

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *The Owners, Strata Plan BCS 3444 v. Lai*,
2026 BCSC 1277

Date: 20260605
Docket: S261586
Registry: New Westminster

Between:

The Owners, Strata Plan BCS 3444

Petitioner

And

**Abby Lai, Emily Chen [aka Yanjin Chen], Rashadul Kallol, Igor Kolosov,
Azm Haque, Alin Stana, Surinder Sanghera, Mirza Avdic**

Respondents

- and -

Docket: S261747
Registry: New Westminster

Between:

The Owners, Strata Plan BCS3444

Plaintiff

And

**Pacific Quorum Properties Inc., Rajvir Singh Athwal aka Rob Athwal,
Gagandeep Singh Klair aka Gagan Klair, Alexey Mazilenko,
and Bank of Montreal**

Defendants

Before: The Honourable Justice Fowler

Oral Reasons for Judgment

(In Chambers)

Counsel for the Petitioner and for the
Defendants, Pacific Quorum Properties Inc.,
Rajvir Singh Atwal aka Rob Athwal,
Gagandeep Klair aka Gagan Klair and Alexey
Mazilenko:

B. Scheidegger

The Respondent, Alin Stana appearing in
person and as representative for the Plaintiff:

A. Stana

Counsel for the Defendant, Bank of Montreal:

A. Flipse
(June 2, 2026)

No further appearances

Place and Dates of Hearing:

Port Coquitlam, B.C.
June 2–4, 2026

Place and Date of Judgment:

Port Coquitlam, B.C.
June 5, 2026

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Introduction

[1] **THE COURT:** These are my reasons for judgment in respect of the hearing of the petition that has taken place this week.

[2] D'Corize is a high-rise apartment building in Surrey, British Columbia. The building contains 180 strata lots and common property, collectively managed or governed by a strata corporation known as The Owners, Strata Plan BCS 3444 (the "Strata"). Two groups of residents are currently embroiled in an unpleasant conflict over who currently and validly constitutes the council who operates or manages the Strata.

[3] On October 30, 2025, an annual general meeting ("AGM") was held that resulted in the election of three owners to the strata council (the "October Council"). This council has filed the petition described below.

[4] Within a very short period, another group of residents organized and demanded a special general meeting ("SGM"). Attempts were made to hold the meeting on December 1, 2025. That meeting was cancelled by the October Council, who alleged that it was not properly constituted under the Strata's bylaws and the *Strata Property Act*, S.B.C. 1998, c. 43 [SPA]. Those disaffected by the decision to cancel the December 1, 2025 SGM continued in their efforts until ultimately an SGM was held on December 23, 2025.

[5] At this SGM, the October Council was voted out, and a new council comprised of seven individuals was voted in (the "December Council"). This council filed the notice of civil claim ("NOCC") described in further detail below.

[6] To express very simply what has become an extremely impassioned dispute, the October Council challenges the legitimacy of the December Council to manage the Strata, and the December Council continues to challenge the legitimacy of the October Council to manage the Strata. Both Council now ask the Court to approve their council and effectively invalidate the other.

[7] From a practical perspective, the immediate effect of this dispute is that the Strata, legally required to manage a large residential tower in which hundreds of people live, with an operating budget of approximately \$800,000 per year, with a sizable reserve fund of hundreds of thousands of dollars, is inhibited in its functioning and distracted and embroiled in expensive litigation.

[8] To illustrate the imminent concerns for the proper functioning of the Strata, the December Council purported to replace the existing property management company, Pacific Quorum Properties Inc. ("PQP"), with a different management company and, in the process, encouraged owners to cancel pre-authorized debits for strata fees.

[9] In addition, I understand both Council are imposing fines or seeking special resolution funds for ongoing litigation, which I will now summarize.

Pleadings and Applications Before the Court

[10] On February 3, 2026, the December Council, purporting to be acting on behalf of the Strata, who is the plaintiff, filed a notice of civil claim ("NOCC") against the three members of the October Council, PQP, and the Bank of Montreal, who I understand hold in trust strata funds. The file number is New Westminster Registry S261747.

[11] The NOCC is lengthy, alleging financial mismanagement, financial irregularities, misconduct in governance of the Strata, as well as allegations of breaches of fiduciary duty, conflict of interest, harassment, intimidation, and obstruction.

