

Condo Smarts

Headline: Official Mailing Contact Address
Topic: Management; Land Titles
Publication date: Nov 27, 2011
Publication: The Province
Written by: Tony Gioventu

Dear Condo Smarts: We just had an owner come back from a leave of absence and delivered to us a notice of arbitration that was sent to her strata lot. We do not know why the notice was sent to strata lot #1 and obviously after 3 months we missed the deadlines to respond. We have retained a lawyer to assist us with the mess that we are now in, but isn't there a requirement to contact the strata council or the property manager for official notice to the strata corporation? How can we be responsible for not responding if we did not receive the notice? What about a public registry system? Doesn't a list of strata corporations exist that can be used for official notice?
The Chartwell Strata Council

Dear Strata Council and Strata Managers Across the province: Every strata corporation must ensure that the correct mailing address for the strata corporation is filed in the Land Title Registry. Even a strata titled duplex is technically required to file an address; however, the real problems occur in medium to large size strata corporations like the Chartwell. Their complex is 118 units, and they were created in the mid 80's. In fact, they do have an official address filed for strata lot #1, which is the reason the notice of arbitration was delivered to strata lot #1. Many strata corporations have official addresses filed that were from the original owner developer, and once the first AGM was held to commission the building the strata generally files a new official address. A person wanting to serve official notice on the strata corporation can search the Land Title Registry and if there is an official address they can use that address to provide official notice to the strata corporation. The Strata Property Act gives several options for serving notice to a strata corporation: a) leaving it with a council member, b) mailing to the strata corporation at its most recent address on file in the land title office, c) fax or emailing it to addresses provided by the strata corporation or council for the purpose of receiving notice, d) putting it through the mail slot or in the mail boxes used by the strata corporation for receiving notices, records and documents. In a sense there is a public registry as each strata plan is filed in the Land Title Registry; however, that alone however does not

provide anyone with the official mailing address which may change frequently in any event. Many strata corporations would be surprised at how many official addresses are filed in the land title registry and how out-dated most filed addresses are. The proper form to use for filing is a Form D as part of the Regulations of the Strata Property Act. Until May 6, 2012 Strata Corporations with 8 or more strata lots will be permitted to paper file forms such as bylaw amendments, change of address, notice of lien, with the Land Title Registry. However, from May 7, 2012 forward, except for strata corporations of 7 units or less, all filings must be electronic, and may only be electronically signed by a subscriber. Subscribers are issued digital certificates by the Law Society of British Columbia, a certification authority recognized under s.168.79 of the Act. By applying an electronic signature, subscribers certify that certain statutory requirements have been met. British Columbia lawyers, notaries public and land surveyors are eligible to be subscribers. Once the document or plan has been electronically signed, the application can be submitted by other parties such as a paralegal or registry agent. If your strata has an inactive official mailing address filed get it remedied. It can still be used. If you have not filed an official address, time to file. It may be a strata address, a specific strata lot or your strata manager's office, or your legal counsel. A decision for the strata council at your next meeting.

**For more information on CHOA resources and benefits visit www.choa.bc.ca
or contact the office at 1-877-353-2462 or email office@choa.bc.ca.**

No part of this publication may be reproduced without the prior written permission of CHOA

This publication contains general information only and is not intended as legal advice. Use of this publication is at your own risk. CHOA will not be liable to you or any other person for any loss or damage arising from, connected with or relating to the use of this publication or any information contained herein by you or any other person.