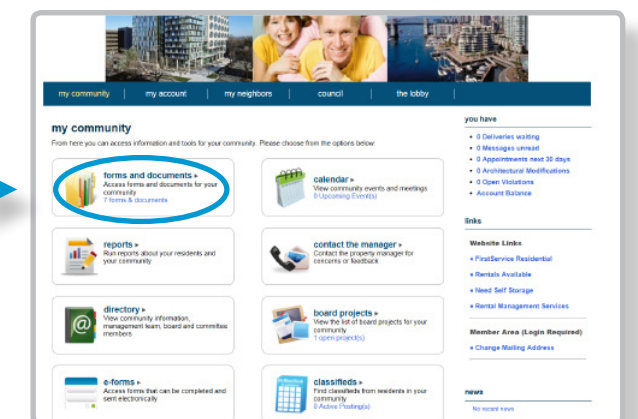
These savings can be organized upon the approval of any common area strata painting project

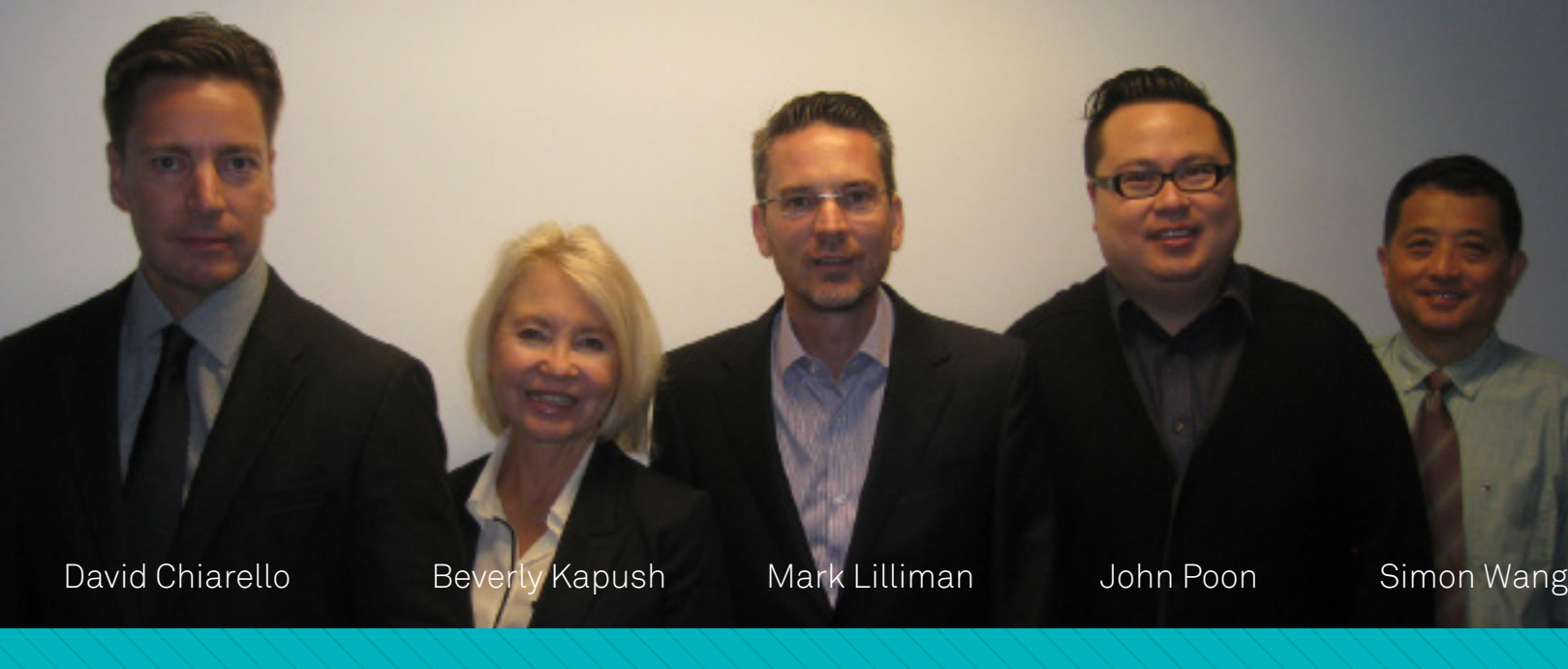
## NEW PAINT SAVINGS FOR RESIDENTS & STRATAS