[12] The plaintiff seeks declaratory relief, including that the December Council was "validly and lawfully elected", interlocutory and permanent injunctions against members of the October Council and PQP, damages, including aggravated and punitive damages, and full indemnity costs. The NOCC is signed by Alin Stana.

[13] On the same day of filing the NOCC, the plaintiffs filed an application seeking the same declaratory and injunctive relief claimed in the NOCC. The notice of application is also signed by Mr. Stana.

[14] One order sought in the notice of application is an "order, pursuant to the inherent jurisdiction of this Court and Rule 1-3 of the *Supreme Court Civil Rules*, that Mr. Stana, a member of the Strata Council of the Plaintiff, be granted leave to represent the Plaintiff in this proceeding."

[15] I note at this point, leaving aside the question of whether the December Council was "validly and lawfully elected", there is no evidence that the December Council, purporting to act on behalf of the Strata, has been authorized pursuant to s. 171 of the *SPA* to sue other owners and the property management company on behalf of all owners.

[16] Given the circumstances of this dispute and without deciding the issue, the preferable course would have been for members of the December Council to apply in their personal capacities, pursuant to s. 165 of the *SPA*, seeking orders from this Court.

[17] Returning to the February 3, 2026 application, I understand that this application was set down for hearing on February 25, 2026, but was ultimately adjourned generally. The parties were ordered to attend a case planning conference on March 25, 2026.

[18] On February 19, 2026, the October Council, defendants in the NOCC, filed an application seeking a number of orders, including the adjournment of the plaintiff's February 3 application referred to above. The other orders sought include, most importantly, a declaration that s. 171 of the *SPA* has not been complied with and that the NOCC should be stayed pending compliance by the plaintiffs.

[19] On March 12, 2026, the plaintiffs filed an application seeking a variety of relief against PQP, including that it deliver all strata records in its control to the plaintiffs and transfer control of the trust funds of the Strata to the plaintiff. This application was scheduled to be heard March 26, 2026, and then rescheduled for April 13, 2026, when it was adjourned because of insufficient court time. Ultimately it was set to be heard with other matters during the four days scheduled for hearings commencing before me on June 2, 2026.

[20] On February 11, 2026, the October Council filed a petition against eight respondents, seven of whom are members of the December Council. The file number is New Westminster Registry S261586. The eighth respondent is Mr. Sanghera, who owns the strata unit in which Mr. Stana has resided for multiple years as a tenant.

[21] Pursuant to s. 147 and/or 148 of the *SPA*, a tenant is eligible to be a member of council or participate in strata meetings and vote on resolutions if the owner of that unit has assigned their powers and duties to the tenant. Pursuant to s. 148, the tenant is presumptively assigned the owner's powers and duties if the tenant's lease is a long-term lease, meaning a lease with a set term of three years or more. One of the disputes between the October Council and the December Council is whether Mr. Sanghera had, at the relevant times, validly assigned his powers and duties to Mr. Stana.

[22] I will simply say at this point, given the state of the evidence, contested and untested, that it is impossible for me to resolve this question at this time. That said, given that Mr. Stana is named in his personal capacity as a respondent in the petition, I permitted him to make submissions to the Court on behalf of himself and ultimately on behalf of all the other respondents, which submissions continued for more than two days.

[23] The relief sought in the petition includes:

- 1) A declaration that the December SGM held December 23, 2025 is invalid as it was not held in accordance with the *SPA* or the strata bylaws;
- 2) Various other orders restraining the respondents, members of the December Council, from acting or holding themselves out as acting on behalf of the Strata;
- 3) Orders against Mr. Stana personally, including that he immediately cease contravening the *SPA*, strata bylaws and rules, including ceasing to damage, deface, or interfere with common property. I note at this point that I have

reviewed videos filed as Exhibit 1 at this hearing which appear to show Mr. Stana engaging in such conduct;

- 4) A variety of orders pursuant to s. 173(1) of the *SPA* requiring the respondents to pay the full cost of repairs to common property damaged by the respondents, and that the respondents must take all reasonable steps to ensure persons occupying or attending at the strata unit comply with the *SPA* and the strata bylaws and rules;
- 5) That fines associated with Unit [unit number redacted], where Mr. Stana is a tenant, be paid.

