

Headline: What's the deal with parking and storage lockers?

Topic: Parking, Storage Lockers

Publication / Date: Westcoast Condominium Magazine, Oct 2, 2015

Written by: Tony Gioventu

The allocation of parking and storage lockers can be a confusing part of the negotiations for buyers of condos. When buying into a new strata, or an existing strata, there may be indication that there are 2 parking spaces with this unit" or "an 8x6 storage locker". So how can you confirm the allocation of use or designation of property before you buy? If this is a new development you will require a complete copy the disclosure information from the owner developer. If this is an existing strata corporation, you will request a Form B information Certificate from the strata corporation and review the information filed in the Land Title Registry, such as the registered strata plan and the bylaws of the strata corporation.

Parking and storage lockers may be designated, allocated or assigned for exclusive use or common use in a variety of methods. Parking spaces and storage lockers may be allocated in one of 4 ways on a strata plan. They are either common property, limited common property which identified the exclusive use, or part of a strata lot or a separate strata lot. They may also be hosted in another property such as an Air Space Parcel or a shared used facility where 2 or more strata corporations share parking and storage allocations located on one of the strata corporation properties or an independent property. As the buyer and owner your greatest concern is how is the property designated, how is it allocated, and who controls the changes of allocations. The bottom line, who's parking or storage is it? If your strata is located in a high density neighbourhood, each parking space may have a value of \$25-50,000 added to your condo.

In many strata corporations, parking and storage are simply common property, and allocated by the strata corporation through the council. In the absence of any bylaws or rules that create parking allocations or plans, the council is permitted to allocate exclusive use of common property for up to one year. In practice, many strata corporations maintain the same parking allocations unless there is a need for a change. If the parking is common property and there are no easements or parking licenses in

effect, the parking is left to the strata to administer, and everyone shares the parking. It is easy to see why conflict is created in a strata with common parking and storage where a few owners have multiple parking spaces or storage lockers, and several owners have none.

If the parking or storage is Limited Common Property (LCP), it means it is for the exclusive use of the strata lot(s) that have been identified either by the owner developer who filed the original plan, or a plan filed by the strata corporation amended by three quarters vote to allocate limited common property. Either designation must be filed in the Land Title Registry to be enforceable. The benefit of LCP is that only a unanimous vote can change or undo the owner developer designations, and only a three quarters vote can change or undo strata designations. The strata council does not have random authority to re-allocate. If the parking space is a designated separate strata lot or part of your strata lot, only you the owner may transfer the ownership or use to another party.

Another form of parking or storage allocation is through a lease or license created by the owner developer. Even for existing strata corporations there may be some type of license in place that designated parking for specific periods of time, typically 99 years. If they exist, these licenses or leases or found in the original disclosure documents filed by the developer with the Superintendent of Real Estate in BC. In most cases these licenses transfer with the strata lots to subsequent buyers.

The *Strata Property Act* now requires strata corporations to include parking and storage locker information as part of the Form B Information Certificate. The form must identify if parking or storage is allocated to a strata lot, how it is designated, and how it is allocated. If you cannot confirm the parking or storage through the documents provided by the strata or registered through the Land Title Registry, talk to your lawyer. Just because an owner indicates they have 2 parking spaces, doesn't make it true.