As part of our commitment to develop new savings for our clients, we are pleased to announce two new savings programs from Cloverdale Paint and CertaPro Painters. Both residents and stratas will be able to save money on paint and commercial painting services. Whether you are painting your unit or your strata has approved a common area paint project, you will be able to save. Take a look at the next page for the new savings available to you.

## NEED MORE INFO?

Information on the savings for residents is available by clicking on the "Forms and Documents" tab and then "Association Documents" button on your FSRConnect community website. Need a login for your community website? Simply email [connect.bc@fsresidential.com](mailto:connect.bc@fsresidential.com) or call our office at **604.683.8900**.





David Chiarello

Beverly Kapush

Mark Lilliman

John Poon

Simon Wang

## MEET OUR NEW STRATA MANAGERS

FirstService Residential is pleased to announce the appointment of five new Strata Managers to our team. Our newest managers bring more than 67 years of combined property management and customer service experience to our clients. Following these new appointments, FirstService Residential now has a total team of 44 Strata Managers, one of the largest teams of any residential management company in Greater Vancouver. Meet our new managers below:

### **Beverly Kapush**

Beverly has worked as a property manager for eight years. She successfully operated her own property management company for four years before selling it to a competitor. She continued to manage the portfolio for a further eight years before joining FirstService Residential.

### **David Chiarello**

David has been a customer service specialist for more than 25 years. He has excelled in the hospitality, telecommunications, and airline industries and has also operated a successful business.

### **John Poon**

John has more than six years of experience as a Strata Manager and combines a fluency in Cantonese with conversational abilities in Mandarin to communicate effectively with clients. John enjoys playing both basketball and football, as well as collecting sports memorabilia.

### **Mark Lilliman**

Mark brings more than 20 years of international property management experience to FirstService Residential. Mark has managed strata, rental and resort properties in Canada, England and Saint Lucia.

### **Simon Wang**

Simon started managing properties in 2002 and is currently licensed as an Associate Broker. Simon is fluent in Mandarin and has proudly served a wide variety of properties and demographics.

## DEVELOPING INDUSTRY LEADERS

As part of our commitment to providing outstanding client service, FirstService Residential has contracted Juri Chabursky of ClarityWorks to deliver a series of full-day professional development workshops for all employees. ClarityWorks is a leadership development company based in Toronto and San Diego. Its President, Juri Chabursky, is an accomplished and sought-after international trainer and motivational speaker.



FirstService Residential will be hosting these new leadership seminars on a quarterly basis and will be covering a variety of topics including effective communication, service excellence, time and stress management, teambuilding and negotiating.

The goal of each session is to provide all FirstService Residential employees with skills and knowledge they can adapt to meet your particular needs as our client. The first sessions were held this past June on the topics of Effective Communication and Service Excellence. Both workshops were extremely well received by all employees who attended. We look forward to continually raising the bar by developing our internal talent to continue delivering exceptional service locally, nationally and internationally.

## DID YOU KNOW?

**Downtown Vancouver is 65% residential!**



# WHEN AN EARTHQUAKE STRIKES, WILL YOU BE PREPARED?

Having a plan in place before an earthquake strikes goes a long way toward keeping you, your friends and your neighbors safe. Here are some tips for staying prepared.



## Don't Sleep Under a Window, Because...

- Windows shatter
- Tree branches and other debris might crash through a window
- Shattered glass can cause serious injuries
- Like your bed, be cautious of where you place your sofas and chairs too

## Assemble Grab & Go Emergency Kits

You'll want to be prepared for the worst-case scenario, extended event.