[24] On April 14, 2026, the petition was amended to include an application for an order pursuant to s. 174 of the *SPA* that Garth Cambrey be appointed as an administrator of the Strata for a period of six months, and other orders to facilitate implementation of the administrator appointment.

[25] I should add that I have reviewed Mr. Cambrey's résumé and he is clearly qualified to perform this role. I also note that he has been appointed as an administrator of other stratas by the courts.

[26] On April 23, 2026, the petitioner was given leave to serve the amended petition and supporting affidavits, and responses of the original eight respondents and their affidavit material on all owners of strata units at D'Corize substitutionally.

[27] Given that the petitioners were seeking the appointment of an administrator, with the cost of that appointment being borne by the Strata and therefore the owners, notice to all owners was appropriate.

[28] I understand that approximately 75 owners have filed responses to the amended petition. Each of these responses is identical. I understand the form response was initially drafted by Mr. Stana, with some assistance from other December Council members. The fact that all responses are identical, along with similarities I have

observed in the affidavit materials filed by the December Council litigants, is a matter of some concern for the Court.

[29] Ultimately, however, given the basis upon which I have decided the issues in this case, the reliability and credibility of much of the affidavit evidence need not be determined.

Conclusion Re Pleadings and Applications

[30] The three applications filed under court file number NW S261747 (the December strata NOCC), and the petition filed under court file number NW S261586 (the October Strata petition), were all scheduled to be heard together over four days commencing June 2, 2026.

[31] Having had an opportunity to review in excess of 2,000 pages of materials filed predominantly by the December Strata parties in support of their applications and their materials in response to the petition, I determined that given the extent to which the issues raised in the petition are responsive to or overlap with the issues raised in the applications, the most efficient use of court time would be for me to hear the petition. I have, however, considered all the materials filed, whether filed in support of the applications or in response to the petition.

[32] Having reviewed the pleadings filed to date, the summary of the current state of affairs provided by counsel for the October Strata in their materials is most apt:

- 1) The December Council is the counsel that commenced the action on behalf of the strata corporation.
- 2) The October Council is the council that commenced the petition on behalf of the strata corporation.
- 3) Each council denies the legitimacy of the other, and governance has been nearly impossible for the past six months.

[33] The fact that governance of the Strata has become nearly impossible and given the impassioned feuding that is obviously occurring between neighbours, it is incumbent on the Court to adjudicate matters urgently.

[34] I have endeavoured to carefully review all the evidence and exhibits that have been filed. I have listened carefully to over two days of submissions from Mr. Stana, who has an encyclopaedic grasp of the facts he alleges in support of a myriad of serious allegations he and others have made against members of the October Strata, PQP, and legal counsel.

[35] What I can state unequivocally at this point is that it is impossible to resolve, based on untested affidavits, some of which are hundreds of paragraphs in length, attaching tens of lengthy exhibits, who is right and who is wrong in respect of all the allegations of impropriety.

[36] However, what the evidence does show without question, is that the two factions are intractably at odds. They do not trust the motives or intentions of the other.

[37] Many very serious allegations have been made against members of the October Council, particularly in the materials relied upon by Mr. Stana. For example, in emails from Mr. Stana and other documents he has created, he consistently alleges that people he disagrees with or people who disagree with him are lying, engaging in misconduct, or acting fraudulently. He accuses the property management company agent and legal council for the Strata of acting illegally and criminally. He threatens to report various people to the police, legal council to the Law Society of British Columbia, and the managing broker to the B.C. Financial Services Authority.

[38] His communications are replete with accusations and allegations, including:

- a) grave misuses of authority;
- b) breaches of fiduciary duty;
- c) professional misconduct;

- d) defamation and slander;
- e) civil harassment;
- f) persistent illegal conduct;
- g) lies, deceptions and misrepresentations; and
- h) contempt for the law.

[39] I note, too, that in the affidavit materials there are allegations made that the Strata has engaged in unlawful surveillance of owners and residents, that CCTV security cameras record audio, that fines have been levied capriciously, and even accusations from one owner that another owner is using their unit for illegal purposes.

