

## Miroslav Babjarcik

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**From:** Miroslav Babjarcik  
**Sent:** Monday, January 30, 2023 2:27 PM  
**To:** Bethany Brown EPS3084 (bethanycbrown@gmail.com); Christina Donovan EPS3084 (donovan.cmo@gmail.com); Rick Chou EPS3084 (rickchou55@hotmail.com)  
**Subject:** FW: Strata Plan EPS3084 - Inquiry on VPD Damages - FSR LEGAL RETAINER  
**Categories:** 05 - EPS 3084 Sequel 138

Hi all,

Please see the response below to the VPD access under the legal retainer.

Based on the email below any further legal advice wouldn't be covered under the legal retainer.

Please let me know how to proceed.

Thank you!

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**From:** Allyson Baker <ABaker@cwilson.com>

**Sent:** Monday, January 30, 2023 2:24 PM

**To:** Miroslav Babjarcik <Miroslav.Babjarcik@fsresidential.com>

**Cc:** Allyson Baker <ABaker@cwilson.com>

**Subject:** RE: Strata Plan EPS3084 - Inquiry on VPD Damages - FSR LEGAL RETAINER

Hello,

The strata corporation has no authority to waive claims on behalf of the residents. Beyond that, I don't have any knowledge of the extent to which the strata corporation would be able to bring a claim against the police for damage that it might cause to property that the strata corporation is required to repair and maintain as I have never had this issue arise previously and reviewing applicable legislation and caselaw is outside of the scope of the retainer.

While I expect that there are some limitations on anyone's ability to bring a claim against the police, I would be concerned that agreeing to the terms below would prevent the strata corporation from bringing a claim where there is a legal basis for doing so.

Kind regards,

**Allyson Baker**  
Partner

**CLARK WILSON**

Clark Wilson LLP  
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For Professional Development  
For Women

*Our firm operates from the traditional, ancestral, and unceded territory of the Skwxwú7mesh (Squamish), Səlilwataʔ/Selilwitulh (Tsleil-Waututh), and xʷməθkʷəy̓əm (Musqueam) Nations*

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**From:** Miroslav Babjarcik <[Miroslav.Babjarcik@fsresidential.com](mailto:Miroslav.Babjarcik@fsresidential.com)>  
**Sent:** Monday, January 30, 2023 1:58 PM  
**To:** Allyson Baker <[ABaker@cwilson.com](mailto:ABaker@cwilson.com)>  
**Subject:** FW: Strata Plan EPS3084 - Inquiry on VPD Damages - FSR LEGAL RETAINER  
**Importance:** High

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Hello Allyson,

FSR LEGAL RETAINER,

The VPD has a program where the Strata can grant for certain types of emergencies uncontrolled access to VPD.

One Owner flagged it with the BFL insurance regarding the limitation of liability clause in the VPD's agreement. BFL's response can be seen in the screenshot below.