



AGENDA

Agenda for the Regular Meeting of the Tahsis Village Council
to be held on June 19, 2018 in the Council Chambers
Municipal Hall, 977 South Maquinna Drive

A. Call to Order

**B. Introduction of
Late Items**

**C. Approval of the
Agenda**

**D. Petitions and
Delegations**

E. Public Input # 1



**F. Adoption of the
Minutes**

- 1 Minutes of the Regular Council meeting held on June 5, 2018**

H. Business Arising

- 1 2018 UBCM Attendance**

- 2 Protecting and Preserving McKelvie Creek Community Watershed**

- 3 Tahsis Recreation Centre Rental Policy**

J. Council Reports

1. Acting Mayor Taylor
2. Councillor Overton
3. Councillor VanSolkema
4. Councillor Bellanger

K. Bylaws

- L. Correspondence**
- 1a **Rita Dawson, Representative McKelvie Matters Re: Resoluton opposing logging in the Mckelvie Watershed**
 - b **Martin Davis, Representative McKelvie Matters letter to Premier John Horgan Re: Logging in Tahsis' watershed**
 - 2 **Brooke Jones Re: Recreation Center - Rock climbing wall**
 - 3 **Jonathan X. Cote, Mayor of the Corporation of the City of New Westminister Re: Changes to the Strata Property Act**

M. New Business **None.**

N. Public Input #2

Public Exclusion

Recess

Reconvene

Rise and Report

O. Adjournment



Minutes

<u>Meeting</u>	Regular Council
<u>Date</u>	June 5, 2018
<u>Time</u>	7:00 PM
<u>Place</u>	Municipal Hall - Council Chambers

Present

Acting Mayor Randy Taylor
 Councillor Brenda Overton
 Councillor Louis VanSolkema
 Councillor Kathy Bellanger

Staff

Mark Tatchell, Chief Administrative Officer
 Deborah Bodnar, Director of Finance
 Janet St-Denis, Finance & Corporate Services Manager

Public

6 members of the public

A. Call to Order

Acting Mayor Taylor called the meeting to order at 7:00 p.m. and acknowledged and respected that we are upon Mowachaht/ Muchalaht Territory.

B. Introduction of Late Items

- 1 Letter from Allison Stiglitz requesting approval to hold the WWF Canada Children's Walk/ Run under "New Business" as M5.

C. Approval of the Agenda

Overton/Bellanger: VOT 295/2018

THAT the Agenda for the June 5, 2018 Regular Council meeting be adopted as amended.

CARRIED

D. Petitions and Delegations

None.

E. Public Input # 1

A member of the public requested clarification of the municipal fall election dates which staff provided.

F. Adoption of the Minutes

1 Minutes of the Regular Council meeting held on May 15, 2018

Overton/Bellanger: VOT 296/2018

THAT the Regular Council Meeting minutes from May 15, 2018 be adopted as presented.

CARRIED

2 Minutes of the Special Council meeting held on May 17, 2018

Overton/Bellanger: VOT 297/2018

THAT the Special Council Meeting minutes from May 17, 2018 be adopted as presented.

CARRIED

3 Minutes of the Committee of the Whole meeting held on May 29, 2018

Overton/Bellanger: VOT 298/2018

THAT the Committee of the Whole Meeting minutes from May 29, 2018 be adopted as presented.

CARRIED

H. Business Arising

1 2018 UBCM Attendance

VanSolkema/Bellanger: VOT 299/2018

THAT Acting Mayor Taylor, Councillor Brenda Overton and Councillor Kathy Bellanger attend and represent the Village of Tahsis at the 2018 UBCM convention.

CARRIED

2 Stephanie Olson Re: Tahsis Little Free Library

Overton/Bellanger: VOT 300/2018

THAT Council approve the "Little Free Library" receptacle to be placed adjacent to "the Local" at 1250 Wharf Street in a location that does not impede pedestrians or interfere in any way with the building tenants.

CARRIED

J. Council Reports

Overton/Bellanger: VOT 301/2018

THAT the Council reports be received.

CARRIED

Acting Mayor Taylor:

Report to Council, June 5th, 2018:

Good evening.

On May 26th, I attended the Board of Trustees Meeting of the Vancouver Island Regional Library Board in Nanaimo. The Audited 2017 Financial Statements report was received along with the report's findings as well as the usual plethora of financial reports. Everything appears to in good order.

The Branch Progress Report spoke briefly to the Tahsis Branch, the update being the lot the Village dedicated to VIRL has been surveyed and planners are looking at how best to situate the building on the lot.

A lengthy debate arose from consent business surrounding Naloxone as a result of several incidences at some of the urban branches. Astonishing to me as having a kit on hand is a no brainer in the midst of an opioid crisis. One cannot make a valid argument against harm reduction and given that the kits are free from drugstores for the asking, that the source pharmacies can and do provide training in the proper administration of the drug, and further that Naloxone is a no fault drug, meaning if administered in error it has no effect or side effects, I can only assume any debate is based more on not in my back yard thinking than it is in facts or logic. It would be my opinion that the Village should have a kit on hand for the Recreation Centre in the unlikely event that an overdose happened on the property. I would hope Council would consider a motion to that end subsequent to receiving the reports this evening.

Respectfully submitted,

Randy Taylor

Councillor Brenda Overton (written report)

Good evening Council,

On May 39th, I attended the Nootka Sound Watershed Society meeting. I brought copies of the status report showing all the intake and releases for Coho, Chinook and Chum. Interestingly enough, for as long as I have been on the Tahsis Salmon Enhancement Society one of the first things I learned from Bill Dwulit, Don Beamin, Richard Illes and Randy Musfelt was while collecting the sperm and the eggs when it was time to match the sperm with eggs we always made sure the big doe and big buck would match up because common sense dictates that this would produce big fish. So when (please forgive me I can't remember who) told NSWS that this was how we should start doing our enhancement, I couldn't help but take pride in the fact that they had caught up to our Tahsis experts.

McKelvie Matters wasn't responding to emails so I gave Martin Davis a call in case my emails had landed in someone's junk mail by mistake. It is imperative that the lines of communication stay open.

Dave Clough validated Councillor VanSolkema's concern that the culvert at Pete's tributary needed replacing. So I was asked to find a cost estimate for the Society. I left this in Mr. Tatchell's capable hands.

Kadin Snook from Mowachaht/ Muchalaht First Nations letter of support opposing Synex is done and once it is ran by the Chiefs it will come back to the Tahsis table. I will be joining Samantha Kagan at the Moutcha Bay Derby on June 23rd at a table for Nootka Sound Watershed Society . Don't be shy, swing by.

Also, tomorrow June 6th, Grieg Marine Seafoods is putting on an educational session from 12 to 4 in regards to mammals and the dangers facing them. As I am already committed to regional appointments I have asked Mr. Tatchell to attend as our whales and other mammals are such a big part of our Tahsis.

I also would like to mention our Sunday Farmer's market. It's exciting to see how it has evolved. I love the social aspect. I have been approached from both sides for and against it. Let's give this a good shot. I am hoping that businesses will put tables of their own out there. I believe all locals should be supported. Even if one does not buy anything the opportunity to meet and welcome new residents, learn about each over and expose ourselves to the public to listen, to me is invaluable.

