

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-296

Condo Smarts

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Dear Condo Smarts: I own two rental units in Vancouver. A number of us owners have noticed that our strata fees are not being allocated the same way so I started asking questions. Without my knowledge one of my tenants had requested the additional use of a parking stall. The council granted the request but there was a charge of \$125 per month. After three months the tenant stopped paying the rental, so the council decided to add it to my monthly strata fees. In turn, without advising me the property manager adjusted my direct withdrawal amount to pay the parking space rental. Several other owners have also noted similar problems. I have 2 questions. How do we stop the strata from charging for items we didn't authorize, and how does the strata get to charge additional rental fees above our strata fees? Sincerely, Jeff Wallace, Edmonton

Dear Jeff: The legislation permits the charge of user fees for common property and common assets if the fee is reasonable and it is set out in either a bylaw duly passed and registered by the corporation, or a rule created by council, that has been ratified at the next general meeting. Council itself does not have the ability to impose the fee, they may create a rule which sets out the conditions of the user fees and the rates, and then the owners by majority vote have to ratify those user fees and rates at their next general meeting. User fees are designed to permit additional benefits to owners, tenants and occupants on a user pay basis. They

include items such as additional parking, storage lockers, common grounds for uses like green houses and community gardens, moorage at marinas, health facilities and golf course memberships. Strata councils also need to understand that rules and bylaws are enforced against the individuals who create the agreements or commit allegations. If the tenant stopped paying, the strata corporation has the right to remove the use of the space until they have paid, they do not without your consent have the right to impose this against your strata fees and direct payments. It is in the best interest of both the landlord and the tenant to identify such additional costs and bylaw fines and penalties in your tenancy agreement before you agree to the rental. Landlords who rent strata units in BC need to be aware that they ultimately are liable for their tenants' actions if the tenant departs and they are left with fines and costs incurred by the tenant. A common cost landlords do not anticipate is a large insurance deductible, if for example, the tenant floods the building. If the tenant has no insurance or is unwilling to pay the amount, you may be faced with the cost. Contact your council or manager and address the matter quickly. If there are additional costs or violations, the strata must provide you with notice of a violation of a bylaw or rule, and an opportunity of a hearing or written response under Section 135 of the Act before any fines or penalties may be imposed.

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