

LAW442 CONDOMINIUM LAW – Syllabus 2024-25

1. INTRODUCING CONDOMINIUM

A. Condominium

- Harris, "[Condominium: A Transformative Innovation in Property and Local Government](#)" in Graham et al eds, *The Routledge Handbook of Property, Law and Society* (London and New York: Routledge, 2023)

B. Condominium & Property

- Harris, "[Embedded Property](#)," in Lippert and Treffers, eds., *Condominium Governance and Law in Global Urban Context* (London and New York: Routledge, 2021)
- [Syndicat Northcrest v Amselem](#), 2004 SCC 47, paras 1-18, 35, 79-87, 91-102 (Iacobucci J); 183-85, 206-209 (Binnie J)

Additional material

- Alexander, "Governance Property," 1853-1860
- Heller, "Common Interest Developments," 329-334

C. Condominium & the City

- Harris, "[Condominium and the Right to Live in the City](#)" (2019) 34:3 Canadian Journal of Law and Society 371-392
- [Omnicare Pharmacy Ltd. v The Owners, Strata Plan LMS 2854](#), 2017 BCSC 256, 37-66
- [Strata Property Act](#), SBC 1998, c 43, ss 1, 120, 126, 128(1)

Additional Material

- Rosen & Walks, "Castles in Toronto's Sky: Condo-ism as Urban Transformation," (2015) 37:3 Journal of Urban Affairs 289-291
- Lehrer & Wieditz, "Condominium Development and Gentrification," (2009) 18:1 Canadian Journal of Urban Research 82-86
- Easthope et al, "How Property Title Impacts Urban Consolidation: A Life Cycle Examination," (2014) 32:3 Urban Policy and Research 289-304

D. Statutory Condominium & Other Common Interest Communities

i. Common Interest Communities

- John Oliver, [Homeowners Associations](#) (9 April 2023)

Additional Material

- Evan Mackenzie, *Privatopia*
- Evan Mackenzie, *Beyond Privatopia*

ii. Statutory Condominium

- Harris, “[Condominium and the City: The Rise of Property in Vancouver](#),” (2011) 36:3 Law and Social Inquiry 694-702
- Easthope, *The Politics and Practices of Apartment Living* (EE Publishing 2019), 3-6

iii. Common Law Condominium

- [Land Title Act](#), RSBC 1996, c 250, s 73(4)-(5)

Additional Material

- [Mowat v Dudas](#), 2012 BCSC 454, paras 1-3; 25-46

iv. Housing Cooperative

- [Cooperative Associations Act](#), SBC 1999, c 28, s 8

v. Building Scheme

- [Land Title Act](#), RSBC 1996, c 250, ss 1, 220

Additional Material

- [The Owners, Strata Plan KAS 3162 v Staerkle](#), 2018 BCSC 1290
- [Berry v Indian Park Assn](#), (1999) 44 OR (3d) 301

vi. Party Wall Agreement

- [Land Title Act](#), RSBC 1996, c 250, ss 223.1 & 223.2

Additional Material

- Bill Buholzer, “Registered Party Wall Agreements: Now What?” (2012) 54:4 Planning West 15-17

2. CONDOMINIUM – The Actors

A. Owner-Developer

- [Strata Property Act](#), SBC 1998, c 43, ss 1 (“owner developer”), 5

B. Owner

- [Strata Property Act](#), SBC 1998, c 43, ss 1 (“common property”, “limited common property”, “owner”, “strata lot”), 2, 53, 66-68
- [2475813 Nova Scotia Ltd. v Rodgers](#), 2001 NSCA 12, paras 1-5
- Randy K. Lippert, “Condo Owners and Boards” in *Condo Conquest: Urban Governance, Law, and Condoization in New York City and Toronto*, 35-46

C. Strata Corporation

i. Creating a Strata Corporation

- [Strata Property Act](#), SBC 1998, c 43, s 2, 163, 166

ii. Responsibilities of a Strata Corporation

- [Strata Property Act](#), SBC 1998, c 43, s 3
- [Gentis v The Owners, Strata Plan VR 368](#), 2003 BCSC 120, paras 1-16, 20-26, 41

Additional Material

- [Sterloff v Strata Plan VR 2613](#), 1994 CanLII 1011

iii. Decision-Making

- [Strata Property Act](#), SBC 1998, c 43, ss 1 (“eligible voters”, “majority vote”, “3/4 vote”, “80% vote”, “unanimous vote”), 40, 42, 45, 46, 48, 50, 53, 54, 147, 148
- [Strata Property Act](#), SBC 1998, c 43, [Schedule of Standard Bylaws](#), 25-28
- BC Strata Property Practice Manual, VIII. Schedule A – Sections of the Act that Require Approval by Owners before Action Can Be Taken

