

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-168

Condo Smarts

Headline: Manager says the *Strata Property Act* doesn't apply – is that true?

Topic: Strata Property Act – commercial stratas

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Written by: Tony Gioventu

Dear Condo Smarts: I own an industrial strata lot in a large commercial development of 47 units.

Our strata corporation is facing a growing number of disputes over parking, use of the loading areas and use of the storage yards.

We have not had any general meetings in more than three years, and one person is controlling everything, including telling each owner the amount of our fees.

To my dismay, my unit is half the size of the unit next door and I have discovered we all pay the same fees.

The manager has told us the *Strata Property Act* does not apply to commercial/industrial units. Where can we get some help?

-- Gary C. Richmond

Dear Gary: The *Strata Property Act* applies to any registered strata plan, whether it is residential, commercial or industrial.

When your strata plan was created, a schedule of unit entitlement was established that creates a list of voting rights and the formula that is used for calculating strata fees. Your strata plan specifically shows that each unit pays only according to the surveyed schedule and no amendments have been filed so your fees should all be different.

It is required by law to have an annual general meeting each year and the owners must approve the annual budget and elect a strata council.

The common areas are controlled like any other strata, by the application of your rules and bylaws. One individual does not have the authority to control the property.

It's time for your owners to call an annual general meeting, elect a strata council, and start administering your common property and common assets within the legislation, for your own protection.

The annual general meeting is often the best place to sort out confusion and resolve problems.

Simple matters can be cleared up by the owners by a majority vote and give the council direction on general operations and management.

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