

# IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Campbell v. The Owners, Strata Plan  
NW1018,*  
2014 BCSC 2058

Date: 20141103  
Docket: 148596  
Registry: New Westminster

Between:

**Wayne J.M. Campbell**

Petitioner

And

**The Owners, Strata Plan NW1018  
Also doing business as: Holly Park Lane  
Also doing business as: Strata Corporation NW1018**

Respondents

Before: The Honourable Mr. Justice Skolrood

## **Reasons for Judgment**

The Petitioner, Wayne J.M. Campbell:

In Person

Counsel for the Respondent:

S. Brearley

Place and Date of Trial/Hearing:

New Westminster, B.C.  
September 26, 2014

Place and Date of Judgment:

New Westminster, B.C.  
November 3, 2014

**Introduction**

[1] This Petition concerns the management of a strata development located at 105 Avenue and 148 Street in Surrey, British Columbia known as Holly Park Lane (the “Property”). The Property is comprised of 186 strata units spread throughout 11 buildings.

[2] The petitioner, Wayne Campbell, owns three of the units in the Property along with his wife. Mr. Campbell is also the former manager of the Property.

[3] The respondent is a strata corporation created pursuant to the *Strata Property Act*, S.B.C. 1998, c. 43 (the “*Act*”). As set out in s. 3 of the *Act*, the strata corporation is responsible for managing and maintaining the common property and the common assets of the corporation for the benefit of the strata unit owners. Pursuant to s. 2 of the *Act*, all owners are members of the strata corporation.

[4] It is apparent from the materials in the record that the strata corporation is rife with in-fighting and a high degree of dysfunction. The issue before the court is whether there are any legal remedies available to address and, if not resolve, at least reduce, that dysfunction.

**Preliminary Objection to the Petitioner’s Evidence**

[5] The respondent raises a preliminary objection to the admissibility of much of the petitioner’s evidence. It submits that the affidavits filed by the petitioner are replete with hearsay, opinion and argument under the guise of evidence. Counsel for the respondent provided me with a chart identifying the objectionable portions of the petitioner’s affidavits, which in fact encompass the bulk of the petitioner’s evidence.

[6] I note that the petition, which was originally filed on January 24, 2013, was supported solely by the affidavit of the petitioner sworn January 23, 2014. The petition apparently came on for hearing before Mr. Justice Harvey on January 16, 2014 but was adjourned. Pursuant to the order of Mr. Justice Harvey granted that same day, the petitioner was given 30 days to produce revised materials. According

to counsel for the respondent, that order was made in response to a similar objection to the admissibility of the contents of the petitioner's affidavit.

[7] The petitioner did not revise his original affidavit but rather filed affidavits from two other individuals that are generally supportive of what the petitioner deposes to in his affidavit.

[8] The respondent however submits that these affidavits suffer from the same flaws as the petitioner's affidavit and that all are largely inadmissible.

[9] I agree that much of the affidavit evidence submitted by the petitioner is inadmissible for the reasons identified by the respondent and referred to in paragraph 5 above. However, rather than simply strike all of the offending paragraphs, I propose to consider the petition based solely on the evidence that is properly admissible (*Khan v. Khan*, 2014 BCSC 289 at paras. 43 - 47 and *Kennedy v. Kennedy*, 2006 BCSC 190 at paras. 2 - 10). Counsel for the respondent was agreeable to this.

### **Background**

[10] Given the issues with the petitioner's evidence, it is not possible to set out the entire background to this dispute and, in any event, many of the background events are not directly relevant to the issues raised in the petition.

[11] Nonetheless it is useful to highlight a number of events and issues that provide the context for the matters in dispute.

[12] A central complaint of the petitioner, which dates back to events in 2011 and 2012, concerns the involvement of a Mr. Gary Sugrim in the management of the strata corporation.

[13] According to the petitioner, Mr. Sugrim was elected to the strata council at a meeting held on December 19, 2011. Subsequently, in January 2012, the respondent entered into an employment agreement with Mr. Sugrim whereby he was hired as the maintenance supervisor for the Property.

[14] In March of 2012, the strata council terminated the petitioner's contract as the property manager. Thereafter, a number of owners circulated a petition seeking a special general meeting for the purpose of reinstating the petitioner as the property manager. According to the petitioner, they obtained signatures from the requisite 25% of owners however the respondent refused to recognize the petition. According to a letter dated June 15, 2012 from the lawyers for the respondent, a number of owners who signed the petition subsequently revoked their signatures.