That is all I will report tonight.

Councillor Brenda Overton.

SEP Status Report

Data Collected to May 30, 2018

	Eggs				Juveniles				Releases				Surv. Fry-Rel
	Taken/ Deposited	Transfers (Out) / In	Egg Plants	On Hand	Ponded/ Emerg	Surv. Egg-Fry	Transfers (Out) / In	On Hand	Unfed	Fed	Smolt	Unknown	
2017 Conuma R Fall Chum	2,664,556				2,562,857	96.2%				2,513,287			98.1%
2017 Tlupana R Fall Chum	740,975				595,496	79.5%				580,356			97.5%
2017 Conuma R Fall Coho	401,338	-100			351,466	87.6%		262,827					
2017 Conuma R Fall Chinook	3,359,899				3,185,899	94.8%		1,180,002		446,492		1,200,071	88.7%
2017 Tahsis R Fall Chinook	112,405			112,405									
2017 Leiner R Fall Chinook	174,599			174,599									
2017 Burman R Fall Chinook	381,440				319,250	83.7%							
2017 Gold R Fall Chinook	230,555				222,388	96.5%					310,769	218,779	97.3%

By 2016 Coho Smolts - Released
92,904.



Enpro For Windows

Salmonid Enhancement Program

Conuma River Hatchery on May 30, 2018 3:10 PM

Page 1

Councillor VanSolkema: (verbal report)

I regret having missed the Committee of the Whole meeting with Western Forest Products, Inc. on May 29th.

Councillor Bellanger: (written report)

Good evening Deputy Mayor & Council

Well it's hard to believe we are already in June. I did not attend the ATV meeting held in Zeballos due to the short notice and prior engagements but I am sure it all went well. I was here for the WFP meeting that was civil but there were a lot of opinions. Some questions were answered by WFP. As far as I understand there will not be any logging this year.

I went to Cathy Falavolito's Celebration of life. It was very nice and heart warming. I saw many old faces. A sad way to see old and new Tahsis residents but it happens.

Also, the "Spring Cleaning" fliers are out. I have to say the dates surprised me as it's usually in May. It is right after Mayor Jude's Celebration of Life; so there will be garbage and junk in front of peoples yards for our visitor to see when they come to Tahsis, some for the first time and some who have not been here for years. Also, the last thing I would like to say is I really like the letter Deputy Mayor Taylor wrote to accompany our taxes. Thank you. Very well done.

VanSolkema/Bellanger: VOT 302/2018

THAT Naloxone kits be available at 3 or 4 different sites throughout the Village (including the Recreation Centre).

CARRIED

K. Bylaws

- 1 Election and Assent Voting Bylaw No. 605, 2018
Re: Adoption**

Overton/Bellanger: VOT 303/2018

THAT Election and Assent Voting Bylaw No. 605, 2018 be adopted as presented.

CARRIED

L. Correspondence

1 Shawna Gagne letter Re: Tahsis Community Food

Overton/Bellanger: VOT 304/2018

THAT this letter be received.

CARRIED

2 Caroline Gladstone, Ehattesaht First Nation's Manager Re: Request for Donations

Overton/Bellanger: VOT 305/2018

THAT this letter be received.

CARRIED

VanSolkema/ Overton: VOT 306/2018

THAT the Village of Tahsis Council approve a donation of \$200 to the "Northern Region Games".

CARRIED

3 Simon John, President, Uniting 4 Communities Re: Request for Donation

Overton/Bellanger: VOT 307/2018

THAT this letter be received.

CARRIED

Overton/Bellanger: VOT 308/2018

THAT the Village of Tahsis Council approve a donation of \$1,000 to the Uniting 4 Communities Society to support the Society for incidental expenses.

CARRIED

4 Janice Brown, Mayor of the Corporation of the Township of Spallumcheen Re: Cannabis Production Facilities on Agricultural Land Reserve Lands.

Overton/Bellanger: VOT 309/2018

THAT this letter be received.

CARRIED

- 5 Nancy Chapman, on behalf of Citizens Protecting Agricultural Land (CPAL) Re: Establishing a 6 month moratorium on further use of agricultural land to grow cannabis.**

Overton/Bellanger: VOT 310/2018

THAT this letter be received.

CARRIED

- 6 Citizens for Safe Technology Re: Action Required- Microcell Resolution & Notice of Wireless Harm**

Overton/Bellanger: VOT 311/2018

THAT this letter be received.

CARRIED

- 7 Federation of Canadian Municipalities (FCM) Re: Special Advocacy Fund**

Overton/Bellanger: VOT 312/2018

THAT this letter be received.

CARRIED

- 8 Ombudsperson's Report Re: Quarterly Report - January 1- March 31, 2018**

Overton/Bellanger: VOT 313/2018

THAT this report be received.

M. New Business

- 1 2017 Statistics Canada Biennial Drinking Water Plants Survey - Tahsis Data**

Overton/Bellanger: VOT 314/2018

THAT this report be received.

CARRIED

2 Tahsis Salmon Enhancement Society Re: Request to construct movable shed

There was a brief discussion regarding access to the hydro meter if the shed is built. The shed will be 4 feet from the meter which is sufficient space for meter reading access.

Overton/Bellanger: VOT 315/2018

THAT this letter be received.

CARRIED

Overton/Bellanger: VOT 316/2018

THAT this request to place a moveable shed in the Public Works yard be approved.

CARRIED

3 Tahsis Council letter to Minister Popham Re: Open net fish farms

Overton/Bellanger: VOT 317/2018

THAT this letter be received.

CARRIED

4 CARIP Report

Overton/Bellanger: VOT 318/2018

THAT this report be received.

CARRIED

Overton/Bellanger: VOT 319/2018

THAT this report be approved be approved for publication.

CARRIED

5 Letter from Allison Stiglitz requesting approval to hold the WWF Canada Children's Walk/ Run on June 24th.

There was a brief discussion about the Streets and Traffic Bylaw. This Bylaw requires Council approval for any event that interferes with the traffic. Accordingly, this event requires Council approval.

Overton/VanSolkema: VOT 320/2018

THAT this letter of request and 2018 Events Guideline be received.

CARRIED

Overton/Bellanger: VOT 321/2018

THAT Council approve the request from Allison Stiglitz to hold the 3 km walk and the 1 km run to be held on June 24, 2018.

CARRIED

Public Input #2

A member of the public commented on marijuana farms and use of agricultural or forest lands.

Adjournment

O. Overton/Bellanger: VOT 322/2018

THAT the Regular Council meeting adjourn at 7:36 p.m.

CARRIED

Certified Correct this

19 day of June, 2018

Chief Administrative Officer

VILLAGE OF TAHSIS			
Policy Title:	Recreation Centre Rental	Policy No.	#4018
Effective Date		Supersedes	
Approval		Resolution Number	

Section 1 – DEFINITIONS

“Applicant” - means the person or organization that seeks to rent or otherwise use the Tahsis Recreation Centre.

