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KAS3134 – Council ‘Interactions with Professionals’ Policy

5th August 2026

Preamble

The BC Strata Property Act (SPA) defines the ‘Duty of Care’ (see definitions below) Strata Council members are legally required to adhere to. However, of note, that is of a *‘reasonably prudent person’* which (as one might expect) implies no required level of expertise or qualification.

In addition, some decisions the Strata Council are required to take will have a controversial aspect i.e. council members might have differing opinions, and/or council’s collective opinion differs from one or more strata members.

It is therefore required, on occasion, the Strata Council requires external advice from an appropriate professional. Professional advice will typically require payment by the strata, and therefore implicit in the ‘Duty of Care’ is seeking that advice cost effectively, and ensuring any advice requested balances all competing interests or views amongst the strata corporation.

Definitions

“Duty of Care” SPA:

Council member's standard of care:

31 In exercising the powers and performing the duties of the strata corporation, each council member must

- (a) act honestly and in good faith with a view to the best interests of the strata corporation, and
- (b) exercise the care, diligence and skill of a reasonably prudent person in comparable circumstances.

“Engagement of Professional”: The ‘engagement’ will typically involve an agreement between the strata and the professional. That agreement may infer, or require acceptance in writing, terms and conditions, fees and/or hourly rates. ‘Engagement’ will usually be preceded by inquires e.g. whether the professional is suitable and willing to acct for the strata.

“Instructions”: These set out the requirements of the strata. Poorly or one sided drafted instructions can easily lead to inaccurate advice or reports.

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“Interests of the strata corporation” SPA 31 (a): This critical statement is not expanded on in the SPA. However online interpretations include:

Obligations of a Strata Council¹

1. **Fiduciary Duty:** Council members must act in the best interests of the strata corporation. They have a legal obligation to manage the affairs of the strata with care, diligence, and in good faith, avoiding conflicts of interest. This fiduciary duty requires that decisions benefit the entire community, rather than individuals or specific groups of owners.

Record Keeping

SPA Section 35 details ‘Strata corporation records’ that must be retained, including the wide reaching [SPA 35 (2)]:

- (k) correspondence sent or received by the strata corporation and council;

SPA Section 36 sets out the rights of owners to request such records and documents.

Numerous CRT cases are based on poor/missing record keeping, disputed recollections or failure to strictly follow the SPA and/or Bylaws. The strata manager is the contracted / designated record keeper. Therefore any communications between council members and professionals that not cc'd to the strata manager effectively do not exist; in turn any resulting reports or advice are equally invalid.

Policy

1. Engagement of a Professional is only to be undertaken after an appropriately carried Strata Council motion at a Strata Council meeting. Enquires to potential professionals do not require a council motion, but should made with care to avoid being interpreted as ‘Instructions’.
2. Written Instructions must also be agreed by an appropriately carried Strata Council motion at a Strata Council meeting.
3. All communications with a Professional are to be conducted using designated Feathertop email addresses, copied to the Strata Manager.
4. In the exceptional event a verbal or messaging communication results in substantive advice or opinion, it must be recorded by a follow up email confirming the interaction, as above.
5. Ideally all communications with a specific professional will be by a single nominated Strata Council member, using their council, or a specific, Feathertop email address.
6. Any council member may request to be copied in to all communications with a specific professional, or request all communications covering a specific issue and/or date range.

Regular Professionals

Design Professional (aka ‘Design Consultant)

The role of the Design Professional is set out in Strata Bylaw 30. Central to Bylaw 30 is the independence of the Design Professional from the Strata Council in approving (or not) Building Designs for Feathertop. Any communications must be carefully worded to avoid any implicit or explicit

¹ <https://www.hsllawyers.com/posts/strata-council-dispute-here-are-the-rights-and-obligations-of-this-legal-bc-entity/>

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directions or opinions, and where the issue might be disputed, again carefully worded to express all sides of the argument.

If the Design Professional raises queries in communications, the council member must in all but the most trivial administrative cases, state the query will be discussed at the next council meeting.

There is a 'letter of agreement' between the Strata Corporation and the Design Professional, updated from time to time, and sets out the limited role of the Design Professional. Any opinion requested outside the letter of agreement must be carefully considered, and an estimate/quote requested prior to seeking an opinion.

