Michael Geller, Architect

INSIDE: Green and Sustainable Building Practices in BC
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The Scrivener: What’s in a Name?

“A professional penman, a copyist, a scribe . . . a Notary.” Thus the Oxford English Dictionary describes a Scrivener, the craftsman charged with ensuring that the written affairs of others flow smoothly, seamlessly, and accurately. Where a Scrivener must record the files accurately, it’s the Notary whose Seal is bond.

We chose The Scrivener as the name of our magazine to celebrate the Notary’s role in drafting, communicating, authenticating, and getting the facts straight. We strive to publish articles about points of law and the Notary profession for the education and enjoyment of our members, our allied professionals in business, and the public in British Columbia.
Thoughts on “Being Green”

Sesame Street is a great TV program that teaches adults and kids many lessons about life and living.

Kermit the Frog liked to sing It’s not easy being green. He really was on to something. If you have tried to reduce your carbon footprint and “go green,” you know it’s no easy task and everyone needs to participate.

I speak from some experience. I have been renovating a 1913 house and have tried to reuse, refinish, and recycle as I update the walls, floors . . . basically everything. There seems to be a prevailing view in construction circles that new is faster, better, and more convenient. Unfortunately, there is a reason for that thought; rip and replace is definitely easier . . . and often cheaper.

Take the lumber you are replacing. Today’s measurements have shrunk; the studs you are replacing are really 2" x 4" but the new 2 x 4 is slightly smaller. The same is true for trims and flooring moldings, the list goes on . . . Existing paint, lathe, and plaster all have their own unique set of questions. Restoration is a labour of love, ingenuity, and a flexible building inspector!

What I have learned from my renovation project is that new is not necessarily better or less green but some things may be. You really need to do your research. There are so many new products and innovations in construction . . . in insulation, materials, wiring, and lighting . . . that can affect your carbon footprint. With a willing contractor and some work on your part, you can do a renovation/restoration project while being historically accurate and environmentally responsible.

The “green” emphasis is everywhere. There are thousands of “green” projects . . . some real, some questionable, some absolute frauds.

Renovating and repurposing existing housing is not new. It is one way to provide housing while cutting back on the resources used to develop housing and maximize the use of space. In some cities, it can be turning a warehouse into a loft project or repurposing a decommissioned church or using modular construction.

New “tiny” home projects are surfacing around the province. Near me in the neighbouring community of Terrace, seventeen tiny homes are now located in Bluegrass Meadows Micro Village. Similar projects are being considered in a number of communities around the province. They are new homes but are literally “tiny” and so have a much smaller carbon footprint in their construction and in the community. They are a form of “going green” by reducing the resources and land required for housing. They challenge the conventional ideas of municipal zoning, space requirement, and building code rules. They also challenge us to adapt to the smaller living space. It may not be for everyone.

The “green” emphasis is everywhere. There are thousands of “green” projects . . . some real, some questionable, some absolute frauds.

Each of us needs to choose how we want to contribute. Our contribution can be large or small. Among other things, I am trying to remember to take the cloth grocery bags from my car into the grocery store when I shop!

On a more serious note, we all recognize our climate is changing and that our consumption is part of the cause. We will also be part of the solution.

There are lots of ways to “go green.” The choice is yours. ▲
British Columbia is a province of plenty, known for its natural resources.

With its resource-driven economy, BC has generally performed well in comparison to other Canadian provinces. There are those who believe that BC should reduce the export of raw resources, and manufacture or otherwise add value here at home.

A good example of this initiative is UBC's Brock Commons, a student residence that is a combination concrete, steel, and wood building. On its completion in 2017, Brock Commons was considered to be the tallest wood building in the world at 53 metres.

Just last month, the BC government announced they were considering changes to the building code to allow for wood buildings of up to 12 storeys.

...“change that creates evolution is better than change that created revolution.”

There are many factors to take into consideration; scientific advancements have resulted in wood products that are well suited to taller buildings.

Wood is a local natural resource. Wood stores rather than emits carbon into the atmosphere. It is estimated that the reduction in carbon from building the Brock Commons with wood was equivalent to taking about 500 automobiles off the road. Brock Commons is a great example of innovation and scientific advancement leading to positive regulatory change.

To be truly sustainable, we need to look at all aspects of the supply chain. The Pine Beetle epidemic has caused incredible damage to BC’s forests. Those dead and dry trees now exacerbate the forest fire risk. Already this year, we have seen massive fires in Alberta and predictions are that it will be a bad fire season in BC. It is not that climate change will affect our future; it’s a fact that climate change is affecting us now.

The federal government has also just announced, for the second time, the approval of the Trans Mountain Pipeline. We now face a barrage of advertisements from the Province of Alberta that would appear to be attempting to influence the antipipeline sentiment of some British Columbians.

I think I am probably like many others; I am concerned about the environment and climate change just as I am concerned that those trains that trundle through my community may be carrying highly flammable materials.

I don’t know that one method of transport is better than the other, particularly when, if I understand the information from the National Energy Board, the product is for export and not local markets. For me, there’s too much conflicting information. I might even categorize it as fake news.

The principles of building practices that are green and sustainable should encompass all of society and, as a society, and it would appear we are running out of time. There’s an adage that goes something like “change that creates evolution is better than change that created revolution.”

Let’s consider the environmental future we want for the generations to follow us. ▲
The past few months have been very busy indeed at the Association.

It began on April 9 when representatives from the Association went to Victoria to meet with the Ministry of Finance to further discuss our exemption under the Mortgage Brokers Act. The Ministry acknowledged that changes need to be made in many areas and that a total re-write is likely to occur soon. The Ministry advised us that we would be part of that conversation once they begin working on modernizing the Act.

On May 7, the Association was back in Victoria hosting a lunch for about 50 MLAs to discuss enhancements to our scope of practice under the Notaries Act. I was privileged to speak at the luncheon and to make our case as to why the public would greatly benefit from expanded scope of practice for BC Notaries.

Specifically, I asked for three areas of expansion: Trust Wills for those over 19, probate applications, and incorporations. The lunch presentation was well received. Later in the day, we were able to meet with the Honourable Andrew Wilkinson, leader of the official opposition and separately with the Honourable David Eby, Attorney General. Both meetings had a very positive outcome with David Eby asking us to submit a formal proposal.

We have begun discussing the process of bringing in a new CEO. Until that happens, I am pleased to remind everyone that Wayne Braid has offered to assist in the interim until a permanent replacement can be found. Thank you, Wayne!

In June, Rimpy Sadhra spoke to the BC Government’s Select Standing Committee on Finance and advocated for changes to the Mortgage Brokers Act, to give us the same exemption lawyers enjoy, and for enhancements to our scope of practice.

The BC Notaries Association now has about 95 per cent of all Notaries in the province as members and we continue moving toward the 100 per cent mark.

We are building our own website and working to create and establish official branding for the Association.

Sadly, at the end of May I accepted the resignation of Jacqui Mendes. I wish to thank Jacqui for her tireless efforts to get the Association up and running and to enhance many of the relationships with partner associations such as the British Columbia Real Estate Association (BCREA), the Canadian Mortgage Brokers Association of British Columbia (CMBA-BC), and the Real Estate Institute of British Columbia (REIBC). You will be missed, Jacqui.

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The BC Notaries Association now has about 95 per cent of all Notaries in the province as members and we continue moving toward the 100 per cent mark.

We are building our own website and working to create and establish official branding for the Association.

I look forward to seeing each of you at the September Fall Conference where the membership will hold its inaugural AGM and elect the new Board of Directors. If you are interested in running, please contact Wayne Braid.

gwb@society.notaries.bc.ca

We have begun discussing the process of bringing in a new CEO. Until that happens, I am pleased to remind everyone that Wayne Braid has offered to assist in the interim until a permanent replacement can be found. Thank you, Wayne!
We Might be Related . . .

I grew up not knowing who my birth father was.

When my mother was a high school student, she had an encounter with an older man visiting her small town and, 9 months later, I entered the world!

My mother passed away in 2001 and never shared details about my birth father. I was born in a small town in Saskatchewan in July 1948; I can imagine how difficult that was for my mother and her parents and family members. There was discrimination against out-of-wedlock children and mothers in those years!

My mother met and married my stepdad John Braid 2 years following my birth and John took me on as his own. They would have a daughter together, my sister Elaine.

I didn’t know John wasn’t my birth father until I was well into my 20s. When I discovered the family secret, I asked a few questions but my mother was never going to discuss the subject with me. John shared the little bit he knew . . . the man was a salesman from Ontario, training his bird dogs in the wheat fields that surrounded our Saskatchewan town.

In the last 15 years, I have started to wonder more and more about my genes and family medical history. Had I inherited a certain cancer gene or early onset dementia or cardiovascular issues?

In January of this year, I purchased the DNA kit and the services of 23andMe, sending it off with my expectations of what I would discover. A couple of months later, I received my report that indicated my DNA matched another person in their data base. I was notified that other person had also signed the privacy/authorization agreements; we would be able to connect and view each other’s family backgrounds.

The process revealed I had a half-sister through DNA from the father and she lived in Vancouver! We quickly met up and compared stories. My sister Sue was born in Toronto in 1950 and raised without knowing who her birth father was; her mother had never shared any information with her. Before Sue’s mother passed away, she told Sue the man’s name and that he had said he could not marry her or provide for the child, so she moved to British Columbia.

The process revealed I had a half-sister...

It is quite interesting and exciting to discover a sister at age 70!

I understand that Ancestry.ca, 23andMe, and others like My Heritage have over 10 million records in their data bases. You can now have your DNA analyzed for reasonable cost (I paid $129 for the 23andMe DNA test). The test provides a breakdown of your global ancestry, compares your DNA with others in their database, and alerts you to relatives who are also subscribers.

Today, many individuals are conducting those tests and looking for family information. What might happen in the future as our connections come together with unknown brothers and sisters and parents and other relatives?

My sister Susan and I would be considered illegitimate children and our birth father’s estate could be available to us as well. In many situations like ours, the illegitimate child or children are not known to the rest of family but when the father dies, his Will simply may state that everything is left to his children—and that means the “secret” offspring may have a claim.

Nicola Marchant, a Wills dispute expert in the UK, says the law is simple. If a Will says, “I want to leave it to my children,” anyone who can prove he or she is a child of that parent will have a claim on the estate.

I have recently read of a case in England where a wealthy businessman passed away and a man claiming to be his illegitimate son was able to get a Court order to obtain DNA from the body. Sure enough, a comparison of his DNA proved the deceased was indeed his birth father and the man inherited the very large estate.

While that story has an interesting and profitable ending, particularly for the newly rich child, for BC Notaries preparing Wills for their clients it opens up an entirely new twist to human relationships and how as a community we deal with past relationships and either unknown or forgotten intimate connections.

When discussing estate planning with our clients, we Notaries may be well advised to ask the “uncomfortable” question or to make sure we ask our clients to name the specific children who are to inherit.

The companies that offer DNA services are expanding and growing every day as society scrambles to know where we came from, to prove where we came from, and to know our global human heritage and history.

If you try It and find we are related, let me know! ▲

| www.wildmanphotography.com | www.notaries.bc.ca/scrivener |
Ideas from the theme of this issue, “Green and Sustainable Building Practices,” may be in your near or distant future, but here are some things you can do right now to help our planet.

Beautiful and Edible
From North Vancouver landscape architect Yong, “I decided to grow a nontraditional vegetable garden with ornamental plants and vegetables next to each other. It took a week to strip the yard of glacial till, moss, and chafer beetle-damaged lawn and replace it with rich garden soil. We save $1000 a year on herbs and vegetables and love sharing our organic produce with our neighbours. The garden has become a local attraction. People often stop to gaze at it, trying to identify the many plants it contains and to tell me how much they enjoy it!”

We trust that this issue of the magazine will serve to educate and inspire you!

Brown and Sustainable
From Jean: “Bark nuggets look so West Coast! There’s no lawn, no energy-using/polluting lawn mower, and no weeding, fertilizing, or raking necessary. In the Fall, the huge Bigleaf Maple leaves turn brown, descend onto the nuggets, and gradually disintegrate by the following late Summer . . . when thousands more leaves start the process all over again!”

Recipe for Rich Compost Tea
From Arlene: “This recipe for Compost Tea was given to me many years ago by two elderly ladies in North Vancouver. They had the most spectacular garden with oodles of blooms and glorious veggies. They fed their garden homemade ‘compost tea.’

‘Using lots of water and a dedicated blender, I emulsify vegetable peelings, peels, and rinds, then venture to the garden to pour the compost tea around my shrubs, flower beds, and most-prized raspberry canes. The effort is well worth the reward received from incredible fresh vegetables and flowers . . . and there’s no smelly compost hanging around or frozen organic scraps to haul to the curb in a green can.’

We trust that this issue of the magazine will serve to educate and inspire you!
Michael Geller is a Vancouver-based architect, planner, real estate consultant, and property developer with 4 decades’ experience in the public, private, and institutional sectors. He serves on the Adjunct Faculty of Simon Fraser University, is a regular contributor to the Vancouver Courier and Vancouver Sun, and a frequent commentator on urban issues across Canada.

He is President of The Geller Group that specializes in planning and real estate consulting for a variety of large- and small-scale residential and mixed-use projects. He also undertakes small property developments on his own or in partnership with others.

Michael has been honoured as a Fellow of the Canadian Institute of Planners and is a Life Member of the Architectural Institute of BC.

This interview in conversation with Val Wilson was recorded in June 2019.

The Scrivener: What took you to study architecture?

Michael: In Canada, young boys and girls played with mini bricks to build houses. In England, it was a system called Bayco. My parents bought me a set when I was 4 years old, and that was the beginning of my interest in designing and building houses.

The Scrivener: What university did you attend?

Michael: The University of Toronto. Following my 4th year, I won a CMHC Travelling Scholarship and toured across America, looking at modular housing and mobile home communities. As a result, I did my thesis on relocatable modular housing that ultimately led to the modular housing that is now being built for the homeless around Vancouver and the province.

After a brief stint with a private architectural firm in Toronto, I joined CMHC where I subsequently spent 10 years in Ottawa, Vancouver, and Toronto.

The Scrivener: Please tell us about your experience with CMHC.

Michael: I often tell people that if you want to be successful in planning and development, you have to work for both government and the private
It was very innovative . . . one third low, one third middle, one third higher incomes.

**The Scrivener:** That project combined residences for low, middle, and higher-income people.

**Michael:** It was very innovative . . . one third low, one third middle, one third higher incomes. The project also included condominiums on leased land that had never been done before in Canada. Watching that community develop over the years convinced me you can do almost anything if you persist and persevere.

The False Creek project was my big break because once it got underway, my boss asked me to move to Toronto. I didn’t want to leave Vancouver so initially commuted between Vancouver and Toronto for an entire Summer. In the end, my girlfriend and I decided to move to Toronto.

There I helped get the St. Lawrence development going and worked on the planning for Harbourfront. Bill Teron, a friend of Pierre Trudeau, was President of CMHC. Anybody from Ottawa knows that name because he created a town called Kanata that most people think is an aboriginal name but it’s “Canada” with a “T” for Teron. Bill had a Donald Trump-type of personality. We undertook innovative and experimental developments across Canada. It was a great experience.

**The Scrivener:** How long were you in Toronto that time?

**Michael:** For 2 years, then I moved back to Ottawa for 2 years. At the end of ’80, I came back to Vancouver to join Narod Developments.
Bayshore offers a mix on condominiums and rental housing, along with parks and childcare, in close proximity to the renovated Bayshore Hotel.

**The Scrivener:** Narod built Laura Lynn in North Vancouver . . . townhomes with an equestrian centre!

**Michael:** Yes, they developed Laura Lynn, other housing projects around the region, and some office buildings downtown. In 1981 and 1982, developers were flying high. But by 1983, interest rates were in the 19 per cent range. Many development companies were facing serious financial difficulty and were forced into receivership.

On March 9, the Queen came to Vancouver to open BC Place. I have a newspaper clipping that says the Queen arrives and Narod goes into receivership owing $200 million. While others were at BC Place or in Hawaii playing golf, I was the only one in the office when the receivers came in and ended up being set up in business by the receivers as a real estate consultant.

**The Scrivener:** How so?

**Michael:** They needed someone to finish off a couple of the Narod projects including a housing development in False Creek and redevelopment of the Steveston waterfront. I discovered there was a role for someone who understood development but wasn’t really a developer. I worked for many years as a consultant in that capacity.

But by 1983, interest rates were in the 19 per cent range.

In subsequent years, I became involved in a number of large-scale waterfront redevelopments in the Vancouver area, including the rezoning of 92 acres of BC Packers’ land on the waterfront in Steveston.

**The Scrivener:** It’s a lovely spot. One of our BC Notaries has an office there.

Geller Properties’ once-controversial Hollyburn Mews development has now become the model for sensitive infill in West Vancouver.
Michael: It took decades before people really appreciated the Steveston design. Years later, the Aoki Corporation out of Japan bought all the Westin hotels, including the Westin Bayshore. I was hired by Mr. Aoki who thought the Bayshore parking lot had to be the nicest parking lot in the world and wondered why was it just sitting there. From 1989, I spent the next 10 years developing the Bayshore community.

One of the challenges involved Trader Vic’s restaurant. We all loved it, but it was located on a site that the City of Vancouver wanted to be a park. I didn’t want to see a front page photo in the Vancouver Sun of Trader Vic’s under the wrecking ball so I recommended to my client that we offer it for $1 to anyone who would take it away so it would not be knocked down. Someone did buy it. It’s now on one of the Gulf Islands or on the Sunshine Coast.

In the 1980s I undertook an evaluation of a piece of property for BCED, formerly Daon. They told me I had overvalued the site. I mentioned that if I had the money, I would buy it. My client said, “Why don’t you get the money and we will sell you the site!”

With the exception of the dip in 2008 and 2009, many younger people have never seen prices drop dramatically.

Ultimately, that’s what happened. I partnered with Joe Segal, a very knowledgeable man; that was my first development on my own . . . a high-rise in Point Grey. It was the first high-rise in the neighbourhood in 40 years and the last high-rise for the next 30 years. It is next to the Jericho lands that are about to be developed by various levels of government and First Nations.

I often tell younger people in the development industry that I had the advantage of working for a company that went broke. With the exception of the dip in 2008 and 2009, many younger people have never seen prices drop dramatically. We are seeing it now, although it is by no means as bad as the period from 1981 to 1985.

Over the next few years, I had carried out some developments for myself and had managed quite a few developments like the Bayshore project. I had been appointed by the NDP government to be project manager for the Convention Centre expansion. I very much enjoyed working with Glen Clark. Somebody could write a book about the Convention Centre expansion. It eventually got going when the Olympics were confirmed to be held in Vancouver.