“Grant-in-Aid” - means financial assistance or in-kind assistance from the Village of Tahsis

“Recreation Centre” – means the Tahsis Recreation Centre located at 285 Alpine View.

“Rental Agreement” – means the document which sets out the responsibilities of the applicant and the Village.

“Village” - means the Village of Tahsis

Section 2 - PURPOSE

The purpose of the Recreation Centre Rental policy is to provide guidelines for the rental and/or use of the Recreation Centre by third parties in accordance with the Fees and Charges Bylaw No. 594, 2017 and the Grant-in-Aid-Aid Policy #2007. The policy is intended to:

- Promote a safe and enjoyable environment for those who use this facility
- Provide clear guidelines to renters on the rules for renting the facility
- Protect Village assets, including the Recreation Centre building, equipment and property
- Ensure that rentals are provided fairly and consistently to all.

Section 3 – GENERAL GUIDELINES

1. All applicants will complete and sign a Rental Agreement form and pay the required fee(s), maintenance/security deposit, proof of insurance and any other documentation prior to the date of the event.
2. A maintenance/security deposit of \$100, in addition to the rental fee, is required for all bookings and will be refunded if no additional maintenance or damage is caused. The deposit is forfeited if an event is cancelled with less than 72 hours’ notice.
3. The applicant is responsible for setting up and obtaining all materials and equipment for the event. Subject to availability of staff, the Director of Operations may approve using public works personnel to assist with set up or take down for events. A work order must be submitted to the Village office at least 5 days in advance. The fees for this service are found in the Fees and Charges Bylaw

4. All Recreation Centre rentals are subject to approval by the Recreation Centre Staff.
5. Recreation Centre rentals can only be made by an adult 19+ years of age. All child and youth events require adult supervision.
6. The use of Recreation Center equipment is allowed only if approved in advance on the application form. An additional rental fee may be charged for such use.

Section 4 – APPLICANT RESPONSIBILITIES

As per the Recreation Centre Rental Agreement, the Applicant is responsible for:

1. Setting up for the event (unless arrangements have been made with Recreation Director in advance)
2. Completing and submitting the Rental Agreement including copies of required documents
3. Paying the required fee(s) and deposit;
4. Being present at the event at all times during the event;
5. Reporting damages to Recreation Centre staff as soon as possible;
6. Returning equipment and remove personal items at the end of the event including food or beverages left in the kitchen (unless arrangements have been made with Recreation Director in advance);
7. Checking in with Recreation Centre staff after cleanup is completed before leaving.

Section 5 – APPLICANT PROCESS

The applicant must apply to the Village at least two (2) weeks in advance of the event, unless otherwise approved by the Recreation Director, and provide the following:

- Completed Rental Application form;
- Proof of insurance;
- Special Event Server Certificate (if applicable);
- Special Event Permit (if applicable);
- Temporary Food Service Permit (if applicable);
- Payment of Fees; and
- Payment of Damage Deposit.

Section 6 – LICENCES AND PERMITS

1. Special Event Permit

For any event where alcohol is served, the Applicant is required to obtain a Special Event Permit. A SEP permits allows the Applicant to serve, sell and consume alcohol at its special event. The SEP must be prominently displayed, on the day of the event, in the area where liquor is served. A complete copy of the requirements that pertain to this license can be found at <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/liquor-licences-permits/applying-for-a-liquor-licence-or-permit/special-event-liquor-permit>

Applicants can apply for a special event permit at <https://specialevents.bcldb.com/>

2. Food Permit Requirements

Functions or gatherings which are limited to members of their own organization and invited guests are exempt from the *Food Premises Regulation* under the *Public Health Act*. These events do not require a food permit.

Public events, with or without a charge, lasting less than 14 days require a Temporary Food Service permit issued by a local health authority. The permit application must be submitted to the local health authority at least 14 days prior to the event.

More information can be obtained from the Temporary Event Planning Guide available at <http://www.viha.ca/mho/food/index.html>

The application for a Temporary Food Permit can be found here:

<http://www.viha.ca/NR/rdonlyres/72D59E9E-EFD1-450C-970F-3037970F35B0/0/WritableApplicationtoOperateTemporaryFoodServiceJune12017.pdf>

3. Insurance

All Applicants are required to acquire Comprehensive General Liability insurance in an amount of not less than \$1,000,000. If alcohol is served, a greater amount may be required. The certificate of insurance must show the Village of Tahsis named as an additional insured. It is recommended that Applicants purchase insurance from the Municipal Insurance Association of BC through its user-friendly website <https://bc.events.insure/>. Applicants requiring assistance with the accessing the portal or seeking information about insurance can contact the Recreation Director. This is a recommendation only. Applicants can purchase insurance from any broker as long as the insurance is sufficient for the event.

4. Fees and Deposits

Facility and equipment rental fees are charged in accordance with Fees & Charges Bylaw No.594, 2017 Schedule H. Fees and the \$100 maintenance/security deposit is due in full at the time of booking.

Applicants playing pre-recorded music at public events you may be required to pay SOCAN fees. Applicants must comply with the SOCAN rules for playing pre-recorded music and may be required to show they have paid the SOCAN fees or prove they are exempt.

Additional charges may apply to your event for use of special equipment or assistance with set up. Please refer to Fees & Charges Bylaw No. 594, 2017.

Any damaged or lost equipment will be covered by the maintenance/security deposit.

5. Grant-In-Aid

A Grant-In-Aid may be requested by non-profit and community groups. If approved by Council, a grant-in-aid may offset some or all of the fees charged by the Village for the use of the facility. Grant-in-Aid applications are available at the Village Office.

SCHEDULES:

- A. Fees and Charges Bylaw No. 594, Schedule "H"
- B. Grant-in-Aid Policy #2007

SCHEDULE "H"
Recreation Centre

Pool, Weight Room, Gym and Shower No Charge

Room Rental

Pool party	\$75.00	2 hours
Pool rental	\$55.00	per hour
Meeting room	\$30.00	per hour
Kitchen	\$40.00	
		per hour (includes dishes, utensils, equipment, etc)
Gym	\$40.00	per hour
Community organizations	\$5.00	per hour (all rooms)
Bowling	\$5.00	per game
Pool/Billiards	\$2.00	per game

#200



VILLAGE OF TAHSIS

GRANT-IN-AID POLICY

1. Applications must meet all guidelines to be considered.
2. Staff shall review applications for completeness. Applications that fail to meet the guidelines shall be rejected including late applications. Rejected applications will be returned to the submitting groups by November 30th indicating the reason for the rejection.
3. Groups receiving notification of rejected applications can appeal the decision to Council by resubmitting their proposal with a letter indicating the reason for their appeal. Groups may not add or submit new information at this time to modify the original application. Council will rule only on the original application considering if the guidelines were met and not on the merit of the project itself. If Council deems that the application had met the guidelines, the submission shall be included with the other grant-in-aid applications for further consideration. This process shall be completed by December 31st.
4. All applications reviewed by staff and deemed to meet the guidelines shall be forwarded to Council in January.
5. Village Council shall rank in priority order each of the applications and forward this list to staff for tabulation. Councilors may indicate a reduced level of funding for any applications. The reduced value shall be calculated in the tabulations.
6. Staff shall tabulate the results and report back to Council. Council will make any further modifications deemed appropriate to approve the rank ordering of projects.
7. Projects to receive funding shall be those receiving the highest ranking by Council and that fall within the budget parameters established by Council for the grant-in-aid program.
8. This program does not include and is separate from other funding or fee-for-service programs that are approved on an annual basis by Council. Council can modify this list at any time. Organizations and programs annually funded can include:

- Secondary School Bursaries
 - Secondary School Graduation Class
 - Non-Profit service groups
9. When Council has approved the annual Village budget, staff shall undertake the necessary administration for the distribution of funding for the successful grant-in-aid recipients. This is to take into account appropriate press releases to accompany these grant awards.
 10. Staff shall implement a program of accountability such that groups must justify their grant expenditures within one year of award notification.