Legal Advice

Legal Advice is invariably costly, and the resultant legal advice is highly dependent on the instructions provided to the Legal professional. Any instructions must be undertaken carefully, with clear instructions, and reflecting all known positions of the issue, in accordance with any motion as agreed by council.

Summary

Obtaining professional advice or opinion is a necessary part of the Strata Council's duties. However, it will usually be sought to address a controversial or divisive issue, and hence seeking such advice or opinion must be undertaken carefully, with clear instructions, and reflecting all known positions of the issue.

The resulting advice or opinion is, by definition, reliant on the instructions and as such the instructions must be in clear written form, agreed by a council meeting motion, and correctly recorded.

Council should ensure professionals are not drawn into 'strata politics', and any instructions refer to all viewpoints on the issue. This reflects the SPA 'Duty of Care' required of Strata Council members, reduces costs, and the intended to avoid seeking further advice or clarifications.

This policy is also a guideline to all council interactions with members and organisations such as RDKB, and Big White.

DRAFT Approved Feathertop Strata Council
22nd June 2026

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Design Professional Letter of Agreement

References:

- A 20220429 inArtifex Proposal v2 - Feathertop-Arch Agent 29Apr2022 signed 10May2022**
- B 20220505 FT Strata Design Professional Agreement 5 May 2022 signed 10May2022**
- C Updated Design Review & Inspection Fees – emails March 31, 2026**

The 3 references above were the original agreement between the Feathertop Strata Council and inArtifex Design Ltd, and updated fees from April 15, 2026.

The role of the Design Professional has been crucial to the development of Feathertop, both inArtifex's predecessor (2019-2022) and inArtifex. Property costs are high, tastes and budgets vary, and it is vital to the interests of strata owners, the strata council and the Design Professional that 'due process' is documented and adhered to.

Communication

All Design Approval communication is to include plans@bigwhitefeathertop.com OR council@bigwhitefeathertop.com – either 'To', 'From' or 'Cc' – AND 'Cc' the Strata Manager (currently amanda.johnston@associatedpm.ca). This includes all plans and correspondence between owners and the Design Professional. This is necessary for (legally required) record keeping purposes, and to avoid previous adverse experience(s) and misunderstandings.

Design Approvals

The References above, and Feathertop Strata Bylaw 30, infer, directly or indirectly, Design Approval is conducted prior to construction taking place. Retrospective approvals are not considered in the Bylaw, and likely to create unrealistic expectations and conflict between parties.

If exceptional circumstances require any form of retrospective approval, all parties (owner, builder, Design Professional, strata corporation and strata council) need to communicate closely to not only understand why retrospective approval is required, but if and how it can be legally achieved. It will likely require legal advice, and where costs lie agreed in advance.

Consistency of Design Approvals

The Design Guidelines, and BC Strata Property Act (SPA) are intended to create a 'level playing field' as far as practicable. It is a legal obligation on strata council members to act in the interests of the wider strata corporation, and not an individual or small group of owners. As far as practicable, Design Approvals should be as equitable over time as possible – variations between properties can lead to legal and financial consequences.

Conflict of Interest

Reference B contemplates the Design Professional may provide professional services to an owner requiring a design to be brought into compliance with the Design Guidelines. This can create a Conflict of Interest between the Design Professional's role as 'designer' and 'adjudicator'. The Design

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Professional should avoid offering an owner or designer unrealistic expectations, and as far as possible, form a 'Chinese Wall' between the 2 roles e.g. with separate individuals performing the 2 roles.

Single Point of Contact in Strata Council

The Design Professional has previously expressed a desire for single point of contact on the strata council [??], and adverse experience to date vindicates this.

It is for the Strata Council to designate and manage this single point of contact to simplify communications with the Design Professional.

Role of the Strata Manager (APM)

BC Stratas differ in how the Strata Manager is utilised, some do not employ one. By law, the Strata Council is responsible for administering the Strata Corporation and instructing the Strata Manager.

The Feathertop Strata Council has tended to manage affairs more directly, but not invariably. If the Design Professional has any concerns, then raising them via the Strata Manager will ensure all the Strata Council is made aware, and the concerns appropriately recorded (as on July 28, 2026).

Summary

Throughout 2024-2026, adverse experiences have led to this 'Letter of Agreement'. The nature of a BC strata, and 'Design Guidelines' inevitably leads to differing views even disputes. It is incumbent on all parties to isolate the Design Professional from 'strata politics' and Governance issues – as clearly expressed in their July 28, 2026 email to the strata manager.

