
Strata Living

Headline: What is a non-conforming strata?

Topic: Strata Living

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Dear Tony: We purchased into a triplex last year. Each owner was basically dealing with their own units until we have suddenly come up with major roof repairs as there is a leak between 2 units and our owners are in a bit of a struggle. Our agent advised us the strata was in a separate class of strata corporations called "non conforming" strata corporation, implying each of us would be responsible for our own units and no involvement with other owners. That turns out to have caused a problem for us. One of the owners has claimed they replaced their own roof 15 years ago and why should they be replacing someone else's roof now? Any idea who we can solve this mess?

Kieran M.

Dear Kieran and every small strata in the province:

There is no such thing as a non conforming strata! Anyone who suggests this concept and that you would not function as a strata corporation under the *Strata Property Act* is simply wrong.

If you have been misled by your agent in the purchase and relied upon their interpretation, please file a complaint with the Real Estate Council of BC. Whether a strata corporation is 2 units, 200 units, a bare land strata or a 300 unit storage locker complex, a strata is a strata and must comply with the *Strata Property Act*, Regulations and Standard bylaws or any bylaws properly adopted and filed in the Land Title Registry.

Yes, even the Standard Bylaws automatically apply even if they have been repealed or altered. You may require some legal advice to unravel the misunderstandings, but here are the basics. The strata corporation must insure all of the common property, common assets, and common fixtures installed by the owner developer. You

must insure for general liability and the perils identified in the *Act*.

The strata corporation must maintain and repair common property shown on the strata plan, identified in section 1 of the *Act* and the components shown on the Standard bylaws. The strata is not permitted to make an owner responsible for common property. The strata pays for all of this through the approval of an annual budget which must be approved each year no later than 60 days after a fiscal year end. You must elect a council. In this case every strata lot will have one owner on strata council, and you must maintain records and document your decisions in the minutes of general meetings and council meetings. If you can meet these basics your strata will at least comply with the provisions of the *Act*.