McKELVIE MATTERS
c/o P. O. Box 303, Tahsis, B. C. V0P 1X0
Email: ceritanne@conumacable.com

May 31st, 2018.

Randy Taylor, Acting Mayor,
Councillors Bellanger, Overton & VanSolkema,
Village of Tahsis,
977 South Maquinna Drive, P. O. Box 219,
Tahsis, B. C. V0P 1X0

Dear Mayor and Councillors,

RE: Resolution Opposing Logging in the McKelvie

We would like to take this opportunity to thank our Acting Mayor for the words in your Message wherein you recognize the *"many residents of Tahsis (who) contribute to public life and service"* and help *"make Tahsis such an awesome community"*. The members of McKelvie Matters likewise appreciate your service to our *"awesome community"* and return appreciative thanks to our Village Council.

On May 7th, 2018 we sent a letter to the Honourable John Horgan, Premier of the Province of British Columbia outlining our concerns about Western Forest Products plans to log the McKelvie and affect our watershed, hiking trail and the safety of our community (10). To date we have not received a response, but we are pressing on with continuing plans to bring this matter fully to the attention of the Premier and appropriate Ministers.

We clearly understand the fact that, "Tahsis Council aligns itself with the Mowachaht/Muchalaht in recognition that the Nation has aboriginal title and right to the land and sea in its territory". Undeniably, the Mowachaht/Muchalaht First Nation is a substantial part of the equation, but time is not on our side in waiting for their response. We feel it is imperative that Premier Horgan be made aware of the fact that Mayor and Council of the Village of Tahsis are opposed to logging within our community watershed. Therefore, we hereby request that Council pass a resolution opposing logging in the McKelvie and the ridge above the Village.

Yours truly,



Rita Dawson, Representative
McKelvie Matters

cc: Mark Tatchell, CAO
(1) Letter to Premier Horgan

McKELVIE MATTERS
c/o P. O. Box 164, Tahsis, B. C. V0P 1X0
Email: iskarst22@gmail.com

May 7th, 2018.

Honourable John Horgan, Premier,
Province of British Columbia, Office of the Premier,
P. O. Box 9041, Stn Prov Govt
Victoria, B. C. V8W 9E1

Dear Premier Horgan,

The citizens of Tahsis are extremely concerned about proposed logging plans affecting our watershed, hiking trail and the safety of our community. Western Forest Products, through TFL 19, is moving ahead with plans to build roads and log directly above Tahsis.

The slowness in providing protection for old growth forests has literally come home to roost in the Village of Tahsis and is of deep concern to all residents. The McKelvie Creek old growth forest is the community's drinking watershed and is the only remaining intact watershed in the Tahsis region. McKelvie provides about 90% of the local nesting habitat for the endangered sea bird, the Marbled Murrelet. Recently both the federal and provincial governments have spoken of the need for increased protection for endangered species. Cut blocks are also planned on the adjacent route of the ancient Maquinna Trail. McKelvie and the Maquinna Trail are both within the unceded territory of the Mowachaht Muchalaht First Nation peoples. Also, from the community's perspective, logging directly above the village and its school, presents dangers due to blasting a road across steep unstable slopes. Catastrophic road collapse is a frequent issue in our region, which receives rainfalls of up to 6 metres per year! In the past this mountain has a history of releasing large boulders onto the village site below during earthquakes. For example, when the school was built, large boulders were cleared from the site. So, the last thing we want to see is increased risk to our citizens from this short-sighted activity.

When the last sawmill was shut down by the logging company, Tahsis was forced to reinvent itself as a fishing and ecotourism destination. Opening clearcuts immediately above town would impair our long term economic recovery and would damage our destination hiking trail plus interfere with multifaceted eco-tourism opportunities. One opportunity we would like to explore for McKelvie is the possibility of a future forest research station due to its current pristine condition and proximity to the village.

On April 10th of this year our concerns were raised through the Vancouver Island Water Watch Coalition presentation, thanks to caucus chair Leonard Krog, wherein ten

MLA's met with VIWWC representatives to discuss watershed issues on Vancouver Island.

We are familiar with the history on the east coast of Vancouver Island (E & N Railway) concerning both logging on privately owned land within community watersheds and the relentless destruction of old growth forest habitat and do not want our community and landscape to suffer the same fate.

The Village of Tahsis Council has met with the Mowachaht Muchalaht First Nation representatives this past Thursday, May 3rd with plans for a follow-up meeting between our community group, the Village Council and Band Council. Many of our local community groups have added their support, plus we have the support of the Sierra Club, the Ancient Forest Alliance and the Wilderness Committee.

Time is of the essence as Western Forest Products have recently pulled out of talks with the Village of Tahsis and have begun engineering layouts above town. Also, to date, they have not consulted with the local First Nation. Therefore, we respectfully request that we meet with you to address the concerns of the people of Tahsis regarding placing an immediate moratorium on all logging activities within the McKelvie and surrounding environs.

Awaiting your reply, we remain,

Yours truly,



Martin Davis,
McKelvie Matters

Encl: VIWWC Presentation - McKelvie Matters
Brochure and Vision Statement

cc: Hon. Doug Donaldson, Minister of Forests, Lands, Natural Resource
Operations & Rural Development
Hon. George Heyman Minister of Environment & Climate Change
Hon. Claire Trevena, Minister of Transportation & Infrastructure
Catherine McKenna, Minister of Environment & Climate Change
Village of Tahsis
Mowachaht Muchalaht First Nation Chief and Council

L2

Village of Tahsis Municipal Office
977 South Maquinna Dr.
P.O. Box 219
Tahsis, BC V0P 1X0

Tuesday, June 12th, 2018

To: Village of Tahsis Council,

I am writing to you asking for your financial support towards the re-opening of the Tahsis Recreation Centre rock-climbing wall.

Over the past 6 months, many community members and myself have been working *very* hard on this project. This includes facilitating a bottle drive, collecting cash & online donations and selling emergency preparedness kits. As a result, we have fundraised \$1,979.18, which helped pay for the successful inspection of the wall and will help buy climbing equipment in the future.

