

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

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Condo Smarts

Headline: Hire a lawyer for deals regarding Crown lands

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Our office was called by a Lower Mainland purchaser last week to help resolve a dispute with her strata council and manager.

The matter was a simple parking dispute but quickly became a complex series of agreements, leases, and misunderstandings.

She had purchased a 99-year leasehold interest in federal Crown land. On the surface, she was given every indication that it was virtually the same as a condo and would be operated much like a condo under the Strata Property Act. To her dismay, she has discovered that none of the provincial regulations apply to her property and that she has little recourse to resolve the dispute.

Strata Law: In B.C., purchasers are faced with a variety of options in housing. They may all appear to be regulated by the provincial or municipal legislation or regulations, but looks can be deceiving. Because of the provisions of the Canadian Constitution, the Strata Property Act and other provincial legislation do not apply to developments on First Nations lands as they are exclusively within federal jurisdiction. There are at least 8,000 such units in the province with another 10,000 to come onto the market within the next six to eight months. There are successful condo-type developments on Native land, but because of the complexity of the agreements, the

purchaser should consult their lawyer before negotiating a deal.

Tips: Go through a checklist before you buy. Are there any hidden costs? What are the terms of the lease, potential increases in lease costs or user charges? How are decisions made regarding budgets, management fees, property use or special assessments? Do the buyers make these decisions or, as part of the lease agreement or does a third party retain control. Above all, make sure everything is in writing.

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