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B.C. STRATA LAW

A Select Timeline

The legislation governing strata properties has expanded and evolved over time. This timeline provides a select overview of B.C. strata property law.

Prepared by Emily Yearwood-Lee
Reference Librarian
Legislative Library of British Columbia

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Legislative Library of British Columbia
Parliament Buildings
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B.C. STRATA LAW: A SELECT TIMELINE

A strata is a form of property ownership in British Columbia. Strata properties are often multi-unit residences – such as apartment buildings or townhouse complexes – where people own individual lots. Owners have shared responsibility for common property such as hallways and grounds. Stratas are often called condominiums in other jurisdictions.¹

Several European countries enacted strata legislation during the first half of the twentieth century and France had a law dating back to the Napoleonic code. However, the concept did not begin to catch on as a housing option in Canada until the late 1960s.² At the time, the idea of condominium ownership did not seem to be well understood. Vancouver newspaper articles referred to “self-owned apartments” and detailed the owners’ struggle to gain recognition from municipal authorities. One newspaper editorial called condominiums “castles in the air” when the B.C. government first introduced rules for strata ownership.³

Strata ownership is now commonplace in Canada, particularly in cities. Its popularity was fueled in recent decades by soaring land values and home prices, increased urbanization, and a continued demand for ownership. The most recent census counted 913,000 Canadian households that owned a condo in 2006. In Vancouver, condo owners represented 31.1 percent of owned households.⁴

The legislation governing strata properties has expanded and evolved over time. This timeline provides a select overview of developments in B.C. strata property law.

TIMELINE

- 1966** The *Strata Titles Act* passes third reading in the B.C. Legislature on March 21. The law is based on legislation from New South Wales in Australia. B.C. and Alberta are the only Canadian provinces with strata legislation at this time. The B.C. law sets out the procedure for obtaining title to parts of a “multi-storied building” and rules for strata plans and for corporations formed by owners. It also sets out legal rights and obligations regarding common property.⁵
- 1974** The 1966 law is repealed and replaced by an expanded statute, also called the *Strata Titles Act*. It passes third reading on June 20, 1974. The new law is intended to update the previous legislation and provide for phased strata plans and strata plans on leased land.⁶
- 1977** The act is revised in an amendment that passes third reading on August 24. There are further changes to the statute over coming years, but this amendment is later called the last substantial revision prior to 1998.⁷
- 1979** The law is now called the *Condominium Act* in the *Revised Statutes of British Columbia*, published this year.⁸

- 1990** The government begins to solicit feedback on proposed amendments to the act.⁹
- 1998** The *Strata Property Act* passes third reading on July 28. It replaces the *Condominium Act*. The government says the law addresses several changes recommended by the Barrett commission on leaky condo construction, including rules for record-keeping and contingency reserve funds.¹⁰
- 2008** The Legislative Assembly's Select Standing Committee on Finance and Government Services recommends the government consider committing to an immediate review of the strata property legislation.¹¹
- 2009** The *Strata Property Amendment Act* passes third reading on October 6. Changes include a provision for disputes to be heard in Small Claims Court, instead of the B.C. Supreme Court.¹²

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- ¹ Canada Mortgage and Housing Corporation, *Homebuying Step-by-Step: A Consumer Guide and Workbook*, Ottawa: CMHC, 1998, 21, <http://www.cmhc-schl.gc.ca/odpub/pdf/60946.pdf> [accessed October 20, 2009]; Homeowner Protection Office, *Buying a home in British Columbia: A Consumer Protection Guide*, Vancouver: The Office, 2009, 7-8; "Buying a Condominium, Townhouse or Strata Lot," Canadian Bar Association British Columbia Branch website, http://www.cba.org/bc/public_media/housing/407.aspx [accessed October 7, 2009].
- ² R.C.B. Risk, "Condominiums and Canada," *University of Toronto Law Journal* XVIII, no. 1 (1969), 12; S.W. Hamilton, *Condominium Development and Ownership*, Vancouver: Real Estate Board of Greater Vancouver, 1973, 1; Dennis Pavlich, *Condominium Law in British Columbia*, Vancouver: Butterworths, 1983, 29.
- ³ "Self-owned apartments must pay up," *Province*, 22 April 1952, 13; "Self-owned apartment plea fails," *Vancouver Sun*, 4 March 1953, 11; "New law aimed at land in sky," *Vancouver Sun*, 5 February 1966, 2; "Castles in the air," *Vancouver Sun*, 11 February 1966, 4.
- ⁴ J. David Hulchanski, "New forms of renting and owning," *House, Home and Community: Progress in Housing Canadians*, ed. John R. Miron, Montreal: McGill-Queen's University Press, 1993, 66; Canada, Statistics Canada, *Changing Patterns in Canadian Homeownership and Shelter Costs, 2006 Census*, Ottawa: Statistics Canada, 2008, 6, 17.
- ⁵ "Explanatory Note" in "[First Reading Bill 12] Strata Titles Act," *Bills 1966*, Victoria: Queen's Printer, 1966; "[Third Reading Bill 12] Strata Titles Act," *Bills 1966*, Victoria: Queen's Printer, 1966; R.C.B. Risk, "Condominiums and Canada," *University of Toronto Law Journal* XVIII, no. 1 (1969), 13; J. David Hulchanski, "New forms of renting and owning," *House, Home and Community: Progress in Housing Canadians*, ed. John R. Miron, Montreal: McGill-Queen's University Press, 1993, 65.
- ⁶ "Explanatory Note" in "[First Reading Bill 141] Strata Titles Act" *Bills 1974*, Victoria: Queen's Printer, 1974; "[Third Reading Bill 141] Strata Titles Act," *Bills 1974*, Victoria: Queen's Printer, 1974.
- ⁷ "[Third Reading Bill 75] Strata Titles Amendment Act (No.20)" *Bills 1977*, Victoria: Queen's Printer, 1977; British Columbia, Ministry of Finance and Corporate Relations, *Condominium Act: Discussion Draft*, Victoria: The Ministry, 1994, [no page number, see letter at start of document]; British Columbia, Ministry of Finance and Corporate Relations, "New act improves condo operations – MacPhail," [news release dated July 23, 1998], Victoria, The Ministry, 1998.
- ⁸ *Condominium Act*, RSBC 1979, ch. 61.
- ⁹ British Columbia, Ministry of Finance and Corporate Relations, *Discussion Paper: Amendments to the Condominium Act*, Victoria: The Ministry, 1990, 4.
- ¹⁰ Dave Barrett, *The Renewal of Trust in Residential Construction: Commission of Inquiry into the Quality of Condominium Construction in British Columbia*, Victoria: The Commission, 1998, Recommendations 55-57, 60-62; "[Third Reading Bill 47] Strata Property Act," *Bills 1998*, Victoria: Queen's Printer, 1998; British Columbia, Ministry of Finance and Corporate Relations, "New act improves condo operations – MacPhail," [news release dated July 23, 1998], Victoria, The Ministry, 1998.
- ¹¹ Legislative Assembly of British Columbia, Select Standing Committee on Finance and Government Services, *Report on the Budget 2009 Consultations: Second Report, Fourth Session, Thirty-Eighth Parliament*, Victoria: The Assembly, 2008, 67.
- ¹² British Columbia, Ministry of Housing and Social Development, "Changes to strata laws benefit owners, buyers, renters," [news release dated Sept. 21, 2009], Victoria: The Ministry, 2009.