

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

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Condo Smarts

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Every month in B.C. approximately 25,000 sets of strata minutes are produced. Add to this more than 100,000 bylaw filings, 30,000 strata plans, thousands of transaction certificates and forms and financial statements, and we have a potentially large margin of error in documentation.

One New Westminster strata recently discovered that their bylaw amendments in the Land Title Registry had been filed incorrectly, under the wrong designation number. Each strata has a designation number which identifies its filing information, location, strata plan and bylaws. However, in the course of filing new swimming-pool bylaws, council members of this strata - let's call it LMS1234 - inverted the numbers. For the sake of argument, let's say they wrote LMS4321 instead. The error was subsequently amended with the correct filing and cooperation of the Land Title Office. But there was an alarming moment when the other strata - the actual LMS 4321 - discovered they had bylaws referring to swimming pool hours, when they had no pool. What other mix-ups could occur? Many.

Strata Law: Bylaws, strata plans, schedules of unit entitlement, voting rights, conveyance transactions, easements, right of ways and restrictive covenants are all items that are filed through the Land Title Services. Bylaws may be voted on but are not enforceable until they are

filed. Once filed, they become effective. The Strata Property Act, the Land Title Act, The Real Estate Development Marketing Act and Real Estate Services Act all play an active role in filed documentation and requirements for strata corporations. Information incorrectly filed can lead to unenforceable bylaws, incorrect information certificates for sales, improper fining and penalties, all of which can drag the strata into costly legal battles.

Tips: The Land Title Office does not check or validate whether the contents of your documents are correct. Registered strata plans and voting schedules frequently have addition errors, and bylaws and forms are frequently filed with incorrect information. Check and double-check your forms and records before you file.

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