

MINUTES SPECIAL STRATA COUNCIL MEETING

January 30, 2022 Via Zoom



Participants: Gillian Taccogna, Chair; Suzan Chamney, Treasurer; Adrian Johnston, Vice-Chair/Bylaws; Emma Williams, Secretary; Hugh Jackson, Waste Water Management Rep (WWMR); Violet Van Hees, Landscaping Officer; Paul Parker, Maintenance Officer

A. Meeting called to order by the Chair at 9:30 AM

Following an alteration application that included placing a hot tub on common property, council called a special meeting to discuss the issues.

B. Agenda:

1. Hot tubs and Bylaws
2. Hot tubs on common property – unit 16

1. Hot tubs on Common property vs Hot tubs on Limited common property:

Due to liability issues identified by our lawyer and insurance broker, it was determined that the Strata Corporation must not allow hot tubs to be placed on common property. To ensure that this is clear, Council created rules, which are effective immediately and will be posted on our website.

Motion: To add the following rules for hot tubs:

- A resident or visitor must not place or use a hot tub on common property.
- Hot tubs placed on limited common property must be screened from view of neighbours and securely locked when not in use.

Moved: Vice Chair/Bylaws

Second: WWM

Carried: 7/7

2. Hot Tub on Common property- Unit 16

As part of the discussion regarding hot tubs on common property, it came to light that unit 16's hot tub is on common property. Since the strata's insurance does not currently cover this, the hot tub cannot stay on common property. The unit will be offered three options:

- A. To drain hot tub immediately and leave it where it is while they apply to have the land under the hot tub converted into limited common property (LCP). The hot tub cannot have water in it until such time as the LCP conversion is successfully completed.
- B. To drain hot tub immediately and move it to limited common property prior to refilling it.
- C. To drain hot tub immediately and remove it from common property.

Council to contact Unit 16 via email regarding this decision and their options.

Council will send an email to all hot tub homeowners that their hot tubs need to be screened and secured, and encourage them to have their hot tub listed on their homeowner's insurance.

C. Adjourned 10:28am

Feedback from insurer and lawyer

Lawyer:

Since the hot tub is on common property, the strata would be drawn into any lawsuit regarding an injury that occurs in it. The reason for that is that under the Occupier's Liability Act the strata, as "occupier" of the common property owes a duty to take reasonable steps to make it safe for use. Most strata corporations address that by putting bylaws or rules in place about the hot tubs having a lid, keeping it locked, etc. If something did happen then that is why the strata has 3rd party liability insurance. The SPA requires only \$2 million, so you may wish to increase that to give a bit more of a cushion.

The same principles apply since LCP is a sub-set of CP. However, liability would likely be shared with the owner since they would be considered an "occupier" as well given their exclusive use.

Insurance Broker:

1. If the hot tub is on the owner's property and causes damage to another unit's property the first claim would be against that unit owner's policy, as that Hot tub should be included as Tenant Improvements/ Property on their Condo policy. This also includes the use and disclosure for their liability, for any potential liability from the use/ exposure. Not the Strata, unless it was on Strata/ Common Property
2. Right now, we have no damage/ coverage for Hot Tubs, and that would need to be added based on the exposure on Common Property, and parameters around this.
3. As the Common Property has multiple people/ common access, this would increase the liability and exposure overall to the Strata and policy. We would have to confirm any potential hours, security, and overall policies surrounding the hot tub. Please advise if this is the case, and we can go from there.

Our current Liability insurance 2022:

Commercial General Liability

- Products-completed operations included
 - Aggregate limit
 - Applies to products-completed operations only \$5,000,000
 - Personal injury limit \$5,000,000
 - Each occurrence limit \$5,000,000
 - Medical expense limit - Any one person \$5,000
 - Medical expense limit - Each occurrence \$25,000
- Bodily Injury & Property Damage Limit Per Occurrence \$5,000,000
 - Advertising Liability
 - Advertising injury limit \$1,000,000
- Advertising aggregate limit \$1,000,000
- Combined Deductible (Bodily Injury and Property Damage)
 - Per occurrence \$1,000