- Medications
- Bandages
- Dry food
- Water
- Flashlights
- Can Openers
- Battery-operated radio
- Pet Food
- Extra Set of Car Keys
- Extra Phone Charger
- Durable shoes for each family member



## THINGS YOU CAN DO NOW

### Look Up!

Consider what you have sitting on shelves or hanging on walls that could fall or shatter during an earthquake.

- Keep heavy, metal, or glass objects in low-to-the-floor locations
- Store lighter, shatterproof items such as plastic storage bins higher up

### Fasten Large Items to Walls

Bolt items to wall studs to prevent them from collapsing or falling over.

- Shelves
- Cabinets
- China closets
- Heating units



### Plan to Stay Informed

- Find out if the neighborhood or city in which you live has an alert system in place
- Ask your property management company about email emergency update systems
- Visit your local emergency management office to learn about post-earthquake information systems

## Know How to React

- Drop to the floor
- Try to get near an interior wall
- Take cover under a sturdy table to avoid falling debris
- If you're in bed, stay there, curl up and cover your head with a pillow for the duration

**Red Cross Warning: Do not hide under a doorway!**



## Stay Indoors

- Don't try to escape your building during an earthquake
- Resist your instinct to bolt
- Wait until the shaking stops to exit
- Always take the stairs instead of an elevator

## If You're Outdoors, Use Good Sense

- Take cover until the shaking stops
- Find an open area
- Stay away from trees, power lines, street lights, or buildings

## If You're in a Car, Pull Over in a Safe Area

- Stay away from bridges, trees, and power lines
- Keep your seatbelt fastened until the quaking stops

## IN THE AFTERMATH

### Stay Informed

- Remember your plan? Access any emergency updating systems you can
- Use your smartphone to check social media for updates
- Contact out-of-town relatives for information to help you plan your next steps



### Think of Your Neighbors

- Keep in mind elderly and disabled neighbors who may need help reaching safety
- Find out if anyone near you is injured and needing medical attention
- Share your Earthquake Preparedness Plans with your neighbors and encourage them to be prepared, too



### Expect Aftershocks

- In the days, weeks, and months following the initial earthquake you can expect to feel aftershocks
- During an aftershock, follow the safety tips listed above
- Get down and hold on!

# EARTHQUAKE INSURANCE & YOUR PERSONAL POLICY

By Paul Murcutt, CAIB | Vice President, Client Executive at BFL Canada - Earthquake insurance has been a hot topic in recent years in Canada. Media coverage of earthquakes in distant countries has left the world shocked and many British Columbians have started to ask what the risk is, here on our doorstep, for good reason.

According to a recent geological survey of Canada, BC is due for a large earthquake with an estimated 10% probability of it happening in the next 50 years. Here in BC, it is estimated that approximately 25% of the population is living in a strata.

## Your strata policy

Fortunately, earthquake insurance is available to purchase by strata corporations in BC and the vast majority of such corporations obtain that additional coverage to protect themselves and their ownership; however, a significant consideration under that special coverage is the deductible. In the Canadian marketplace, earthquake deductibles are typically shown as a percentage, but a percentage of what? The deductible amount is a percentage of the total insurance value stated on the certificate of insurance or policy Declarations. For example:

- Total insurance value stated on the certificate of insurance = \$20,000,000
- Earthquake deductible = 10%
- Deductible for the strata corporation = \$2,000,000

As illustrated, the deductible amount can be considerable for a strata corporation and there is a more than likely chance there are not enough funds available to pay that deductible in the event of a loss.

## Protect yourself from the financial impact of an earthquake

As per the Strata Property Act, an insurance deductible is a common expense. As an owner, in the event there is not sufficient funds available for the strata to pay the deductible, you would be assessed your portion of this significant deductible based on your individual unit entitlement.