The Scrivener: When was the Convention Centre built?

Michael: I worked on it between 1995 and 1998. Larry Beasley, the City’s co-director of planning, was the city’s project manager and I was the provincial government’s project manager. When I started, the Convention Centre was going to cost $100 million. It rose to $200 million and I believe in the end was over $400 million.

In 1999 I was offered a position at Simon Fraser University. The university had a lot of land around the campus and for years had talked about creating a whole community. In part because of my involvement with a number of other new communities, I was offered the position as the first president.
of the Burnaby Mountain Community Corporation that subsequently became the SFU Community Trust, but that meant winding up my business.

**The Scrivener:** What involvement did you have with the original architect of the SFU campus, Arthur Erickson?

**Michael:** Arthur was very much opposed to what I was doing. He had visions that I was going to create a Coquitlam suburb on Burnaby Mountain. I had a different kind of community in mind, a lot friendlier and not all concrete. We called it “UniverCity,” with a “C.” It has become a really successful community.

It incorporated many of the ideas I had learned through my career. For example, when I assisted with the planning of Granville Island, CMHC would not allow any chain stores. Every store had to be individual. I applied that idea to UniverCity.

**The Scrivener:** Are chain stores permitted now?

**Michael:** There’s now a Subway up there. (LAUGHTER)

Life is serendipitous. One day I attended the wedding of the daughter of a cardiologist with whom my wife worked. We were seated next to a gerontologist at the Louis Brier Home and Hospital, the Jewish home for the aged; I talked to her a little bit about my experience in building housing for seniors when I worked for CMHC. She said I should be building housing for the Jewish community in Vancouver and the perfect place was the parking lot of the Jewish Community Centre. I approached them but they weren’t ready to make it available, so she encouraged me to find another site.

I told her I didn’t have the money to buy another property so she arranged a party at her Point Grey home designed by Arthur Erickson and invited a number of well-to-do people to meet me and lend me the money to buy property on Oak Street. I eventually rezoned four lots for a 3-storey apartment building at West 42nd and Oak. It was very controversial at the time.

Today, there are apartments and townhouses all down Oak Street and other arterials. My father moved in since my mother had passed away and lived there till age 92. The reason he lived to 92? He was the only unattached male in the entire building! (LAUGHTER)

I think it’s a shame we don’t have more planners and architects going into development; too many people have backgrounds in either law or finance.

**The Scrivener:** Is more development being done by the City?

**Michael:** What has happened in recent years is that the City has recognized that when developers rezone land and create value, they are also creating costs for the municipality because of the need for services for all the new people. So now municipalities are charging what they call Community Amenity Contributions to share in land value increases. So if a piece of property goes up $10 million in value,
the city wants $7 million or $8 million of that value increase as a contribution; that is becoming the norm.

**The Scrivener:** So a developer isn’t going to reap such huge profits.

**Michael:** That’s right. Developers have to be absolutely certain they are going to make money on the homes because they won’t be making money on what we call “the land lift” or the value of the re-zoned land the way they used to.

Now the problem of course is that land doesn’t always go up.

**The Scrivener:** I note that these days you are writing for the *Vancouver Courier.*

**Michael:** Yes. This week I am criticizing a development being proposed next to a hospice on Granville Street. I am not opposed to higher-density housing on Granville Street as I have built higher density developments on Oak Street and West 41st, but I am opposed to that particular development next to the hospice. There are so many other locations where it could be built.

**The Scrivener:** The construction would be so disruptive to the residents.

**Michael:** Yes. It’s very helpful when you can see all the different points of view.

The last two projects with which I have been involved have also been somewhat controversial. They both involved retention of heritage buildings and new infill housing. We took the cover shot at one today; I have another one under construction in West Vancouver that is scheduled to be finished in August, which means it will hopefully be finished in September. Both may be a bit too innovative for the market.

**The Scrivener:** How are they innovative?

**Michael:** Both projects involve the conservation of a heritage house with an additional suite below plus two infill units, all in one large lot, and sold as a small strata development.

**The Scrivener:** Lack of good judgment and lack of experience in running a strata council can have a huge effect on life in a strata.

**Michael:** Yes, I have developed a number of stratas. The Bayshore development was strata; Vancouver’s former mayor Art Phillips and his wife Carole Taylor lived there. Art was President of the strata; you can imagine how well it was run . . . much better than people could run their own households.
Hollyburn Mews is a project I undertook in West Van a few years ago. It comprises nine homes in a self-managed strata. A company assists with all the bookkeeping and the residents get along famously; they love living there.

Over the years I have been very interested in building homes like this for people ready to rightszie or downsize . . . but not downgrade.

**The Scrivener:** Mercedes-Benz finally brought in the “E” series, with the amenities of the “S Class.” Smaller but not lacking in amenities.

**Michael:** That’s an excellent example of the concept.

Smaller, but with all the features of a larger home. I was amazed when I worked on the Bayshore community. I was always interested in energy efficiency. At the Bayshore, we included sophisticated heat pumps in every unit; it was one of the first developments in Vancouver with air conditioning. I thought if you live on Georgia Street, you might want air conditioning if only to block out the noise of the traffic.

As it turned out, the residents needed it for the sun. The development next to us had electric baseboard heating.

**The Scrivener:** That is a very expensive way to heat.

**Michael:** Over the years, I have undertaken a number of developments, generally for people downsizing. In part that goes back to my days at CMHC when we built a lot of seniors’ housing through nonprofit organizations . . . it was the only housing being designed with lever door handles, wider doorways, and accommodation for a live-in caretaker.

I remember talking to developers, including Michael Audain of Polygon, to say there’s a major opportunity out there to build market condominiums and rentals for seniors because nobody was doing it. Polygon was one of the first.

**The Scrivener:** What about now?

**Michael:** Now we have not only seniors’ condominiums but many new hybrid forms of seniors housing including assisted living, congregate housing, and other developments that allow seniors to age in place.

**The Scrivener:** Your career experiences have built on each other.

**Michael:** They have and they have kept me interested. When I was working at SFU, I used to pick up student hitchhikers at the bottom of the mountain. That was how I gathered my intelligence for the project.

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What will your legacy be? You can guide the future of your community and the causes you care about by making a legacy gift to the Victoria Foundation. Our endowment fund is one of this community’s greatest strengths, allowing us to manage charitable gifts and bequests in perpetuity.

We continually build the fund and invest in our community — granting annually to a broad range of charitable organizations and worthy causes. If community matters to you, the Victoria Foundation is where you can make your priorities known.

Please contact Sara Neely at 250.381.5532 or sneely@victoriafoundation.bc.ca for more information.

[victoriafoundation.ca](http://victoriafoundation.ca)
One group of students said, “We think what you’re doing is terrible. You’re just building condos for the rich. People like us will never be able to live there.”

While we were not building any student housing, we were building housing that could be used by students. I asked where they lived.

“We live in a basement suite at the bottom of Burnaby Mountain.”

I said, “Well we can’t build basement suites, we don’t have any houses in the community; they’re all townhouses and apartments.”

That evening I was thinking . . . why couldn’t we have the equivalent of a basement suite in an apartment? In other words, design a three-bedroom apartment so you can rent out the third bedroom and get an income, a mortgage helper . . . while also creating rental opportunities?

To accomplish that, all we needed was another door from the bedroom to the corridor and a small kitchenette.

The Scrivener: And a washroom.

Michael: The bedroom was probably going to have a washroom anyway, because most master bedrooms in apartments are now ensuite. I went to the City of Burnaby to seek approval for those “lock-off suites,” not dissimilar to what you see in Whistler and other resort communities.

The planner at the City of Burnaby was open-minded. He asked, “How small are they going to be?” I said, “Let’s work it out together.”

We determined that 260 square feet would give just enough room for a bed, a desk, a little eating area, kitchenette, and bathroom. The planner agreed we would change the SFU zoning to allow up to 50 per cent of the homes near the university to have those lock-off suites. Mortgage helpers in the sky!

That evening I was thinking . . . why couldn’t we have the equivalent of a basement suite in an apartment? Since SFU was leasing the land, I suggested we reduce the price of the land for staff and faculty housing. We also decided to leave out more expensive features like granite counter-tops to bring the price down. We were able to reduce the price 20 to 25 per cent.

But we didn’t want the people who bought them to get a windfall when they sold so we wrote into the lease agreement that when they sold the home, they had to sell it for 25 per cent below the then-market value.

We partnered with Vancity Enterprises. The development was called Verdant and provided ownership and rental units that the University owned.

Given Vancity’s values, they wanted the development to be a model of sustainable development incorporating geothermal energy and so on.

But I said we’re trying to bring down the price of housing. Those features could add $15,000 to the price of each unit. Vancity responded that those energy features would save money over the long term.

I therefore proposed to Vancity that we would not increase the price of the units. Instead, we agreed on a loan that could be secured by a second mortgage to pay for the special environmental features. Using the energy cost-savings, the strata would pay off that loan through its monthly fees. To the best of my knowledge, it’s still working.

The Scrivener: That was very clever!

Michael: Again, it’s being willing to take some chances and do things differently. I get a lot of enjoyment out of that.

In another project, we wanted to build some rental housing right at the beginning. We also wanted to have some stores in place when the first residents moved in, especially a small general store. I showed the plans to my Board.
One of my Board members worried that people might not be able to afford to rent the one-bedroom units.

I came up with a solution based on an experience when I first moved to Ottawa. I shared an apartment with a law student. He slept in the bedroom and I slept in the livingroom. The reason I could sleep in the livingroom was because it had a door.

In virtually every one-bedroom apartment being built in Vancouver today, the livingroom and kitchen are all one big space. But as soon as you add a door to the livingroom, a person can go from the bedroom to the bathroom or kitchen without disturbing the person in the livingroom.

Again, it was a simple little thing . . . a case of bringing life experiences to situations to come up with a creative solution.

**The Scrivener:** Through a combination of practicality and courtesy, you produced privacy; you made it work physically.

**Michael:** The only issue was who got the balcony. I said whoever gets the balcony can pay $10 a month more; we designed it so the balcony was off the livingroom.

I love trying different ideas. Some people say I think differently than many other people. It is partially because of my training as an architect and because my father introduced me to Edward de Bono when I was young.

**The Scrivener:** I attended one of his presentations.

**Michael:** Sadly most people have never heard of Edward de Bono. I was in New York last week at a housing symposium. On the second day, we undertook a review of different ideas—such as modular housing and co-living—and applied de Bono’s *Six Thinking Hats*.

De Bono says you shouldn’t just put on your thinking cap. You should wear many hats. For example, when wearing a yellow hat—yellow is sunny and positive, say all the things that are good about the idea. Then put on your black hat and think about all the things that are wrong with it. And so on with the other hats.

I get so much for my whole life from Edward de Bono.

We’ve talked about modular housing for the homeless on vacant land . . . flexible housing. Another idea that interests me is sharing. Most people don’t want to share but at Narod, we built a “co-mingling” development. The idea was to design a two-bedroom apartment for two unrelated people or perhaps a brother and sister or a parent and child where each could have his or her own separate ensuite bedroom and a shared living area.

**The Scrivener:** That’s so simple!

**Michael:** Now people ask me about the next big ideas. At the New York symposium last week, one of the most fascinating presentations was on co-living. We often talk about cohousing in Vancouver; generally speaking, cohousing is thought of as a hybrid between a condominium and cooperative where people have their own apartment, but with a higher level of services and amenity spaces.

**The Scrivener:** We ran an article about that concept in the magazine last year. Cohousing on Vancouver Island in the Summer 2018 issue.

**Michael:** The seniors’ project in Sooke is a wonderful project. But in New York, co-living is not that. It is what I experienced in Pestalozzi College in 1972 when I joined CMHC where you have a furnished room and share bathrooms and the living area. A lot of people say there’s nothing new about that. It’s what we did when we were young, sharing a house with others.

In America, companies such as ollie.com and common.com are converting older buildings or developing new buildings offering this type of accommodation. One new project in California has 800 units. Someone said it is like supportive housing for well-to-do millennials. The reason people like it is there is a social environment and you’re free. You can move in and out very easily. Co-living is an idea that I definitely think will come. It is all over the United States’ major cities and is starting in Toronto.

**The Scrivener:** Do you purchase the room?

**Michael:** No, you rent it. Some developers are starting co-living projects for people with families with children. They call it KIN. Another idea I heard at the symposium is converting an apartment into a co-living arrangement.

**The Scrivener:** Please tell us about that.

**Michael:** You use “pressure walls” . . . similar to the partitions often used in an office building. You can literally put in a pressure wall to divide a bedroom into two bedrooms or a livingroom into two or three spaces.

How do you meet all the codes? In New York, they have a regulation that says every bedroom must have access to natural light and every person has to have a minimum of 80 square feet.

Here’s another idea. I have been interested in the concept of home-sharing, where two seniors might live together or a senior invites a young student to move in. It got me thinking. On the street where I live, there are 37 houses and I would guess 75 empty bedrooms. None of us is probably willing to make our bedrooms available, partially because we don’t have to. But elsewhere in the city are people with empty bedrooms who, if they could find the right tenant, would rent out a bedroom for $800 a month.

In New York I came across Nestery.li, a program that connects people from different generations to share.

There was a program on CBC’s *The National* that presented a care facility in America where they had four empty rooms and invited some music students from the nearby university to move in. They gave them free accommodation. In return, the students played music in the evenings and on weekends.

It makes perfectly good sense to do this kind of thing. You just have to think differently! Hopefully this interview will inspire others to come up with new ideas to create more affordable and sustainable housing.
A recent UBC study revealed that in the past 30 years, 26,700 detached houses—or 40 per cent of all Vancouver houses—have been demolished and replaced.

The study further estimates 32,000 detached houses will be torn down in Vancouver by 2050, almost half the detached-housing stock.

While many of the homes should be replaced, it will be a shame to lose others, especially fine Victorian and Edwardian heritage and character houses and mid-century modern designs by the likes of Arthur Erickson and Ron Thom.

To retain our heritage and be more sustainable, many Lower Mainland municipalities have developed heritage strategies and policies that encourage builders and developers to conserve rather than demolish heritage buildings. After all, the most sustainable building is often one that already exists.

A most effective tool has been the Heritage Revitalization Agreement (HRA), a legally binding agreement registered on title and negotiated between a municipality and the owner of a heritage property. An HRA usually offers additional density and other zoning and subdivision relaxations in return for retention and conservation of the heritage structure.

Over the past 4 years, the Geller Group has undertaken two HRA developments in West Vancouver resulting in the conservation of significant heritage houses along with the creation of new, much-needed alternative housing choices.

The Vinson House, at 1425 Gordon Avenue, was built in 1913 for famed photographer Valient Vivian Vinson, an early Reeve of West Vancouver. It was the first home in the upper Hollyburn area and originally stood on a 2-hectare lot. An excellent example of the Craftsman style, the house has many decorative features and is a valuable link to West Vancouver’s early history.

In 2014 the owner decided to sell but was concerned the house would be demolished. She approached the District planning department who approached me to see if I would be interested in purchasing it, on the understanding it would be a suitable candidate for an HRA.

Working with Formwerks Architectural, we prepared plans to move and raise the house and add a suite below, along with two new detached homes and four garages on the lot.

Before the development was finished, the lower-level suite was sold. The three remaining homes, each offering three bedrooms in approximately 2500 square feet, are still for sale. As the market has dropped, so have the prices;
they now range from just under $2 million to $2.5 million. Listing agent is Patrick O'Donnell: 604-839-3863. Details can be found at www.vinsonhouseresidences.com or https://www.residencity.com/r2373260-1425-gordon-avenue.

A few blocks away, at the corner of Jefferson Avenue and 12th Street, is another treasured heritage house. Known as the Rush House, after World War I veteran Major Frederick Rush, it too was purchased by my firm and approved for an HRA.

The resulting development, known as Major Rush Mews, offers a new single-level two-bedroom suite below the heritage house, two new four-bedroom detached houses, and four garages. The homes range from 1400 to 2800 square feet. Collectively, they offer the charm and neighbourliness of yesteryear with state-of-the-art design and features.

With four separate homes grouped around a shared garden on one large lot, this development offers an unprecedented opportunity in West Vancouver for an extended family or a group of friends to live independently within their own personal estate.

Construction is well advanced at 1199 12th Street at Jefferson Avenue and scheduled to be finished by September. Marketing will begin shortly. Details can be found at www.majorrushmews.com or by calling 778-997 9980 or emailing me at geller@sfu.ca.

While negotiating an HRA and restoring a heritage structure is oftentimes more difficult than demolishing a house and rebuilding, the results can be much more satisfying and attractive. Further, it is possible to retain the heritage character of a house while completely rebuilding the inside to meet modern codes and new energy-efficient mechanical, electrical, and security systems.

As evidenced by Vinson House Residences and Major Rush Mews, this planning approach can also create brand new infill homes offering much-needed alternative housing choices in an established neighbourhood.

The result is a more sustainable development that retains the past for future generations.
I will never forget the time I suggested to my 85-year-old father that he turn down the heat in his condominium apartment. “Can I?” he replied.

He had been living in the building for about three years and had not once adjusted the in-floor radiant heating system. It was a seniors-oriented building I had developed for people like my father who were ready to downsize, but not downgrade.

Knowing seniors would be concerned about ongoing operating costs, I installed an energy-efficient gas-fired hot water system, rather than an electric baseboard system. The latter would have been less expensive to install, but probably more expensive to operate over time. Moreover, an in-floor radiant system generally offers greater flexibility in furniture layouts and more even heat than electric baseboards.

I mention this since for many years, condominium buyers have often paid little attention to the type of energy source and heating system installed in their apartments. While managing the development of the Bayshore project in Coal Harbour, I recall conversations with pre-sale buyers of expensive units in other Coal Harbour developments who did not even know what kind of heating system they had bought.

At the time, many preferred a unit with electric heat since they thought it was easier to be individually metered and they would not have to pay for energy in their monthly strata fees . . . or as they put it, pay other people’s heating bills if they went away for the Winter.

While the jury is still out on whether new home buyers are prepared to pay the full up-front costs of a geothermal energy system or a building that can be hooked up to a District Energy System (DES), there is no doubt that for some buyers, more energy-efficient systems offer a marketing advantage.

That Gurgling Sound You Hear May Be Your Furnace!

During the last decade, however, the situation has changed. As a result of rising energy costs and increased awareness about “sustainability” and greenhouse gases, more home buyers are taking an ever-increasing interest in the type of heating (and cooling) systems installed in their homes. And so they should.

While the jury is still out on whether new home buyers are prepared to pay the full up-front costs of a geothermal energy system or a building that can be hooked up to a District Energy System (DES), there is no doubt that for some buyers, more energy-efficient systems offer a marketing advantage.