The Design Professional also has a role to play in this, and if subject to any pressure or inappropriate requests, make this clear via the above email addresses and/or the strata manager.

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Reference List

[SPA]

Division 2 — Records

Strata corporation records

35 (1) The strata corporation must prepare all of the following records:

- (a) minutes of annual and special general meetings and council meetings, including the results of any votes;
- (b) a list of council members;
- (c) a list of
 - (i) owners, with their strata lot addresses, mailing addresses if different, strata lot numbers as shown on the strata plan, parking stall and storage locker numbers, if any, and unit entitlements,
 - (ii) names and addresses of mortgagees who have filed a Mortgagee's Request for Notification under section 60,
 - (iii) names of tenants, and
 - (iv) assignments of voting or other rights by landlords to tenants under sections 147 and 148;
- (d) books of account showing money received and spent and the reason for the receipt or expenditure;
- (e) any other records required by the regulations.

(2) The strata corporation must retain copies of all of the following:

- (a) the records referred to in subsection (1);
- (b) the registered strata plan and any strata plan amendments as obtained from the land title office;
- (c) this Act and the regulations;
- (d) the bylaws and rules;
- (e) resolutions that deal with changes to common property, including the designation of limited common property;
- (f) waivers and consents under section 41, 44 or 45;
- (g) written contracts to which the strata corporation is a party;
- (h) any decision of an arbitrator or judge, or of the civil resolution tribunal, in a proceeding in which the strata corporation was a party, and any legal opinions obtained by the strata corporation;
- (i) the budget and financial statement for the current year and for previous years;
- (j) income tax returns, if any;
- (k) correspondence sent or received by the strata corporation and council;
- (l) bank statements, cancelled cheques and certificates of deposit;
- (m) Information Certificates issued under section 59;
- (n) the records and documents referred to in section 20 or 23 obtained by the strata corporation;
- (n.1) any depreciation reports obtained by the strata corporation under section 94;
- (n.2) any reports obtained by the strata corporation respecting repair or maintenance of major items in the strata corporation, including, without limitation, engineers' reports, risk management reports, sanitation reports and reports respecting any items for which information is, under section 94, required to be contained in a depreciation report;
- (n.3) any electrical planning reports obtained by the strata corporation under section 94.1;
- (n.4) any reports obtained by the strata corporation respecting the installation or operation of EV charging infrastructure or the management of electricity used by EV charging infrastructure;
- (o) any other records required by the regulations.

(3) Records referred to in this section must be retained by the strata corporation for the periods set out in the regulations.

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Access to records

- 36** (1) On receiving a request, the strata corporation must make the records and documents referred to in section 35 available for inspection by, and provide copies of them to,
- (a) an owner,
 - (b) a tenant who, under section 147 or 148, has been assigned a landlord's right to inspect and obtain copies of records and documents, or
 - (c) a person authorized in writing by an owner or tenant referred to in paragraph (a) or (b).
- (1.1) On receiving a request from a former owner, from a former tenant referred to in subsection (1) (b) or from a person authorized in writing by the former owner or former tenant, the strata corporation must, with respect to records and documents referred to in section 35 that, whenever created, relate to the period during which the former owner or former tenant was an owner or tenant, make those records and documents available for inspection by, and provide copies of them to, the former owner, former tenant or person authorized in writing, as the case may be.
- (2) On receiving the request of a tenant, or a person authorized in writing by a tenant, the strata corporation must
- (a) make the bylaws and rules available for inspection, and
 - (b) provide copies of the bylaws and rules.
- (3) The strata corporation must comply with a request under subsection (1), (1.1) or (2) within 2 weeks unless the request is in respect of bylaws or rules, in which case the strata corporation must comply with the request within one week.
- (4) The strata corporation may charge a fee for a copy of a record or document provided under this section of not more than the amount set out in the regulations and may refuse to supply the copy until the fee is paid.

Strata manager to return records

- 37** (1) If a strata management contract ends, the person providing the strata management services must, within 4 weeks, give the strata corporation any records referred to in section 35 that are in the person's possession or control.
- (2) A person who fails to comply with subsection (1) must pay to the strata corporation an amount calculated according to the regulations.