Many people believe they will get relief from the Federal and/or Provincial governments and, whilst in some cases, limited relief may be deployed, the only certain way to protect yourself is to purchase adequate earthquake insurance with your personal insurance policy. Sufficient coverage is essential; you should discuss with your personal insurance broker on how best to protect yourself. If your personal insurance policy is not set up correctly, you may not have any or sufficient coverage to protect yourself from the financial loss of an earthquake. Here are some helpful links to learn more:

1. [publicsafety.gc.ca](http://publicsafety.gc.ca) | 2. [embc.gov.bc.ca/em/dfa\\_claims/dfa.html](http://embc.gov.bc.ca/em/dfa_claims/dfa.html) | 3. [ibabc.org](http://ibabc.org)

## PROPERTY SECURITY: Improving the Status Quo

One of the most common calls we receive at FirstService Residential BC relates to building security. This includes vehicles and storage rooms being broken into, parkade gates being cut, doors being wedged open, just to name a few. Typically, the amount of items stolen can be considerable, however, most of the time nothing is taken - curiosity leads criminals to see if something of value is easily accessible. What can be done to reduce break-ins and prevent theft? A number of items - starting with the residents in the building:

- 1 Form a local "block watch". Owners can take turns walking around the building looking for the early signs of attempted break-ins. Marks or damage to doors, around locks and frames, may indicate attempts at a forced entry. Create an inspection form to check key areas regularly.
- 2 Conduct periodic security audits. Keys, fobs and security cards should be verified with residents to ensure they are not missing or misplaced.
- 3 Contact contractors that specialize in hardening of a building - the process of installing lock guards and protective plates in key areas throughout the building to send a statement to those trying to break in.
- 4 Make certain the building landscapers keep shrubs and trees pruned around doorways and lighting.
- 5 Remove identification plates to storage rooms. Signs that state "Bike Storage Room" create an instant target. Frost or block out windows on storage room doors.
- 6 Keep residents apprised of any criminal activity in the building and the neighbourhood. Have a process in place for residents to report observations. The residents of the building are the best resource to reduce crime.

This article was prepared by Gerry McRobert, Regional Director at FirstService Residential BC. Gerry has more than 25 years of experience in facilities management, having worked for some of Canada's largest facility services companies.



# THE SUMMER IN PHOTOS



Summer Staff Party



2014 Annual Staff Picnic



Employee "Selfie-bration"



Wellness Committee - Dragon Boat Racing

# MAJOR LEGISLATIVE CHANGES

## Impacting Repairs & Best Practices

**By Cora Wilson** - Cora is the founder and owner of C.D. Wilson Law Corporation. She is a Strata Lawyer, Educator, Publisher, Editor, and Author and has been practising strata law for more than 20 years.



Recent amendments to the Strata Property Act (“Act”) will make it easier for a strata corporation to repair and maintain their buildings.

The first legislative amendment changes the voting threshold at a general meeting of owners from a ¾ vote to a majority vote when funding a depreciation report or approving repairs recommended by a depreciation report from the Contingency Reserve Fund (the CRF).

The second legislative amendment permits a strata corporation to proceed with a court application to obtain an order for repairs in the situation where a ¾ vote resolution for a special levy fails, but more than 50% of the votes cast were in favour of the resolution. It is important to remember the strata corporation must approve the funding to proceed with court action. It is recommended that the strata corporation obtain advice from a qualified strata lawyer to verify that this amendment applies to the strata corporation in question.

Recent reviews of resolutions approved by strata corporations reveal major flaws which could result in resolutions being struck down if challenged. The consequences could be catastrophic since the resolution forms the foundation for funding repairs, paying contractors, financing the repairs and collecting arrears. If the resolution falls, then the owners’ legal obligation to pay also falls. The process could become a house of cards.

The following discussion reviews the new legislation in a summary fashion, addresses some of the pitfalls and outlines the process for

a strata corporation to follow as a best practice.

### Summary of Legislative Amendments

As of April 9, 2014, section 92 of the Strata Property Act (the “Act”) was amended to clarify that the cost of a depreciation report can be an operating expense. This means the cost to obtain a depreciation report may be included in the annual budget, which is approved by a majority vote. Also effective April 9, 2014, the cost to obtain a depreciation report can be paid out of the CRF by a majority vote (s. 96(b)(i)(A)(I), Act).