[15] The petitioner alleges that this was a result of intimidation by members of the strata council, including Mr. Sugrim. While there is no admissible evidence establishing such intimidation, there is some evidence in support of this allegation. This includes a flyer attached to a supporting affidavit sworn by Deborah Smith that she says was distributed to owners in response to the petition for a special meeting. It contains a number of allegations levied against the petitioner in his former role as property manager, clearly with a view to discouraging owners from supporting the petition for a special meeting.

[16] As with many of the allegations of impropriety advanced by both sides to this dispute, it is not possible on the evidence to determine the accuracy or validity of those allegations. However, it is fair to say that the flyer contains intemperate and offensive language and further illustrates the degree of dysfunction permeating the management of the respondent and the strata council.

[17] Despite the refusal of the respondent to acknowledge the validity of the special meeting petition, a number of owners purported to hold a special general meeting on July 24, 2012. At that meeting, the owners voted to remove the existing strata council members and to elect a new council. The new strata property manager however refused to acknowledge the results of that meeting.

[18] According to the petitioner, the owners who had held the special meeting decided that rather than spend money fighting the issue in court, they would wait until the next strata corporation annual general meeting and elect a new strata council at that time.

[19] The next annual meeting was held on November 28, 2012. The petitioner alleges a number of irregularities with respect to that meeting, for example with the procedure for signing in and the distribution of voting cards.

[20] The principal complaint of the petitioner is that Mr. Sugrim obtained and voted 64 proxies at the meeting when he was prohibited from doing so as an employee of the respondent by virtue of section 56(3)(a) of the *Act*. The persons in whose favour Mr. Sugrim voted the proxies, including himself, were all elected to the strata council. The petitioner submits that, as a consequence, the results of the vote at the November 28, 2012 annual general meeting are invalid.

[21] During his submissions, the petitioner also raised concerns about the conduct of the election held at the next annual meeting, held on February 25, 2014. Essentially, he alleges that the bullying tactics of the current council members prevented many owners from attending and voting as a result of which the current council is not properly representative of the owners.

[22] I note that the evidence filed by the petitioner does not address the February 25, 2014 annual meeting and that the petition only seeks relief in respect of the November 28, 2012 election. The petition was in fact filed on January 24, 2013, before the February 25 meeting, and was not amended to deal with subsequent events.

[23] In his petition, the petitioner raises a number of further allegations about Mr. Sugrim's conduct, including that he was being paid by the respondent when he was in fact working elsewhere and that he provided "free" services to owners when he was being paid by the respondent in exchange for gratuities that he pocketed.

[24] The petitioner also alleges that the strata council failed to properly respond to requests for information made by the trustee committee established pursuant to bylaw 37 of the strata corporation bylaws. According to that bylaw, which has now been repealed, a trustee committee comprised of three members may be elected at each annual general meeting and the committee shall serve as an independent

reviewer of cheques issued by the strata corporation as well as the record books required to be maintained by the strata corporation. According to the petitioner, a trustee committee report dated April 8, 2013 was prepared by the trustee committee but its request for additional information and its recommendation for a full financial review was ignored.

[25] The respondent has not responded to all of the allegations advanced by the petitioner, due in large part to its position that much of the petitioner's evidence is inadmissible.

[26] With respect to the petitioner's central complaint about Mr. Sugrim voting proxies at the November 28, 2012 annual meeting, the respondent says that in fact Mr. Sugrim was laid off as of November 15, 2012 and, as such, was not an employee of the strata corporation at the time of the meeting. Accordingly, there was no prohibition against him obtaining and voting the proxies.

[27] As I will address in further detail below, the respondent submits further that the issue is, in any event moot, as there has been a subsequent annual meeting at which a new strata council was elected.

**The Relief Sought in the Petition**

[28] The relief sought by the petitioner may be summarized as follows:

- a) an order that the respondent breached the *Act* by permitting Mr. Sugrim to vote proxies at the November 28, 2012 annual meeting and a further order invalidating those votes and thus correcting the results of that meeting;
- b) an order requiring the respondent to produce records and information concerning Mr. Sugrim's employment by the respondent, including records of services provided and payments made, as well as various other records identifying work done at the Property;
- c) an order requiring the respondent to comply with section 167(1) of the *Act* and to disclose all legal actions brought against it; and

- d) an order requiring the respondent to comply with its own bylaw 37 concerning the trustee committee and to provide all necessary records to enable the trustee committee to carry out its function.

