

Condo Smarts

Headline: How do we fix a parking disaster?

Topic: Parking

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Written by: Tony Gioventu

Dear Tony: Our strata council over the past 2 years has created a bit of a parking fiasco that has now evolved into a full-blown war with owners. In 2015 we had an owner submit a special request for the special needs parking space close to the elevators because she had surgery which resulted in limited mobility. To facilitate this owner, we had to move 2 cars. One exchanged with her space and the other had to be moved to a lower level, which resulted in a domino effect of parking spaces being moved around. At the time no one complained. In June a new owner moved in and demanded she be given the 2 parking spaces for her unit that were shown on the strata plan. Unfortunately, the only way we could accommodate her was by moving other owners, while still accommodating the special needs space. We indicated to the new owner this would cause a serious parking problem and request that she accept 2 spaces on a lower level. She has flatly refused. The one parking space she was assigned on the Form B is not the same as the spaces shown on the strata plan, and at the time of purchase no one indicated the parking spaces were allocated any differently. If we allocate her use of these 2 parking spaces we end up with many unhappy owners because we don't have spare parking allocations. Can we amend our parking allocations by having the owners vote at a general meeting and set a parking plan in our bylaws?

Gordon D. Vancouver

Dear Gordon: When a new development is created, the allocation of parking is generally managed by the owner developer as strata lots are sold. In many strata corporations such as yours, the owner developer files the allocation of parking in the Land Title Registry and designates the parking spaces as limited common property for the exclusive use of the strata lots registered on the plan.

When an allocation of Limited Common Property (LCP) is filed by the owner developer in the prescribed time periods set out by the *Strata Property Act*, the designation of LCP can only be removed or amended if the strata corporation passes a unanimous vote at a general meeting of the strata corporation. A unanimous vote requires every strata lot (all of the votes by all the eligible voters) to vote in favour of the resolution. All 116 of your 116 units/votes must vote in favour of the changes to the LCP created by the owner developer, and the amendments must be filed in the Land Title Registry. The new owner is correct, her parking is allocated to her use and the strata corporation does not have the authority to allocate the spaces to another person.

While owners often agree to changing parking spaces with other owners because of access, the size of the vehicles or number of vehicles, owners must understand the consensual exchange of spaces does not change the LCP allocations, and it may result in their losing access to unassigned parking in the future. While a buyer relies upon the information disclosed in a Form B Information Certificate before they purchase, the registered strata plan and any amendments filed in the Land Title Registry will be the accurate record.

Complete the forms exactly as they are described and identify how the parking is allocated on the strata plan or any amendments filed by the developer or the strata corporation. Whether it is your strata management company or a council member completing the forms, accuracy is critical. Before you complete the Form B, verify the parking allocations and designations from the registered Land Title Documents.