
Strata Living

Headline: Duplex Woes

Topics: Strata Living / Non conforming stratas

Publication / Date: 24 Hours, Sept 1, 2016

Written by: Tony Gioventu

Dear Tony: We live in a Kitsilano duplex. The previous owners were good friends and we split the maintenance and expense of our strata for 10 years without any incidents. Since the new buyers have moved in everything has changed. They are demanding we comply with the *Strata Property Act*, open up bank accounts and vote on all our decisions to form minutes. Our realtor told us that small properties of 4 units or less are generally non-conforming stratas that function informally without any problems. The new owners are insisting that we have a formal meeting to approve the annual budget or they will not pay for any of the common expenses. Is there a simple method to manage a small strata?

Andy L.

Dear Andy: There is no such thing as a "non-conforming" strata corporation. A strata corporation is created when the strata plan is filed in the L and title Registry. Every strata corporation, whether it is a duplex or larger must comply with the *Strata Property Act*, *Strata Property Regulations*, and the *Schedule of Standard Bylaws* or amendments filed by the strata corporation.

Your duplex has simply not been complying with the Act or the bylaws. The new owners are correct. Unless you convene an annual general meeting and approve a budget, the strata corporation has no authority to collect strata fees. There are some details of your duplex strata you need to be aware. You do not pay the same strata fees as the unit entitlement reflects the size of each of the units, and one unit pays 59.7% of the common expenses while the other pays 40.3%. This formula, published in the strata plan, applies to all common expenses such as: insurance, maintenance, utilities, landscaping, or special levies that may arise for

major projects. Your strata has also filed bylaw amendments in 2002 and 2003. It is in your best interest to comply with the basics of the Act and your bylaws to protect your investments.

The Civil Resolution Tribunal (CRT) is now a mandatory dispute resolution process for strata corporations in BC. It is especially valuable for small strata corporations as the tribunal has the authority to order a party to pay for something, or to do or stop doing something, such as comply with the Act and the bylaws. CHOA has provided a simple 8 step guide for strata corporations to assist with the basic compliance of the Act and bylaws. Go to: www.choa.bc.ca and search "The Essentials for Strata Administration". Try out the Solution Explorer on the CRT at www.civilresolutionbc.ca