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CONDOMINIUM LAW AND ADMINISTRATION

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Release No. 5, July 2026

Condominium Law and Administration is an invaluable resource for those involved in conveyancing, development, condominium management or the representation of condominium corporations, whether inside or outside of Ontario.

This release features updates to Chapters 4, 5, 7, 9, 13, 17, 20, 24 and Appendix K.

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Highlights

BRITISH COLUMBIA—STRATA PROPERTY ACT—Section 33 – “Accountability” – Generally—Section 33(1) is exceptional in that it allows an individual owner to bring a proceeding against a council member by petition. The provision circumscribes both the types of allegations that will be considered in those proceedings and the remedies available. It is a limited exception to the usual rule that a strata owner is not entitled to bring a direct action against a member of the strata council. Rather, the statute contemplates that, where owners are aggrieved, their remedy will ordinarily lie only against the Strata Corporation. Sections 32 and 33 are narrowly directed to conflicts of interest, and not to other errors or omissions in a councillor’s work for the Strata Corporation. Courts should not expand s. 33 proceedings beyond their proper scope under the statute. The indemnity provision of the Strata’s bylaw did not contemplate stand-alone inquiries by the courts to determine whether the indemnity provision applies. Rather, it is designed to ensure that, where legal proceedings have, in their ordinary course, resulted in findings of culpable misconduct, the Strata will not indemnify individuals in respect of those proceedings. (*Coyle v. McGuire*, 2026 CarswellBC 505, 2026 BCCA 70 (B.C. C.A.)).

BRITISH COLUMBIA—STRATA PROPERTY ACT—Section 72 – “Repair of property” – Cost Awards—While a strata corporation may be statutorily compelled by s. 72 and its own bylaws to initiate proceedings to facilitate necessary repairs once it had in hand the professional engineering evidence, this statutory obligation to pursue the petition does not entitle it to a higher-than-usual costs award against dissenting owners. It is not uncommon that the owners agree that some repairs were necessary but disagree about the extent of repairs presented in the omnibus repair plan, and the SPA provides the avenue necessary to resolve the dispute. Where the strata commenced its petition, tendered the evidence on which it relied, and made successfully its case in court for compelling the special levy, which decision certain owners appealed, neither party could be said to have acted improperly in defending their position. Parties should not be discouraged from seeking or defending statutorily available remedies for fear of an increased costs award on the appeal. (*Li v. The Owners, Strata Plan BCS 2884*, 2026 CarswellBC 965, 2026 BCCA 127 (B.C. C.A.)).