

Condo Smarts

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Dear Condo Smarts: Our strata council have been trying to sort out a parking crisis that seems to have been in the making for the last 10 years. A new owner who recently purchased a strata lot has demanded that she be given parking space 44 and 45, and storage locker 44, which she claims she was sold in her transaction. We have tried to explain to her that these areas are not items that can be bought and sold by an owner, and it is the strata corporation through the strata council who are responsible to ensure that the parking spaces and storage lockers are distributed fairly. Our strata corporation has been managed by a local strata manager for the last 15 years without complaints, but now the constant harassment is creating problems with our manager who has given notice terminating their services. How should the strata council handle this? *Sharon Powell, Abbotsford*

Dear Sharon: The strata corporation is required to maintain a copy of their registered documents, and before a strata corporation can establish anything that relates to parking or storage lockers they first require a complete set of those relevant documents filed in the Land Title Registry. The basic list includes The Registered Strata Plan, The Registered Bylaws and The Common Property Index. When a developer files the strata plan for a strata corporation, they often have no way of knowing how the parking or storage lockers are allocated until the units actually sell. Owners may want larger spaces, spaces closer to exits, or special needs parking. Before the first AGM, the owner developer may file a document in the registry that designates parking allocations as limited common property (LCP). Strata corporations

may also pass three quarter vote resolutions at general meetings that designate limited common property designations for parking, storage lockers, and even areas such as decks, balconies and yards. The limited common property designation means this area is for the exclusive use of the strata lot. As well, the bylaws often require that owners with LCP designations are also responsible for the annual custodial maintenance as well, such as cleaning. Sharon's strata corporation is a perfect example of misinformation. Once, we printed the strata plan, the common index and common property filings we discovered that storage lockers were created as limited common property on the strata plan and the parking were filed as limited common property allocations before the first AGM. Each strata lot has 1 storage locker, and parking is designated up to 3 spaces, depending on the size of the strata lot. The new owner is partly correct in her claim. The designated parking spaces 53 and 67 and the storage locker is 44. When a strata lot is sold, the designation of LCP does not change. That designation stays with the strata lot and its owner and tenants. The strata corporation can only change LCP that was created by the strata corporation with a three quarters vote. For any designations filed by the developer on the strata plan or before the first AGM, the strata corporation will require a unanimous resolution to make changes. That means every strata lot must vote in favour of the resolution. Managing strata corporations can be complicated at the best of times, it is almost impossible without factual information. It is a small amount to spend to create a governance binding of your official documents that can clarify many misunderstandings before they hatch.

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