That is a good thing since an increasing number of municipalities are now installing District Energy Systems and requiring developers to hook up their projects to them . . . no doubt inspired in part by Vancouver’s highly publicized Southeast False Creek system that collects heat from sewer lines and similar systems throughout Europe. In theory, district energy offers the potential of lower capital and operating costs.

I say in theory since while buildings do not have to install their own expensive boilers, if the municipal system is not in place by the time the first residents move in, developers still need to install their own boilers, on the understanding they would be discontinued at some time in the future when the district system is in operation.

Connecting into a district energy network can allow a choice of heating and cooling systems in the apartments, including “hydroponic” baseboards, similar in concept to the radiators that used to be installed in buildings; individual heat pumps that can offer forced-air heating and cooling; and in-floor hot water radiant systems, although the latter is less likely in concrete apartment construction since it requires an additional layer of concrete on the floors.
There is a wide array of new heating and cooling systems that we can expect to see in the future. Some of the units at Southeast False Creek have in-ceiling radiant systems, rather than in the floor. The concept is that they work like the sun, heating from above.

Various electric in-floor radiant systems are coming onto the market. When combined with higher levels of insulation, they can result in a very cost-effective and acceptable arrangement. In single-family and townhouse developments, combi-boilers can offer very efficient heating and domestic hot water while taking up very little space.

A few years ago, I attended the International Building Exhibition in Hamburg, Germany, where I saw a variety of more innovative solutions that even allow new homes to create more energy than they use.

Perhaps the most impressive was the BIQ apartment block that gets its energy from algae growing in glass panels on the exterior of the building. Not only do the walls gurgle, they change colour with the concentration of algae. The heat is made available to the individual apartments via heat exchangers.

While I do not expect to see those systems in operation in British Columbia for many years, like the prototype cars we used to see at car shows and are now on the road today, what seems quite fantastic today can become quite ordinary tomorrow.

Just as we now have a full array of electric, hybrid, and hydrogen-powered automobiles available, expect to see similar energy systems for the homes of tomorrow.
With a rich history dating back to 1929, the Vancouver Regional Construction Association (VRCA) is the largest of four regional construction associations in British Columbia and fifth largest in Canada.

It serves the general and trade contractors, manufacturers, suppliers, and professional services providers that operate in the industrial, commercial, institutional, and high-rise residential construction industry in the Lower Mainland.

VRCA’s member companies are part of an industry that delivers $15 billion completed projects, e.g., schools, hospitals, and other essential infrastructure, on an annual basis; provides 9 per cent of BC’s wealth; and employs almost 250,000 men and women, making it the largest employer in BC’s goods and services sector.

The industry is very large and contributes in myriad ways to our communities and economy. It also has some challenges ahead.

At VRCA’s 2019 Construction Leadership Forum in Whistler, Monte Paulsen, Passive House Specialist with RDH Building Science Inc., made the statement, “By 2032, every BC builder will face a simple choice: Build like Passive House or build somewhere else.” His statement caught my attention.

We know that the construction industry in British Columbia and, in particular the Lower Mainland, has some key milestones ahead, whether it be navigating the skilled labour shortage through 2021 and beyond, when demand for construction services is at an unprecedented level, or building to support Metro Vancouver’s projected population growth of one million newcomers by 2041.

Monte’s statement wasn’t directed at the supply of labour or population forecast, however. He was referencing the process of construction and specifically the need for all new residential and commercial buildings in Vancouver to be built to zero-emissions standards by 2030 and for all new buildings in BC to be net-zero-energy-ready by 2032.

Such milestones require the construction industry to build faster, greener, and more productively than ever before. Building “greener” includes the need to adapt to new, high-performance building standards. What I hadn’t fully acknowledged until that moment in Whistler is the risk of not adapting to those standards . . . the risk that a company might find itself out of business if it doesn’t change.

While the pace and scale of BC’s construction market transformation is daunting, it has several positive qualities.

First, the provincial government’s Energy Step Code—a voluntary provincial standard enacted in April 2017 that provides an incremental and consistent approach to achieving more energy-efficient buildings that go beyond the requirements of the base BC Building Code—and the City of Vancouver’s Greenest City Action Plan—a strategy for staying on the leading edge of city sustainability—provide a clear road map of code changes and their timing.

There’s no guessing what’s required and when. What’s more, the policies will help to catalyze construction innovation in an industry that is ripe for change.

Second, the City of Vancouver, recognizing that the industry needs help to meet the former’s 2030 milestone (and 2025 stretch milestone), seed-funded our Zero Emissions Building Exchange (ZEBx), the first and only in Canada, for the purposes of expediting
understanding of and capacity to build to zero emissions standards. ZEBx has recently celebrated its first year of operation and has already cemented its place in the industry as the go-to resource for zero-emissions building advice.

Third, the market transformation that will disrupt BC’s construction industry unlike anything seen in generations brings with it significant business opportunities. A recent research study “Green Buildings Market Forecast, Demand for Building Products, Metro Vancouver, 2019–2032,” published by the Vancouver Economic Commission, reports that local and provincial zero-emissions and net-zero-energy-ready building policies are creating a $3.3 billion market for high-performance building products and technologies in Metro Vancouver alone.

Our Board of Directors anticipated significant and fast-paced industry change when it set the strategic direction for our association in 2017. It identified that excellence, underpinned by a culture of learning and innovation, is a critical factor for the survival and prosperity of VRCA’s members and BC’s construction industry as a whole. Our vision is clear. Our foundation is strong. And our commitment to serving members is unwavering.

In 12 years’ time, what we build today will be obsolete. Our industry therefore needs to change. In collaboration with its many industry partners, VRCA is actively working to help ensure the development, design, and construction communities are ready for what lies ahead. ▲

Fiona Famulak is President of the Vancouver Regional Construction Association.
Canoe Pass Village is a floating home community of 43 custom-designed homes located 4 kilometres west of Ladner (Delta) on Canoe Passage—the southern-most arm of the Fraser River delta.

The Village is believed to be the first strata-titled floating home community in Canada. Developed during the 1980s, it has a floating street system that extends 120 metres from the shoreline and a similar amount of shoreline frontage. Each home has an assigned boat moorage beside it.

The community is very friendly, with seasonal house parties, a summer party on the docks, and many spontaneous events. We look after each other’s homes when neighbours are vacationing.

Design Engineering
Ranging from 1000 to 2500 square feet in floor area, the homes were built on shore and launched upon completion. A small tugboat towed each home to its final location in the village. The two- and three-storey structures were engineered for stability and buoyancy on an unsinkable float system. Most homes have architectural design; they were constructed to the BC building code of the time period. Two recently built homes have replaced previous homes sold and towed to different villages in Victoria and Maple Bay on Vancouver Island.

Services
Shoreline facilities include a single-car garage that has additional storage for each home, plus one additional reserved parking space. A communal green and landscaped area has some garden plots. Water is provided by the City of Delta; waste-water treatment is accomplished on the upland strata property.

Nature
Living on the river is enhanced by the connectedness with animals, fish, birds, weather, and tides. Seals, beavers, otters, mink, and occasional sea lions are spotted. The major salmon species migrate each year under our houses on their passage to the spawning grounds. Giant sturgeons are always present in the river.

Many species of birds migrate over the delta and Mallards, humming birds, and swallows nest in the village. Weather systems are more apparent on the river and we are accustomed to occasional winter storms. Sunsets are spectacular due to the open river and ocean nearby. The slant of the ramp that leads to the shore changes to many different angles with the diurnal tidal cycles.

Custom-designed homes

The community is very friendly with seasonal house parties, a summer party on the docks, and many spontaneous events.
Carbon Footprint
Consider the carbon footprint of Canoe Pass Village. Prime power for heating and domestic hot water is electricity by BC Hydro. Bottled propane for BBQs and the occasional other appliance is a small greenhouse-gas component. The life cycle of the homes is likely to be similar to homes on shore. Most are about 30 years old; renewal is taking place as neighbours upgrade window systems, building envelopes, and interiors.

Energy Efficiency
The flotation system of the homes is constructed of 5-foot-deep styrene blocks encased in reinforced concrete. That ensures the first-floor slab of each home has negligible heat loss to the river, insulation far superior to most land-based homes of that era.

The weakest thermal component of 1980s homes was heat loss through windows that were aluminum-framed and dual-glazed with clear glass. Nearly half the homes in the village have renovated modern windows with loE glass and argon gas between the glass panes. Modern windows have 3 to 4 times the thermal performance of the originals. That results in lower heating bills and improvement in personal comfort.

We are currently investigating the modification of electrical systems on land to provide charging stations for plug-in hybrid or electric vehicles.

Canoe Pass Village is successful and planning the next 30 years with the adoption of new technologies in communication, energy efficiency, and livability.

David Bruce is a retired engineer with experience in energy-efficient buildings.

Dr. Barrie Barrington is a music professor and photographer. They are floating neighbours.
The real estate market in Greater Vancouver has recently faced uncertainty and change. One thing all developers and builders are certain about . . . the future of green building practices.

Designing homes and buildings that are energy efficient, use sustainable materials, and can lessen the impact on the environment during their construction are a critical part of the future of this industry. It has become industry standard to incorporate sustainable building practices and design for the future with that in mind, from operational systems within the home or building, through to interior and exterior finishes, water conservation, and air quality.

Sustainable and green building practices are an important part of design from the initial concept to the construction stages. The very core of the building materials chosen have a sustainable impact. Insulation and carpet underlay can include recyclable materials.

Additionally, all trades should be required to recycle their own waste, including leftover material and packaging to reduce landfill waste and contribute to a cleaner working environment.

Within and Around Your Home
Environmental responsibility should extend to the interior of each home. New key features are becoming more and more common.

As multifamily living continues to grow in popularity both by choice and necessity, green and sustainable features are becoming a key component to the interior design of such communities. Some of those features have been around as options for years but are becoming more and more standard.

Further, it is beneficial to have the building materials sourced locally, within 800 kilometres of the site whenever possible. The transportation of building materials can be a substantial energy use and the local manufacturing and transportation of those materials reduces that energy consumption.

Green and Sustainable Building Practices in BC
Edgemont Walk, a collection of 24 executive townhomes with sustainable features in Edgemont Village, North Vancouver
secondary backing materials and chemicals. Off-gassing is typically caused by secondary backings and chemical additions in synthetic carpets. Including a natural wool carpet in the home provides a durable material and one that is more natural and attractive, with fewer harmful chemical components present.

The same can be said for air quality inside your home and how paint and certain finishes can negatively impact it. In today's home-building industry, paints are water-based with low VOC levels (Volatile Organic Compounds). VOCs are a class of chemical compounds that can cause short- or long-term health problems and negatively affect the indoor air quality of your home and your personal health. Mandating water-based paints and finishes can avoid those harmful chemicals while contributing less environmental impact. Those features are just a few samples of what is becoming more commonplace.

The Future of Green Building

Embracing all aspects of sustainability better prepares us for a forward-thinking future for families, for communities, and for all.

As climate change continues and our industry grows and matures, green and sustainable building practices will become more and more important to the survival of the homebuilding industry, not just locally but internationally.

**Within the last 5 years, there has been even more emphasis placed on air quality inside the home.**

Within the last 5 years, there has been even more emphasis placed on air quality inside the home. Recently, the inclusion of HRVs (Heat Recovery Ventilators) have been a new addition that has greatly improved the indoor air quality and overall sustainability features of multifamily living. A Heat Recovery Ventilator is an air exchanger that exhausts humid, stale, polluted air out of the home and draws in fresh, clean outdoor air into the home.

Invisible pollutants produced by common household substances, plus dust and excess humidity that get trapped in today's homes, can increase your risk of chronic respiratory illness and your home's risk of serious structural damage. Our recent projects have all included HRVs as an added feature to help benefit the air quality and comfort for our homeowners.

**The Added Extras that aren't really Extra anymore**

Because more and more homeowners are becoming aware of sustainable features and the importance of green building in new home construction, the overarching trend of including green and sustainable features has shifted from added extras in your home to standard, expected inclusions.

Things like Energy-Star-rated appliance packages that reduce energy consumption and the associated fees were once marketed as an added extra. Today, homeowners expect (and most homebuilders are required) to have that included in their new home. The same goes for water-saving appliances and faucets that reduce water and energy consumption. Highly insulated windows that make the home more comfortable year-round while reducing outside noise and condensation on the windows were once “added extras” that are now the industry norm.

Electric cars are becoming more common and thought to be the vehicle of the future. Vehicle-charging stations are an added level of convenience that makes it easier to incorporate green and sustainable practices into daily lifestyle.

**Marissa Evans** is Director, Marketing, of Boffo Properties.
Manufactured and modular homes—under the umbrella term “factory-built housing”—are vastly different from the original mobile homes or trailers built in an era when those units came with wheels and axles.

Those homes were expected to have short-spans and to move frequently. Today’s homes

- do not include wheels,
- will probably not be moved following the original set-up, and
- comply with modern codes and standards incorporating the latest construction practices and materials.

This article is intended to explain how factory-built homes are becoming more energy efficient and reduce environmental impacts, achieved through the industry’s own motivation, working in concert with the direction set by our respective governments. “Greenstreaming” is a term reflecting where our home construction practices are headed.

Governments across Canada, at both the federal and provincial levels, have been on a track toward the continual improvement in energy efficiency. That is in keeping with the federal government’s “Pan-Canadian Framework on Clean Growth and Climate.” A key goal of the strategy is to mandate Net-Zero Energy buildings. Net Zero is defined as buildings that produce as much clean energy as they consume.

In Canada, the National Research Council is responsible for developing the National Model Building Code. The NMBC is intended to guide the formulation of provincial building codes; respective provinces are able to adopt it, in whole or in part. A key component of the National Model Building Code is Part 9.36 that lays out requirements for improving energy efficiency.

In British Columbia, the Building Code is updated on a 6-to-7-year basis; the most recent update came into effect in 2018, with the previous update in 2012.

Commencing with the 2012 update, BC began moving toward adoption of Part 9.36. From 2012 to 2018, BC established transitional...
provisions that brought into force the majority but not all elements of the NMBC 9.36.

With the 2018 update, the province moved to full implementation of Part 9.36. In concert with that, BC developed a strategy to establish energy-efficiency targets with a goal of achieving Net-Zero Ready New Construction by 2032. The strategy was implemented in 2017 and termed BC’s Energy Step Code. The Step Code became enforceable commencing December 15, 2017.

The Step Code is a new provincial standard that provides an incremental and consistent approach to achieve energy-efficient construction. The Step Code requires buildings to demonstrate energy efficiency code compliance through building energy modelling.

In summary, the Step Code provides five steps providing direction on the requirements to meet the individual steps. Individual communities can implement their own timelines for adoption of the individual steps and many are already moving to require the upper stages of the Step Code. Interested readers may access more information by Googling the BC Energy Step Code.

How do the recent advancements influence energy efficiency for factory-built homes and how do they benefit the purchaser?

The factory-built housing industry utilizes two key construction standards for full-time-occupancy homes that are the responsibility of our Canadian Standards Association.

1. **CSA Z240MH (Manufactured Home)** are homes built on steel frames. The initial standard was created circa 1972 and were termed mobile homes or trailers because they included wheels and axles. The Z240MH standard is a standalone building code that guides construction practices from frame-welding standards to required construction materials to ventilation requirements. This standard was last republished in 2016 in keeping with the continual improvement requirements of CSA. While the updated standard materially complies with the 2018 BC Building Code requirements, there are some minor allowances on window, door, and skylight standards toward ensuring greater affordability of manufactured homes.

2. **CSA A277 (Modular Home)** is a plant standard requiring that all homes built in the respective plant are constructed in compliance with the BC building code in place when construction of the home commences. While A277 homes are generally constructed with the expectation they will be placed on perimeter cement foundations similar to standard site-built homes, they can also be constructed on steel frames similar to the requirements set out in the Z240MH standard. Also, similar to Z240MH, A277 was last republished in 2016.
The factory-built housing industry fully supports the government’s objectives to improve energy efficiency for BC homes. The industry has engaged energy-efficiency modelling resources and is undertaking the testing of homes being constructed. A key test is known as the blower door test, intended to assess the air-tightness of the homes. Preliminary results indicate factory-built homes are already meeting upper stages of the Step Code. Our homes will not have major challenges in meeting the Step Code demands and local government Step Code-implementation timing directives.

For the purchaser, manufactured and modular homes have smaller “footprints” with the majority of homes in the 1500 to 2000 square-foot range, less than typical site-built homes. The smaller size automatically results in lower energy demands especially related to heating requirements and associated costs.

In the construction of manufactured and modular homes, owing to the efficiencies of the plant and transportation practices, there is substantial decrease in energy demands.

- That is due to centralized plants and delivering the materials to the respective plants.
- Further, moving the home to the final location provides for more energy-efficient transport . . . rather than having multiple vehicles deliver numerous loads of materials onto a construction site.
- Lower energy demands result in less carbon formation, a major environmental issue. Compared to site-built homes, factory-built housing uses construction materials more efficiently. Less wastage results in less carbon-creation using materials such as Gyproc, cement products, and shingles and other petroleum-based products.
- Reductions in onsite construction time are also a major benefit. Many communities are becoming proponents of factory-built housing because the actual onsite construction time is so much less, resulting in less inconvenience for adjacent homeowners in more dense communities.
- Further, the avoidance of construction personnel having to travel to the site on a daily basis for multiple months substantially decreases energy demands and carbon creation associated with personal vehicle usage.

The factory-built housing industry is committed to energy efficiency. That is reflected in the continual improvement of construction standards and the adoption of evolving technologies. The industry will continue to increase our market share of homes to BC purchasers because of construction convenience, greater energy efficiency, lower carbon creation, and optimal use of construction materials.

Gord Rattray is Executive Director of the Manufactured Housing Association of British Columbia.
Energy Use and Savings in Strata Homes

Is the strata faced with an owner who just bought an electrical vehicle and there no charging stations?

Has an owner installed a high-efficiency furnace and altered the building envelope without permission of the corporation?

Are owners demanding permission to install air conditioners because of the changing climate?

Rising operating costs and changing technologies have provided opportunities for strata corporations to upgrade building systems to operate more efficiently with reduced environmental impact, increased services and comfort benefits, and reduced operating costs.

There are many variations on strata corporation designs and building systems, property designations, and technology variations, strata councils, property managers. Owners are often bewildered by the options available and the procedures to follow to implement upgrades and how to navigate the complications of authorized owner alterations to common property.