**Analysis**

**The November 28, 2012 Meeting**

[29] With respect to the issue of the November 28, 2012 annual meeting, the respondent notes that at the subsequent annual meeting held on February 25, 2014, a new strata council was elected. As such, it again submits that the validity of the vote at the November 28, 2012 meeting is a moot issue.

[30] The respondent also submits that, in any event, Mr. Sugrim was not employed by the strata corporation on November 28, 2012 thus there was no breach of the *Act*.

[31] In his affidavit sworn February 12, 2013, Mr. Sugrim deposes that he was laid off by the respondent effective November 15, 2012 and has not been employed by the strata corporation since that time. He attaches to his affidavit the minutes of a strata council meeting that took place on October 29, 2012 in which the following is recorded:

As work is slowing down, it was resolved that Gary Sugrim and Rex Yang be laid off indefinitely.

[32] Apart from these minutes and Mr. Sugrim's statement in his affidavit, there is no other evidence confirming his lay off. For example, no record of employment was filed indicating the date on which his employment ceased.

[33] What is in evidence, is a copy of a resolution passed by the strata council on December 6, 2012 whereby the council resolved to retain Mr. Sugrim as an independent contractor for maintenance jobs at the Property.

[34] Based on this sequence of events, it is not surprising that the petitioner and other owners would have legitimate doubts about Mr. Sugrim's status at the time he

obtained and voted the proxies. Moreover, it is clear that Mr. Sugrim was being less than forthright when he stated in his affidavit that he has not been employed by the strata corporation since November 15, 2012, failing to acknowledge that he was then almost immediately retained as an “independent contractor.”

[35] Nevertheless, I agree with the respondent that there is no value in revisiting the results of the November 28, 2012 election given that a subsequent annual meeting was held and a new council elected. It is well established that courts will not generally entertain applications for declaratory relief where the declaration will serve little or no practical purpose: *Cheslatta Carrier Nation v. British Columbia*, 2000 BCCA 539 at para. 13.

[36] I therefore decline to interfere with the results of the election held at the November 28, 2012 annual meeting.

### **Demand for Records**

[37] In paragraph 3 of the relief sought in the petition, the petitioner seeks an injunction ordering the respondent to comply with s. 36 of the *Act* and to provide certain listed documents and records.

[38] Section 36 of the *Act* provides in part:

(1) On receiving a request, the strata corporation must make the records and documents referred to in section 35 available for inspection by, and provide copies of them to,

(a) an owner,

(b) a tenant who, under section 147 or 148, has been assigned a landlord's right to inspect and obtain copies of records and documents, or

(c) a person authorized in writing by an owner or tenant referred to in paragraph (a) or (b).

(1.1) On receiving a request from a former owner, from a former tenant referred to in subsection (1) (b) or from a person authorized in writing by the former owner or former tenant, the strata corporation must, with respect to records and documents referred to in section 35 that, whenever created, relate to the period during which the former owner or former tenant was an owner or tenant, make those records and documents available for inspection



by, and provide copies of them to, the former owner, former tenant or person authorized in writing, as the case may be.

...

[39] As can be seen, the records and documents that must be made available for inspection are those set out in s. 35 as follows:

- (1) The strata corporation must prepare all of the following records:
  - (a) minutes of annual and special general meetings and council meetings, including the results of any votes;
  - (b) a list of council members;
  - (c) a list of
    - (i) owners, with their strata lot addresses, mailing addresses if different, strata lot numbers as shown on the strata plan, parking stall and storage locker numbers, if any, and unit entitlements,
    - (ii) names and addresses of mortgagees who have filed a Mortgagee's Request for Notification under section 60,
    - (iii) names of tenants, and
    - (iv) assignments of voting or other rights by landlords to tenants under sections 147 and 148;
  - (d) books of account showing money received and spent and the reason for the receipt or expenditure;
  - (e) any other records required by the regulations.
- (2) The strata corporation must retain copies of all of the following:
  - (a) the records referred to in subsection (1);
  - (b) the registered strata plan and any strata plan amendments as obtained from the land title office;
  - (c) this Act and the regulations;
  - (d) the bylaws and rules;
  - (e) resolutions that deal with changes to common property, including the designation of limited common property;
  - (f) waivers and consents under section 41, 44 or 45;
  - (g) written contracts to which the strata corporation is a party;
  - (h) any decision of an arbitrator or judge in a proceeding in which the strata corporation was a party, and any legal opinions obtained by the strata corporation;
  - (i) the budget and financial statement for the current year and for previous years;
  - (j) income tax returns, if any;