This creates an exception to the general rule that a ¾ vote resolution is required to approve expenditures from the CRF. Owners are now permitted to approve funding for repairs, maintenance or replacement recommended in the most recent depreciation report by a majority vote (s. 96(b)(i)(A)(II), Act).

By way of summary, a strata corporation can now use a majority vote to fund both a depreciation report and the work recommended in the depreciation report from the CRF.

It is anticipated that these changes will result in more strata corporations proceeding with depreciation reports and addressing major repair programs in a planned, reasonable and timely fashion to meet the mandatory statutory duty to repair imposed by the Act.

The team approach comprising of appropriate qualified certifying professionals, qualified contractors, a strata lawyer, a strata manager and other qualified persons is recommended to ensure that the strata corporation meets



the minimum standards. They safeguard the process by ensuring that the strata corporation acts within the scope of its statutory authority, both substantively and procedurally, adheres to due process, provides transparency and complies with the mandate provided by the approved resolutions.

Special levy resolutions still require a ¾ vote of owners at a general meeting (s. 108, Act). Effective December 12, 2013, the strata corporation may apply to the Supreme Court for an order approving a special levy to address maintenance or repairs defeated by the owners at a general meeting provided that more than ½ of the votes cast favoured the resolution (ss. 173(2) & (4), Act). Previously, a ¾ vote was required to authorize the strata corporation to engage in such litigation. Although it is now easier to proceed to the Supreme Court, many obstacles still remain. This process tends to be political, cumbersome, expensive and uncertain.

Since the funding for such litigation still requires a ¾ vote, I recommend that sufficient monies for legal costs be approved as part of the annual budget. This will allow the council to conduct business, while minimizing the probability of time consuming and often difficult political battles to obtain expenditure approval.

The legislation encourages the use of the CRF as a long term planning tool. Special levies

will likely be used less often given the higher voting threshold required for approval. Clearly it is easier to obtain a majority vote approving monies already available in the CRF than it is to approve a special levy (¾ vote). It is envisioned that more strata corporations will investigate financing options available to them to minimize the burden of a huge repair levy. Both special levies and strata corporation financing (borrowing) require a ¾ vote for approval (ss. 108 & 111, Act). If the CRF is exhausted or insufficient, owners may view financing (borrowing) as a palatable option in appropriate cases. For example, a repair levy of \$50,000 per strata lot amortized over 15 years costs about \$394.00 per month assuming a 5% interest rate (prime plus 2%). It is easier for some owners to pay \$394.00 per month as opposed to coming up with \$50,000 all at once.

One of the objectives should be to ensure that owners do not lose their home if they cannot afford to pay the special levy. When the strata corporation acts as the borrower it gives everyone a fighting chance by minimizing the owner subsidy if some owners default, ensuring that funding is available to pay the contractor when due and providing those owners who are least able to pay with an opportunity to hold onto their investment.



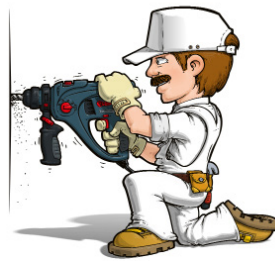
## The Train Wreck Resolution

It is not unusual to find a poorly worded resolution such as the following:

*Resolved: Contingency reserve fund expenditure by majority vote not to exceed \$3,000,000 to replace up to 30 roofs with cedar shakes in 2014, 30 roofs in 2015 and the remaining roofs in 2016. Approved. The major problems with this poorly worded resolution include the following:*

- A.** The strata corporation only has \$500,000 in the CRF;
- B.** The depreciation report did not require all of the roofs to be replaced over a 3 year period; and,
- C.** A  $\frac{3}{4}$  vote is required to approve significant changes in the use or appearance of common property (s. 71, Act).

The failure to comply with substantive provisions of the Act is fatal. If a portion of the resolution cannot legally be approved by majority vote, then the whole of the resolution is in jeopardy of being struck down in the event of a challenge. The Courts do not have the power to save fatal resolutions - hence, approving a defective resolution in this case is akin to approving expenditures out of a bank account containing insufficient funds. The contractor will rely on this resolution as evidence that there are sufficient funds available to pay its accounts as they fall due. In fact, the funding is grossly inadequate. There are other problems with this resolution. For example, the scope of authorized work is vague and uncertain and the phasing order of the work is not addressed.