Electric-vehicle charging stations, heat pump make-up air units, LED lighting upgrades, high-efficiency furnaces, heat pump air conditioning and heating in apartments, rooftop solar installations, building design and material changes during major upgrades, and site wind turbines are investments strata corporations are implementing across our province.

**Electric-Vehicle Charging Stations**

If a strata corporation is installing an electric-vehicle charging station (EVSE) or an owner is requesting permission for an EVSE installation to a parking space that is limited common property, the strata council will first need to determine the property designation.

Is the parking space common property, limited common property, or part of a strata lot? The designation will determine the type of agreement, the source of electrical service, and the relationship with the strata corporation.

- If the parking space is part of the townhouse strata lot, the owner may not require the permission of the corporation; the owner is, however, still required to obtain an electrical permit for the alteration to his or her panel and installation of the fixture.
- If the townhouse parking space is common or limited common property, the owner will require the written permission of the strata corporation for the installation; the electrical service may originate in the owner's panel so the cost and servicing of the EVSE may not be an issue for the corporation.
- If the parking is a typical underground garage with all spaces common or limited common property, it is likely that all the alteration conditions may apply.

Each designation will likely result in different requirements for permission for the installation, depending on the source of electrical service. Before a strata corporation considers the installation of an EVSE, it first must consider the following.

- What is the designation of property?
- Is there is a parking location available to host the installation?
- Is there sufficient capacity in a building electrical system to add more circuits?
- Who will be responsible for the installation of the station and electrical upgrades?
- Who will pay for the costs of the installation and any upgrade requirements?
• Has the strata corporation approved a rule to ensure it can collect the costs for the operation and electrical service of the stations?

• Who is the ultimate owner of the station and how will it be insured?

• In the event of the sale of the strata lot of the approved owner, who will be responsible for the subsequent costs of operations, insurance, and ownership of the station?

• What are the costs of legal services needed to create an alteration agreement that identifies current costs and liabilities and future owner liabilities?

Energy Upgrades
Energy upgrades to building systems may result in significant financial savings; they also provide the opportunity to modernize the building systems to improve the building climate/comfort, safety, appearance, or use of properties. Solar, LED, and Turbine installations may be a prudent decision for your strata corporation, both from a business model and an environmental model.

Before a strata corporation proceeds, a property assessment is the first step. Solar roofing is a prime example. Geographic location, design, and sun hours of exposure will have a direct impact on the viability of solar installations.

The age of the roofing system may also provide an opportunity to consider the installation of a solar system in conjunction with a new roof, minimizing the costs and ensuring the compatibility of the systems.

If a strata corporation is implementing a depreciation report and funding for future repairs, also review the financial benefits of a solar system. Cost-recovery for installation may take 10 to 15 years, yet the financial return on the investment may be 8 to 12 per cent annually.

• A $50,000 investment from the CRF for installation that yields an 8 to 12 per cent return as a reduction in electrical costs is a much higher benefit that 2 per cent GIC investments; once the system is paid, the longterm financial benefits continue.

Wind turbines may be options for a geographically well-located community but the cost for components, installation, environmental studies, and management requirements may far outweigh the cost benefits. As collection and generating systems such as solar and turbine become more efficient with reduced costs, they will be much more attractive to consumers.

By far the greatest cost savings of all improvements are LED upgrades to common areas of strata corporations.

LED Upgrades
By far the greatest cost savings of all improvements are LED upgrades to common areas of strata corporations. If your strata corporation is a sufficient size, the benefits of savings are easily recovered within a 2-year period and the ongoing savings from the operating costs are substantial.

The economic benefits alone are the best reason to convert to LED upgrades; LED and fixture upgrades also provide the opportunity to improve lighting capacity in public areas such as parking garages, elevators, hallways, and stairwells.

LED upgrades are now one of the easiest changes for a strata corporation to consider with savings in hydro costs that in larger buildings have resulted in reductions of cost by over 50 per cent annually. The savings are not only in electrical costs, but in the maintenance and servicing costs. For a highrise of 140 units, the projected electrical savings may be recovered within an 18-month window.

Additional savings also result from reducing the frequency of labour to change lightbulbs and ballast replacements in parking, storage, and common hallways. Another way to look at the savings is to consider this is a shortterm investment of the contingency funds.

An $85,000 investment, if it is a 3-year payback from direct savings, is an eventual 33 per cent interest investment. Compare that with the 1 or 2 per cent investment rate the strata is currently achieving and it makes good financial sense.

To ensure the contingency reserve fund is not depleted, a strata council may propose a budget at the annual general meeting to contribute a higher amount to the contingency fund to offset the savings of the electrical rates without affecting strata fees.

If you calculate that over a 10-year period at current hydro rates, a strata will have saved/invested in its own future $280,000 plus maintenance savings, all started by the expenses of $85,000. Better for your strata, better for the environment, and improved housing affordability.

As in all projects of this nature, be sure to confirm that the strata corporation has a written contract that has been reviewed by the strata corporation’s lawyer; verify that the scope of the work includes all improvements are LED upgrades or designs.

Before You Do an LED Upgrade
• Conduct a feasibility study with a contractor to determine the potential savings and costs for an upgrade.

• Investigate with BC Hydro to see if any grants are available.

• Hold an information meeting with your owners to discuss the options.

• Seek the approval of the owners at a general meeting for the funds to approve the upgrades and any significant alterations that may be required to lighting fixtures or designs.
Review with the Contractor

- Does the contractor provide a product warranty for the labour/installation?
- Will the contractor help apply for any potential rebates?
- Will the contractor provide a comparison showing the savings to operate your new lighting vs. your old lighting system?
- Is the contractor properly licensed and insured for liability and workers’ compensation?
- Can the contractor provide references for previous completed lighting projects?
- Have you researched the contractor on the Better Business Bureau to ensure you are dealing with a reputable company?
- Does the scope of work include labour, materials, lifts required, and lamp/ballast disposal costs?
- Has the contractor evaluated both the quantity and quality of light, including colour, for each application?
- Are the proposed lights covered under product warranty? For what duration?
- If you have to file a product warranty claim? Do you understand how the claim is filed, what the warranty covers, and the address for filing claims?
- Before you proceed with the contract, have you considered increased lighting demands in security locations and lighting controls to better manage energy consumption?
- Have you engaged a legal review of the contract?

Solar

Is your building right for solar?
- Will the roof need to be replaced in the short to medium term?
- Are large sections of the roof unshaded for most of the year?
- Is one of the condo owners or council members championing the project? Having a resident who acts as the primary advocate for the project will ensure that everyone involved understands the value of installing solar. Council support is also necessary for any project to go forward.
- Is the building’s roof covered by product warranty? If so, verify how a solar system could be installed without voiding the product warranty.
- Is the building located in a geographic zone with sufficient annual sun hours?

Solar Equipment

- Do the selected solar modules come with a 25-year product warranty?
- Do the inverter(s) and other project components come with a product warranty?

Heat pumps are an excellent source for heating and cooling in strata units.

Heat Pumps

Heat pumps are an excellent source for heating and cooling in strata units. The alterations required to common property may have a significant impact on the use, appearance, and future costs for the community, however.

Before a Heat Pump is Installed

Identify Construction Types
- Combustible/noncombustible
- Cladding materials
- Window wall assemblies

Identify Options for Cooling
- External: Heat pumps
- Internal: Portable units

Identify Methods of Installation
- Window/wall mount
- Internal unit with exhaust
- Internal make-up conditioning alterations
- External surface heat pumps

Analyze the Benefits, Technical Requirements, Limitations, and Risks of Each of the Options.

While the system is fairly straightforward, the installation may be complicated.
- Electrical access/capacity on the building in addition to the introduction of EVSE?
- Building permits?
- Structural material
- Bylaws that control installation/noise/vibration and how authorization is obtained where a building-envelope penetration or alteration is required?
- Are alterations permitted to common property?
- Risks of building-envelope damage or failure?
- Risks to limiting or voiding existing warranties?
- Seismic requirements?
- Building-permit requirements and time constraints?
- Liability agreements for future costs of maintenance, repairs?
- Curb appeal for value and nuisance impact on neighbouring units?

For more information regarding stratas in British Columbia, please visit the CHOA website.

Tony Gioventu is Executive Director of the Condominium Home Owners’ Association of B.C. (CHOA), a consumer association with over 200,000 members comprising strata corporations, owners, and business members who serve the strata industry.
Extensive research and engineering has produced the Nomad Cube, a 13’ x 13’ home that maximizes affordability, efficiency, and style. Its living room, kitchen, bathroom, sleeping area, and storage are seamlessly integrated into a compact yet effortlessly comfortable tiny home.

Applications...include backyard homes, additional rooms, rental income, student housing, recreational property, remote industry, disaster relief, urban densification, sporting events, and developing nations.

Designed to be modular, two or more Cubes can be fitted together, interconnected or as separate side-by-side townhomes. They can be customized with several space-saving add-on features including convertible furniture and interior/exterior storage solutions, plus customized off-grid technology add-ons such as sewer treatment, rainwater harvesting, water purification, and solar-energy packages.

Specialized mass-production technologies combine computer-driven Cold Formed Steel fabrication and CNC (Computer Numerical Control) cutting, technologies that provide ease of assembly and economies of scale. Flat-packed and easily shipped by truck or container, the product can be assembled by people with handyman-level skills.

Suggested Applications
Applications for tiny homes include backyard homes, additional rooms, rental income, student housing, employee housing, recreational property, remote industry, disaster relief, urban densification, sporting events, and developing nations.

Environmentally conscious, tiny homes incorporate the following features.
- Green Economy: Lighter weight; less shipping carbon; assembled locally
- Climate Leadership: Higher urban density; fewer emissions
- Green Buildings: Higher envelope efficiency; lower energy consumption; recyclable structure
- Green Transportation: Higher urban density; more transit and bicycle commuting
- Zero Waste: Lower consumerism; extreme recycling
- Lighter Footprint: Smaller homes; smaller footprint

Residents in the following areas of British Columbia can take advantage of bylaws that allow ancillary residential units on single-family lots: District of North Vancouver, City of North Vancouver, West Vancouver, Port Moody, Coquitlam, Squamish, Quesnel, Nanaimo, and Victoria. ▲

Ian Kent and Joie Alvaro are the founders of Nomad Micro Homes.
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604.355.7086
ksamji@ctic.ca
I am the baby of a family of seven children to Don and Emily Cadrin who owned a very large farm and ranch in Meota, Saskatchewan.

We are a very close and loving family who stand by and support each other no matter what. Our parents retired from farming and moved the family to Chilliwack in 1974 when I was 4. I have never even considered living anywhere else. Chilliwack is home and I love my community.

I attended school with the same group of kids for most of my life and am still best friends with my childhood pal Mary, whom I have known since I was 9. I recall wanting to be a novelist when I grew up; I loved to write stories but figured early on that I had better choose a career that made more money!

My mentors in life were my parents and siblings who range in age from 15 to 8 years older than I am. They all helped my parents bring me up and taught me by example how to be a kind, honest, reliable, and hardworking person.

I am especially grateful to my oldest sister Lois, and Don, her husband of 42 years, who co-parented me and have been my biggest supporters throughout all of life’s ups and downs, including the death of Mom and Dad.

I had always regretted I did not continue my university education after getting my BA in Political Science from UBC straight after high school. Feeling restless and unfulfilled in my 20-year career, I was sorting papers during Christmas break 2009 when I came across a letter that my mother, who passed away in 2007, had written to me when I was 17 and trying to decide what to do with my life.

She said not to let fear of failure prevent me from attempting something new and challenging. She said that even if you fail, you will know in your heart you gave it your best try and, if you succeed, it will “give you a feeling of self beyond words.” It hit me that Mom was telling me I should take the BC Notary program!

The Scrivener: You were the 2013 winner of the prestigious Bernard W. Hoeter Award in recognition of achieving the highest marks on all the Notarial Statutory Examinations. What motivated you to achieve that outstanding level of academic success?

In our family, we were always taught to give everything in life our best effort and to set ourselves up for success through careful preparation and organization. Both my parents took immense pride in doing a job thoroughly and well and they modelled that for us throughout their lives.

When I was in Grade 3, I was tested at school for an opportunity to become part of a specialized “Enrichment Program,” designed to challenge children with advanced learning skills. I was in the program from Grade 4 to Grade 7. I attribute my ability to achieve a high level of academic success in large part to that program; it was stimulating and the participants were highly competitive. I was self-motivated, always loved school, and never needed to be pestered to study, but being a part of that program definitely drove me even more.

Simpson Notaries were business mentors for me. During my 20 years of working with them, I learned Bob Simpson’s fundamental business philosophy... always go above and beyond to deliver excellent customer service!
My friend and fellow BC Notary Cheryl Bennnewith was a tremendous cheerleader and supporter throughout the BC Notary education course and the start of my solo practice. She is my sounding board on a daily basis and Roving Notary to cover my holidays.

I approached studying for the six Notary statutory exams like any other job. I plotted a strategy for each day and each week during the 6 weeks leading to the exams and systematically carried out the strategy. Like anything else in life, success in academics is derived from hard work and discipline. It was hugely time-consuming, but it paid off!

I am so grateful for my husband Kevin, the most loving and supportive partner; he supports me 100 percent in life and in my business. He was so patient throughout the Notary Education Program, always understanding that I needed to focus all my energies on my studies and doing whatever he could to help me achieve success. I could not have done it without him!

**The Scrivener: What aspects of your Notary work do you enjoy the most?**

It sounds cliché, but it’s definitely the people. Running a BC Notary practice can be hectic and stressful, especially when the real estate market is hopping, but when I chat with my clients, get to know them, and hopefully share a laugh, I really enjoy it.

I especially like doing estate planning with my senior clients. They have such interesting stories and unique views on life. It feels really good when they tell me how much better they feel knowing their legal affairs are in order.

I always think about how important it was to my parents to have things in order for us kids before they died. They never wanted to be a burden to us and wanted things to go as smoothly as possible after their deaths. So I respect and understand the needs of my clients to provide that reassurance for their families.

I have mentored a number of Notary students and like doing it. From what I have told you about my parents, it probably comes as no surprise that I love sharing my knowledge and teaching people what I know about being successful.

I have been very fortunate to mentor some really great Notary students. It is very fulfilling to me when they express their excitement about learning and their gratitude for the opportunity to gain some insight into, and learn the skills involved in, running a busy Notary practice.

I also really enjoy teaching the conveyancing course as part of the practical training for the BC Notary Education Program. I am proud to give back to my profession and to assist the next generation of Notaries to be part of our Tradition of Trust.

My hobbies are travelling, reading, cooking, entertaining, and shopping! A bit of a workaholic, I am working on spending more time doing things that bring me joy.

**The Scrivener: What is most important to you in life?**

Living a life that would make my parents proud... always doing what you say you will do, much like the undertakings we give daily as BC Notaries. Being reliable, hard-working, and taking pride in what you do. Having gratitude for your good fortune and sharing with others the gifts you have been given.

Also, it is very important to me to nurture close relationships with friends and family because, without them, it doesn’t matter what you achieve in business. What fuels me is being there 100 percent for the people who count on me, whether they are my clients, friends, or family.

Any job in life is not worth doing if you don’t do it well.

Thanks, Mom and Dad.
The BC Notaries Association Spring Conference was held April 13 and 14 at the River Rock Resort in Richmond.

The conference theme was “Raising the Stakes: Professionalism + Practice.”

The characteristic definition of a profession is an occupation that needs special training or a particular skill, one often respected because it involves a high level of education. A profession is conducted in the best interests of those it serves and is disciplined by rules of ethical conduct. BC Notaries are legal professionals who study, develop, and apply law to provide noncontentious public services.

Practice can be defined as the actual application of an idea, belief, or method or to perform an activity or exercise a skill repeatedly or regularly to improve or maintain a person’s proficiency.

In a climate of increasing regulation and where the digital space has become part of the do-it-yourself landscape, Notaries continue to enhance the skills most valued by the public who need in-person expert legal advice and services.

Reflecting the theme, conference education sessions focused primarily on exploring how BC Notaries can raise and implement professional standards to better serve people across British Columbia. Key education sessions included current hot topics in BC such as the implementation of new real estate taxes including the provincial Speculation and Vacancy Tax and the Empty Homes Tax in the City of Vancouver.

Risk Management continues to be one of the top and most frequently addressed education needs for all areas of Notary practice. Updated information on personal planning services including Wills and Representation Agreements was offered through education sessions on how to interview for estate planning and a review of the Wills and Estate Act that considered undue influence, the definition of a spouse, and what constitutes a valid Will.
The session also focused on elderly and vulnerable clients through strengthening the evaluation of client competency and social and familial pressures and preparedness to ask difficult questions. The Public Guardian and Trustee of BC made a presentation around the role of assessment and investigation services in allegations of abuse, neglect, or self-neglect, with case examples of concerns about Powers of Attorney, Representation Agreements, and trustees.

Notaries are of course business owners, entrepreneurs, and employers. The landscape has changed over the last 10 years for Notaries managing their practices. Today many Notaries are hiring staff Notaries and partnering with other professionals to grow or ease the workload of a sole practitioner. An education session exploring how to structure practices was offered to delegates.

Social media engagement is a must for public awareness and information on Notary services; a media specialist was present to answer questions on the best way to go about it. For those Notaries nearing the end of their careers, a session was available to enable them to accurately value their professional practice, understand fair market value, valuation methods, and the importance of transitioning corporate goodwill.

The Honourable David Eby, MLA for Vancouver-Point Grey and Attorney General, gave the keynote address outlining current government initiatives including real estate taxes, anti-money-laundering, and changes to ICBC insurance. It was an excellent opportunity to hear firsthand and ask direct questions about provincial policy.

Many of the Notary students undertaking the Master of Arts in Applied Legal Studies degree (MA ALS) at Simon Fraser University attended the conference. The MA ALS program is primarily for students intending to practise as Notaries in the Province of British Columbia.

With over 380 practising Notary delegates attending, this was the largest Spring Conference to date. As always, one of the most important ways for professionals to enhance skills is meeting their colleagues in person for mentoring and knowledge exchange. The Conference certainly provided that opportunity.
Margot R. Rutherford*
Notary Public
A Member of The Society of Notaries Public of British Columbia
*Denotes Professional Notarial Corporation
981 Fitzgerald Avenue, Courtenay, BC V9N 2R6
Tel: 250 338-6251 Fax: 250 338-5337 email: mnrutherford-notary@shaw.ca

Immigration Problems?
Alexander Ning Notary Corporation
Suite 230, 8911 Beckwith Road
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Congratulations,
BC Notary Class of 2019

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4. Elizaveta Efimovna Sirota
5. Choi Yuk Judy Yip Armitage
6. Jessica Rena Sharma
7. Kwa Kwan
8. John Mayr, Executive Director, The Society of Notaries Public of BC
9. Robert Singh Pooni
10. Julia Margaret Maika
11. Brenda Marie Redman
12. Wing Yan Tsui
13. Maria Jose Gandolfo
14. Franca Muraca
15. Deidre Josephine Farah
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22. Virginia Lee Ashley
23. Janette Ryan
24. Elizaveta Afanassieva
25. Ravinder Singh Bains
26. Leslie Deborah Madore
27. Paul Anthony Williams
28. Ashok Bhatti
29. Dallas Everett Eisert
t’s my pleasure to participate in this important milestone in the professional lives of the newest members of The Society of Notaries Public.