- (k) correspondence sent or received by the strata corporation and council;
- (l) bank statements, cancelled cheques and certificates of deposit;
- (m) Information Certificates issued under section 59;
- (n) the records and documents referred to in section 20 or 23 obtained by the strata corporation;
- (n.1) any depreciation reports obtained by the strata corporation under section 94;
- (n.2) any reports obtained by the strata corporation respecting repair or maintenance of major items in the strata corporation, including, without limitation, engineers' reports, risk management reports, sanitation reports and reports respecting any items for which information is, under section 94, required to be contained in a depreciation report;
- (o) any other records required by the regulations.

(3) Records referred to in this section must be retained by the strata corporation for the periods set out in the regulations.

[40] In his affidavit, the petitioner attaches a copy of a letter dated December 5, 2012 that that he sent to the property manager asking for documents and a copy of a reply dated December 19, 2012.

[41] The respondent notes that many of the documents that were requested in the petitioner's letter are different from what he now seeks in the petition. It says as well that certain of the records requested are not within the scope of section 35 and that others are protected from disclosure by virtue of the *Personal Information Protection Act*, S.B.C. 2003, c. 63. As such, the respondent submits that the petitioner has not established a breach of the *Act* that would warrant intervention by the court.

[42] In its reply to the petitioner's initial request for documents dated December 19, 2012, the property manager, presumably acting on behalf of the respondent, agreed to provide those records that fell within s. 35 of the *Act* and that were not otherwise precluded from production, for example records of money received and spent and the reasons for the receipt or expenditure. The property manager subsequently provided a collection of documents to the petitioner.

[43] The petitioner has not established that the respondent breached the *Act* in its determination of what records to produce and what records it declined to produce. Further, one of the items sought to be produced is the sign-in sheets for the November 28, 2012 annual general meeting. Presumably this is sought in support of the petitioner's challenge to the validity of the election results from that meeting, however, as noted above, I have determined that issue to be moot.

[44] For these reasons, the relief sought in paragraph 3 of the petition is dismissed.

[45] In paragraph 4 of the petition, the petitioner seeks an injunction ordering the respondent to comply with ss. 32 - 34 of the *Act* and to disclose information concerning work done at the Property and payments made for that work.

[46] It is not clear however how the referenced sections of the *Act* support the relief sought. Section 32 deals with conflicts of interest of council members and requires a member who has a conflict to disclose it and to refrain from voting on any matter involving the conflict. Section 33 deals with the failure to comply with s. 32 and authorizes an owner to apply to court to set aside a contract or transaction or claim compensation from a council member who has contravened s. 32. Section 34 provides that any remuneration paid to a council member for the member's exercise of council powers must be approved in advance.

[47] I agree with the submission of the respondent that there are no factual allegations advanced by the petitioner that would engage these sections. I agree further that to the extent that the relief sought is directed against specific persons, such as individual council members and Mr. Sugrim, those persons are not parties to this proceeding and cannot be made the subject of a mandatory injunction.

[48] The relief sought in paragraph 4 of the petition is therefore dismissed.

**Disclosure of Legal Proceedings**

[49] Section 167(1) of the *Act* requires that a strata corporation inform owners as soon as feasible if it is sued. The petitioner seeks an order requiring the respondent to comply with this section.

[50] In his affidavit, the petitioner makes a vague allegation that “there are currently two active legal cases against the strata corporation which the strata corporation has not disclose to the owners”. No details about those alleged proceedings have been provided by the petitioner.

[51] In an affidavit sworn by Catherine Rutherford dated February 14, 2014, she deposes that the petitioner has advised her of two legal actions that he has brought against the strata corporation. Again, however, no details are provided.

[52] Mr. Sugrim on behalf of the respondent deposes that all legal proceedings of which he is aware have been disclosed to the owners. Absent some more detailed evidence from the petitioner establishing a clear breach of the *Act*, there is no basis for making the order sought by the petitioner.