[40] The police have been called to the building on multiple occasions. Their attendance was requested for a strata meeting, but I understand they did not attend. There are accusations that the building manager has stolen people's mail and other personal belongings, and now Mr. Stana recently has been charged criminally with assaulting the building manager.

Analysis

[41] Despite the volumes of evidence – for example, the first affidavit and the 78 attached exhibits of the respondent to the petition, Ms. Chen, who is a member of the December Council, is 606 pages in length – the main issue for determination is whether the December Council or the October Council was validly elected, and therefore which council currently has authority to manage the Strata.

[42] In respect of the conduct of both the October 30, 2025 AGM, and the December 23, 2025 SGM, each of the two factions makes allegations that the respective meeting failed to comply with the *SPA*, the bylaws, and rules of the Strata. For example:

- 1) each alleges that proxies held by one or more owners were not valid;

- 2) that the online format of the meeting failed to accommodate online chat between owners, contrary to the bylaws, and *SPA*; and
- 3) that valid proxies were not permitted to attend the online meeting.

[43] There are other allegations made, primarily by the December Council members about the October AGM. Essentially, however, the December Council members forcefully argue that their SGM was properly constituted, properly conducted, and that the petitioners have failed to rebut the presumption of regularity that attaches to the results of an election, such that the election in October has been effectively overtaken by the results of the December election.

[44] The December Council relies upon the well-known test to set aside an election set out in *Leroux v. Molgat*, [1985] 67 B.C.L.R. 29, 1985 CanLII 229 (B.C.S.C.) in which Justice McLachlin, as she then was, states:

[3] An election will be set aside only if substantial irregularity, calculated to affect the result, is shown . . . If the plaintiff establishes irregularities, the onus shifts to the defendants responsible for the conduct of the election to show that those irregularities were not calculated to affect the result . . . Thus the main issues are whether irregularities are established, and, if so, whether the defendants responsible for the conduct of the election have shown that such irregularities did not affect the result.

[45] I accept that the allegations about what happened during the December meeting, for example, whether some individuals, including Mr. Athwal and the lawyer acting for the October Council, Mr. Dougan, were improperly excluded from the meeting are allegations of irregularities that are unlikely to have affected the result – a vote of 64-0 to remove each member of the October Council and a vote of between 60 and 64-0 to appoint members to the December Council.

[46] However, the main argument of the petitioners, the October Council, is that the notice of the SGM was fundamentally flawed. They allege that the notice of the December SGM breached the *SPA* and the common law, which has interpreted what is permitted and what is not permitted in a notice of a general meeting or a special general meeting.

[47] The notice that was sent out by the respondents to this petition, the December Council, included a document entitled "Background". This document describes the incumbent council, the October Council, as being unlawful more than 10 times. The document states as a fact that the October AGM was "fundamentally compromised by serious and substantial irregularities, including the use of approximately 75 unverified proxies."

[48] The background states that the October Council members have acted against the law, are not acting in the best interests of owners, and have lied. It is a highly inflammatory document which states opinions as facts. At the time of sending this background, there had been no legal finding that the October meeting or the election was compromised in any way. It was presumptively a duly-elected strata council.

[49] Notice requirements for meetings are governed by s. 45(3) of the *SPA*, which states that the notice must contain:

- (a) a description of the matters that will be voted on at the meeting, including the proposed wording of any resolution requiring a 3/4 vote, 80% vote or unanimous vote;
- (b) the date, time and, if applicable, place of the meeting;
- (c) if attendance by telephone or other electronic means will be permitted, instructions for attending the meeting by electronic means.

[50] It is important to observe that s. 47 of the *SPA* states that failure to give proper notice to a person entitled to receive notice does not invalidate a vote taken at the meeting, if the strata corporation made a reasonable attempt to give the notice in accordance with that section.

[51] The extent to which this section also excuses improper notice, inadequate notice, or no notice of an SGM, when organized by owners rather than the strata pursuant to s. 43(6) of the *SPA*, is not a matter that was fully argued before me.

[52] The common law has recognized that notices should be restricted to "factual matters and remain neutral to the outcome of the resolution." Justice Burnyeat in *Azura*

Management (Kelowna) Corp. v. Owners of the Strata Plan KAS2428, 2009 BCSC 506 stated:

[48] The notices required under the *Act* should not be used for the purpose of soliciting support for any particular group of potential members of a council. [...]