The office that each of you is assuming has a long and distinguished history going back long before this country was created. Your profession is an ancient and honourable one, demanding of you proficiency in the exercise of your duties and the utmost integrity in what will be your professional service to the public.

Today is of course important to each of you and to your families and your friends because it marks an important professional achievement for you, one in which you can take justifiable pride; it is also an important occasion for the public at large.

Your class represents the rich diversity of backgrounds and communities that make up our society and enrich us as a nation.

The letters of reference that have been filed on your behalves are abundant evidence of your character and your accomplishments. Soccer seems to feature prominently with many of you, as both players and coaches. You are described as a group as honest, trustworthy, and hardworking . . . attributes you will need as Notaries.

You are social workers, reservists and veterans, one police officer, businessmen and businesswomen, teachers, health workers, bikers, artists, scholars, and most important, you have given back to your communities as volunteers. One of you is even the spouse, I understand, of a present Notary.

You should be rightly proud of what you have accomplished.

I know each of you has worked hard and made sacrifices to achieve the standing that commends you to the offices you now occupy. You should be rightly proud of what you have accomplished. Your letters of reference make it clear you have been assisted by friends and family to whom you are and will remain indebted; I congratulate not only you, but your friends and families and loved ones who are here to support you, as well as those unable to attend today.

You have now become officers of the law, assuming positions of trust in relation not just to those by whom you are retained, but to the community as a whole. You will be participants in our country’s legal system, free to work without facing the constraints that trouble so many other jurisdictions where the benefits that many take for granted in Canada are simply unavailable. You will exercise profound influence over the affairs of others in the quality of the advice you provide and in the manner in which you provide it. In the execution of documents that will mean so much to those you are chosen to assist, you have a duty to uphold the public trust you assume by your oath taken today.

You will certainly face challenges in your professional work; your oath to act uprightly and justly will guide you when you face these challenges and honesty and integrity must always be the basis upon which you must meet them. When prevailed upon to depart from these guiding principles by weaker or desperate individuals, you must remain resolute.

A reputation in your profession is hard-earned, but can be easily lost. You must guard your reputations jealously. Pursuant to section 11 of the Notaries Act, having taken your oath of office, and upon being satisfied that you have satisfactorily passed the required examination and paid the prescribed fee, you are now to be enrolled by the Registrar as a member of The Society of Notaries Public of British Columbia and be entitled to practise as Notaries Public.

I wish you well in your professional and your personal lives and truly hope you will enjoy the work you have chosen and are now entitled to perform.
The Installation Ceremony of 29 new BC Notaries was held at 8:30 AM at the Vancouver Court House with The Honourable Chief Justice Christopher E. Hinkson presiding.

At the luncheon at the Pan Pacific Hotel, the graduates received their Certificates and BC Notary pins and celebrated with their families, friends, and colleagues.

John Mayr, Executive Director of The Society of Notaries, was Master of Ceremonies. Attendees from The Society of Notaries Public of BC: Secretary Marny Morin, President Rhoda Witherly, First Vice President Jessie Vaid, Second Vice President David Watts, Directors Kate Manvell, Susan Tong, Pat Wright; Practical Training Instructors and BC Notaries Ruminnder Sadhra, Raman Sadhra, Trish Fedewich, Hilde Deprez, Joan Letendre, Carolyne Maguire, and former Director Susan Davis Mercer.

General Counsel for The Society Quang Duong and Counsel Ian Knapp, both of MacKenzie Fujisawa LLP.

From the BC Notaries Association: President Dan Boisvert, Executive Assistant Christina Tang.

Wayne Braid, Executive Officer of The Notary Foundation of BC and Chair Tammy Morin Nakashima, and George Cadman of Boughton Law.

From Simon Fraser University Criminology Department: Dr. Robert Gordon, Associate Dean, Director, Applied Legal Studies Program; David MacAlister, Director; John Whatley, Associate Member; Adjunct Professors Todd McKendrick, Margaret Hall, and Eleanor Lecocq; Program Director Dianne Jamieson-Noel; Gabriel Saur, Coordinator, Advising and Recruitment; and Jovanna Sauro

Board of Examiners for the Notary Students: Trish Fedewich, Chris Dupuis, and Todd McKendrick.

Other guests included Eileen Hoeter; Grant Goldrich, Do Process; Jennifer MacKay and Amanda Magee of Stewart Title Guaranty Company; Real Estate Institute of BC President Daniel John and EO Brenda Southam; Kristine Simpson, Partner, BDO Canada; Rob Cutler, VP, LTSA; and Larry Blaschuk, Registrar, New Westminster Land Title Office.

Staff members: CFO Eric Fryatt; Leanne Rebantad, Acting Secretary and PAL Line; Amber Rooke; Jennifer Lee; and Donald Ross.

The Convocation event was held at Simon Fraser University the next day, June 13.

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The Notary Pledge

Given before The Honourable Chief Justice Hinkson of the Supreme Court of British Columbia

I pledge myself to the advancement of the notarial profession in British Columbia by all proper means available to me.

I pledge myself to seek and maintain an equitable, honourable, and cooperative association with fellow members, other practitioners, and with all others who may become a part of my business and professional life.

I pledge myself to place honesty and integrity above all else and to pursue my practice with diligent study and dedication in order that my service to my clients shall always be maintained at the highest possible level.

I pledge myself to comply with the principles and objectives of The Society as set forth in its bylaws, rules, and code of ethics and professional conduct.
Welcome to everyone and congratulations to our newly commissioned BC Notaries.

This is such a special day for our new Notaries; it is a double celebration. The day began with the formal presentation before The Honourable Justice Hinkson of the Supreme Court of British Columbia. Now at this luncheon, we present the awards and you receive your commissions.

Your success in the program and that of our previous classes is a tribute to the vision and perseverance of those who worked to establish our partnership with SFU to provide a sound, in-depth legal education for BC Notaries. Some of the people on that first committee include Bob Reid, Rick Evans, Todd McKendrick, Marny Morin, Ruth Price, George Cadman, and of course Wayne Braid.

Your graduating class marks the 10th anniversary of our MA ALS education program…

The Society you have joined is diverse and our membership is spread across the province. We provide services in many different languages. Over 50 per cent of our members are graduates of the MA ALS program and over 50 percent are women. The average age of a practising BC Notary is 52.

The formal education part of your Notary journey is complete. Although you have a strong foundation in the relevant noncontentious legal matters in our province, your education is just beginning. We as a Society are here to support and assist where we can and to provide a framework for you. To be successful, you will have to find your legal niche in your neighbourhood.

Being a Notary is not a static occupation. We have survived as a recognized Society by adapting to the world around us to provide many of the legal services that the people of our province want and need. Through our many long years of service, we have established a legacy of trust.

Throughout the centuries, people have trusted their Notaries, trusted them to provide legal advice in our areas of expertise, trusted them to draft important documents, trusted them to hold and secure their money and homes, and trusted them to look after their affairs in many cases. As new Notaries, you have inherited that trust. Use it wisely.

The Notary Public has been a respected and valued part of society dating back to before Roman times. We have changed throughout the centuries; today we have adapted to the new digital world. The face of the Notary is changing, the way we practise is changing, and change is accelerating each year. Some of the things we have learned to do will be automated or eliminated. The ways we handle client monies will change. Expectations from our clients will change.

I want to assure you that clients will seek your professional legal services. Enjoy helping the people of British Columbia.

Congratulations to each of you and welcome to The Society of Notaries Public of British Columbia!
Address from the Graduating Class of 2019 . . .
We Are on Our Way!

This speech is dedicated to all the women warriors out there, my mom being one of them, upon whose backs women like myself glide. It is through their example of perseverance and unconditional love that I learned my wings do work and my only limitations are of my own making. And most of all, to my daughters Milena and Georgia. My greatest work and joy will always be the incredible gift of being your mother.

We are men and women who range in age from our late 20s to our early 50s. Some of us have experienced success in other careers for over 25 years and some of us are just over 25 years of age! We are mortgage brokers, Realtors, business consultants, teachers, conveyancers, postal workers, accountants, HR consultants, biochemists, small business owners, bankers, a veteran of the Canadian Armed Forces, and more.

Today marks the culmination of 2 years of intensive studies to become BC's newest Notaries Public!

The theme that binds us is our desire to become BC Notaries. Our diversity is now linked by that one commonality and it is one of our greatest strengths. Our backgrounds will afford us the ability to connect with our clientele, to truly appreciate where they are coming from, and how best to serve their various needs.

We all quickly learned that nothing in our lives would stop simply because we decided to pursue this education. As we continually marched forward, we have sat beside parents in the ICU, comforted our babies when they were sick, made deals with our friends that we would be able to see them again soon, written essays at the pool while stealing a few hours as our children played, spent an inordinate amount of time at our local Starbucks together, welcomed new babies into our lives, and even said goodbye to some of our loved ones.

We found a way to process an incredible amount of information and many, many times, the only mantra that would get us through was “One day at a time!”

We learned about Canadian Law, Property Law, Legal Issues, Legal Philosophy, what a Loss Prevention Annotation Device is, and how to jerry-rig a pen with hockey tape so it wouldn’t slip from our sweaty palms as we wrote our challenging statutory exams.

We would learn that BC Notaries are craftsmen and women charged with ensuring that the written legal affairs of others flow seamlessly and accurately through drafting, authenticating, and getting the facts straight. It’s the Notary whose seal is bond.

Life is not about the destination; it’s about the journey. We are not at our destination but we are on our way and that is what matters most.

Congratulations to the newest Notaries Public, in and for the Province of British Columbia. ▲
The New Leadership Award
Honouring Wayne Braid

Wayne Braid and Tammy Morin Nakashima

I have the privilege of introducing a new and very relevant award.

Wayne Braid had a vision. He led The Society of Notaries Public of BC into cutting-edge technology while retaining a strong focus on education, public and government relations, insurance, the good and beneficial work of The Notary Foundation, and many other areas.

In 2000, he ushered BC Notaries into the modern world of digital signatures.

In 2007 under Wayne’s stewardship, a new and broadened program began for enhanced education through the Master of Arts degree in Applied Legal Studies at Simon Fraser University that includes nonlitigious legal matters with accounting, administrative, and technology components. BC Notaries also enjoy a robust continuing education program.

Wayne’s goal? To provide the public with the best calibre BC Notaries possible.

As Executive Officer of The Notary Foundation with his strong connections to BC communities, he offers guidance to The Foundation to do its important good work.

One of the first things he learned as a young Jaycee in Terrace was “Living without a goal is like trying to sail a boat without a rudder.” It is evident that Mr. Wayne Braid took that lesson to heart. Throughout his life and career, he has set and achieved many goals. BC Notaries are continuing to ride the wake of his insight and accomplishments.

The new Wayne Braid Leadership Award recognizes the BC Notary student who most demonstrates Leadership in all subjects in the BC Notary Education Program. The recognition includes a handsome engraved plaque and a gift bursary. ▲

Tammy Morin Nakashima

Awards

1st Annual Wayne Braid Leadership Award
To the student demonstrating leadership in all subjects in the BC Notary Education Program
Presenter: Wayne Braid
Recipient: Maria Jose (MJ) Gandolfo

5th Annual Simon Fraser University Award
In recognition of achieving the highest marks in the Master of Arts in Applied Legal Studies Program
Presenter: Dr. Robert Gordon
Recipients: Leslie Madore and Benjamin Kaan

12th Annual Professor Robert Reid Award
In recognition of achieving the highest marks in Property Examination
Presenter: John Mayr
Recipient: Judy Yip Armitage

20th Annual Stanley J. Nicol Award
In recognition of achieving the highest combined marks on the Notarial Procedures Examination
Presenter: John Mayr
Recipient: Ernie “Cleaver” Kliever

32nd Annual Bernard W. Hoeter Award
In recognition of achieving the highest marks on all the Notarial Statutory Examinations
Presenter: Eileen Hoeter
Recipient: Ernie “Cleaver” Kliever

Photos: www.wildmanphotography.com
Building Better Communities, One Grant at a Time

The Board of Governors of The Notary Foundation of BC is comprised of:

- 8 members of the Board of Directors of The Society of Notaries Public of BC;
- 1 representative from the Attorney General’s Office in Victoria*;
- 2 Directors-at-Large, appointed by the Attorney General**; and
- the Executive Officer.

The members from The Society are elected by the Directors of The Society from among their ranks, for a 3-year period.

The Foundation Governors

Tammy Morin Nakashima, Chair
Rhoda Witherly
Jessie Vaid
David Watts
Akash Sablok
Filip de Sagher

Linda Manning
Kate Manvell
* Lisa Nakamura
** Deborah Nelson
** Jas Rehal

G. W. Wayne Braid, Executive Officer of The Notary Foundation, is responsible for the administration of the office and staff and the diverse investment funds of The Foundation.

The Board of Governors meets quarterly to consider applications for funding from various organizations and to set policy, review The Foundation’s financial status, and provide direction for the administration of The Foundation.

The Governors of The Foundation have the responsibility of guiding The Foundation in its mandate to disperse the funds generated by interest on BC Notaries’ Trust Accounts.

The Notary Foundation funds are used for the following purposes:

1. Legal education
2. Legal research
3. Legal aid
4. Education and Continuing Education for BC Notaries and applicants who have enrolled to become BC Notaries
5. Establishment, operation, and maintenance of law libraries in BC
6. Contributions to the Special Fund established under the Notaries Act of BC
The BC Notary Foundation joins over 50 partners in the Access to Justice BC’s Triple Aim Initiative

The goal of “Access to Justice Triple Aim” is to improve access to justice in BC and provide action in the successful pursuit of that goal.

“The Notary Foundation of BC has supported access to justice initiatives for many years, through funding many public legal education projects dealing with access to justice and organizations that provide services directly to those who, because of their financial situation, can’t afford the costs of a lawyer,” says Tammy Morin Nakashima, Chair of The Notary Foundation of BC. “The Notary Foundation is very pleased with the development of the triple aim goals and we are confident real change may be on the horizon because of this group’s work.”

“The BC Notaries Association is proud to be a signatory to this initiative that will support improved access to justice for all British Columbians,” says Daniel Boisvert, President of the BC Notaries Association.

The idea for “Access to Justice Triple Aim” was inspired by the BC health sector, where strong focus promoted innovation in that field; it will now benefit BC’s justice system and the people of British Columbia.

The three interrelated elements of the goal are 1) improving access to justice at the population (or subpopulation) level; 2) improving the experience of people who need access to justice; and 3) improving costs that includes reducing costs in other sectors because of the benefits of improved access to justice.

The Notary Foundation is committed to serving the people of our province by providing funding for legal aid, legal research, and public legal education. The Notary Foundation is committed to serving the people of our province by providing funding for legal aid, legal research, and public legal education, including grants to organizations that assist the needs of individuals to better understand and navigate the legal system in British Columbia.
The Bella Coola Legal Advocacy Program ("BCLAP") was founded in the Fall of 2008 by Anne Fletcher of the S.H.E.D. Society of Bella Coola.

The BCLAP provides Legal Advocacy services to the mid-Coast and Caribou communities of Bella Coola, Bella Bella, Klemtu, Wuikinuxv, and Anahim Lake.

Ms. Fletcher provides free and confidential legal advocacy services including information and referrals, summary advice and support, and full representation in all legal matters including housing (on and off Reserve); income/social assistance; debt; police accountability; human rights; disability; Indigenous legal issues; elder issues; child protection; family, criminal, and legal aid; Wills/estates (on and off Reserve); EI, employment (on and off Reserve); and pensions.

The BCLAP began with funding from the Law Foundation of BC for the provision of services to Bella Coola (Nuxalk Nation) and Anahim Lake (Ulkatcho Nation) and is now a continuing program of the LFBC, recognizing the hugely disproportionate needs of those remote and primarily Indigenous communities. There are no other agencies, historically or currently, providing any legal services in this region of British Columbia.

The BCLAP promotes the rule of law by increasing understanding of the law and how the law ultimately seeks justice. For mid-Coast Indigenous communities, understanding and appreciating how the law can benefit individuals is severely impeded by physical isolation,
lack of education, overburdened circuit courts, rotating police forces, cultural differences in dispute resolution, and historical abuses in law, e.g., the appropriation of lands, the residential school system, and so on. This is borne out with a demonstrated reluctance to seek relief through the law and/or a serious under education regarding basic rights and responsibilities under the law.

– Anne Fletcher

Two years into the BCLAP programming, the BCLAP began to receive regular project funding from The Notary Foundation of BC, funding that enabled the BCLAP services to grow to include the outer Coast communities of Bella Bella (Heiltsuk Nation), Klemtu (Kitasoo/Xais’xais), and Wuikinuxv (Wuikinuxv Nation), Indigenous communities accessible only by air or water.

As a result, Anne Fletcher and her colleagues have been able to deliver comprehensive public legal education activities (PLEAs) and advocacy services covering a wide range of topics under Employment Law, Elder Law, and Youth Law.

Currently, The Notary Foundation of BC has provided funding for the Indigenous Women’s Rights, Resources, and Reconciliation Project.

Anne supports low-income British Columbians’ access to legal services in some of the most remote and hard-to-reach parts of BC.

The Legal Advocate Anne Fletcher will partner with RISE Women’s Legal Centre, Program Lawyer Vicky Law in the organization, and delivery of workshops in Bella Coola, Bella Bella, and Klemtu covering the following:

- Family Matters, including rights upon Separation and Divorce
- Matrimonial Family Property Rights on Reserve
- Family Protection Orders
- Sexual Harassment
- Freedom from Discrimination/Human Rights Protections
- Access to Legal Services Society’s Legal Aid services in family, child protection, and criminal matters.

The Bella Coola Legal Advocacy Program has been nationally recognized for its work. Alex Peel, Community Engagement Coordinator of the Legal Services Society, nominated founder Anne Fletcher for the Access to Justice All-Star Award. “The Legal Services Society (LSS) has had the privilege of working in partnership with Anne Fletcher and the Bella Coola Legal Advocacy Program for many years,” said Peel.

