

WITNESS STATEMENT OF DONALD BUCHANAN

October 28, 2024

Further to my Witness statement of December 15, 2023, I, Donald Fargey Buchanan of [REDACTED] British Columbia, volunteer this updated statement in support of Strata Corporation VA [REDACTED]'s requests to the CRT.

On the afternoon of October 22, 2024, I spoke to [REDACTED] with the CRT's Early Resolution Team, regarding our earlier request to link CRT disputes ST-[REDACTED] and ST-[REDACTED] and seek a preliminary decision. After discussing the urgent nature of VA [REDACTED]'s financial situation and that of the individual owners we learned there is an alternative to pursue. As such we are requesting the following actions:

1. Although we requested a preliminary hearing in our dispute response, we are extremely concerned about the protracted timeline and the effect any further delay will have on the strata's ability to fund our day-to-day operations and building upgrades ordered by [REDACTED].
2. As such, we would like to rescind our request for a preliminary hearing.
3. Instead, we would kindly request that disputes ST-[REDACTED], ST-[REDACTED] and ST-[REDACTED] be linked; and
4. That all disputes be expedited and heard by the same tribunal member.

Background

Strata Corporation VA [REDACTED] is a small townhouse complex in [REDACTED]. It comprises 4 strata lots with equal unit entitlement; any one owner's contribution makes up 25% of the budget, whether for operating funds or Special Assessments.

I have been an elected member of the VAS Strata Council continuously since March 2019, shortly after I purchased my unit on February 14, 2019. I am currently serving as President.

[REDACTED] constantly challenges the finances and general governance of the strata corporation, inundating us with spurious and vexatious claims. I have had over 1,500 emails from them over the past 5 years. Specific to the Civil Resolution Tribunal, 7 Disputes already been resolved, [REDACTED] has applied for a judicial review of the CRT ruling on one (ST-[REDACTED]) and 3 are outstanding (ST-[REDACTED], ST-[REDACTED], and ST-[REDACTED]). [REDACTED] has also filed an action against us with the BCSC (ongoing) and unsuccessful claims with the OIPC and [REDACTED] PD against individual councillors.

Financial Urgency

At all times VAS197 Strata Council relies on the advice and guidance of our property manager (currently [REDACTED], previously [REDACTED]) and legal counsel, [REDACTED].

[REDACTED] disputes every decision they don't agree with, which results in significant delays, an additional administrative burden, and the rest of the owners paying an enormous cost. [REDACTED] 's request for a judicial review of the CRT ruling on ST-[REDACTED] gives the CRT some insight into our challenge. Despite the ruling, [REDACTED] has not complied and continues to withhold a large portion of their monthly fees.

The strata finances as well as my own personal finances are in a dire state of depletion because of the actions of [REDACTED]. Unfortunately, the regular timelines for resolving CRT disputes do not anticipate our unique situation.

Three years ago, due to all the disputes initiated by [REDACTED] it was necessary for the Strata Corporation to retain a licensed professional property management company. This action was taken after more than 30 years of being self managed. In November 2021, VAS[REDACTED] monthly strata fees increased from \$350 to \$831.23 per unit to fund this accounting, administrative and governance support. I found it difficult to pay my strata fees, given interest rates were also rising and I had to refinance, but I managed.

Due to rising management, insurance and legal costs, in September 2022 the strata fees increased further to \$1,443.69. At this time [REDACTED] began withholding a portion of their monthly fees. Because of this, the Strata Corporation has not had sufficient funding to meet its monthly operating budget since September 2022.

Adding to our burden, our original property management company terminated their contract midway through the second year due to the burden of all the disputes being brought forward by [REDACTED] and their deluge of challenging spurious and vexatious correspondence. Our legal advisors had to assist in finding a new property management company, as despite expending considerable volunteer resources we were unsuccessful in finding one that was willing to take us on.

Our new property management company is exceptionally expensive, billing us by the hour. At the 2023 AGM we were forced to increase fees to \$2,421.71. Over \$2,400 a month for strata fees!

As our fees have risen, [REDACTED] has continued to withhold an ever-larger portion of their monthly fees. Personally, I was forced to [REDACTED] as I needed financial relief.