Additional Material

- [The Owners, Strata Plan NW 971 v Daniels](#), 2010 BCCA 584, paras 1-13, 32-45
- [Loveys v The Owners, Strata Plan NW204](#), 2008 BCSC 1924
- [Macdonald v The Owners, EPS 522](#), 2019 BCSC 876

iv. Addressing Dysfunctional Decision-Making

- [Strata Property Act](#), SBC 1998, c 43, s 174

Additional Material

- [Norenger Development \(Canada\) Inc. v The Owners, Strata Plan NW 3271](#), 2016 BCCA 118, paras 1-14, 43-45, 59-65

D. Strata Council

- [Dockside Brewing Co v Strata Plan LMS 3837](#), 2007 BCCA 183, paras 1-7, 16-35, 47-58
- [Strata Property Act](#), SBC 1998, c 43, ss 4, 25-34.1 (Strata Corporation Governance, Division 1 – The Council)
- Neville, “Bylaws: What a Council Needs to Know”

E. Strata Property Manager

- BC, [Strata Property Managers](#)

3. CREATING CONDOMINIUM

A. The Strata Plan

i. Creating the Strata Plan

- [Strata Property Act](#), SBC 1998, c 43, ss 2, 239-40, 243-47
- [Stratton v Richter](#), 2022 BCCA 337

ii. Amending the Strata Plan

- [Strata Property Act](#), SBC 1998, c 43, ss 257, 259(3), 261, 263

B. Bare Land Strata

- Harris & Patterson, "[Condominium to the Country: The Sprawl of Ownership within Private Local Government](#)" (2024) 49:2 Law & Social Inquiry 877-915
- [Swan Lake Recreation Resort Ltd v Kamloops \(City, Land Title Registrar\)](#), 1999 CanLII 6678 (BC SC), paras 1-9, 22-36
- [Strata Property Act](#), SBC 1998, c 43, ss 1, 243, 244, 246
- [Bare Land Strata Regulations](#), BC Reg 75/78, ss 2-3

Additional Material

- [Tuwanek Ratepayers Association v Sechelt \(District\)](#), 2014 BCSC 2625, 1-4, 23-35

C. Leasehold Strata

- [Strata Property Act](#), SBC 1998, c 43, ss 199-216 (Part 12 – Leasehold Strata Plans)
- [Strata Property Regulations](#), BC Reg 43/2000, s 12.1

D. Types and Sections

- Real Estate Council of British Columbia, "Strata Corporations: Types and Sections" in [RECBC Newsletter 48:5 \(March 2013\)](#), 2-5
- [Strata Property Act](#), SBC 1998, c 43, ss 91-92, 99-100, 190-198
- [Strata Property Regulation](#), BC Reg. 43/2000, 6.4(2), 11.1-11.3

Additional Material

- British Columbia Law Institute, [Report on Complex Stratas](#), 9-30

E. Air Space Parcels

- Harris, "[Volumetric Subdivision and the Architectures of Property](#)" (2024) 9 JLPS 1
- [Land Title Act](#), RSBC 1996, c 250, ss 138-144, 169
- [Strata Property Act](#), RSBC 1998, c 43, s 240

Additional Material

- [Owners, Strata Plan LMS 3905 v Crystal Square Parking Corp.](#), 2020 SCC 29

4. DISPUTE RESOLUTION

A. Suits against the Strata Corporation

- [Strata Property Act](#), SBC 1998, c 43, ss 163-169
- [Civil Resolution Tribunal Act](#), SBC 2012, c 25, ss 120-123
- [Dollan v The Owners, Strata Plan BCS 1589](#), 2012 BCCA 44, 1-40

Additional Material

- [Reid v Strata Plan LMS 2503 \(Owners\)](#), 2001 BCSC 1578
- [Gentis v Owners, Strata Plan VR368](#), 2003 BCSC 120
- [Peace v The Owners, Strata Plan VIS](#), 2009 BCSC 1791
- [Radcliffe v The Owners, Strata Plan KAS1436](#), 2015 BCCA 448
- [King Day Holdings Ltd. v The Owners](#), Strata Plan LMS3851, 2020 BCCA 342

B. Suits by the Strata Corporation

- [Strata Property Act](#), SBC 1998, c 43, ss 170-173.1
- [Hamilton v Ball](#), 2006 BCCA 243, paras 1, 19-29
- [The Owners Strata Plan LMS 2768 v Jordison](#), 2013 BCCA 484
- Harris, “[Anti-Social Behaviour, Expulsion from Condominium, and the Reconstruction of Ownership](#),” (2016) 54:1 Osgoode Hall Law Journal 53-85.