“The Legal Advocate Anne Fletcher has evolved to deliver legal advocacy to Bella Coola as well as neighbourho着 communities and has helped to fill the access-to-justice void. The recent recognition of Anne’s work by the National Self-Represented Litigant Project is very well deserved.”

The BCLAP is a Community Partner of the Legal Services Society of BC that supports the delivery of legal aid services and resources to those remote communities. The Law Foundation of Ontario (Access to Justice Fund) also has been a strong supporter of the work of the BCLAP, most recently with the BCLAP delivery of the 2-year Mid-Coast Indigenous Law Project, with presenter Anja Brown.
In December 2018, BCLI issued its Report on the Employment Standards Act. Publication of this 320-page report marked the conclusion of the Employment Standards Act Reform Project, a multiyear law reform initiative that was the first comprehensive, independent review of the Act in nearly 25 years.

The Employment Standards Act sets minimum standards for terms of employment and working conditions that apply to most workplaces in British Columbia. The Act is largely geared toward the workplace of the mid-to-late 20th century, although today’s workplace is markedly different. The 21st century workplace has been transformed by digital technology, changes in workforce demographics, and competitive pressures resulting from globalization, among other factors.

Longterm, relatively secure full-time employment has increasingly given way to less secure temporary and part-time employment. As part of the project, a consultation paper was published in mid-2018. It attracted over 700 online responses and many detailed submissions from a range of stakeholders. This public input fed into the 71 reform recommendations in the report that cover virtually all aspects of the Act. Consensus was not reached in all areas, but the report explained the majority and minority positions.

BCLI’s Employment Standards Act Reform Project was intended as a response to that need. It attracted broad-based support from the Law Foundation, the business sector, the labour movement, and the provincial government. As an independent nonpartisan law reform agency, BCLI was uniquely positioned to provide a neutral forum and research support for in-depth analysis of the Act by a highly knowledgeable and experienced volunteer Project Committee. The members of the Project Committee were carefully chosen to represent a balance between employer and employee interests.

Some of the More Notable Majority Recommendations in the Report Calling for Changes in Legislation

- Introduction of unpaid sick leave of up to 7 days per year.
  (The new sick leave provision and the existing family responsibility leave provisions would not be cumulative, but the 7 leave days could be used in either situation, that is, if the employee is ill or if circumstances arise that would now entitle the employee to family responsibility leave.)

- Legalization of everyday informal arrangements to allow employees to work extra time (within specified limits) to make up for time voluntarily taken off

- Different rules for minimum call-in pay

- Legalization of the conventional methods of paying vacation pay now technically disallowed by the Act

- Rules similar to those introduced in Ontario for handling tips and gratuities and for regulating tip pooling, in establishments where tipping takes place

- Alignment with national and international standards of British Columbia’s rules on employment of children under 16

- Changes in the complaint and enforcement process
In February and March 2019, the BC Ministry of Labour carried out its own consultation on six “areas of focus” under the Employment Standards Act and interspersed hyperlinks throughout its brief online consultative document to the portions of the BCLI report discussing each of those areas. Comments by the Minister of Labour reported at the time made it clear that “priority amendments” to the Act could be expected in bill form shortly.

On April 29, 2019, the Employment Standards Amendment Act, 2019 (Bill 8) was introduced in the BC Legislative Assembly. Bill 8 is partially in keeping with unanimous or majority recommendations contained in the BCLI report, specifically ones in relation to the following.

- Employment of children
- Tips and gratuities
- The complaint and investigation procedure
- Redefinition of “domestic worker”
- Clarification of how certain provisions about reinstatement after a statutory nondiscretionary leave and group termination should operate
- Aligning the successor employer provision with its counterpart in the Labour Relations Code
- Continuity of employment under a Court-appointed receiver

The Minister of Labour has indicated that further changes to the Employment Standards Act are under consideration, so other recommendations in the BCLI report may be implemented in the future.


Greg Blue, QC, is Senior Staff Lawyer at BCLI.

By helping your clients include a gift in their Will, you are improving the future of health care.

Please contact Yolanda Bouwman for more information.
surreyhospitalfoundation.com/legacy
604-588-3371

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CONTENDED WILLS AND ESTATES
To survey, defined in the Merriam Webster Dictionary (2004 Edition page 721),

1. to find, look over, and examine closely;
2. to find and represent the contours, measurements, and position of a part of the earth’s surface (as a tract of land);
3. to view or study something as a whole

Synonyms—scrutinize, examine, inspect, study.

Navigational Satellite Systems. Data can be shared with other professionals through the use of CAD, point files, surfaces, and so on.

The uses of survey data are many and varied. Topographical survey data are used to aid in detailed design by architects, civil engineers, shallow (communication/fibre optic, gas, and electrical providers) and deep (water, sanitary, and storm) utility operators, and road builders, to name a few. Topographical data are also used to calculate volumes on a variety of masses where contractors are paid based on those volumes.

A British Columbia Land Surveyor has the expertise to analyse geospatial data from multiple sources and determine if they are in the same systems or advise how to relate the information to each other. A land surveyor can determine and provide transformation parameters when design information is not based on the same elevation and/or horizontal reference systems. That is significant during the design or construction phase of a project to ensure features are constructed in the intended locations and at the intended elevation.

Mapping surveys may be used to delineate flood plains and mark those elevations on the ground to ensure houses and structures are not built within the restricted areas. Mapping surveys may be used to show the location of bird nests or bear dens.
BC Land Surveyors complete extensive historical research on parcels, including the examination of aerial photography to determine whether natural boundaries have changed due to accretion—lawful or unlawful fill—or erosion or avulsion or whether existing occupation is consistent with historical occupation for transfer of lands from the Provincial Government to First Nations. Land surveyors are called to act as expert witnesses, speaking to issues such as natural boundaries or whether a road has moved or changed from the original creation/construction.

Land surveyors are involved in construction and land-development projects. They work with civil and construction contractors to mark construction limits or building foundations, to provide elevation benchmarks and site control, and to provide continuous construction support, if needed, during the completion of the project. A surveying professional needs to be able to read architectural plans and engineering drawings to transfer the design from paper to ground.

BC Land Surveyors must have an understanding of zoning bylaws to be able to provide certification to local governments to confirm that buildings and structures conform to regulations. A land surveyor brings many areas of expertise to a land development project, including the knowledge and ability to review zoning bylaws, land use, and official community plans and to understand the mandate of the Agricultural Land Commission Act.

A BCLS has the knowledge and experience to interpret acts such as the Land Title Act, the Land Act, and the Strata Property Act and their associated regulations. A BCLS is able to speak to matters such as the access and frontage requirements of a development or calculate the unit entitlement of a strata development.

Research of a property under development is an important task generally completed at the feasibility study phase and throughout a project. The land surveyor brings experience to this research by looking at exclusions and reservations of the original Crown grant, interpreting and depicting metes and bounds descriptions or legal title descriptions of parcels created through description, that is N 1/2 of Section 3.

A BCLS reviews the legislation and regulations along with registered charges and identifies inconsistencies of the new development with legislation or a registered charge on the title, such as a restrictive covenant.

So, the next time you are seeking advice or guidance for issues related to land and boundaries, consider contacting your local, professional surveyor.

Land surveyors are able to provide guidance to the public regarding what land is referred to within a title and what charges affect the parcel. Examples of questions from the public to a BCLS include “Does my parcel have access through a neighbouring parcel through a registered easement?” or “Do I own the creek running through my parcel?”

Land surveyors participate in discussions with owners/developers and lawyers/BC Notaries to determine options for ownership and governance structures for developments, for example, the benefits and restrictions of using a phased strata—bare land or building, air space parcel, or fee simple. A BCLS will contemplate the effects of the ownership and governance model on future owners and will seek to ensure the interest and rights of subsequent owners are protected.

As has been evidenced, BC Land surveyors provide professionals in other fields and the public with a complete package of survey data and related information.

So, the next time you are seeking advice or guidance for issues related to land and boundaries, consider contacting your local, professional surveyor. A BCLS is not only an expert in spatial measurement, he or she is a trusted advisor.

Shauna C. Goertzen, BCLS, CLS, practises in Prince George, BC.

From the Agricultural Land Commission Act

Purposes of the Commission

6 The following are the purposes of the commission:

a) to preserve the agricultural land reserve;

b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest;

c) to encourage local governments, First Nations, the government, and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws, and policies.
In 2000, a Professional Education Roundtable was formed by representatives from several professional land-use organizations. It was agreed that a joint conference every 5 years was one of the best approaches to share professional development opportunities. BC Land Summits were organized in 2004, 2009, and 2014 with the following primary objectives.

- Create a conference that is interactive and encourages networking among professionals.
- Create a broader and richer event than any one professional organization.
- Share knowledge between and among professional organizations.
- Enjoy the synergy of a shared major event.
- Collaborate and foster awareness of the interdisciplinary nature of professions.
- Showcase best practices and collaborative solutions and case studies that highlight working solutions.
- Generate ideas and a future professional vision for land use and management in Western Canada.
- Incorporate an interdisciplinary and complementary trade show profiling innovative products and services.

The 2019 BC Land Summit continued to celebrate the theme: Collaborations and Connections. This year’s event was held at the beautiful Westin Bayshore in Vancouver, BC, welcoming nearly 800 attendees who enjoyed over 50 sessions, deep dives, mobile workshops, and tours delivered by 120 presenters and leaders.

There were many notable sessions and highlights. The Summit opened with a strong attendance at the conference Welcome Reception, allowing delegates and sponsors opportunity to socialize and network. The opening ceremonies included thoughtful remarks from Lieutenant Governor Janet Austin, who inspired attendees with sentiments of the impacts of climate change and the shared responsibility humans have to protect the land and the planet overall.

That message was echoed in an encouraging talk by Nobel Peace Prize Nominee Sheila Watt-Cloutier. As the opening keynote presenter, Sheila spoke about healing through the power of land-based solutions and becoming more attuned with nature, an often overlooked topic, yet one vital to all.

Following the morning plenary, delegates enjoyed a networking break before heading off to the...
first of several education sessions. Five concurrent breakout sessions, as well as four longer deep-dive sessions, were offered Thursday morning, with subject matter ranging from invasive species, to planning and design of the farming-urban interface, to forestry and rural land valuation.

Conference delegates were able to take in the Vancouver harbourfront with the convenience of a portable boxed lunch supporting the conference themes of wellness, connection, and collaboration.

Deep dive sessions continued into the afternoon, allowing presenters to expand on ideas and introduce a forum for additional dialogue. Thursday afternoon provided 13 additional breakout sessions with topics such as triple net leases, best practices for professionals working in the Agricultural Land Reserve, and land registry and land information systems in British Columbia.

In addition to onsite learning, Thursday’s program provided delegates with an opportunity to explore outside the traditional conference walls with a series of mobile workshops including a tour of Oakridge Town Centre, Models of Social Purpose Real Estate, and a Walking Spirit Trail.

Delegates reconvened for an evening gala reception in the grand foyer, followed by a plated dinner and entertainment from comedian and impersonator Mark Critch. Mark successfully wrapped up the day with his humorous insights into Canada’s land, political climate, and “lava lamps.”

Friday’s keynote address was presented by Edward Glaeser, the Fred and Eleanor Glimp Professor of Economics at Harvard University. He explored the shaping of cities through technology and the learning, connecting, and collaborating that takes place in large urban centres. Professor Glaeser identified the relationship between happiness and population, as well as successful city building.

After that information-packed session, delegates were provided an opportunity to network before heading out to morning sessions about cemeteries and climate action and deep dive presentations on bioregional food system planning, the land development process, and the numbers behind housing affordability.

Following another mobile lunch, conference attendees selected from another 14 afternoon education sessions on subjects ranging from parks, indigenous land use, land use and transit planning, to social impact land use projects. Mobile tours included touring the living roof of the Vancouver Convention Centre and a bike tour along the Vancouver seawall.

The three-day event concluded with a happy hour to allow delegates to continue discussion, share experiences, and deepen new industry partnerships and friendships.

While a post-Conference survey will collect official feedback from the event, early notes of gratitude would indicate the 2019 Summit was a hit. The successes must be shared with the many partners, sponsors, and exhibitors that attended and supported the conference. Accordingly, the BC Land Summit Society would like to acknowledge and extend its appreciation to the following organizations.

Agricultural Land Commission
Aon Canada
Architectural Institute of British Columbia
Association of British Columbia Land Surveyors
BC Assessment
BC Housing
British Columbia Institute of Technology
BC Notaries Association
BC Public Service

More information about the 2019 BC Land Summit and future events can be found at www.bclandsummit.com.

Christina Bhalla is Secretary of the BC Land Summit Society.
There are approximately 400,000 small businesses in British Columbia. Every single one of them will face conflict of one type or another.

Yes, conflict will come. If you are a small business owner, why not build conflict-competency into your business now, in preparation for the conflicts that will definitely come your way.

Small Business and Conflict
The British Columbia government defines small business as 50 employees or fewer. The Canadian federal government defines small business as 100 or fewer. As a share of total employment, BC small businesses make up 44 percent of all employment in the province.

Over the last 15 years as a workplace consultant and mediator, I’ve helped hundreds of small businesses deal with their conflict issues.

As your business continues to grow, odds are you’ll find it harder and harder to have a close relationship with all your employees the way you did when your business was just you and a handful of employees.

With respect to small business and conflict, I’ve observed the following.

1. When you are self-employed, “soft skills” such as effective communications and conflict management are rarely optional. You are your business. You are the face and personality of your business, good and bad.

2. As your business adds employees, getting those employees on the same page to work together demands an additional set of skills oriented to communications, collaboration, and team dynamics.

3. As your business continues to grow, odds are you’ll find it harder and harder to have a close relationship with all your employees the way you did when your business was just you and a handful of employees.

To offset that relationship distance, your challenge becomes empowering your employees to make constructive choices on their own and demonstrate conflict competency from within. A healthy workplace culture is vital.

“Culture is what people do when no one is looking.”

Herb Kelleher, former CEO of Southwest Airlines

Three Strategies to Build and Scale Conflict Competency in Your Small Business
Recognizing that your needs change as your business grows, here are three complementary steps/strategies that will help you build conflict competency and gain a strategic advantage in the process.

1. Increase Individual Self-Awareness
The most cost-effective way to resolve conflict is to improve a person’s self-
awareness. When I find myself in conflict, I look in the mirror and don’t always like what I see; a bit of self-reflection usually leads me to make better choices.

Numerous self-assessment instruments will help you become more familiar with yourself. Myers-Briggs Type Indicator, Thomas Kilmann Conflict Mode, DISC Profile, and Conflict Dynamics Profile are some of the best known. Understanding your own behaviours and hot buttons is essential to becoming conflict-competent.

If you want to work better with others, collaboration begins with you.

2. Develop Conflict-Competent Teams

“A team is a small number of people with complementary skills who are committed to a common purpose, performance goals, and approach for which they hold themselves mutually responsible.”

Katzenbach and Smith, in The Wisdom of Teams

Teams typically encounter both task conflict and relationship conflict.

- Task conflict concerns disagreements among team players about the work they are performing. It evolves from the natural differences of ideas and opinions that occur among people.
- Relationship conflict centres more on who is to blame than on how to solve a problem.

Well-managed task conflict can improve team performance. Conflict-competent teams are able to lessen the chances of task conflict morphing into relationship conflict. A focus on the task, along with a strong sense of humility, makes for an ideal team player.

Team assessments, agreements, coaching, and training can all help further team learning and development.

3. Apply a Systems Lens to Conflict

As your business grows, so does its complexity . . . people, process, tools, and so on.

I adopt good concepts wherever I find them. I learned from collaborative law that it takes a system to change a system. Address complexity with complexity.

Another framework concept to which I adhere is process “guides and enablers,” a concept I learned from process engineers during my infotech consulting days. The following all further the conflict-competency cause.

- Respectful workplace policies and procedures
- Embedding constructive conflict into employee hiring, retention, and development
- Offering a continuum of solution options, be it workplace conflict-management and/or collaborative problem-solving

What are you doing to get ready for conflict? ★

Ben Ziegler is a workplace consultant and mediator based in Victoria.

---

Seeking to Add to Your Business Career?

There are business opportunities for Notaries in various communities throughout British Columbia.

Some of the Requisites for Becoming a BC Notary

- 5 years’ related experience
- Strong entrepreneurial and people skills
- Highest degree of honesty and integrity
- Dedication to serving the public
- Undergrad degree: 3.0 GPA
- Fluency in English; other languages an asset
- Financial stability

For more information, please contact The Society of Notaries Public of BC 1-800-663-0343 or visit our website, www.notaries.bc.ca.

BC NOTARIES ARE RESPECTED IN THEIR COMMUNITIES.
I live in the Province of XXXX and my friend lives in the Territory of YYY. We are planning a North American Adventure Tour and wanted to know how long we can be away before losing our government medical-insurance coverage? We heard it was 6 months away from Canada and no longer than 6 months in the USA.

Under the Canada Health Act, the 13 provincial and territorial health-care insurance plans must meet five core standards: Accessibility; Comprehensiveness; Portability; Public Administration; and Universality.

While Accessibility and Universality require all eligible Canadian residents reasonable access to medically necessary services, “medically necessary services” are not defined under the Canada Health Act—each province or territory prescribes what constitutes their comprehensiveness.

There are five overlapping parts to your question.

1. How Long Can I Be Away?

Many incorrectly assume that the maximum time someone can be away is “6 months.” The correct answer, however, is “it depends.”

It is a smorgasbord across Canada’s 13 medical-plan jurisdictions applying 8 different out-of-jurisdiction coverage measures. The table below shows the maximum time before losing coverage for each jurisdiction:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Maximum Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yukon Territory**</td>
<td>365 Days</td>
</tr>
<tr>
<td>Northwest Territory*</td>
<td>183 Days</td>
</tr>
<tr>
<td>British Columbia*</td>
<td>212 Days to 1st Year</td>
</tr>
<tr>
<td>Alberta**</td>
<td>183 Days</td>
</tr>
<tr>
<td>Saskatchewan*</td>
<td>6 Months minus 1 Day</td>
</tr>
<tr>
<td>Manitoba*</td>
<td>12 Months 1st Year then 8 Months thereafter</td>
</tr>
<tr>
<td>Ontario**</td>
<td>365 Days</td>
</tr>
<tr>
<td>Quebec</td>
<td>365 Days</td>
</tr>
<tr>
<td>New Brunswick**</td>
<td>365 Days</td>
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<tr>
<td>Nova Scotia*</td>
<td>365 Days</td>
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<tr>
<td>Prince Edward Island*</td>
<td>365 Days</td>
</tr>
<tr>
<td>Newfoundland and Labrador*</td>
<td>365 Days</td>
</tr>
</tbody>
</table>

May require maintenance of Permanent Residence. Advance Notification Requirements vary from 30 to 90 days. Individual considerations for age, education, health, and/or work. Some jurisdictions require consecutive days. Others are Cumulative.
periods. Even then, some jurisdictions use “days” and others “months” when applying either a “calendar year” or a “12-month period.”