The rock-climbing wall belongs to the municipality and the municipality would undoubtedly benefit from its reopening. It would encourage more physical activity in the community, attract visitors who enjoy rock-climbing and would allow council to better utilize its assets. It therefore is evident that council should consider investing in their own resources, particularly one that the community wishes to use and has donated an incredible amount of their own time and money towards.

Council previously declined to contribute funds towards paying for the inspection of the wall – an expensive and risky use of taxpayer dollars. This is understandable. Now, knowing that the wall has successfully passed its inspection, any funding that the Village of Tahsis Council offers would undoubtedly and positively contribute to the re-opening of the rock-climbing wall. The two main fundraising objectives, at the moment, are paying for equipment that needs to be replaced (\$1,459.42) and certifying a rock-climbing gym instructor (\$425). I ask that the municipality contribute funds to pay for both of these items, matching the time and money their community has already invested into the municipality's assets.

In addition to asking for your support, a grant application has been approved by the Tahsis Literacy Society to match the Village of Tahsis up to 50% of \$425 for the course and up to 50% of the \$1967.90 for the equipment. Fundraising efforts by local community members also continues through an ongoing bottle drive and plans for a future silent auction.

Thank you for your consideration and I hope that you'll consider reciprocating the effort that the community has put into *your* assets.

Sincerely,

Brooke Jones
Resident of Tahsis

Village of Tahsis Municipal Office
977 South Maquinna Dr.
P.O. Box 219
Tahsis, BC V0P 1X0

Tuesday, June 12th, 2018

To: Village of Tahsis Council,

I am writing to you asking for your permission to hold a silent auction at the Tahsis Recreation Centre during Tahsis Days 2018 (June 18th-22nd). The objective of this silent auction would be to raise funds for the re-opening of your recreation center's rock-climbing wall.

This would be an ideal time, location and manner to sell the items that have been donated to us. Tahsis Days attracts many people to town (i.e. potential bidders), the recreation center is a central location and silent auctions are typically an effective method of fundraising. Items that have already been donated for our silent auction include an all-inclusive 2-day fishing trip, guided caving day-trip and artwork from local artists, to name a few.

I am aware that the Village of Tahsis has organized a silent auction at the same time and location in the past. Since the funds raised from the silent auction that I am proposing would be going towards your facilities (i.e. the recreation center's rock climbing wall), I feel as though this would have the same intentions – to raise money for the Village of Tahsis – and that it would be easy to combine the two. All I ask is that the proceeds from the items that we have acquired to sell at this silent auction are used solely towards the re-opening of the rock-climbing wall.

Thank you for your consideration!

Sincerely,

Brooke Jones
Resident of Tahsis



Jonathan X. Coté
Mayor

June 7, 2018

Dear Mayor and Council,

VIA EMAIL

Re: Changes to the Strata Property Act

On July 28, 2016, changes were made by the Provincial Government to the Strata Property Act so that strata owners are now able to liquidate their strata corporation by an 80% vote of all eligible voters instead of the previous unanimous voting requirement.

The noted changes to the Strata Property Act may have negative impacts to residents including:

- Conflicts between owners who want to liquidate the strata corporation and sell the strata building and lands and those who do not want to liquidate.
- Situations where some owners may receive lower sales proceeds for their units than their assessed values.
- Developers pushing strata owners and strata councils to liquidate the strata corporation and sell the strata buildings and lands.
- Loss of rental units, a significant concern given the persistently low vacancy rates in the rental market (1.1% in New Westminister in October 2017) and the large number of renter households living in condominiums in New Westminister (3,109 in October 2017).
- Undue influence of investors who have purchased many units within a building.

There appears to be no studies conducted by the Provincial Government or other agencies on the potential positive and negative impacts on residents of the changes to the Strata Property Act.

For these reasons, at a meeting on Monday, May 28, 2018, New Westminister City Council passed the following for consideration at the UBCM Convention in September, 2018:

Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 can create conflicts among owners within a strata building who want to terminate the strata and sell the strata building and lands and those owners who do not want to terminate the strata and sell the strata building and lands; and

Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 can also create situations where some owners may receive far less in sales proceeds for their units than their assessed values and force owners who do not want to sell their units to sell their units; and

Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 may encourage developers to aggressively push strata owners and strata councils to terminate their strata corporations and sell the strata buildings and lands; and

Whereas, under some circumstances, terminating a strata corporation may be the best choice for strata owners. As some older strata buildings reach the end of their life cycle, the cost of repair may not make economic sense or owners may not have the financial ability to pay for the necessary repairs; and

Whereas municipalities are limited in their ability to address these issues;

THEREFORE, BE IT RESOLVED:

THAT the Union of BC Municipalities urge the Provincial Government of British Columbia to study the impacts related to the changes made in July 2016 to the Strata Property Act and consider increasing the percentage of registered owners required to terminate (wind up) a strata corporation depending on the results of the proposed study.

I am writing to ask for your support of this resolution at the convention in September.

A council report giving more background is attached.

If you have any questions or would like more information, please contact me at jcote@newwestcity.ca or 604-527-4522.

Thank you for your attention to this matter.

Yours truly,



Jonathan X. Cote
Mayor

Attach: Council Report "Changes to the Strata Property Act: UBCM Resolution"

REPORT

Mayor's Task Force on Housing Affordability

To: Mayor Coté and Members of Council **Date:** 5/28/2018
From: Mayor's Task Force on Housing **File:** 01.0020.40
Affordability
Item #: 122/2018
Subject: Changes to the Strata Property Act: UBCM Resolution

RECOMMENDATION

1. ***THAT*** Council endorse the recommended Union of BC Municipalities (UBCM) resolution related to changes to the Strata Property Act as contained in this report.
2. ***THAT*** the Council direct staff to forward the resolution and background documentation to UBCM and to actively seek municipal support for the resolution.
3. ***THAT*** Council direct staff to send a letter to the British Columbia Ministry of Municipal Affairs and Housing to study the impacts related to the changes made in July 2016 to the Strata Property Act and consider increasing the percentage of registered owners required to terminate (wind up) a strata corporation depending on the results of the proposed study.

PURPOSE

This report discusses the changes made to the Strata Property Act in July 2016 and their potential impacts on strata property owners. The purpose of this report is to seek Council endorsement of a resolution to the Union of British Columbia Municipalities (UBCM) to recommend further study of the impact of these recent changes and to request a possible modification of these recent changes if supported by further research results.

EXECUTIVE SUMMARY

On July 28, 2016, changes were made by the Provincial Government to the Strata Property Act so that strata owners are now able to liquidate their strata corporation by an 80% vote of all eligible voters instead of the previous unanimous voting requirement.

The changes to the Strata Property Act were discussed by the City's Community and Social Issues Committee and the Seniors Advisory Committee, with both being supportive of a review and with most members suggesting a higher percentage.

BACKGROUND

Effective July 28, 2016, strata owners are now able to liquidate their strata corporation by an 80% vote of all eligible voters instead of the previous unanimous voting requirement. As described on the Provincial Government's website, the changes include "court oversight to protect any minority dissenting owners and registered chargeholders (e.g. mortgage providers)."

