

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-290

Condo Smarts

Headline: You've got mail, but where do we send it?

Topic: Record Keeping

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Written by: Tony Gioventu

Dear Condo Smarts: Our strata corporation is a small 3-unit townhouse complex. We are very informal about how we agree to pay for repairs, and bylaw enforcement and deal with situations as they arise. We recently missed notice of law suit, that was sent by mail to an owner who was away for two months, and now we are scrambling to correct the errors and failure to respond to the claim in the time periods. It did raise a serious question for our owners though. If someone had to service notice to a strata corporation, how would they find the official address?
Terri Reed, Parksville

Dear Terri: The solution to the official address is simple. Every strata corporation must ensure that the correct mailing address is filed in the Land Title Office. The address may include a fax number, and if the official address ever changes then the strata must file a correction. Use a Form D, available at www.fic.gov.bc.ca/pdf/responsibilities_strata/strataforms2.pdf, and go to the Land Title Survey web site for a schedule of fees: www.ltsa.ca. This does raise a more important issue though and that is the operation of small strata corporations, such

as a duplex. Every strata, regardless of the number of units, is bound by the Strata Property Act. Unless you convene a proper AGM each year and elect a council, your strata may not be in the position to collect strata fees, special levies, negotiate contracts, settle insurance claims, enforce bylaws or provide transaction forms for property sales. It is the common practice of smaller strata corporations to function less formally, but the strata decision making must still conform with the Act and Regulations for your own protection. The most common small strata complaint our offices receive relates to improper or non existent insurance in small strata corporations. Even in a tri-plex the common areas and assets that include the building systems must be insured by a strata corporation insurance policy. If a new roof is necessary and you have to pass a special levy, make sure you convene a proper Special General Meeting and approve a proper three-quarter resolution. Without that you won't have the authority to enforce a collection process for that one owner who decides not to pay. While it may be easy to act informally in a small strata, don't cut corners on the legal requirements of the Act.

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