So, to answer your question, both of you will have different out-of-jurisdiction coverage periods that if exceeded, mean you would be a Canadian medical plan “Ex-Patriot” without medical coverage and have to re-apply to join any Canadian medical insurance plan and observe a 90-day wait period.

2. Can I Extend My Medical Plan Coverage?
On a case-by-case basis, each of Canada’s 13 medical plan jurisdictions “may” extend their medical plan coverage, but not beyond 2 years.

3. How Much Am I Protected with My Government Medical Plan?
Whether travelling to another province/territory or out of Canada, the Canada Health Act permits each province/territory to set its reimbursement rates and scope of “comprehensiveness” for medical emergencies.

In the event of an out-of-home-province/territory accident, sickness, or unexpected medical emergency, without travel insurance each traveller becomes financially exposed to the reimbursement dollar differential coverages for those “medically necessary services” between his or her home province/territory and the province/territory delivering those services.

As a case example within Canada, one province will reimburse only $75 per day for “Emergency Hospitalization” while one province that delivers that emergency hospitalization charges $897.50 for an “ER Outpatient Visit,” $4350 per day for a “Ward Rate Hospitalization,” and $18,540 per day in the ICU.

When travelling beyond Canada, any travellers needing “Emergency Services” and not having travel insurance will be subject to the local going rate, which in the case of the United States is demonstrably higher and payable in US currency.

4. What if My Government Health Plan Expires?
A core travel insurance requirement is the maintenance of each traveller’s provincial/territorial government health plan.

If the provincial/territorial government medical health plan coverage has expired, even due to having exceeded the minimum annual residency requirements, private travel insurers may void their coverage, cap the maximum benefits payable, or apply a co-insurance formula on the contractual grounds of that traveller not having maintained the contractually required continuous provincial/territorial medical coverage.

5. USA: The Magic “182 Days”
There is widespread misinformation about Canadians being allowed to visit the USA for up to 6 months. Subtle, but significant, it’s not “6-months” but a continuous or accumulation of “182 days” within each “Calendar Year,” rather than over any 12-month period.

The tipping point after exceeding 182 days is that the USA’s Internal Revenue Service (IRS) may require the traveller to pay US taxes because he or she may now be deemed for taxation purposes to be a US resident known as a Resident Alien.

To determine if a traveller can be considered a US Resident Alien for taxation purposes, the IRS applies a formula known as the “Substantial Presence Test” based on each January 1 to December 31 calendar year.

The two components in the “Substantial Presence Test” formula are:
1. in the current calendar year, there must be 31 days or more spent in the USA, and
2. in the preceding 3 years, the formula’s tipping point totals 183 days.

The computation of “182 days” is not as straightforward as you might think because the formula factors in both the number of days in the current year and the number of days spent within the USA over the preceding 3 years. The examples below illustrate different scenarios and outcomes based around the 182 days.

Ian Callaway, MA, MEd, RHU, BCFE, is an Insurance Benefits Analyst based in Vancouver.
British Columbia’s current Power of Attorney Act (the “POAA”) came into effect September 1, 2011.

It was a substantial improvement over its predecessor statute and essentially codified much of the many decades of common law that existed.

Most Powers of Attorney prepared are “enduring.” As defined in the POAA, an enduring Power of Attorney is one in which an adult authorizes an attorney to make decisions on behalf of the adult or do certain things in relation to the adult’s financial affairs. The POA document may be in effect while the adult is capable. It continues to have effect or it may come into effect when the adult is incapable.

A Power of Attorney should be an essential component of every person’s estate planning. Note that a Power of Attorney is the document you need while you are alive as opposed to a Will that is needed after your death.

Required Mental Capacity

Among the significant changes made by the current POAA over its predecessor was that for the first time, it set out a clear test for determining whether an adult is mentally capable of entering into an enduring Power of Attorney.

A Power of Attorney should be an essential component of every person’s estate planning.

The legislation also allows for what is known as “springing” Powers of Attorney that can be activated by predetermined criteria such as being assessed as mentally incompetent by 1 or 2 doctors.

DUTIES OF THE ATTORNEY

Section 19 of the POAA sets out various duties applicable to a person acting under an enduring Power of Attorney, as follows.

Duties of attorney

19 (1) An attorney must

(a) act honestly and in good faith,

(b) exercise the care, diligence, and skill of a reasonably prudent person,

(c) act within the authority given in the enduring Power of Attorney and under any enactment, and

(d) keep prescribed records and produce the prescribed records for inspection and copying at the request of the adult.

(2) When managing and making decisions about the adult’s financial affairs, an attorney must act in the adult’s best interests, taking into account the adult’s current wishes, known beliefs and values, and any directions to the attorney set out in the enduring Power of Attorney.
(3) An attorney must do all the following.
(a) To the extent reasonable, give priority when managing the adult’s financial affairs to meeting the personal care and health care needs of the adult;
(b) unless the enduring Power of Attorney states otherwise, invest the adult’s property only in accordance with the Trustee Act;
(d) not dispose of property that the attorney knows is subject to a specific testamentary gift in the adult’s Will, except if the disposition is necessary to comply with the attorney’s duties;
(e) to the extent reasonable, keep the adult’s personal effects at the disposal of the adult.
(4) An attorney must keep the adult’s property separate from his or her own property.

Record-Keeping
The Power of Attorney Regulation, B.C. Reg. 20/2011 (the “Regulation”), imposes various record-keeping obligations on an attorney acting under an enduring Power of Attorney.

For example, section 2(1) of the Regulation requires that an attorney make a “reasonable effort” to identify the property and liabilities of the adult who made the Power of Attorney as of the date on which the attorney first exercised authority on the adult’s behalf.

The Regulation also requires the attorney to keep the following.
- A current list of the adult’s property and liabilities (section 2(2)(a);
- accounts and records relating to exercise of the attorney’s authority (section 2(2)(b); and
- all records necessary to create full accounts of the receipt or disbursement of capital or income on behalf of the adult (section 2(2)(c).

Compensation
The POAA also deals with the payment and expenses of an attorney. Section 24(1) provides that an attorney must not be compensated for acting as an adult’s attorney unless the enduring Power of Attorney “expressly authorizes the compensation and sets the amount or rate.” Section 24(2), however, provides that an attorney may be reimbursed from the adult’s property for “reasonable expenses properly incurred” in acting as the attorney.

- an attorney may be reimbursed from the adult’s property for “reasonable expenses properly incurred” in acting as the attorney.

Termination
Section 30(4) of the POAA lists the circumstances in which an enduring Power of Attorney will terminate. They include, inter alia, if the adult who made the enduring Power of Attorney dies (section 30(4)(b), and if the enduring Power of Attorney is revoked (section 30(4)(e).

Section 31 of the POAA provides that the exercise of authority by an attorney under a terminated Power of Attorney will be improper unless the attorney “does not know and could not reasonably have known” that the exercise of authority was improper and the attorney would otherwise have had authority to act if the enduring Power of Attorney had not been terminated.

The Attorney as a Fiduciary
If one person undertakes to act in relation to a particular matter in the interests of another, and has been entrusted with a power of discretion to effect the other’s interests, in a legal or practical sense, so that the other is in a position of vulnerability, then a fiduciary duty exists: Williams Lake Indian Band v. Abbey (1992), 1992 CarswellBC 1067.

In Sangha (Re), 2013 BCSC 1965, the Court held that an enduring POA creates a fiduciary relationship between the person making the POA and the attorney.

[98] It is not disputed that the relationship of a donor and his attorney under an enduring POA is a fiduciary relationship... . As such the attorney in agreeing to the appointment has accepted the obligation to act in the interests of the donor. In Hospital Products Ltd. v. United States Surgical Corporation, [1984] H.C.A. 64, 156 C.L.R. 41 (Aust. H.C.), Mason J. stated

68. … The fiduciary undertakes or agrees to act for or on behalf of or in the interests of another person in the exercise of a power or discretion which will effect the interests of that other person in a legal or practical sense. The relationship between the parties is, therefore, one which gives the fiduciary a special opportunity to exercise the power or discretion to the detriment of that other person who is accordingly vulnerable to abuse by the fiduciary of his position.

Generally, where a power of attorney is granted, a fiduciary relationship exists between the attorney and the donor, although in some circumstances it may be necessary or appropriate to analyze whether the three traditional indicators of a fiduciary relationship are present: Goyal v. Estate of Maisie Meng, 2017 BCSC 2474, at para. 11, citing Egli v. Egli, 2004 BCSC 529, at paras. 76–79.

The following three indicia of a fiduciary relationship were described in Frame v. Smith, [1987] 2 S.C.R. 99:

1. The fiduciary has scope for the exercise of some discretion or power;
2. The fiduciary can unilaterally exercise this discretion or power to effect the beneficiary’s legal or personal interests; and
3. The beneficiary is peculiarly vulnerable to or at the mercy of the fiduciary holding the discretion or power.

A fiduciary is subject to a broad duty to act in good faith and in the best interests of the person over whom she exercises discretion or control. She must fully disclose all information relevant to the trust and confidence placed in her, and she must not reap a personal benefit or use the property or goods that she has discretion or power over: Ast v. Mikolas, 2010 BCSC 127, at para. 123; Sangha (Re) at para. 98.

An attorney can only use the Power of Attorney for his or her own benefit when it is done with the full knowledge and consent of the donor: Egli at paras. 81–82.

Meng Estate v. Liem, 2019 BCCA 127, confirmed that a person acting under a Power of Attorney is an agent held to the standard of conduct to which equity holds a fiduciary.

A claim for breach of fiduciary duty carries with it the stench of dishonesty, if not of deceit, then of constructive fraud: Nocton v. Lord Ashburton [1914] A.C. 932 (H.L.).

When liquidating estate assets, an attorney has a fiduciary obligation to “obtain fair market value” for the assets being sold…

**Standard of Care**

The standard of care of a fiduciary acting under a Power of Attorney was described as follows in Andreasen v. Daniels-Ferrie, 2001 BCSC 1503, at para. 27.

…in addition to whatever duties may be enunciated on the face of the instrument, even where the attorney acts gratuitously he or she has a duty to account, to exercise reasonable care as would a typically prudent person managing his or her own affairs, and not act contrary to the interests of the donor.
BCLR (2d) 361, the Court found that a fiduciary may breach duties owed in contract or negligence without those breaches being transformed into breaches of fiduciary duty.

At paragraph 35, the Appeal Court stated as follows.

Typically, a breach of fiduciary duty captures circumstances in which there is a breach of the duty of loyalty owed by the fiduciary and includes circumstances involving acting in the face of a conflict, preferring a personal interest, taking a secret profit, acting dishonestly or in bad faith, or a variety of similar or related circumstances. This is not an exhaustive list.

But there are criteria for distinguishing a breach of fiduciary duty from negligence by the attorney. The Court found there was no basis in evidence to find that the appellant acted dishonestly or in the face of a conflict of interest, thwarted the wishes of the opposing party, preferred his interests to theirs, or in any way benefited from signing the contract. The Court found that he attempted to fulfill his duty of loyalty.

The Court further determined that the real complaint was that the attorney failed to exercise the care, diligence, and skill of a reasonably prudent person by negligently failing to ascertain, and thereby take into account, the opposing parties’ current wishes, resulting in a sale that was not in their best interests because they changed their minds and then disagreed with the price.

The claim was really one of negligence, not of breach of fiduciary duty.

**Reverse Onus of Proof**

The duty of loyalty of a fiduciary is protected through onuses. Fiduciaries are held to an irregularly high standard of behaviour in civil law due to the nature of their duties. It is the peculiarly unequal position of the parties that results in the reversal of onus onto the fiduciary in most fiduciary relationships.

Typically, the reverse onus works as follows. When asserting a breach of fiduciary duty claim, the plaintiff need only establish a prima facie inference of the fiduciary obligations and the breach. The fiduciary concept then imposes a reverse onus that shifts the burden of proof onto the fiduciary to disprove the beneficiaries’ allegations.

**Conclusion**

An enduring Power of Attorney is an inexpensive and powerful estate-planning aid for situations where the donor is physically or mentally unable to attend to his or her legal, financial, or contractual matters. The introduction of the revised POAA codified the law relating to the mental capacity required to make an enduring Power of Attorney and to the duties of the attorney.

**Trevor Todd** restricts his practice to estate litigation. He has practised law in Vancouver for 46 years.

"We’ve ensured our legal and health care wishes will be carried out, should either of us become incapacitated or pass away. Our loved ones will not be burdened by the stress of making our decisions for us."

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- Power of Attorney

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Taxes on Real Estate Properties

In the last couple of years, real estate property has been at the centre of the attention of the national news. Increasing prices, affordability, house-flipping, contract assignments, money-laundering, foreign ownership, and vacancy taxes have been the main topics of the day.

Despite all the arguments and opinions around the subject, one thing is certain; real estate property is also at the centre of the attention of national, provincial and local government when looking for a base to levy taxes.

Owning real property in Canada can be a good investment and profitable in the long term but it is important to understand all the taxes a property may be subject to…

Property Transfer Taxes
When a property is purchased, the buyer must pay the provincial transfer tax. The tax is applied at the following rates.

- 1% on the first $200,000
- 2% on the market value greater than $200,000 up to and including $2 million
- 3% on the market value greater than $2 million and if the property is residential, a further 2% on the portion of the market value greater than $3 million

Some exemptions apply if the property is the first home purchased in BC and the newly constructed property is used as a principal residence.

Taxes during the Time of Possession

Property Taxes
Municipalities levy annual property taxes based on the assessed property value that reflects the market value. Those taxes are levied to fund local programs and services such as police and fire protection, road construction and maintenance, garbage services, recreation and community centres, parks, libraries, hospitals, and schools.

The municipalities determine the tax rate (mill rate) every year based on the budget requirements.

School Taxes
School taxes are also calculated every year and are usually collected together with the property taxes.

If the residential property located in British Columbia is valued at more than $3 million, an additional school tax is levied and calculated as follows.

- 0.2% on the value between $3 million and $4 million (up to $2000)
- 0.4% on the value over $4 million (an additional $4000 for every $1 million of value above the $4 million threshold)

Taxes at Time of Sale
At the time the principal residence is sold, the owner must declare the sale of the property on the income tax return and is eligible to claim the principal residence exemption. The exemption applies for each year the property is designated as the principal residence.
A family unit can designate only one property per year as a principal residence. The property qualifies as a principal residence if the owner and the family "ordinarily inhabited" the dwelling during the calendar year.

The property cannot be greater than one-half hectare (1.2 acres).

Let’s now look at an individual resident of Canada buying a newly constructed property as an investment to rent or to keep it as a secondary residence.

**Taxes at the Time of Purchase**
The Goods and Services Tax and Property Transfer Tax applies in the same manner as indicated above.

**Taxes during the Time of Possession**
The property is subject to property taxes and school taxes as indicated above.

If the property is held as a secondary residence, it may be subject to the BC Speculation and Vacancy tax and if the property is located in the City of Vancouver, to the Empty Homes Tax.

**BC Speculation and Vacancy Tax**
- This new tax levied by the Province of BC received Royal Assent on November 27, 2018. The tax is levied at a rate of 0.5% of the assessed value of the property and is charged to the owner’s share, so if there are 2 joint owners, each owner will have to pay a 50% share.
- The lowest tax rate of 0.5% is applicable to owners who are BC residents, specified Canadian citizens, or specified permanent residents of Canada.
- If the owner is a Canadian resident but does not live in British Columbia, the tax rate is increased to 1%.

The property subject to the tax must be located in specified areas.
- Municipalities within the Capital Regional District
- Municipalities within the Metro Vancouver Regional District except for the Village of Lions Bay
- Cities of Abbotsford, Chilliwack, Kelowna, Nanaimo, West Kelowna
- Districts of Lantzville and Mission
- Some areas that comprise the University of British Columbia and University Endowment Lands
- Some areas like the Gulf Islands are excluded.

There are exemptions from the tax. To claim them, each owner must file a declaration form by March 31 of every year for the previous calendar year. The following are some of the exemptions.
- Principal residence
- Properties with longterm rental agreements
- Some daycares
- Properties under construction or renovation, if specified “building activities” are started

A BC resident subject to the tax may be entitled to a nonrefundable tax credit up to a maximum of $2000.

**The Foreign Buyers Tax**
This applies to all buyers who are not Canadian citizens or permanent residents or registered under the Provincial Nominee Program.

**Empty Homes Tax**
This is a separate tax from the BC Speculation and Vacancy Tax and is levied to properties in the City of Vancouver.

The tax is levied at 1% of the assessed value. The owner must file a declaration in February of each year to determine if the property is subject to tax.

The property is exempt from tax if, among others, it is used as a principal residence, is rented for at least 6 months of the year, the owner is residing in a hospital or longterm care facility, the owner has passed away and the grant of probate of the estate is pending, or the property is undergoing redevelopment or major renovations.

If the property is rented on a shortterm basis, that is for periods less than 27 nights, the owner will be subject to the BC Speculation and Vacancy Tax and the Vancouver Empty Homes Tax and will also be required to charge Provincial Sales Tax at 8% and the Municipal and Regional District Tax at 2% or 3%, depending on the area where the property is located.

**Taxes at Time of Sale**
At the time the property is sold, the owner must declare the sale of the property on the income tax return and determine if the sale resulted in a capital gain, calculated as the difference between the selling price and the original cost, less any selling costs (real estate commission, legal costs) and any additions/renovation costs to the property.

- 50% of the capital gain will be taxable at the marginal tax rate of the individual. In BC the maximum marginal tax rate on income over $205,000 is 49.80%.

The last situation is when a nonresident individual buys a newly constructed property as an investment to rent or to keep as a secondary residence when visiting Canada.

**Taxes at the Time of Purchase**
The GST applies in the same manner as indicated in the previous examples.

The Property Transfer Tax is applied the same way as in the previous examples and in addition, a Foreign Buyers Tax will be added to the regular transfer tax.

The Foreign Buyers Tax applies to all buyers who are not Canadian citizens or permanent residents or registered under the Provincial Nominee Program.

The tax rate is 20% of the fair market value for property transfers registered after February 20, 2018, (15% for earlier transfers) and if the property is located within these areas.

- Greater Vancouver Regional District
- Capital Regional District
- Fraser Valley Regional District
- Regional District of Central Okanagan
- Regional District of Nanaimo
Taxes during the Time of Possession
The property is subject to property taxes and school taxes as indicated in the previous examples.

