

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

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Condo Smarts

Headline: Stratas detail parking, too

Topic: Ownership of parking spaces

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A New Westminster couple recently purchased a condo in a 12-year-old high-rise. Because they were both working and using vehicles, they required an additional parking space. The strata agent arranged for them to purchase another parking space from one of the strata neighbours – who was not using hers – for \$1,200.

The neighbour then sold her strata lot. The strata, unaware of the sale, reallocated the parking space to an applicant on their waiting list. Who has the right to the parking space? The couple who paid for the space as arranged by the strata agent assumed everything was legitimate, but the neighbour did not own the parking space. It was common property.

Strata law: The strata plan that is filed at Land Titles Office designates, among other things, what is strata common property and what the boundaries of each strata lot are. Parking can be either common property, (controlled by the corporation) or limited common property, for the exclusive use of an individual strata unit owner. Because this space was common property, the neighbour did not have the right to sell it.

The couple and the strata corporation are both taking action against the neighbour – and against the strata agent.

Tip: Before you buy, lease or rent additional parking or storage lockers, check the ownership status. Is it common property? Even if it is limited common property, any lease or sale must be properly approved by the strata corporation.

On new purchases, have the parking and storage locker agreements reviewed by your lawyer. It may seem like you are getting these items as part of your purchase, but ask first. There may be a bylaw or rule that sets out parking plans and allocation of use.

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