**The Trustee Committee**

[53] The petitioner seeks an order requiring compliance with bylaw 37 concerning the operation of the trustee committee and a further order directing the respondent to provide information to the elected members of the trustee committee.

[54] At a special general meeting held on October 29, 2013 the owners voted to repeal and replace the existing bylaws. The new bylaws that were adopted at that meeting do not provide for a trustee committee.

[55] There are therefore currently no provisions in the bylaws that would support the relief sought by the petitioner. This aspect of the petition is dismissed.

### Additional Matters

[56] At the hearing of the petition, the petitioner acknowledged that much of the relief sought in the petition, for example the orders sought with respect to the November 28, 2012 election, was no longer of much use. However, he expressed the hope that the court would make some form of order that would ensure the fairness of the council election to be held at the next annual meeting.

[57] Under the *Act*, the court has the authority to intervene in the affairs of a strata corporation or council to prevent or remedy unfair or improper actions. For example, ss. 164 and 165 of the *Act* provides:

#### Preventing or remedying unfair acts

**164** (1) On application of an owner or tenant, the Supreme Court may make any interim or final order it considers necessary to prevent or remedy a significantly unfair

(a) action or threatened action by, or decision of, the strata corporation, including the council, in relation to the owner or tenant, or

(b) exercise of voting rights by a person who holds 50% or more of the votes, including proxies, at an annual or special general meeting.

(2) For the purposes of subsection (1), the court may

(a) direct or prohibit an act of the strata corporation, the council, or the person who holds 50% or more of the votes,

(b) vary a transaction or resolution, and

(c) regulate the conduct of the strata corporation's future affairs.

#### Other court remedies

**165** On application of an owner, tenant, mortgagee of a strata lot or interested person, the Supreme Court may do one or more of the following:

(a) order the strata corporation to perform a duty it is required to perform under this Act, the bylaws or the rules;

(b) order the strata corporation to stop contravening this Act, the regulations, the bylaws or the rules;

(c) make any other orders it considers necessary to give effect to an order under paragraph (a) or (b).

[58] In certain circumstances, where the court considers it in the best interests of the strata corporation to do so, the court may go so far as to appoint an administrator under s. 174 of the *Act* to exercise the powers and perform the duties of the strata corporation. The petitioner here indicated that he did not wish for the appointment of an administrator but simply for some assistance from the court in ensuring a fair election.

[59] While the *Act* does authorize the court to issue orders concerning the actions of a strata corporation, the court will not lightly do so. One of the central elements of the *Act* is a governance structure under which the owners in a strata development elect a council of their peers to act in their collective best interests. There will rarely if ever be unanimity between the council and all owners concerning every action or decision taken by the council, but that is true in every democratic organization and the mere presence of disagreement does not justify judicial intervention (*Wier v. Strata Plan NW 17*, 2010 BCSC 784 at paras. 26 - 32).

[60] The Court of Appeal described the unique nature of strata corporations and their governance in *Jivan Dhillon & Co. Inc. v. Gosal*, 2010 BCCA 324 in these terms at paras. 17 - 18:

Strata property ownership presents a distinct mix of legal principles derived from property law and law relating to collective governance. The framework is provided by a statute designed to facilitate management of common issues, providing an appropriate degree of individual autonomy through the device of democratic principles, and borrowing to some degree from concepts found in statutes regulating municipal and corporate governance.

To that end, the *Strata Property Act* and bylaws passed under it, provide a code for governance of strata properties setting out mandatory requirements permitting participation of owners in the governance through election of the strata council, control over the strata corporation's bylaws, and control over certain management decisions that are considered so important to the enterprise as to require approval by the owners through the mechanism of a vote. Daily management is effected through the elected strata council, and the council has both powers and responsibilities.

[61] While recognizing that the democratically made decisions of a strata council are entitled to a degree of deference, for strata owners to have confidence in their council they must also be confident that the council was put in place by means of a

fair and properly conducted election process. Even well-meaning decisions of a strata council will lack legitimacy if the election that put the council in office was tainted.

[62] In the present case, the petitioner raised valid concerns about the conduct of the November 28, 2012 election. While I declined to grant the relief sought in respect of that election as being moot, that does not diminish the validity of the concerns raised.