The BC Speculation and Vacancy Tax applies as indicated above but the tax rate is increased to 2% of the assessed value but it is not eligible for the nonrefundable tax credit up to a maximum of $2000.

The Empty Homes Tax will be levied at the same rate of 1% if the property is not rented for more than 6 months.

If the property is rented, the nonresident individual is liable to remit 25% withholding tax of the gross rental income unless authorized by CRA to withhold 25% of the net rental income. This was discussed in article “Nonresidents of Canada investing in Canadian Real Estate.”

The Scrivener Spring 2012 edition

Taxes at Time of Sale
At the time the property is sold, the capital gain is calculated and declared on the personal tax return as indicated in the previous example. A holdback equal to 25% of the selling price must be paid to CRA before a clearance certificate is obtained.

To put everything in perspective, let’s see the tax obligations of our various individuals when purchasing a newly constructed home with a purchase price of $3,500,000 in examples of use as a principal residence, a secondary residence, or as a rental property.

In conclusion, over the years, owning real estate in Canada has been a common investment as a means to save money, to use the property as a principal residence, and to benefit from the capital appreciation. Purchasing real estate has also been attractive for foreigners because of our stable economy and political climate.

With the introduction of additional taxes in the last year, investing in real estate may not be as profitable as in the past. It is important to be aware of the various tax consequences at every stage of the investment, from purchasing, owning, inhabiting, renting, and eventually selling it. ▲

Andrea Agnoloni, CPA, CGA, Notary Public, is a Principal with EPR North Vancouver, an Independent Member Firm of EPR Canada Group Inc.

Mexican Caprese Salad for 2
Fast and fresh and simply delicious!
Nothing is better than a fresh salad, a glass of crisp white wine, and some crusty Mexican buns.

The Ingredients
1 medium tomato
1 sundried tomato (in oil)
10 slices of avocado (2 for the basil/avocado mixture, 8 for garnishing the plates)
10 slices bocconcini
Parsley for garnish
Virgin olive oil and balsamic vinegar to taste
Freshly ground pepper
½ cup fresh basil leaves

Here We Go!
Chop tomato coarsely.
Chop sundried tomato finely.
Blend basil leaves and 2 slices of avocado and a few drops of olive oil in a Bullet or food processor.

The Dressing
Blend approximately 2 tablespoons of olive oil and 2 teaspoons of balsamic vinegar for the dressing.

The Assembly
On each plate, arrange 5 slices of bocconcini alongside 4 slices of avocado.
Top the cheese with the avocado-basil mixture.
Put basil leaves on cheese as garnish.
Add chopped tomato mixture to the centre, garnish with Italian parsley.
Add the olive/balsamic dressing.
Sprinkle with fresh pepper and serve. ▲

Eileen Hoeter
Villa Star of the Sea
Barra de Navidad, Mexico
Confidence often leads to success in life. A lack of confidence often leads to missing out on a good job, a sale, or a relationship. But what if you lack confidence and don’t even know it?

People often procrastinate and think they are just being lazy. But really, they lack confidence. And that lack of confidence often masks a fear of failure.

When successful people are asked their secret of success, they often say, “I chose to believe in myself even when no one else did.”

How did they accomplish that mindset? They chose it. They actually manufactured it and probably didn’t even realize it.

The good news is you can “manufacture” true confidence (without arrogance), even if you don’t have it now.

Arrogance usually is an overcompensation for low self-confidence. People with true self-confidence do not come across as arrogant. They just seem certain, grounded, and capable.

Here’s a common scenario.

You are feeling a lack of confidence about an upcoming high-stakes situation. Maybe it’s public speaking, an interview, or a sales pitch. A well-meaning friend says, “Just believe in yourself!”

Does that really help?

Not usually. It’s not something you can just switch on at will. Confidence is the result of many stories you tell about yourself and to yourself. They are stored in your subconscious mind.

Some people have stories that help them feel confident. Most people have a list of bad stories that make them have low self-confidence.

The good news is you can change the balance of bad to good.

Here are three easy steps to manufacture true confidence.

1. List Your Stories of Success
Choose an area of life where you want more self-confidence, for example, during interviews. Make a list of times you had an interview and it went well, even just okay. Now write out the details of what went right.

Keep a list of positive short stories about your successes and re-read them, especially just before another interview. That will ensure good memories are in your short term memory bank, not bad memories.

2. Start an “Esteem Bank”
Anytime someone genuinely compliments you about anything, write it down in a journal called your “Esteem Bank” and re-read it often. Again, that stacks the good stories in favour of the bad.

3. Compliment Others
Genuine compliments are hard to come by these days. They can boost the receiver’s energy and improve your own energy, as well. Something as simple as people’s choice of clothes or the fact that he arrived on time for a meeting can make a difference. In turn, that person may return kindness with kindness, to you and/or others.

Most people judge others. Even if you don’t express it out loud, the energy signature of judgment gets picked up by others.

Gratitude for others changes the way your brain works and the way others receive you. Gratitude fills your system with stress-reduction hormones.

What do you do to build your confidence? ▲

Carla Rieger is CEO of The Artistry of Change Inc. and Co-Founder of MindStory Academy.
A knowledge of the various personal name formats is relevant to the identification of persons requiring notarial services and to the preparation of notarial acts.

The information below does not purport to be exhaustive. Generally speaking, it does not include references to name formats similar to those that are familiar to most Australians and Canadians, such as American, British, Israeli, Maltese, and Nigerian formats.

It should not be assumed that all people from a particular country or ethnic or religious group necessarily use the same name format. Personal name formats can and do vary from region to region.

A practical note: When in doubt about a person’s name or how to formally write it down, ask!!!

### Chinese Names

Fifty-six ethnicities are officially recognized in the Peoples’ Republic of China (PRC). Almost 95 per cent of Chinese belong to the dominant Han ethnicity. Most Chinese in Canada are Han or of Han descent.

Han Chinese names have two elements and follow the format `<family name> <given name>`.

Most modern Han family names are monosyllabic, for example, “Wang,” “Lee,” and “Chan.” Most given names are disyllabic, the first syllable usually being a generational name shared with the person’s relatives of the same generation and of the same sex on the father’s side.

Until 1979, when the Pinyin system of romanization and transliteration of the Chinese language was officially adopted by the Peoples’ Republic of China in place of the older Wade-Giles system, the two syllables of Chinese given names were hyphenated when they were romanized and transliterated. The Pinyin system does not use hyphens, so in the PRC for example, “Mao Tse-Tung” is now written in roman script as “Mao Zedong” and “Chou En-lai” is now “Zhou Enlai.”

The Wade-Giles system is still in use by ethnic Chinese in Hong Kong, Taiwan, Singapore, and Malaysia and generally within the Chinese diaspora.

Traditionally in China and now still generally outside the PRC, on marriage a woman adopted her husband’s family name and used it together with her own family name. In roman script, the two family names are hyphenated, so that on marrying Mr. Wang, Miss Lee Chen becomes known as Madame Lee-Wang Chen.

In post-Maoist China, women have generally ceased taking on their husbands’ family names on marriage.

Children usually take on their fathers’ family names.

In the diaspora generally, but particularly in Hong Kong, Singapore, Chinese given names are gradually either being abandoned in favour of Anglo-Saxon given names or are being used in association with them.

A typical Singaporean Chinese name follows the format `<Anglo-Saxon given name> <Chinese family name> <Chinese given name>`. For example, Harry Lee Kuan-Yew.

Another trend in Hong Kong, Taiwan, and Singapore is for men, in particular, to replace their disyllabic Chinese given names with initials and to use those initials as a given name.
name followed by the family name, for example, K. Y. Lee.

Islamic Arabic Names

The naming system described below is the classic Islamic naming system used in all Arabic countries and to a greater or lesser degree by Muslims elsewhere.

Although most Arabs are Muslims, there are significant Christian minorities in the Arabic countries. Christian Arabs usually follow the same naming system that is in general use in British Columbia.

The Islamic naming system allows for a number of elements, not all of which are necessarily used to form part of an individual's name. Even when a person's name includes all or most of the elements, the full name is only occasionally used and even then, may not always appear in full on official documents.

The Elements

(a) An honorific that usually designates the person as “abu” (the father) or “umm” (the mother) of another person, typically the eldest son, but a person need not be a parent to use an honorific of that nature

(b) A given name

(c) A patronymic that describes the person as “ibn” or “bin” (the son) or “ibnat,” “bint,” or “binte” (the daughter) of the male parent, for example, “bin Abdul Kareem” or “binte Abdul Kareem”

(d) a distinguishing epithet that is generally religious in nature or relates to a quality the person has or would like to have, for example, “Abdullah” (servant of God) or “al Humam” (the high minded)

(e) An occupational epithet derived from the person's trade or profession and usually preceded by the definite article “al,” for example, “al-katib” (the writer)

(f) a geographical identifier that is the name of the person's birthplace, current place of residence, or place of family origin and formed by adding, as applicable, a masculine or feminine suffix to the place name together with the definite article “al,” for example, “al-Baghdadi” or “al-Baghdadiyya”

In modern Arabic naming practice, the use of intercalaries denoting “son of” or “daughter of” is becoming less frequent, so that an individual’s name, particularly in day-to-day usage, will appear to be merely two consecutive given names. For example, the former Iraqi dictator was Saddam “the son of” Hussein, but he was known as “Saddam Hussein.”

It is not unusual for members of the upper classes of the Arab world to use several patronymics in their names. For example, the Saudi Arabian king is “Abdullah bin Abdulaziz bin Abdulrahman bin Faisal bin Turks bin Abdullah bin Muhammad bin Saud Khådim al-haramain al-šarîfain.” The last part of his name is a special honorific meaning “Custodian of the two Holy Mosques.”

Honorifics, epithets, and identifiers can and do change over time that often make it difficult to match up names on various official documents that may be produced.

In the West, it has become reasonably common for Arab families to stop using “al” or “el” as part of their names and to use the husband’s father’s given name or the husband’s occupational or geographical identifier as a continuing family name.

On marriage, an Arabic woman usually keeps her maiden name. In the West, a married woman will usually adopt her husband’s family name, if he has allowed one of his names to stabilize into a family name, but her foreign passport may be in her maiden name followed by the notation “wife of X.”


Professor Peter Zablud, AM, RFD, is an Australian Lawyer and Notary and the Director of Notarial Studies, Victoria University, Melbourne, Australia.
Safe by HUB6

Almost all offices and most homes have some type of protective alarm system.

While having a system is helpful, notifications of an intrusion are the most important component. The most popular alarm monitoring option available for most businesses and residences is a dial-up or Internet-connected 24-hour monitoring station. If an alarm is triggered, your system dials up or sends a message to the monitor station that assesses it to see if they need to call the police and yourself or just you.

Bringing this step to the modern age is Safe from HUB6. The Safe hub is an add-on to your current DSC or Honeywell alarm setup. The Safe hub can connect to the main alarm panel and will utilize the existing door contacts, window contacts, motion detectors, and more.

The only wiring required is the connection from the Safe hub to your alarm box; clear instructions and connectors are all included in the kit. And of course, there’s a YouTube video explaining the process, as well.

You can also wire the Safe by Hub6 into a keypad, but it’s the less attractive option as you’ll have a visible gray wire connecting the two devices. And I personally do not have an Internet connection near my alarm keypad.

The Safe hub also connects to your Internet router via Ethernet (regular Cat5 cable) or, thankfully, wirelessly. Since phone lines and Internet lines can be cut by thieves, the Safe hub also comes with a 3G cellular connection.

The best part is that the 3G connection is free for the life of the product and it’s included in the $299 purchase price. Notifications appear on your smartphone or the system can call a neighbour. Good alarm systems make good neighbours.

If you still want monitoring, even just as a back-up, HUB6 offers a 24/7 professional monitoring package for $10 a month, significantly less than the $25 a month most traditional monitoring companies charge. The HUB6 package is pay-as-you-go, with no contracts.

Now to your smartphone . . . once you install the Safe by HUB6 app (search for “Hub6” on iOS/Android), the app helps you make the final call by showing you the 3G and Wi-fi signal strength when you’re standing next to your master control-panel location. If neither of those is sufficiently strong, you have your answer re. which connection method to use to connect Safe to the outside world.

In day-to-day use, the Hub6 app is very straightforward. The home screen shows you the current status of your system, for example, “Ready to Arm,” and lets you choose the two main arming modes: Away and Stay. Once it is armed, you can disarm it using the same code you use on your keypad.

Additional users can be added with their own key codes; that saves you the hassle of trying to do this through the keypad.

There’s no way to bypass a sensor on an open window or door, however; that can be done only using the alarm keypad. The zones tab will show you the status of each zone (open/closed) that may make the task of bypassing those sensors a little easier.

The Safe by Hub6 has some pleasant extras. It’s IFTTT (If This Then That) compatible that gives it the ability to auto-arm when you leave the house and lets you integrate both Alexa and Google Assistant. “Hey Google, keep out the bad guys!”

All told, Safe by HUB6 is a clever and effective way to give an old alarm system new utility.

The Safe comes with a 1-year warranty from Hub6.

Safe by HUB6 MSRP: $299
First out of the gate is usually the best.

Case in point, the BMW X5 SUV, a vehicle that is worthy of the “S” in the abbreviation for Sport Utility Vehicle. The BMW X5 is often credited with forging a new path, offering a large four-wheel-drive vehicle that drove more like its cars, with less wallow and noise. Twenty years since the first one hit the road/off-road, the X5 is still a top contender in the luxury SUV ring, with Audi Q7, Mercedes GLE, Volvo XC90, Porsche Cayenne, and Land Rover Discovery waiting in the corners to do battle.

The X5 expands in all directions so it’s a bigger car than it was previously (36 mm longer, 66 mm wider, and 90 mm higher. Bigger than the X3 and smaller than the newly released X7, the BMW X5 makes no bones about being a premium offering. The 40i version of the X5 offers third-row seating, but its occupants would be some comfortable kids or some mildly complaining adults. Front- and middle-row passengers will enjoy a spacious and comfortable interior with ample leg, shoulder, and head room.

BMW’s are always at the leading edge of technical features and the new X5 does not disappoint. There’s a fully digital 12.3-inch driver display that bears a closer graphical resemblance to the central display of the same size.

Taking over the iDrive is this latest system, now known as the BMW Live Cockpit. The driver’s display has permanent speed and rev counters on the left and right, running around the outside of this display in an arc, while the centre spaces allow for more customization and control. Optional interior ambient lighting can be set to pulse in particular situations, to alert you to incoming phone calls and so on.

The Premium Excellence Package, premium-priced as a $16,500 add-on, will fill your heart’s desire with all the tech BMW has: Laserlight headlights, massaging and ventilated seats, crafted/clarity glass accents on interior switches/knobs, a slew of safety features, soft-close doors, a remote engine start, multicamera top-down or ground-level 360-degree parking views, and much more.

The infotainment system is Apple Car Play-enabled. And thanks to BMW engineers, you can use it wirelessly while your iPhone charges on the Qi wireless charger. There are USB-A and USB-C scattered throughout the cabin.

Moving you and all the tech gear around is a 3.0L DOHC 24-valve turbocharged inline-6, with an output of 335 horses @5500 rpm and 330 lb-ft of torque at a low 1500 rpm. Switch the 8-speed double-clutch automatic transmission into Sport mode and you should be able to reach 100 km/h from a standstill in about 5.4 seconds. There is no manual option, although there are panel shifters for those wanting more direct control of gear changes.

The Eco Pro driving mode slows things slow down, but you will be able to drive past more gas stations as fuel economy for this 2188 kg (4813 lb) vehicle can deliver a decent 11.76 L/100 km (20 mpg) in the city and 9.05 L/100 km (26 mpg) rating for highway driving.

The X5 can be adventurous. The optional Off-Road package adds air suspension at the front and rear, a rear electronic locking differential, and an array of terrain-specific traction control and stability settings . . . more fun for those that like to deviate from the paved road.

If serene peace and quiet are what you want, the X5 can provide that as well. Quality materials in the cabin surround you while the noises from the outside are kept outside with the thick glass and heavily insulated doors and roof.

Want sunshine and fresh air? Slide back the huge panoramic glass sunroof.

MSRP $60,700
www.bmw.ca ▲

Akash Sablok is now a Life Member of the Board of Directors. He served as President of The Society from 2013 to 2015 and Chair of The Notary Foundation from 2015 to 2017.
The Pacific Salmon Foundation recently partnered with BC Notary J. Amber Goddyn and lawyer Devinder K. Sidhu to present an “estate planning roundtable” in White Rock to a large and appreciative audience of 32. There is already a waitlist for the second presentation! BC Notaries: If you would be interested in making a presentation in your community, please contact Margaret Buttner. mbuttner@psf.ca

Amber and Devinder

Where in the World Has The Scrivener Been?

Trevor Todd and The Scrivener at a military museum in Chisanau, the capital of Moldova

Send us a photo from your next trip! scrivener@society.notaries.bc.ca

Welcome Brenda Redman, Notary Public!

“After more than 26 years as a sole practitioner, I am delighted to announce that on June 17, 2019, Notary Public Brenda Redman will be joining my office. Our office will now be known as Pacific Station Notaries.”

Tiah Workman, Nanaimo

Brenda Redman

Tiah Workman

Friends John Eastwood, Peter Zablud, and Wayne Braid in Lisbon with The Scrivener
I give to my community and with Vancouver Foundation, my giving lasts forever.

75 years ago, a single gift started Vancouver Foundation and that gift is still making a difference in the community today.

We can help you create a fund that gives forever. Get started at vancouverfoundation.ca/create or call Calvin at 604.629.5357.
At Stewart, we take pride in working with Notaries. Since our inception into the Canadian marketplace, we have partnered with Notaries to offer peace of mind to your clients and our policyholders. Our comprehensive title insurance coverage for buyers, owners and lenders is competitively priced and backed by solid underwriting expertise and claims paying ability.

We support your role in real estate transactions. You understand the complexities of each transaction and are in the best position to advise clients and represent their interests. We understand the best ways to mitigate risk. Our team leverages a broad pool of knowledge to guide you through your transactions and keep them moving smoothly. In addition, we provide tools and support to keep you central to the real estate transaction.

One of the keystones to this partnership is our local Business Development Team. They are always available to answer questions about our products and coverage and to provide unique solutions for your more complex transactions. In addition, they will support your practice by training new staff on procedures and best practices; by providing in-office training on the ordering process; or by setting up and demonstrating our time-saving applications. They’ll also keep you up-to-date on new developments and provide materials to help educate your clients.

Business is all about relationships. It’s about finding the right people to partner with and letting them work to their strengths so you can work to yours – finding success together.

Visit stewart.ca to learn more.