[53] I have no hesitation concluding that the background that formed a part of the notice of the December 23, 2025 SGM was a substantial irregularity. It did not contain factual matters. It contained argument and allegations portrayed as facts. It was misleading.

[54] Mr. Stana's response is to forcefully argue that the allegations in the notice were in fact true, therefore it is factual. I do not accept this submission. As an example, Mr. Stana believes that if someone is later proven to have been wrong, in this case concerns about the validity of some of the signatures on the original demands for the December 1, 2025, SGM, then the October Council members must have lied.

[55] I also do not accept Mr. Stana's submission that his repeated use of the word "unlawful" as an adjective is simply a matter of semantics.

[56] The notice of the SGM was clearly improper. The notice was not valid.

[57] Given the nature of the notice, it is hardly surprising that on December 16, 2025, PQP communicated through its own notice sent by email to all owners, and published on the website used for owner communications, that the notice of the December 23, 2025 SGM was invalid, not authorized, not scheduled, and not authorized by the strata council. In addition, this communication from PQP identified concerns about Mr. Stana's past behaviour, including when he was on strata council and litigation was commenced by a trade for unpaid invoices. See: *Remdal Painting and Restoration Inc. v. The Owners, Strata Plan BCS3444*, 2019 BCSC 161.

[58] It is very likely that owners were confused about whether there was to be an SGM on December 23, 2025, which probably explains why the number of people present at the SGM was considerably less than those who were present at an SGM held in February 2026, where a special levy for litigation expenses was approved by 91

or 92 of the 102 owners who voted. I note that 92 is over 50 percent of the owners, as compared to the 33 percent of owners who voted in the December 23 SGM to remove members of the October Council.

[59] When I consider the nature of the irregularities of the December 23 SGM notice, the onus shifts to the December Council to show that these irregularities were not calculated to affect the result.

[60] In my view, the December Council, the respondents to this petition, have failed to show that these irregularities were not calculated to affect the result. I find that the content of the background to the notice was in fact intended to affect the result. It was a highly partisan notice, stating allegations as if they were facts. It was clearly intended to convince owners to vote against the October Council.

[61] In addition, when I consider that the response of the October Council was to tell owners that the December 23, 2025 meeting was not properly authorized by the strata council, I cannot conclude that all owners received proper notice of the December 23, 2025 SGM.

[62] Although in some circumstances, s. 47 of the *SPA* may excuse a failure to give proper notice by the strata council, and not deciding whether s. 47 applies to owner-held SGMs pursuant to s. 43(6) of the *SPA*, given the likely widespread confusion as to whether the December 23, 2025 SGM was going to take place, it is not, in my view, appropriate to excuse the improper notice and hold that the December 23 vote was valid.

[63] I have concluded that the improper notice was not valid. It was a substantial irregularity that not only was designed to affect the result of the election, but it did in fact affect the result of the election. I declare that the SGM held on December 23, 2025, to be invalid. The result of the votes taken are of no force and effect.

[64] As a consequence of this declaration, the strata council with the authority to act on behalf of the Strata is the council elected in October 2025, unless I hold that the AGM held in October was also invalid.

December Council NOCC Challenging the October Council

[65] The difficulty now faced by the December Council is that they have challenged the October Council by filing a NOCC and applications on behalf of the Strata. However, having set aside the results of the December election, the December Council cannot speak for the Strata. It is, in fact, not the Strata, so it cannot commence litigation in the name of the Strata.

[66] I note also that no approval from the owners was obtained prior to commencing the NOCC, as required by s. 171(1) of the SPA.

[67] As discussed in *The Owners, Strata Plan LMS 2940 v. Squamish Whistler Express and Freight*, 2010 BCCA 74, ss. 171 and 172 are mandatory conditions precedent to the filing of an action. Section 173.1 was added to the SPA with the intention and result being that an unauthorized void action is converted into a voidable action: *Strata Plan LMS* at para. 38.

[68] The NOCC is therefore stayed until the plaintiffs can demonstrate compliance with s. 171 of the SPA. Ultimately, it will be for the administrator or any duly-elected strata council to decide whether to take steps to have the NOCC struck or dismissed or, if they consider it appropriate, to comply with s. 171 of the SPA.