Attachment 1 contains excerpts from the website describing Strata Termination (Winding Up) Legislation (July 2016) which describes these changes. Attachment 2 contains the article "How simple is liquidation of a strata corporation?" from the Condominium Homeowners' Association, as published in the Spring 2016 issue of CHOA Journal, which provides a detailed step by step process in the liquidation of a strata corporation, including timelines.

As of July 7, 2017, according to CHOA, there have been five strata buildings in British Columbia sold to developers since the legislation came into place. According to the Land Title and Survey Authority of BC, as of January 9, 2018, there were 31,100 filed strata plans in British Columbia. Therefore, the percentage of strata buildings sold to developers since the legislation changed is fairly small (less than one percent).

DISCUSSION

Potential Impacts

The noted changes to the Strata Property Act may have negative impacts to residents including:

- Conflicts between owners who want to liquidate the strata corporation and sell the strata building and lands and those who do not want to liquidate.
- Situations where some owners may receive lower sales proceeds for their units than their assessed values.

- Developers pushing strata owners and strata councils to liquidate the strata corporation and sell the strata buildings and lands.
- Loss of rental units, which is a significant concern given the persistently low vacancy rates in the rental market (1.1% in New Westminster in October 2017) and the large number of renter households living in condominiums in New Westminster (3,109 in October 2017).
- Undue influence of investors who have purchased many units within a building.

At the same time, terminating a strata corporation may be the best choice for strata owners when older strata buildings reach the end of their life cycle; the cost of repair may not make economic sense or owners may not have the financial ability to pay for the necessary repairs.” Having a 100% requirement may create financial hardship for the majority of owners who need to sell if a few owners do not want to sell.

There appears to be no studies conducted by the Provincial Government or other agencies on the potential positive and negative impacts on residents of the changes to the Strata Property Act.

CONSULTATION

Community and Social Issues Committee

The Community and Social Issues Committee discussed the changes to the Strata Property Act on May 8, 2018. Based on the discussion, committee members expressed concern about real estate speculation, particularly related to older strata buildings located on frequent transit corridors, including SkyTrain; the potential conflicts which could occur in strata corporations; the possibility of block voting by investors who own multiple strata units; and the potential impacts on renters of strata units, who may lose their housing. There was general support of a review of the changes, with a view to considering a higher percentage.

Seniors Advisory Committee

The Seniors Advisory Committee discussed the changes to the Strata Property Act on May 10, 2018. Based on the discussion, committee members expressed concern about the apparent lack of research that went into the changes, particularly related to unintended consequences; the increasing number of purchasers that see their strata units as investments and not homes; and the potential for block voting. Several members spoke about the importance of aging in place and felt that the changes were counter to this goal. Several other members called for a higher percentage (e.g., 90%). There was general support for a review of the changes, with a view to considering a higher percentage.

RECOMMENDED UBCM RESOLUTION

Given the above, the following resolution is recommended to be forwarded to the Union of BC Municipalities for consideration at its Annual Conference in September 2018.

Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 can create conflicts among owners within a strata building who want to terminate the strata and sell the strata building and lands and those owners who do not want to terminate the strata and sell the strata building and lands.

Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 can also create situations where some owners may receive far less in sales proceeds for their units than their assessed values and force owners who do not want to sell their units to sell their units.

Whereas the changes in the Strata Property Act that came into effect on July 28, 2016 may encourage developers to aggressively push strata owners and strata councils to terminate their strata corporations and sell the strata buildings and lands.

Whereas, under some circumstances, terminating a strata corporation may be the best choice for strata owners. As some older strata buildings reach the end of their life cycle, the cost of repair may not make economic sense or owners may not have the financial ability to pay for the necessary repairs.

Whereas municipalities are limited in their ability to address these issues

THEREFORE, BE IT RESOLVED:

THAT the Union of BC Municipalities urge the Provincial Government of British Columbia to study the impacts related to the changes made in July 2016 to the Strata Property Act and consider increasing the percentage of registered owners required to terminate (wind up) a strata corporation depending on the results of the proposed study.

NEXT STEPS

Should Council endorse the proposed approach, staff would forward this motion to other BC municipalities for their endorsement. Staff would also forward this resolution to UBCM on or before June 30, 2018 for their consideration of this resolution at the UBCM annual general meeting in September 2018.

OPTIONS

There are four options for consideration:

1. That Council endorse the recommended Union of BC Municipalities (UBCM) resolution related to changes to the Strata Property Act as contained in this report.
2. That Council direct staff to forward the resolution and background documentation to UBCM and to actively seek municipal support for the resolution.
3. That Council direct staff to send a letter to the British Columbia Ministry of Municipal Affairs and Housing to study the impacts related to the changes made in July 2016 to the Strata Property Act and consider increasing the percentage of registered owners required to terminate (wind up) a strata corporation depending on the results of the proposed study.
4. That Council provides staff with other direction.

Staff recommends options 1, 2, and 3.

ATTACHMENTS

Attachment 1: Provincial Government of British Columbia - Termination (Winding Up) of Strata Corporations

Attachment 2: Article - "How simple is liquidation of a strata corporation?"

This report has been prepared by:
Tristan Johnson, Planning Analyst

This report was reviewed by:
John Stark, Acting Manager of Planning

Approved for Presentation to Council



Jackie Teed
Acting Director of Development
Services



Lisa Spitale
Chief Administrative Officer



Corporation of the City of
NEW WESTMINSTER

Attachment 1

Provincial Government of British Columbia – Termination (Winding Up) of Strata Corporations

Termination (Winding Up) of Strata Corporations

Strata corporations can now terminate (wind up and cancel the strata plan) with an 80% vote of all owners, instead of the previous unanimous voting requirement.

It is strongly recommended that a strata corporation considering termination seek independent professional and legal advice well in advance of a vote to wind up (terminate). There are many steps in the termination process and not all of these are referenced in strata legislation.

Bare land strata corporations ("strata subdivisions") wishing to terminate must also notify the applicable local government 90 days in advance. A bare land strata corporation considering termination may wish to transfer responsibility for bare land strata services (e.g. sewer, roads, water) to local government. *The applicable local government does not have to accept responsibility for any bare land strata services. Prior to a vote on termination, the strata should clarify how services will be provided.*

This page provides a basic overview of the strata termination process; it is not a substitute for legal advice.

Learn more on this page:

[Why Would a Strata Corporation Choose to Terminate?](#)

[From Unanimous to 80%](#)

[Overview of the Termination Process](#)

[Exploring Termination](#)

[Giving Notice of a General Meeting for a Termination Vote](#)

[Voters](#)

[Court Oversight](#)

[Submitting an Application to the Land Title Office](#)

[Bare Land Stratas - Additional Requirement](#)

Why Would a Strata Corporation Choose to Terminate?

Under some circumstances, terminating a strata corporation may be the best choice for strata lot owners. As some older strata corporations reach the end of their life cycle, the cost of repair may not make economic sense or owners may not have the financial ability to pay for the necessary repairs. Sometimes the land can be sold for redevelopment; for example, a low-rise building could be redeveloped into a building with many more units.

