

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-005

Condo Smarts

Headline: Their home at stake

Topic: Not paying strata fees

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One day last month a greater Vancouver couple were stunned to discover that a court order had been granted to their strata corporation to sell their townhouse out from under them. As owners of the strata unit, they never imagined that anybody else could put their property up for sale. Now they realized that unless they took action fast they could find themselves out on the street.

They had been in a long-running dispute with their strata corporation for some time, as they had violated a strata bylaw and refused to pay the fine but they never knew it could come to this.

What was their mistake? As a protest over the strata fine, they refused to pay their strata fees until the dispute was resolved. The exasperated strata corporation filed a lien against their property for the unpaid strata fees and later proceeded to court for an order for sale of the strata unit.

This couple was positive that the only thing that could happen to them was that the lien would sit on their account until the dispute was resolved or they sold their unit or attempted to remortgage. So they disregarded the notices they received from the strata, all the time that the strata was taking legal action. The costs of the conflict have now increased exponentially. Where the original

fine was \$500, the cumulative strata fees, possible penalties for late payments, costs of the filing fees, legal and administration costs and court costs, are now almost \$5,000 which the couple will now almost certainly have to pay to save their home. At this time, they are consulting a lawyer.

Strata Law: The Strata Property Act gives a provision to the strata to seek court-ordered sale of a strata lot for unpaid strata fees or special levies. Owners of strata lots must be aware that they must pay their strata fees and special levies set out by the bylaws of the corporation and required by the Act.

Tips: Since owners must pay strata fees, they may wish to dispute fines, penalties or charges with an action in small claims court or arbitration. A small claims action would have cost these owners considerably less and the risk of losing their home would not be facing them. If you refuse to pay your strata fees, do so only at the instruction of sound legal advice.

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