The question is whether a strata corporation should act upon an approved resolution which fails to meet minimum legal standards. The council should seek legal advice from a qualified strata lawyer. As a matter of practice, the political process should always be exhausted before commencing legal proceedings. It could be that the resolution may be revised and ratified by a further vote of owners at a general meeting. This course of action is always recommended over proceeding with major repairs that rely on a flawed resolution.

The strata corporation should not proceed with the project for the following reasons:

1. There are insufficient monies in the CRF (short by \$2,500,000) to pay for the roofing project, which requires an estimated amount of \$3,000,000 to complete.
2. Awarding the contract or a tender to a contractor for the complete scope of work (\$3,000,000) could place the strata corporation in a potential breach of contract situation if funding is not available as the project proceeds.
3. Approval of the CRF resolution is predicated upon the approval of a further special levy resolution to provide the balance of the funding required to pay for the entire project. Since this has not occurred and there is no guarantee that it will occur, then moving forward creates the potential for unquantifiable, but avoidable, legal exposure to liability.
4. The wording of the resolution is vague and confusing, creating uncertainty such that the resolution could be struck down on this basis.
5. The failure to obtain a  $\frac{3}{4}$  vote pursuant to section 71 of the Act, if required, is fatal to the validity of the resolution.

## Practice Tips

The process for addressing major repairs and approving the related expenditures is summarized as follows (this list is not exhaustive):

1. Investigate the background of the professionals and contractors;
2. Hire a qualified engineer, building envelope or other professional to assist with the process;
3. Ensure that appropriate professional insurance coverage is available;
4. Retain an experienced strata lawyer where necessary;
5. Obtain an estimate of probable costs for the repairs from a qualified certifying professional or obtain a reasonable number of quotes from qualified contractors for smaller projects;
6. Determine whether the proposed repair is recommended in the most current depreciation report,
  - If yes, those repairs may be approved out of the CRF by majority vote subject to the availability of funds;
  - If no, a  $\frac{3}{4}$  vote resolution is required to approve:
    - i. a special levy;
    - ii. expenditures out of the CRF for repairs which are not recommended in the depreciation report; or,
    - iii. strata corporation financing (borrowing);
7. Consider preparing two resolutions for owner approval if there is a concern that the  $\frac{3}{4}$  vote may not be approved to permit a partial repair;
8. Address the options for funding the project, including: strata corporation financing (borrowing), special levy, CRF, or a combination thereof;
9. Keep the owners informed regarding the project throughout including: information meetings with the professionals, newsletters, web-site, and other means;
10. Address any political, legal or construction obstacles or concerns in a reasonable and timely fashion;
11. Instruct a qualified strata lawyer to prepare the resolution(s) where necessary.

The implementation of the major repair project is beyond the scope of this article. Strata corporations can seek legal advice from a qualified strata lawyer when addressing repair projects to provide input and advice throughout the process.

# RENTAL MANAGEMENT

**Did you know that FirstService Residential is not only the largest strata management company in Greater Vancouver, but also has a very dedicated and experienced department in Rental and Commercial Property Management?**

From purpose built rental apartment buildings, to shopping centres, office buildings and over 700 individually owned condos and houses – we do it all!

If you live in a strata condo, it would be very beneficial if FirstService Residential was to manage the rental units within your building on behalf of your owners who live abroad or who are local investors.

The synergies created having the same management company handling the strata affairs as well as the rental tenancies are immeasurable.

It is the best idea to have a professional management company take care of your acquisition or other rentals in the building. To some the strata world is daunting, but when you have experts that understand the rules to live within it, it can be frictionless and a most satisfying adventure. An example is that it is important that all tenants be registered with the Strata via a specific Form K that indicates they understand and will follow the strata's Bylaws and Rules.

If you or any of your neighbours would like assistance in managing and renting the strata units, please give us a call or send us a note.

