



SAMPLE: DEMAND NOTICE

(Date of Notice)

DEMAND NOTICE FOR PAYMENT The Owners, strata plan (number) \_\_\_\_\_

Notice of Filing a lien or application to the Civil Resolution Tribunal for an order for payment.

To: (name of owner/tenant and strata lot number)

Dear (owner & tenant if applicable):

The following amount is due and payable within 14 days of receipt of this notice.

Table with 3 columns: Date, Type of Fee, Amount. Rows include Strata Fees, Special Levies, Interest 10%, Legal & Administrative Costs, Damages or Insurance Deductible, Amount of owing for alteration agreement, User fees, Bylaw fines.

Item 1-4: If the amount of the arrears is not paid within 14 days, a lien pursuant to section 116 of the Strata Property Act will be registered for the total amount. If the amount has been paid or the information is inaccurate please advise the strata manager or treasurer.

Item 1-8: If the amount is not paid within 14 days, the strata corporation will commence an application to the Civil Resolution Tribunal for an order for payment.

Please notify the strata council or strata manager immediately to make the arrangements to avoid any further action.

Yours truly,

(signed)
Treasurer / Strata Council / Property Manager

Note to strata councils and managers. To ensure accuracy, account for each expense and each occurrence separately. Fines, damages, insurance deductibles, user fees and amounts owing for alteration agreements may be not be included in the notice of lien. A bylaw that is used to first apply intended strata fees or special levies to fines and other charges is not enforceable and the strata corporation are recommended to seek legal advice before proceeding.

#### Notice to owner or tenant of money owing to strata corporation

- 112** (1) Before suing or beginning arbitration to collect money from an owner or tenant or before an initiating notice is given by the tribunal under section 6 (1) of the *Civil Resolution Tribunal Act* in respect of the collection of money from an owner or tenant, the strata corporation must give the owner or tenant at least 2 weeks' written notice demanding payment and indicating that action may be taken if payment is not made within that 2 week period.
- (2) Before the strata corporation registers a lien against an owner's strata lot under section 116, the strata corporation must give the owner at least 2 weeks' written notice demanding payment and indicating that a lien may be registered if payment is not made within that 2 week period.

#### Notice to mortgagee

- 113** If a mortgagee has given the strata corporation a Mortgagee's Request for Notification under section 60, the strata corporation
- (a) may give the mortgagee written notice that the strata lot owner has failed to pay money owing to the strata corporation for more than 60 days, and
  - (b) must give the mortgagee a copy of any notice given to the owner under section 112.

#### Disputed debt

- 114** (1) If there is a dispute over whether an owner or tenant owes money to the strata corporation, the owner or tenant may pay the disputed amount
- (a) into court if court proceedings have been started and the Supreme Court Civil Rules allow payment into court, or
  - (b) to the strata corporation to hold in trust if
    - (i) the matter has been referred to arbitration,
    - (ii) an initiating notice has been given under section 6 of the *Civil Resolution Tribunal Act*, or
    - (iii) court proceedings have been started.
- (2) On receipt of an amount under subsection (1) (b), the strata corporation holds the money and any interest on the money in trust for the parties to the dispute until the dispute is resolved.
- (3) After the dispute is resolved, the strata corporation must pay the amount to the party entitled to it as set out in the decision of the arbitrator, the civil resolution tribunal or the court.

#### Certificate of Payment

- 115** (1) Within one week of the request of an owner or purchaser, or a person authorized by an owner or purchaser, the strata corporation must give the person making the request a Certificate of Payment in the prescribed form if
- (a) the owner does not owe money to the strata corporation, or
  - (b) the owner does owe money but
    - (i) the money claimed by the strata corporation has been paid into court, or to the strata corporation in trust, under section 114, or
    - (ii) arrangements satisfactory to the strata corporation have been made to pay the money owing.

- (2) The certificate is current for the purposes of section 256 for a period of 60 days from the date it is issued.
- (3) The strata corporation may charge a fee for the certificate, but the fee must not exceed the amount set out in the regulations.
- (4) In completing the certificate, the strata corporation may include money owing in respect of
  - (a) the matters set out in section 116, and
  - (b) fines and the costs of remedying a contravention of a bylaw or rule charged against the owner or fines and costs for which the owner is responsible under section 131.
- (5) A certificate must not include claims of damages against an owner that have not been determined by a court, by arbitration or by the civil resolution tribunal.

#### Certificate of Lien

- 116** (1) The strata corporation may register a lien against an owner's strata lot by registering in the land title office a Certificate of Lien in the prescribed form if the owner fails to pay the strata corporation any of the following with respect to that strata lot:
- (a) strata fees;
  - (b) a special levy;
  - (c) a reimbursement of the cost of work referred to in section 85;
  - (d) the strata lot's share of a judgment against the strata corporation;
  - (e) [Repealed 1999-21-25.]
- (2) The strata corporation may register a lien against any strata lot, but only one strata lot, owned by an owner as owner developer, by registering in the land title office a Certificate of Lien in the prescribed form if the owner developer fails to pay an amount payable to the strata corporation under section 14 (4) or (5), 17 (b) or 20 (3).
- (3) Subsections (1) and (2) do not apply if
- (a) the amount owing has, under section 114, been paid into court or to the strata corporation in trust,
  - (b) arrangements satisfactory to the strata corporation have been made to pay the money owing, or
  - (c) the amount owing is in respect of a fine or the costs of remedying a contravention.
- (4) On registration the certificate creates a lien against the owner's strata lot in favour of the strata corporation for the amount owing.
- (5) The strata corporation's lien ranks in priority to every other lien or registered charge except
- (a) to the extent that the strata corporation's lien is for a strata lot's share of a judgment against the strata corporation,
  - (b) if the other lien or charge is in favour of the Crown and is not a mortgage of land, or
  - (c) if the other lien or charge is made under the *Builders Lien Act* .
- (6) On receiving the amount owing, the strata corporation must within one week remove the lien by registering in the land title office an Acknowledgement of Payment in the prescribed form.

**Forced sale of owner's strata lot to collect money owing**

- 117** (1) After the strata corporation has registered a Certificate of Lien against a strata lot, the strata corporation may apply to the Supreme Court for an order for the sale of the strata lot.
- (2) If the strata corporation has obtained a judgment for the amount owing, the court may, after considering all the circumstances, make an order for the sale of the strata lot.
- (3) If the strata corporation has not obtained a judgment for the amount owing, the court may try the issue and may
- (a) order that judgment be entered against the owner in favour of the strata corporation for the amount of the lien or for an amount that the court, as a result of the trial, finds owing, and
  - (b) if judgment is entered against the owner, make an order for the sale of the strata lot after considering all the circumstances.
- (4) An order for the sale of a strata lot must provide that, if the amount owing is not paid within the time period required by the order, the strata corporation may sell the strata lot at a price and on terms to be approved by the court.

**Costs added to amount owing**

- 118** The following costs of registering a lien against an owner's strata lot under section 116 or enforcing a lien under section 117 may be added to the amount owing to the strata corporation under a Certificate of Lien:
- (a) reasonable legal costs;
  - (b) land title and court registry fees;
  - (c) other reasonable disbursements.