

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 592 , Approved and Ordered July 28, 2016


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) sections 37 to 43, 45 and 47 to 54 of the *Natural Gas Development Statutes Amendment Act, 2015*, S.B.C. 2015, c. 40, are brought into force,
- (b) section 3 of the *Civil Resolution Tribunal Amendment Act, 2015*, S.B.C. 2015, c. 16, as it enacts section 3.6 (2) (r.1) and (r.2) of the *Civil Resolution Tribunal Act*, S.B.C. 2012, c. 25, is brought into force,
- (c) the *Strata Property Regulation*, B.C. Reg. 43/2000, is amended as set out in the attached Schedule 1, and
- (d) the *Bare Land Strata Plan Cancellation Regulation*, B.C. Reg. 556/82, is amended as set out in the attached Schedule 2.

DEPOSITED

July 28, 2016

B.C. REG. 206/2016



*Minister of Natural Gas Development and
Minister Responsible for Housing and
Deputy Premier*



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Natural Gas Development Statutes Amendment Act, 2015*, S.B.C. 2015, c. 40, s. 58; *Civil Resolution Tribunal Amendment Act, 2015*, S.B.C. 2015, c. 16, s. 50; *Strata Property Act*, S.B.C. 1998, c. 43, ss. 286 and 292

Other: OICs 130/2000, 2238/82

June 17, 2016

SCHEDULE 1

1 Form B of the Strata Property Regulation, B.C. Reg. 43/2000, is amended

(a) by adding the following paragraph:

(h.1) Are there any winding-up resolutions that have been passed?

no yes [attach copy of all resolutions] , and

(b) in paragraph (i) by striking out “a 3/4 vote or unanimous vote” and substituting “a 3/4 vote, 80% vote or unanimous vote”.

2 Form E is amended under the heading “CERTIFICATE FOR SECTION 274”

(a) in paragraph (a) by striking out “a unanimous vote” and substituting “an 80% vote”, and

(b) by repealing paragraph (c) and substituting the following:

(c) one of the following is the case [check applicable box]:

the resolution has been confirmed by a court order under section 273.1 of the *Strata Property Act* and the strata corporation meets the requirements of section 274 (b) (ii) (B);

the strata plan has fewer than 5 strata lots, the written consent required by section 274 (c) (i) of the *Strata Property Act* has been given and the strata corporation meets the requirements of section 274 (c) (ii) (B).

SCHEDULE 2

1 Section 1 of the Bare Land Strata Plan Cancellation Regulation, B.C. Reg. 556/82, is amended by adding the following definitions:

“Act” means the *Strata Property Act*;

“local government” has the same meaning as in section 1 of the Schedule to the *Local Government Act*; .

2 Section 2 is amended

(a) by repealing subsection (1),

(b) in subsection (2) by adding “under section 274 of the Act” after “An application”, and

(c) by repealing subsections (3) and (4) and substituting the following:

(3) An application to cancel a bare land strata plan must, in addition to the documents required by section 274 of the Act, be accompanied by

(a) all documents that are required to carry out the proposals for vesting or other disposition of the land in the plan, and

(b) a copy of the notice referred to in section 2.1 of this regulation.

- (4) Despite section 274 of the Act, an application to cancel a bare land strata plan need not be accompanied by a court order under section 273.1 or the written consent referred to in section 274 (c) (i) if
 - (a) the bare land strata plan has fewer than 5 strata lots, and
 - (b) the registrar considers that the interests of holders of registered charges against land shown on the strata plan or land held in the name of or on behalf of the strata corporation, but not shown on the strata plan, will not be affected by the cancellation.

3 The following section is added:

Notice to local government

- 2.1 (1) An application under section 274 of the Act may not be made in relation to a bare land strata plan unless written notice is given, at least 90 days before the date of the application,
 - (a) if any land within the strata plan is within the jurisdiction of a local government, to the local government, and
 - (b) if any land within the strata plan is outside the jurisdiction of a local government, to the applicable approving officer under the *Land Title Act*.
- (2) A notice under subsection (1) must be in Form BL-A and must
 - (a) state whether the owners intend to apply for subdivision of the land within the strata plan, and
 - (b) if the owners intend to apply for subdivision of the land within the strata plan, include a list of any common property or common assets that the owners propose to dispose to a local government or the Province.

4 Section 3 is amended

- (a) in subsection (1) (a) and (2) by striking out “section 2 (3) (c)” and substituting “section 2 (3) (a)”, and
- (b) in subsection (1) (b) by adding “, other than debts held by holders of registered charges against land shown on the strata plan or land held in the name of or on behalf of the strata corporation, but not shown on the strata plan,” after “strata corporation”.

5 Section 4 (1) (b) and (2) (b) (ii) is amended by striking out “section 2 (3) (c),” and substituting “section 2 (3) (a),”.

6 The following Form is added:

FORM BL-A
NOTICE OF INTENT TO WIND UP A STRATA CORPORATION
AND CANCEL A BARE LAND STRATA PLAN
(Bare Land Strata Plan Cancellation Regulation section 2.1)

Re: Strata Plan[the registration number of the strata plan].

Notice is given of intent to apply to the registrar to cancel the above strata plan and to wind up the strata corporation pursuant to the Bare Land Strata Plan Cancellation Regulation and Part 16 of the *Strata Property Act*.

- (a) Do the owners intend to apply for subdivision of the land within the strata plan?
 no yes

- (b) Do the owners intend to ask a local government or the Province to acquire common property or common assets from the strata corporation?
 no yes

If yes, identify the common property or common assets as follows:

- roads, sidewalks or streetlights
- pipes and other facilities for the passage or provision of:
 - water
 - sewage
 - gas
 - oil
 - electricity
 - other:
- other on-site services or facilities: *[please list]*
.....
.....
- other: *[please list]*
.....
.....

Date: *[month day, year]*

.....
Signature of Council Member

.....
Signature of Second Council Member (not required if council consists of only one member)