

## Condominium Home Owners' Association

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Bulletin: 300-177

### Condo Smarts

Headline: How did this happen?

Topic: Unit entitlement

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Dear Condo Smarts: I bought a 10-year-old, two-bedroom townhouse back in April.

I was under the impression that all of our common expenses were based on unit entitlement which was square footage. My unit is one of the smallest in the complex.

Surprise! The strata made a change to the expense allocation for roofing repairs and replacements, and somehow that information was never disclosed to me. Now it turns out that rather than my share of the roofing being \$3,800, I'm paying \$5,000, the same as every other unit.

How is it possible that the square footage calculations don't apply?

-- Peter Davis, Richmond.

**Dear Peter:** You are correct that common expenses are based on unit entitlement; however; section 100 of the Act does permit a strata to adopt one or more different formulas for operating and contingency reserve fund contributions.

In searching your specific strata plan, I discovered that your strata passed a unanimous resolution in 2003 that amended the allocation of roofing repairs and replacement, from unit entitlement to a formula where everyone is paying the same amount.

The likely reason is that the roofing systems all appear to be the same size, and by unanimous resolution all eligible voters agreed.

This is an area where buyers must beware.

While the unanimous resolution is filed in land titles, it may not be obvious unless it has been attached to bylaws or part of the Information Certificate.

There are also strata complexes that have passed unanimous resolutions where everyone pays the equal amount for gas or other shared utilities, so it is valuable to specifically request if a Form E or amendment to the schedule of unit entitlement has ever been filed.

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