Judith Harris  
General Manager, Investment Properties | FirstService Residential  
T: 604.689.6975  
E: [judith.harris@fsresidential.com](mailto:judith.harris@fsresidential.com)



Tenant Screening



Rent Collection



Experienced Guidance

# NEW LEDINGHAM MCALLISTER PROJECTS JOIN FIRSTSERVICE RESIDENTIAL

As BC's original Real Estate Developers, Ledingham McAllister has played a major role in the province's construction industry with a continuous history of commitment, integrity and performance dating back to 1905. In addition to our new clients highlighted to the left, FirstService Residential also welcomes the new Ledingham McAllister developments below to our family of strata clients.



**STORYBROOK** - The two-time award-winning strata is nestled in a residential enclave in South Burnaby. This exciting community is now complete and features a private park-like courtyard with picnic tables and a children's play area overlooking the newly restored section of Byrne Creek. Residents can access local walking and bike trails, plus find the shops and services just minutes away.



**SALTAIRE** - Recognized as an urban landmark in White Rock by Mayor Wayne Baldwin, this move-in ready boutique community of 36 homes is located in a pedestrian-friendly neighbourhood at Thrift Avenue and Johnston Road. Each home offers panoramic windows inviting in natural light. The area is flush with boutique shops, restaurants, scenic trails and sandy beaches.



**DOMINION** - The move-in ready Dominion is New Westminister's best-selling community and stands prominently across from City Hall. Homeowners can take advantage of all the neighbourhood amenities that Columbia Street has to offer within a short walking distance. Plus they can enjoy the shops and services of the New Westminister Quay and Big Bend Crossing located minutes away.



**RADIUS** - A boutique community in Kitsilano that will include 50 open-concept homes with spacious patios or roof-top decks offering panoramic views of the North Shore. Minutes away from Downtown Vancouver, Kits Beach, and Granville Island, Radius connects you quickly to Vancouver's most desirable neighbourhoods.



**AVIARA** - Quickly becoming Brentwood's most iconic tower, this 32-storey tower will offer exceptional amenities; A striking waterfall welcoming you to the entry of this stunning high-rise with its spacious, hotel-inspired lobby. Owners will have access to many luxuries, including: a full-service kitchen, a communal study nook, private fitness centre, tranquil pond, and more.

To learn more, visit [www.ledmac.com](http://www.ledmac.com)

# THE USE OF VIDEO SURVEILLANCE BY STRATA CORPORATIONS

By Clark Wilson LLP

A 2010 decision of the British Columbia Privacy Commissioner's Office provides useful guidance for all strata corporations using or considering the use of video surveillance. In Order P09-02 (Shoal Point Strata Council), certain strata residents had complained to the Commissioner's Office regarding the use of video surveillance in their strata corporation. In response to the initial complaint, the strata corporation adopted a "Policies and Procedures for Video Monitoring", but the complainants were of the opinion that their privacy rights were not sufficiently addressed by the policies and procedures, given the type of surveillance that was being undertaken. The complainants agreed that video surveillance served a useful security purpose at the building entrances and in the parkade, but felt that the use of video surveillance in the pool area and outside the fitness centres was not warranted. They were also concerned about the use of the footage to determine bylaw infractions, as well as the live-feed from certain cameras to all units in the building.

After carefully reviewing the issues and evidence, the Adjudicator made a number of findings:



**1. The surveillance cameras at the entrances and in the parkade served the purpose of preventing unauthorized access and also protected the safety and security of residents. However, the Strata Council was required to provide, within 20 days, a description of the location, prominence and wording of the signs notifying individuals of the video surveillance.**

**2. Use of the video surveillance to enforce minor bylaw enforcement was not a reasonable use and contrary to section 14(1) of the Personal Information Protection Act. There was no evidence that the Strata Corporation was using the video footage to enforce serious bylaws and rules involving the security or safety of residents and review of the tapes to catch minor infractions was not warranted.**