[69] The respondents to the NOCC can also take steps to have the claim struck or dismissed.

Application to Appoint an Administrator

[70] The petitioner urges that, despite the invalidity of the December SGM that now leaves the October Council in place, I should consider whether, in the circumstances disclosed in the evidence I have reviewed, it is appropriate to appoint an administrator pursuant to s. 174 of the SPA.

[71] In *Lum et al. v. The Owners, Strata Plan VR519*, 2001 BCSC 493 at para. 11, Justice Harvey distilled from the SPA and the case law the following guiding principles

for determining whether the appointment of an administrator is in the best interest of the strata:

- (a) whether there has been established a demonstrated inability to manage the strata corporation,
- (b) whether there has been demonstrated substantial misconduct or mismanagement or both in relation to affairs of the strata corporation,
- (c) whether the appointment of an administrator is necessary to bring order to the affairs of the strata corporation,
- (d) where there is a struggle within the strata corporation among competing groups such as to impede or prevent proper governance of the strata corporation,
- (e) where only the appointment of an administrator has any reasonable prospect of bringing to order the affairs of the strata corporation.

[72] I adopt unreservedly the comments of Justice Skolrood, as he then was, in *Campbell v. The Owners, Strata Plan NW1018*, 2014 BCSC 2058:

[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 [...]

[60] The Court of Appeal described the unique nature of strata corporations and their governance [...] in these terms [...]

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.

[Citations in original omitted.]

[73] Despite the reservation, courts must show to interfering in the affairs of a strata, in circumstances in which proper governance has become impossible or the legitimacy of those who purport to govern has become shrouded by allegations of misconduct, the court must step in to ensure owners have confidence that their strata is being properly operated.

[74] While I am satisfied that the evidence does not establish that the incumbent council, the October elected Council, has engaged in substantial misconduct or mismanagement, I am satisfied that the evidence does establish that there has arisen an inability to manage the Strata. I arrive at this conclusion because it is apparent that, rightly or wrongly, a significant number of owners, as measured by the number of respondents to the petition, as well as the number who appeared at the December meeting I have declared a nullity, have concerns about the validity of the October election.

[75] As in *Campbell*, strata owners must have confidence in their council and must be confident that they were properly elected. There appears to be an abiding lack of confidence from many owners in the legitimacy of the October Council. Having determined that there exists an inability to manage the Strata, this leads ineluctably to the conclusion that an administrator is necessary to bring order to the affairs of the Strata.

[76] The evidence also establishes that there is currently a struggle between competing groups or factions. I note 60 owners voted in the December special meeting to oust the October Council members. I further note that more than 70 owners responded to oppose the amended petition including its claim for the appointment of an administrator.

[77] That said, over 100 owners attended an SGM in February and over 90 of the 102 owners approved a special levy for a litigation fund to respond to the NOCC. I note parenthetically that the legitimacy of this meeting is also challenged by the petition respondents.

[78] In light of all of the above and the overwhelming evidence of entrenched mistrust, disharmony, and the overall tenor of the allegations and complaints made by, particularly, the December Council faction against the October Council, I have no hesitation concluding that only the appointment of an administrator has any reasonable prospect of bringing order to the affairs of the Strata.

[79] I recognize that the appointment will be a financial expense to the owners. However, by commencing litigation in the name of the Strata, both the October Council and the December Council have already exposed the owners to significant expense, including the risks of large awards of special costs, considering the allegations of fraud and other misconduct made by the December Council against members of the October Council.

[80] I further note that the owners, by a large majority, voted to approve a \$50,000 special assessment to cover the cost of litigation. The proposed administrator charges \$225 per hour. He will have to provide almost 225 hours of his time administering the strata's affairs to reach the amount of \$50,000 that the owners have already approved for litigation.

[81] I make this observation only to illustrate that in the circumstances of this case, the appointment of an administrator is unlikely to impose on the owners an expense

greater than the one they have already approved to cover the cost of litigation; litigation which I hope will likely not continue, now that an administrator has been approved.

