

CHOA

Managing Expectations & Conflicts in a Strata Corporation – March 7, 2023

Scenario: Tom and Carl divide the Strata

Tom and Carl have owned adjacent townhome strata lots for decades. Tom has objected to Carl's two dogs' occasional barking since 2012.

Tom is prone to migraines and claims that the barking triggers or exacerbates his migraines.

The first time Tom brought the barking up directly and very assertively with Carl, Carl noted that the bylaws permit two dogs. Tom replied with raised voice that the bylaws restrict unreasonable noise. Carl swore at Tom, made a rude gesture and told Tom to mind his own business.

When Tom was President of council he insisted that council strictly enforce the noise bylaws against Carl for every occasion on which the dogs barked.

Carl responded and a bylaw hearing was scheduled. Tom dominated the discussion at the hearing. The other council members were barely involved. Working directly with Sandy, the Strata Manager, Tom approved significant fine accrual and very assertive letters were sent to Carl notifying him of the decision and fines and also *threatening* litigation to remove the dogs.

The next year when Carl was president of council, Carl personally refused Tom permission to install an awning. No council meeting was held to consider the application. Tom claimed that the refusal was retaliatory as other (smaller) awnings have been allowed for other owners.

Tom requested a section 34.1 hearing to challenge Carl's decision on the awnings, which made Carl defensive. The rest of council, seeking to avoid conflict, deferred to Carl's reasoning that the awning was too big. Carl wrote a very abrupt letter confirming that permission was refused.

Last year they were both on council they argued constantly and disrupted council decision making on other topics. At the AGM each of them spoke against the election of the other and the ongoing dysfunction on council they caused was instrumental in neither Tom nor Carl being re-elected to council.

Since then, both have since complained formally to council about every minor infraction, real or imagined by the other. Council isn't acting on those complaints or the factional divisions and friction is mounting.

One of Carl's dogs briefly became ill and Carl publicly accused Tom of poisoning his dog. Carl provided no proof of his suspicion. Carl's veterinarian found no sign of poisoning.

This year Tom and his supporters have been advocating to amend the bylaws to prohibit dogs altogether and to direct council to strictly enforce the noise bylaws.

In contrast, Carl and his supporters have advocated for a live and let live community complaining about a 'big brother' strata run by authoritarians.

Owners are now divided between those two factions.

CRT proceedings have been started by both Tom and Carl against each other, and the strata is also named in both actions. Legal expenses are accruing for the Strata Corporation, and the insurer is involved. Sandy the Strata Manager has resigned over legal threats because of their handling of the dispute.

A Special General Meeting has been scheduled to approve a Special Levy for legal assistance through the most recent filed CRT Proceedings and for deductibles on prior claims.

The silent majority of owners resent the insurance risks, extra costs, loss of the well-regarded strata manager, and the lost sense of community.
