

# Condominium Home Owners' Association

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Bulletin: 300-241

## Condo Smarts

Headline: Parking headaches

Topic: Parking

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*This is the third in a series about the six notorious "p's" of strata living: pets, people, parking, prostitution, polls and pot.*

**Dear Condo Smarts:** Our project in the Kootenays is a mix of townhouses and condo apartments and was built in several phases. The final townhouses were built in 2006.

We have a mix of underground parking and a parking lot area that is designed for cars and RVs.

Now that we are fully occupied during the summer vacation months we have discovered we have a serious parking shortage and a growing conflict between what the developer filed with the disclosure statement and what was actually built.

Some owners are demanding more of the RV parking (that was) listed in the disclosure while we have a serious shortage of single-vehicle parking.

Does the strata corporation have the authority to change the allocation of the parking, or how can we change the disclosure?

-- Gary Hammond

**Dear Gary:** The disclosure statement is a document that is required to market more than five strata lots in a development, and it cannot be changed by the strata corporation.

The disclosure basically requires developers to inform you as a buyer what they intend to provide with your purchase.

Developers are also required to disclose any limitations, covenants, easements, rights of way or restrictions, or leases, contracts or agreements intended for the strata corporation, the common property or a strata lot.

However, not all statements in the disclosure are necessarily binding on a strata corporation.

Parking plans are a prime example, especially in phased developments where construction restrictions, design changes or zoning implications result in an increase or reduction in parking allocations.

Your strata corporation has no building scheme, parking plan, parking leases or parking easements filed with your strata plan, disclosure or strata lot titles.

The result is that your parking is common property. Your strata corporation — and others in a similar position — may want to consult a lawyer and consider a bylaw or rule creating a parking plan that fairly administers the use of your property.

*Next week: Prostitution*

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