[82] Mr. Stana, on behalf of the respondents to the petition, opposes the appointment of an administrator because it is "an undemocratic nuclear option". I observe at this point that what has led to the approval by the court of an administrator is conduct, including the improper notice of the December 23, 2025 SGM, as well as mutual allegations of misconduct in the organization and administering of strata meetings. In other words, for this Strata, there is already a problem with the democratic process.

[83] The level of mistrust between the two factions is of such an intensity that if either faction were to form a council, the other side would seek to challenge or delegitimize the integrity of the other council's election. Neither faction at this point can be trusted to implement or manage or oversee the Strata election process objectively.

[84] I see the appointment of an administrator as operating in this case as akin to an electoral officer, ensuring that the conduct of the election of the next strata council is conducted scrupulously, such that all owners can have confidence in the legitimacy of the next strata council.

[85] In the meantime, by virtue of my appointment of an administrator, neither the October Council nor the December Council will have any legal claim to act for the Strata council.

[86] I therefore appoint an administrator on the following terms, and those terms are the terms that are set out in the amended petition.

[87] In respect of costs and any other orders, it is my view that now that an administrator is managing the Strata, it will be his decision as to whether to seek costs or further orders from this Court. Pursuant to my order, the administrator can retain legal counsel.

[88] I will remain seized of this matter, at least until a duly elected council assumes management of the Strata.

[89] All other orders sought in the petition, file number S261586, are adjourned generally.

[90] The NOCC, file S261747, is stayed pending compliance with s. 171 of the SPA, or until further order of this Court. The applications filed under the NOCC are adjourned generally, pending a determination as to whether the stay of the NOCC has or should be lifted.

[91] Any further submissions?

[92] CNSL B. SCHEIDEGGER: No, Justice, just so you have made the declaration that the December meeting is invalid.

[93] THE COURT: Yes.

[94] CNSL B. SCHEIDEGGER: And then the orders in the amended petition for the administrator. We discussed at the end of my submissions on Tuesday a slight amendment to one of those orders --

[95] THE COURT: Yes, you are right.

[96] CNSL B. SCHEIDEGGER: -- with respect to litigation.

[97] THE COURT: What we will do is we will stand down and I will get my copy, because I have it written in there. I think it was 5 and 6 should be --

[98] CNSL B. SCHEIDEGGER: -- combined into one.

[99] THE COURT: Yes, I will go get them. I will be back in one minute. Thank you.

(PROCEEDINGS ADJOURNED)

(PROCEEDINGS RECONVENED)

[100] THE COURT: So, paragraph 5 of the petition reads:

An Order that Garth Cambrey be appointed Administrator to exercise all of the powers and perform all of the duties of the strata corporation and the strata

council for The Owners, Strata Plan BCS 3444 (the "Strata Corporation") in relation to the ongoing governance issues affecting the Strata Corporation.

[101] Including -- then we take out the first two lines of 6 and go (a) to (g). Does that make sense, counsel?

[102] CNSL B. SCHEIDEGGER: Yes.

[103] THE COURT: And then all other orders, 7, 8, 9, 10.

[104] ALIN STANA: I am sorry, what is taken out from 6, specifically?

[105] THE COURT: The first two lines of paragraph 6.

[106] ALIN STANA: So not the (a), (b), but actually the body?

[107] THE COURT: Just stand up, please, as I told you before.

[108] ALIN STANA: Yes.

[109] THE COURT: The first two lines that read:

The Administrator may take all reasonable and necessary steps to exercise the powers and perform the duties of the Strata Corporation and strata council, including [...]

[110] We have simply combined paragraph 5 and 6.

[111] Nine will go as set out in the petition, the amended petition, 10, 11, 12, 13, 14, and 15. Do you have that, counsel?

[112] CNSL B. SCHEIDEGGER: Yes, Justice.

[113] THE COURT: And then in respect of the order, counsel, you can draft the order. You are to provide a copy of the order to Mr. Stana and his signature will be dispensed with. And once he has been provided with it, 24 hours later -- if he has got any concerns, he can address those with you. Twenty-four hours later, it can be submitted to me for signature. Anything further, counsel?

[114] CNSL B. SCHEIDEGGER: No, Justice.

[115] THE COURT: All right. Thank you.

“The Honourable Justice Fowler”