**3. The use of the video surveillance in the pool did not address an alleged safety concern and was an unreasonable invasion of the privacy of persons using the pool. Likewise, the use of cameras outside the fitness area was not warranted. The Adjudicator did leave open the possibility that, if there was a reasonable purpose for using the surveillance in the pool and fitness areas in future, it could be considered. However, there would have to be a serious security or safety concern involved.**

**4. Providing live-feeds from the cameras at the entrances to all residents simply did not meet a "reasonable person standard". The Adjudicator noted that, while the feature might be popular with some residents, there was no evidence as to how such feeds increased the security of the building.**



**5. The Adjudicator also concluded that daily viewing of footage from cameras in the absence of a complaint or evidence of an unauthorized entry, theft or threat to personal safety was not warranted. Thus, the video tapes should be stored for the three weeks that the Strata Corporation was keeping them and only viewed if there was a legitimate reason to do so.**

Underlying the Adjudicator's decision was his concern that any video surveillance be reasonable in the circumstances and balance safety and security issues against privacy rights. Thus, the surveillance had to meet the reasonable person standard. The Adjudicator noted that the Strata Corporation had not passed a bylaw authorizing the collection of personal information under section 12(1)(h) of the Personal Information Protection Act, which allows the collection of personal information authorized by law, and that such a bylaw would preclude the need to obtain explicit or implicit consent of individuals. However, even if a bylaw was adopted, the bylaw would also have to meet the reasonable person standard.

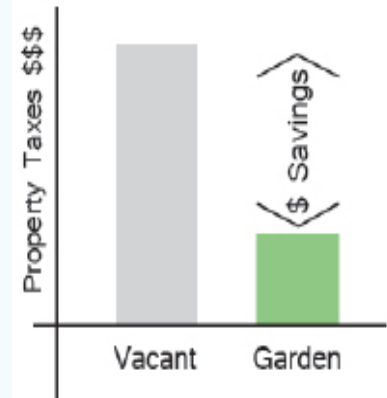
The decision is the first such decision from the Privacy Commission dealing specifically with video surveillance in condominium buildings and should prove to be a useful guide for strata corporations.

This article was re-produced from Clark Wilson LLP's *STRATAgies* publication. Author Larry Munn is a partner of the firm and Chair of the Privacy Law Group. He is also a member of the Business Litigation, Higher Learning, Intellectual Property and Insurance Groups. His practice focuses on administrative and regulatory issues and complex litigation. Larry has both a Diploma in Legislative Drafting and an LL.M. from the University of Ottawa.

Continued on next page

# COMMUNITY GARDENS & TAX SAVINGS

The Investment Properties division of FirstService Residential BC, which specializes in the management of rental units, rental buildings, commercial properties, and industrial sites has partnered with Shifting Growth, a charitable organization, to establish temporary community gardens as an interim land-use (see photos to the right). The temporary garden infrastructure sits atop the surface of vacant lots in urban areas. Commercial clients and community members have begun participating in the gardens with a clear understanding the spaces are temporary.



The lower carrying costs of these gardens **can help reduce property taxes by over 66%**. The service fee to install and maintain the gardens is taken as a percentage of the savings, so there is no cost to the landowner. The gardens have no permit or rezoning requirements and offer community members

new growing space. Established in 2011, Shifting Growth is a registered Charity that transforms vacant spaces into temporary community gardens. Currently, Shifting Growth manages over \$15m in private property throughout the Lower Mainland. To learn more, visit [www.shiftinggrowth.com](http://www.shiftinggrowth.com).



Have a suggestion for our next newsletter?

Please email [newsletter.bc@fsresidential.com](mailto:newsletter.bc@fsresidential.com)

## ALS ICE BUCKET CHALLENGE: EMPLOYEES RAISE \$1,300

During this year's annual company picnic, more than 20 employees took part in the infamous ALS Ice Bucket Challenge, drenching themselves in ice-cold water to raise money and awareness for ALS Canada. In total, we are proud to have raised more than \$1,300 for ALS research. Below is the link to the full video of the Ice Bucket Challenge.



**Youtube Video Link**

<https://www.youtube.com/watch?v=-XzgpLW6f1A&feature=youtu.be>

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