Bare land stratas ("strata subdivisions") may want to terminate as well; this is known as cancelling the bare land strata plan. For example, a bare land strata corporation may want to convert to a fee simple (non-strata titled) subdivision or, in certain circumstances, become a single parcel with "tenants-in-common".

From Unanimous to 80%

Effective July 28, 2016, strata owners are now able to terminate (wind up) their strata corporation with an 80% vote instead of the previous difficult-to-achieve unanimous voting requirement. Many other jurisdictions, including Alberta and Ontario, do not require a unanimous vote to terminate.

The 80% vote means the termination resolution **must have 80% approval of all the registered owners**. It is not a quorum vote. Unlike majority and 3/4 votes, it is not an 80% vote of those owners present, or holding

proxies, at the meeting ([learn more in types of voting](#)). For strata corporations with fewer than 5 strata lots, the 80% voting threshold is effectively unanimous.

Given the significance of terminating a strata corporation, there is court oversight to protect any dissenting owners and registered charge holders (e.g. mortgage providers).

These changes to the Strata Property Act are based on the BC Law Institute's recommendations. There was extensive public consultation and the changes are widely supported by the strata community.

Overview of the Termination Process

Voluntary winding up from initial exploration to finalizing the sale (or liquidating) and owners moving out can take up to 18 months or even longer. This section provides a general overview of voluntary winding up but it does not list all the steps. Strata corporations are strongly advised to seek independent professional and legal advice from a knowledgeable strata lawyer as it is important to understand the full termination process and implications, well in advance of a vote to wind up a strata corporation. A lawyer can also advise on the pros and cons of voluntarily winding up with and without the services of a liquidator. (In addition to voluntary winding up, the *Strata Property Act* also continues to allow a court-ordered winding up, a rare occurrence).

Sometimes strata lot owners may be concerned about protecting their interests. The termination process has a number of safeguards built in including: advance notification to every owner; an 80% vote of approval from all owners (not a quorum vote from those present, or holding proxies, at a meeting); and court oversight. However, individual owners may also wish to consult a strata lawyer for independent advice.

Listed below are some other resources if termination is being considered:

- Strata associations have information about the new termination process and may offer consultation services for a fee.
- The Civil Resolution Tribunal (CRT) does not replace the court's role in the termination process. However the CRT can play a role to address certain unfair actions under sections 164 and 173 of the *Strata Property Act*. The CRT may make an order:
 - regarding an action or threatened action by the strata corporation, including the council, in relation to an owner or tenant
 - regarding a decision of the strata corporation, including the council, in relation to an owner or tenant
 - directed at the strata corporation, the council or a person who holds 50% or more of the votes, if the order is necessary to prevent or remedy a significantly unfair action, decision or exercise of voting rights.
- If there are concerns about professionals not acting in good faith, please check with their professional disciplinary bodies.
- Additional information on the termination process includes: CHOA's spring 2016 Journal Article "[How Simple is Liquidation of a Strata Corporation?](#)" and a [termination \(winding up\) infographic \(pdf\)](#) by Clark Wilson LLP.

Exploring Termination

Often a termination process starts when a developer approaches a strata corporation wishing to buy all the strata lots for redevelopment. Or a strata corporation may be interested in winding up and selling for redevelopment because of excessive repair and maintenance costs.

Open and transparent communication with owners is essential. Information meetings should be held with owners from the very beginning to discuss options and collectively learn more about termination (winding up) including disbursement of funds to owners (if selling to a developer), costs and fees.

Owners will also want to understand how funds from selling would be disbursed. Disbursement to owners will be affected by when the strata plan was filed: before August 1974, unit entitlement; August 1974 to 2000, interest upon destruction; after 2000, relative assessed values.

If the majority of owners are interested in termination, usually a resolution is adopted to enable the strata council to move the process forward and hire legal counsel. Given the costs of the legal review and governance implications, the strata council should only proceed once the owners have formally given direction. The strata corporation is strongly advised to obtain independent legal and professional advice.

The strata council may also hire a real estate broker to market the property or negotiate an offer from a developer. When hiring a broker, the strata corporation's legal counsel should closely review: the terms and conditions of the agency agreement; the commission rates; and whether any type of limited dual agency (i.e. representing both buyer and seller) is permitted.

There is no set procedure but once an eligible offer has been received, a resolution to terminate can be drafted. The winding up resolution should be drafted by the strata's legal counsel and will usually be a detailed multi-paged document. The termination resolution will authorize termination of the strata plan, authorize the strata corporation to apply to the Supreme Court for termination orders and a vesting order authorizing the cancellations of the strata plan and winding up of the strata corporation; approve expenditures (funding for the lawyer, liquidator, liquidator's legal representation, fees and commissions); and may also address miscellaneous matters like move out timelines or rent-free periods.

Giving Notice of a General Meeting for a Termination Vote

A strata corporation is required to give at least two weeks' written notice of a general meeting. However if the agenda includes a resolution on termination, the strata must give at least four weeks' written notice. Four weeks actually means at least 32 days when also considering the notice requirements under the *Interpretation Act*. If the general meeting is called by petition, then eight weeks' written notice (at least 60 days when also considering the notice requirements under the *Interpretation Act*) is needed.

The notice of the general meeting to vote on termination must be given to all persons who are entitled to receive the meeting notice, regardless of whether a person previously waived the right to receive notification. Learn more about [notice requirements](#) and [preparing for a general meeting](#).

Voters

Approving a strata termination resolution requires an 80% vote of approval from all the strata owners. It is not a quorum vote of those owners present or holding proxies at a meeting.

Given the importance of a termination resolution, all strata owners are eligible to vote on the resolution, regardless of any provisions in the bylaws making a strata owner ineligible to vote if the owner has unpaid special levies or unpaid strata fees.

In some situations a mortgagee (the person, organization or financial institution holding the mortgage) of a strata lot may vote at a general meeting on matters relating to insurance, maintenance, finance or other

matters affecting the security for the mortgage. However, a mortgagee is not permitted to vote on a resolution to terminate a strata corporation.

Court Oversight

After passing a resolution to terminate, a strata corporation with five or more strata lots must apply to the BC Supreme Court for an order confirming termination.

For small strata corporations with fewer than five lots, the requirement for an 80% vote to terminate is effectively unanimous. These stratas may choose whether to apply for a court order or not. On the one hand, obtaining a court order has a cost. On the other hand, having a court order means small strata corporations do not have to get unanimous written consent of the registered chargeholders.

The *Strata Property Act* provides guidance to the court in how to consider the best interests of the owners, including any significant unfairness to any dissenting minority owners or registered charge holders (e.g. mortgage provider) and ensures all parties have a standing in court.

