
Strata Living

Headline: Disputing an amount with a strata

Topics: Buying & Selling

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Dear Tony: We have sold our unit and the closing date is September 1st. We requested a copy of a Form F Certificate of Payment and on receipt were bewildered to discover the strata is claiming we owe over \$2,500 in fines and damages. We have no records or notice from the strata of any such claims so we requested copies of council minutes and correspondence that relates to these claims, and the statement we were provided by the management company when we listed showed no unpaid amounts. The management company has advised they will provide us with that information if we pay the amount to the strata first. This makes no sense. How can we dispute something we have no knowledge of? This seems like a bullying tactic to collect the money and then force us to go to court to challenge the claims and incur the cost. How does this process work?

Linda J. North Vancouver

Dear Linda: Owners are entitled to copies of all correspondence, financial information and details of any bylaw enforcement notices or claims that relate to their strata lots. Provide your strata with a written request of all the related documents. The strata corporation cannot withhold copies of records subject to you paying the \$2,500 first; however, you will be required to pay a rate of 25 cents per page before the strata is obliged to release the documents. If there are such claims for amounts owing, they may be related to bylaw violations, insurance claims, damages, user fees, unpaid strata fees or special levies, or work orders by an authority. As well as any records provided, review the minutes of the council meeting to identify any decisions that relate to the claimed amounts.

Once you have received the information you may still dispute the amount owed either through the courts,

arbitration or the Civil Resolution Tribunal; however, it is important that you follow the correct sequence of procedures to ensure you have the ability take the action. Before you pay the amount into trust you must have an actively filed claim for dispute, with notice of the court action, tribunal claim or arbitration given to the strata corporation. Either proceed to a provincial court registry and commence your claim, refer the matter to arbitration or file a claim with the Tribunal that has been received and initiated. Once the claim is active, pay the amount to the strata corporation into trust relating to the dispute to ensure the funds are held in a separate account in trust pending the results of the dispute. If you follow these steps, the strata corporation will be required to provide you with a Form F identifying the owner does owe money but the money claimed by the strata corporation has been paid into trust, enabling you to proceed with the challenge over the fees, even after the sale is complete.

Sellers beware! The Form F is valid for a period of 60 days from issue, so don't wait to request a Form F to ensure you have time to request documents, commence a claim and pay the amount into trust before your sale is completed.