Additional Material

- [Toronto Standard Condominium Corporation No. 2931 v. Tsatskin](#), 2024 ONSC 6392
- [Owners, Strata Plan LMS 888 v Coquitlam \(City\)](#), 2003 BCSC 941
- [Ang v Spectra Management Services Ltd](#), 2002 BCSC 1544

C. The Civil Resolution Tribunal

- [Strata Property Act](#), SBC 1998, c 43, s 189.1
- [Civil Resolution Tribunal Act](#), SBC 2012, c 25, ss 2, 4, 16.1-16.4, 17-20, 48(1), 113, 114, 120-123
- [Administrative Tribunals Act](#), SBC 2004, c 45, s 58
- Salter, “Public-Centred Justice Redesign: A Case Study of the British Columbia Civil Resolution Tribunal” (2016), pp. 113-119, 123-135

Additional Material

- [Downing v Strata Plan VR2356](#), 2019 BCSC 1745

D. Judicial Review, 2023 BCSC 113

- [Dolnik v The Owners, Strata Plan LMS 1350](#), 2023 BCSC 113
- [Civil Resolution Tribunal Act](#), SBC 2012, c 25, ss 56.6-56.9, 121(2)

Additional Material

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5. GOVERNING & MAINTAINING CONDOMINIUM PROPERTY**A. Transitioning from Owner-Developer Control**

- [Strata Property Act](#), SBC 1998, c 43, ss 5-24 (Part 3 – The Owner Developer)
- Lippert and Treffers, “Turnover or roll over? Property developer legal avoidance and influence on condominium governance in New York City and Toronto,” 67-78

Additional Material

- CMHC, [Condominium Buyer's Guide](#)
- Hazel Easthope and Bill Randolph, "Principal-Agent Problems in Multi-Unit Developments: The Impact of Developer Actions on the On-Going Management of Strata Titled Properties" (2016) 48:9 *Environment and Planning A*, 1829–1847

B. Regulating the Use of Private Property**i. Enacting bylaws**

- [Strata Property Act](#), SBC 1998, c 43, ss 119-121, 125
- [Strata Property Act](#), SBC 1998, c 43, [Schedule of Standard Bylaws](#)
- [Kok v Strata Plan LMS 463 \(Owners\)](#), 1999 CanLII 6382 (BC SC), paras 1-15; 25-35

Additional Material

- [The Owners, Strata Plan LMS 1590 v Yip](#), 2018 BCSC 2185
- [The Owners, Strata Plan VIS4686 v Craig](#), 2016 BCSC 90
- [Strata Plan VIS4663 v Little](#), 2001 BCCA 337

ii. Amending Bylaws

- [Strata Property Act](#), SBC 1998, c 43, ss 120(1), 126-28, 197
- [Omnicare Pharmacy Ltd. v The Owners, Strata Plan LMS 2854](#), 2017 BCSC 256, paras 1-8, 96-135

iii. Enforcing Bylaws

- [Strata Property Act](#), SBC 1998, c 43, ss 26, 27, 115(1), 116, 129-138, 171(1), 173(1), 256(1)
- [Strata Property Regulation](#), BC Reg. 43/2000, s 7.1, Form F
- [Terry v The Owners, Strata Plan NW 309](#), 2016 BCCA 449, paras 1-6, 26-36
- [The Owners, Strata Plan NW 1815 v Aradi](#), 2016 BCSC 105, paras 1-13, 24-26, 43-46, 55-70

Additional Material

- [The Owners, Strata Plan VR 19 v Collins et al.](#), 2004 BCSC 1743
- [Drummond v. Strata Plan NW2654](#), 2004 BCSC 1405

C. Contested Bylaws**i. Rental Restrictions**

- [Strata Property Act](#), SBC 1998, c 43, ss 121, 141
- [Strata Property Regulation](#), BC Reg. 43/2000, ss 7.1
- [Short-Term Rental Accommodations Act](#), SBC 2023, c 32
- Harris, "[Regulating Short-Term Accommodation within Condominium](#)" (2018)

Additional Material

- BC, Housing & Tenancy, "[Rental Restriction Bylaws in Stratas](#)"

- [Strata Property Regulation, Form J Rental Disclosure Statement](#)
- [HighStreet Accommodations Ltd. v. The Owners, Strata Plan BCS2478](#), 2019 BCCA 64
- [Als v Strata Corporation NW1067](#), 2002 BCSC 134
- [Semmler v The Owners, Strata Plan NES3039](#), 2018 BCSC 2064
- [The Owners, Strata Plan EPS2386 v Zhang](#), 2020 BCCRT 279
- [The Owners, Strata Plan VR 812 v Yu](#), 2019 BCSC 2340
- [Ottawa-Carleton Standard Condominium Corporation No. 961 v Menzies](#), 2016 ONSC 7699, 1-23, 46-60

ii. Restrictions on Age

- [Strata Property Act](#), SBC 1998, c 43, ss 121, 123.1, 123.2
- [Human Rights Code](#), RSBC 1996, c 210, ss 9, 10, 41(2)