[63] Further concerns were raised about the conduct of the subsequent February 25, 2014 meeting. While it is not possible to come to any firm conclusions about what happened at that meeting given the state of the evidence, it is fair to say that the petitioner, and no doubt other owners, have cause for concern about the next election which, under s. 40(2) of the *Act*, must take place within two months of the strata corporation's year end of December 31, 2014.

[64] Faced with these concerns, one approach would be to simply permit the next election to go ahead with no orders of the court to guide the process. In the event that the concerns of the petitioner materialize and issues arise as to the fairness of the election, a remedy under the *Act* may be sought at that time.

[65] While that approach may fit better with the court's general reluctance to intervene in the affairs of a strata corporation, the petitioner is concerned that the conduct of the previous elections has been such that many owners will simply choose not to attend the next annual meeting and vote in the election. Thus even absent any clear misconduct or breaches of the *Act*, the election will not be properly representative of the interests of all owners.

[66] I therefore consider it appropriate in the specific circumstances of this case for the court to take proactive measures, albeit minimal ones, to hopefully ensure the fairness of the next election.

[67] I note that under s. 40 of the *Act*, the strata corporation has a duty to hold an annual general meeting. Pursuant to s. 25 of the *Act*, at each general meeting, the eligible voters who are present in person or by proxy must elect a council.

[68] Division 5 of Part 4 of the *Act* deals with voting. Generally speaking, the *Act* provides for one vote per each strata lot. In accordance with s. 54, that vote may be exercised by an owner, a designated tenant or, on certain matters, a mortgagee. Section 56 sets out the requirements for the use of proxies.

[69] Implicit in these various provisions is a requirement that the strata corporation ensure that council elections are fair and are conducted in accordance with the *Act*.

[70] As noted above, pursuant to s. 165(a) of the *Act*, the court may order that a strata corporation perform a duty it is required to perform under the *Act*. Exercising this power here, I order that the respondent conduct the next strata council election in strict compliance with the requirements of the *Act*.

[71] To give effect to this order, I further order, pursuant to s. 165(c), that the respondent engage, at its own cost, an independent observer to monitor the conduct of the next council election. The duties of the independent observer will include verifying the identity of every person who registers to vote, and that person's entitlement to vote, and verifying the validity of any proxies that are presented. The independent observer will also oversee the counting of the votes and will verify the results of the election.

[72] In relying on s. 165 of the *Act* as authority for the above order, I acknowledge that this section authorizes the court to act "on application of an owner, tenant, mortgagee of a strata lot or interested person" and that the application brought by the petitioner does not include a request for this specific relief. However, on its face, s. 165 is intended to provide a mechanism for ensuring that a strata corporation and council comply with the duties and obligations imposed by the *Act* and the strata bylaws.



[73] Here, stripped to its essence, the petition is clearly aimed at addressing perceived irregularities in the governance and management of the Property, including in the election of the current strata council. As noted, the *Act* sets out specific requirements concerning the conduct of elections. In the circumstances, I am satisfied that the issues raised in the petition, if not the specific relief sought, are sufficient to warrant recourse to s. 165.

[74] Earlier, I referred to the proposed order as a minimal measure. It is minimal in that it is focussed solely on the conduct of the election and does not address, nor could it, the broader allegations of misconduct, bullying and intimidation advanced by the petitioner. The broader issues are ones that will have to be addressed by a democratically elected strata council after a fair and valid election.

[75] As a final point, I would hope that this order of the court will be seen as a positive measure by both the petitioner and his supporters as well as the current council and their supporters.

[76] From the perspective of the petitioner, it should give him some measure of comfort that the next council election will be properly conducted. If, as he contends, a significant number of owners are opposed to the current council and their actions, they may vote to bring about change.

[77] If, on the other hand, as members of the current council contend, the petitioner is simply a malcontent who is in the minority, this will be borne out in the election results. Viewed in this light, the respondent and the current council can only benefit from an election that is both fair, and seen to be fair.

### **Conclusion**

[78] In summary, I order that the respondent, at its own cost, retain an independent observer to oversee and monitor the conduct of the strata council election to be held at the next annual general meeting of the strata corporation which, pursuant to s. 40(2) of the *Act*, must be held within two months of December 31, 2014.

[79] The parties will bear their own costs of this application.

“Skolrood J.”