

## Condo Smarts

Headline: Are my monthly fees correct?

Topic: Unit Entitlement

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Written by: Tony Gioventu

**Dear Tony:** We have an unusual problem in our strata corporation. We have several buildings and we are 308 units. Several owners have approached council with a complaint that their strata fees are not correct and want to know how to change them. We have reviewed our schedule of unit entitlement and the registered strata plan, and the comparisons show the fees and calculations are comparable, but the units do not appear to coincide with the size of the strata lots. If we wish to have our building resurveyed and the measured areas and allocations changed, is that possible under the Strata Property Act?

*Daniella K. Tri Cities*

**Dear Daniella:** There is an unusual omission on registered strata plans that I have found results in the strata lot numbers and the actual corresponding unit numbers frequently not being correct. When a strata plan is filed in the land title registry, the schedule of unit entitlement which is the formula used to calculate common expenses and special levies only includes the strata lot number, the reference sheet number the strata lot is shown on and the schedule of unit entitlement. If it is an older plan it may also show the schedule of interest upon destruction or the schedule of voting rights if these apply, or that are filed separately. For example, the schedule may show strata lot # 1, the sheet the unit is shown which sets the boundaries of the lot, and that sheet often shows only the strata lot number.

Herein lies the problem, frequently none of these documents list the unit number on the schedule, such as "suite 101". To ensure the proper fees are charged to the correct units, someone in the early days of the strata corporation had to create a master list showing the strata lot number, the unit number and the

schedule of unit entitlement. There may have been a sample of the proposed plan in the disclosure statement by the owner developer, but these are projections only and not the actual registered plan. To confirm the corresponding strata lot number, unit number and unit entitlement are being applied, a person physically needs to walk the building with the registered strata plan and floor plans and verify that each of the corresponding units has been identified correctly.

Before you assume there was an error with the strata plan, I suggest your council, manager or a consultant walk around your strata with the documents and verify these corresponding units are correct. We recently conducted a review with a large strata corporation where 21 of the units were mixed up on the schedule. While the differences were small, they were incorrect and over a period of 20 years of operations and special levies, the amounts are significant. At this time the strata council have corrected the schedule and issued a notice to all owners. Only rely on documents filed in the Land Title Registry when referring to the registered strata plan, registered bylaws, and other amendments filed by your corporation.

If there are errors on a strata plan, it is possible under the *Strata Property Act* to amend the strata plan and correct the unit entitlement. It requires a unanimous vote approved at a general meeting and a new survey that is approved by the Superintendent of Real Estate and the Registrar of Land Titles. The approvals are easy, the unanimous vote in your strata corporation would require that all 308 strata lots vote in favour of the change. A daunting task to say the least as only 43 owners in person and by proxy showed up at your last Annual Meeting.