In addition, there have been multiple special levies to fund legal support for all the disputes initiated by [REDACTED]. These levies have been fully funded by the remaining 3 owners, an additional unrecoverable expense that is not part of the normal expenses or volunteer duties of a typical strata council member that has essentially wiped out all my savings.

[REDACTED] has also disputed and not paid most of the building maintenance Special Levies that have been duly passed by a 3/4 majority by the other owners.

One of those special levies is to address a Work Order [REDACTED], from the City regarding the project mentioned in Claim-[REDACTED] in ST-[REDACTED]. The WO is to undertake the ceiling beam structural upgrade to the building which is a portion of a roof deck upgrade project.

Due in large part to [REDACTED]'s delays, the total cost of this project has increased substantially from less than \$75,000 a couple of years ago to the current budget of \$270,000.

With the mounting outstanding fees and levies, the Strata Corporation [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED].

For the past few years, we have had to inflate the budget of special levies by 33% so that the funds collected from 3 owners will be enough to complete the project as [REDACTED] simply doesn't pay. This is not how a Strata Corporation is meant to operate and places a substantial burden on the remaining 3 owners.

For the original ceiling beam project that is subject to the Work Order and was to cost \$75,000 our special levy was increased to \$100,000, so that the \$75,000 raised from 3 owners would be enough to undertake the project. I have paid my \$25,000, as have the other 2 owners, but [REDACTED] has not.

The project is now to cost \$270,000 and [REDACTED]
[REDACTED]. Note that this is now the updated value of the project in Claim [REDACTED] of ST [REDACTED].

In ST-[REDACTED] is requesting that the 2023 AGM budget and accompanying Special Levies be declared invalid. It is extremely stressful to operate our Strata Corporation with these kinds of challenges hanging over our heads for months.

Our accounting costs have skyrocketed, and financial reporting is exceptionally complicated due to the ongoing shenanigans, and we are at the point where it is difficult for the Strata Corporation to meet its day-to-day operating expenses.

Personally, I've experienced a significant financial hardship due to the exceptionally high maintenance fees and all these extra special levies. I'm having to pay my share plus a portion of another owner's share simply to complete the projects, which I cannot afford going forward.

I've had to take out a HELOC loan for the maximum amount I was able to borrow. It will be sufficient to pay my portion of the \$270,000 but I simply do not have enough funds to continue to pay for [REDACTED]s share. I cannot afford to pay any more. At the age of 57 I will be forced to dip into the very small retirement savings that I have just to complete this project, which as noted is subject to a [REDACTED] Work Order.

This doesn't even touch on the mental anguish and emotional toll of the past 4 years. As we are required to have 3 strata council members, it has been impossible to have any break from this constant burden.

Linking Disputes & Claims

The following Disputes and Claims are currently outstanding between [REDACTED] and VAS [REDACTED]:

1. Dispute ST-[REDACTED]
 1. [REDACTED]
 - [REDACTED]
 2. [REDACTED]
 - [REDACTED]
 3. [REDACTED]
 - [REDACTED]
2. Dispute ST-[REDACTED]
 - [REDACTED]
 - [REDACTED]
 2. [REDACTED]
 - [REDACTED]
 3. [REDACTED]
 - [REDACTED]
3. Dispute ST-[REDACTED]
 - [REDACTED]
 - [REDACTED]

The following claims directly impact the financial health of the Strata Corporation and our ability to undertake day to day operations:

1. Claims [REDACTED] and [REDACTED] from Dispute ST-[REDACTED]
2. Claims [REDACTED] and [REDACTED] from Dispute ST-[REDACTED]
3. Claim [REDACTED] from Dispute ST-[REDACTED]

As noted above, VAS [REDACTED] is in a dire financial state. Most of the other claims relate to governance issues that need to be clarified ASAP. We therefore kindly request that the above Disputes be combined and expedited to be considered by the same Tribunal member to protect the financial viability of the Strata Corporation.



Don Buchanan
Owner, Strata Lot 2
President, Strata Council, VAS [REDACTED]