Additional Material

- [The Owners, Strata Plan NW498 v Pederson](#), 1999 BCCA 224
- [Owners, Strata Plan NW 499 v Louis](#), 2008 BCCA 319

iii. Restrictions on Pets

- [Strata Property Act](#), SBC 1998, c 43, s 123
- [Human Rights Code](#), RSBC 1996, c 210, s 8

D. Common Property

i. Managing Common Property

- [Strata Property Act](#), SBC 1998, c 43, ss 1, 3, 66-69, 71-72, 99-100, 108, 125, [Schedule of Standard Bylaws](#), ss 2, 8
- [Foley v The Owners, Strata Plan VR 387](#), 2014 BCSC 1333
- Lippert, “Ups and Downs of Urban Governance: High-Rise Condo Elevators” in *Condo Conquest*, 188-209

Additional Material

- [Shaw Cablesystems Limited v Concord Pacific Group Inc.](#), 2008 BCCA 234
- [674378 British Columbia Ltd v The Owners, Strata Plan VIS5122](#), 2022 BCCRT 1346

ii. Limited Common Property

- [Strata Property Act](#), SBC 1998, c 43, ss 1 “limited common property”, 73-77, 257

Additional Material

- [Moure v The Owners, Strata Plan NW2099](#), 2003 BCSC 1364, paras 20-21

E. Responsibility for Repairs

- [Strata Property Act](#), SBC 1998, c 43, ss 72, 99, 100, 108, 165, 173(2), [Schedule of Standard Bylaws](#), ss 2, 5, 6 & 8
- [Strata Property Regulation](#), BC Reg. 43/2000, ss 6.4, 6.5
- [Tadeson v Owners, Strata Plan NW 2644](#), 1999 CanLII 6999 (BCSC)

- [Thurlow & Alberni Project Ltd. v The Owners, Strata Plan VR 2213](#), 2022 BCCA 257

Additional Material

- *Royal Bank of Canada v. Holden*, 1996 CanLII 3440
- [John Campbell Law Corp v Owners, Strata Plan 1350](#), 2001 BCSC 1342
- [The Owners of Strata Plan NWS 254 v Hall](#), 2016 BCSC 2363
- [Owners, Strata Plan LMS 1537 v Alvarez](#), 2003 BCSC 1085
- [Strata Plan LMS 2446 v Morrison](#), 2011 BCPC 519
- [The Owners, Strata Plan VIS114 v John Doe](#), 2015 BCSC 13
- [Santos v. The Owners, Strata Plan LMS 1509](#), 2016 BCSC 1775

F. Insurance

- British Columbia Law Institute, [Report on Insurance Issues for Stratas](#), 27-52

G. Condominium Property and Human Rights

i. The *Charter of Rights and Freedoms*

- [Strata Plan NW 499 v Kirk](#), 2015 BCSC 1487, paras 1-29, 143-166
- [The Owners, Strata Plan NW 499 v Louis](#), 2016 BCCA 494, paras 20-35

ii. The *Human Rights Code*

- [Strata Property Act](#), SBC 1998, c 43, s 121
- [Human Rights Code](#), RSBC 1996, c 210, ss 4, 8, 9, 41(2)
- [Jacobsen v Strata Plan SP1773 \(No. 2\)](#), 2020 BCHRT 170

Additional Material

- [Ganser v. Rosewood Estates Condominium Corporation](#), 2002 AHRC 2, “Facts” and “ANALYSIS 1. Whether the Commission has jurisdiction”
- [Williams v. Strata Council #768](#), 2003 BCHRT 17
- [Konieczna v. The Owners Strata Plan NW2489](#), 2003 BCHRT 38
- [Hallonquist v. Strata Plan NW307 and another](#), 2014 BCHRT 117
- [Shannon v. The Owners, Strata Plan KAS 1613 \(No. 2\)](#), 2009 BCHRT 438
- [Leary v. Strata Plan VR1001](#), 2016 BCHRT 139

H. Condominium and Families

6. DISSOLVING CONDOMINIUM

A. Cancelling the Strata Plan and Winding up the Strata Corporation

- [Strata Property Act](#), SBC 1998, c 43, ss 272-289 (Part 16 – Cancellation)
- [Bare Land Strata Plan Cancellation Regulation](#), BC Reg 556/82
- Allyson Baker, “Voluntarily Winding Up a Strata Corporation,” BCCLE

Additional Material

- Harris, "[Owning and Dissolving Strata Property](#)" (2017) 50:4 UBC Law Review 935
- Harris & Gilewicz, "[Dissolving Condominium, Private Takings, and the Nature of Property](#)" (2015)
- [The Owners, Strata Plan VR456 \(Re\)](#), 2022 BCSC 502
- [The Owners, Strata Plan LMS3746 v Strathcona Denture Clinic Inc.](#), 2022 BCSC 1961