Submitting an Application to the Land Title Office

When the strata corporation is ready to submit an application to the Land Title Office to cancel a strata plan, the strata corporation in addition to other documents, must include the following:

If the strata has obtained a court order:

- a Certificate of Strata Corporation confirming:
 - the winding up (termination) resolution has passed, and
 - the strata corporation has no debts other than the debts held by holders of registered charges.
- a copy of the court order

If the strata has fewer than 5 strata lots (and does not obtain a court order):

- the written consent of all holders of registered charges
- a Form E Certificate of Strata Corporation for Section 274 confirming:
 - the winding up (termination) resolution has passed, and
 - the strata corporation has no debts other than the debts held by persons who have consented in writing to the winding up of the strata corporation.

Attachment 2

Article – “How simple is liquidation of a strata corporation?”



How simple is liquidation of a strata corporation?

Tony Gioventu / CHDA

Liquidation is a dramatic step for a strata corporation and your community of owners, many of whom have probably lived there for 30+ years. The potential for errors, or the owners being at a disadvantage, is very high, so it is essential to follow some basic steps of decision making. There are two basic factors that affect a liquidation from the owners' perspective: value of the property and the condition of the property which can be assessed with the help of a depreciation report.

The information in the depreciation report could influence the owners decision to maintain versus liquidate; however, all strata corporations need to remember that until they have voted to liquidate, the strata corporation must still maintain and repair its property. Then consider the transaction costs associated with liquidation including brokerage fees, liquidation costs and legal fees, what's the right time and what's the right price

It differs for every project based on land use and value. A project that may yield only the current assessment value could be a prudent decision if each owner is facing a \$100,000 special levy for repairs, whereas a development in great condition may not consider a sale unless they can see a 200-300% increase in value. For real estate value it is still the same three conditions: location, location, location.

In the fall of 2015, the *Strata Property Act* was amended, lowering the voting requirement for liquidation from 100% to 80% of the schedule of voting rights.

Please note the amendments are not in force as the development of regulations are still required. Even though the change is significant, obtaining 80% of the total number of votes will be extremely difficult to achieve and will require an application to the Supreme Court of BC to approve the decision as part of the legislative amendment.

There are two methods of selling the property. Option 1: A developer or speculator purchases all of the units directly from each owner. The strata is not involved in the liquidation process and the deal is fairly clean. Option 2: a strata corporation votes for a liquidation which may be complicated. An advantage of this option is it gives the strata owners the collective ability to market their property for competitive bidding and obtain the best price.

Consumers want the best price and the best terms for their property before they will consider selling. To reach this objective, a logical process is helpful for the strata corporation to follow. They begin with a general meeting of the owners to determine if the owners want the council to investigate selling the property. The strata owners will vote by at least a majority vote to give council authority to start the process and to retain an independent lawyer who will act solely for the strata throughout the process. The strata council will also want to review proposals from a number of commercial brokers who will market the property, with negotiable fees generally from 1-2% of the total sale.

Once strata council has completed a legal review of the contract and retained

a broker, the broker proceeds with marketing the property. Developers and land speculators will be invited to assess the property, and submit offers.

The offers may take into consideration location, expanded development opportunity, transit and community access, neighbouring developments and amenities, plus the overall potential for the site. This phase usually takes 3-6 months.

When the broker finalizes a short list of generally 3-5 of the highest offers the strata council and their lawyer will meet to review the offers, perhaps counter offer and will consider the terms and conditions of the offer. When the details are clear the final offer is tentatively agreed upon subject to the approval of the owners at a general meeting.

Once the final offer is approved in principle the complicated work begins. Around months 6-12 the final negotiation of the purchase conditions and price are completed and the strata's lawyer will prepare the 80% vote resolution that authorizes the liquidation, authorizes the court application to ratify the decision, and to appoint a liquidator. The liquidator will be responsible for the receipt of the money from the developer, the cancellation of each of your titles into one parcel of land, and the payout to each owner, their share of the proceeds after any charges on their property.

The resolution that the owners will vote on and the sequencing of the events is the most critical part of the transaction. You can easily expect a resolution that is many pages in length because the resolution

Continued on page 20 19

must include all of the terms and conditions of the contracts, agreements, court applications, liquidation procedures and transfer of funds. One quirk of the liquidation process is owners who require their proceeds to make another purchase will have to wait until the job of the liquidator is complete before they can shop for a new home. Only when the liquidation process is complete do the owners receive their money, once any such as mortgages on their property are cleared. To provide

time for owners to move and relocate, the strata may want to negotiate 60-120 days of occupancy after the completion of the liquidation, as part of the contract.

If everything goes well, plan on 12-18 months. The success depends on a number of information meetings and constant communication with your owners to prepare them for the vote and the emotional liquidation of their community. If you hope to have any

success on your proposed liquidation, don't forget the owners have to find a new place to live once the deal is complete. Before you vote, an information meeting with the owners to help them understand what other property is available in the region is just as critical. ☼

Tony Gioventu is the Executive Director of CHOA. For more information please visit the CHOA website at www.choa.bc.ca

Strata Corporation Liquidation: Step-by-Step

Step 1	<ul style="list-style-type: none"> • The strata corporation is approached by a commercial agent, buyer or the strata council considers the option of investigating liquidation. 	Month 1		<ul style="list-style-type: none"> • Strata Council convenes a general meeting to present the offer(s) to owners. • Owners vote to: <ul style="list-style-type: none"> o Proceed with having a lawyer draft the liquidation resolution and approve the funding needed to move forward (lawyer fees, liquidator fees, etc.), or o Reject the offer and direct council to either continue to negotiate a better offer or stop all discussions on liquidation. 	Month 4 - 8 Con't
Step 2	<ul style="list-style-type: none"> • The strata corporation is approached by a commercial agent, buyer or the strata council considers the option of investigating liquidation. • Strata council convenes an information meeting of owners to raise the idea of liquidating the strata corporation. 	Month 2 - 3	Step 4 Con't		
Step 3	<ul style="list-style-type: none"> • This meeting helps council decide to move forward or not. • Strata council convenes a general meeting of the strata corporation to obtain: <ul style="list-style-type: none"> o Authorization for strata council to investigate liquidation options o Approval for funding for legal representation including: <ul style="list-style-type: none"> • Reviewing terms and conditions of an offer • Listing agreements, and • Subsequent legal consultation 	Month 4 - 5	Step 5	<ul style="list-style-type: none"> • Continue to negotiate (if required) • The strata corporations' lawyer will review the terms and conditions of the offer, including possible counter offers. Once there is a final offer the strata's lawyer will draft a resolution for owners to approve. • Strata council calls a general meeting to vote on the 80% resolution. 	Month 8 - 10
Step 4	<ul style="list-style-type: none"> • Strata council negotiates a listing agreement with a broker. • The broker creates a listing profile and markets property. • The broker presents offers to council. • Strata council with the strata's lawyer review offers and possibly makes counter offers. 	Month 4 - 8	Step 6	<ul style="list-style-type: none"> • Once the resolution is approved the strata corporations' lawyer will commence the court application for liquidation. • There may be conditions to meet before the appointment of a liquidator and vesting order granted/obtained/applied for? 	Month 10 - 12
			Step 7	<ul style="list-style-type: none"> • Liquidation process complete • Funds transferred to strata corporation • Vesting order is filed by the liquidator • Owners given 60 - 120 days to move 	Month 12 - 18

