

Condo Smarts

Headline: Parking Space Allocations

Topic: Parking

Publication date: Mar 10, 2013

Publication: The Province

Written by: Tony Gioventu

Dear Condo Smarts: Could you please tell us how we can confirm what parking spaces are permanently allocated to a strata lot before we purchase a unit? We have viewed a number of condos in Vancouver over the past month, and it is almost impossible to confirm the parking allocations. One seller has indicated that they have three parking spaces with their unit, and listed the actual numbers. When we inquired to the manager about the parking allocations, the manager indicated they could not confirm the allocation of those spaces at this time because the strata corporation was in the process of developing a parking plan. The manager was also surprised that the unit identified three parking spaces, especially in consideration of the shortage of parking in the building, and people being on waiting lists to rent the additional spaces. The manager indicated that there will be some changes in the legislation, and once they are law, the strata will hopefully be able to provide better accuracy. Is it even possible to guarantee the parking? *Gillian Crawford.*

Dear Gillian: There is a legislation change that comes into effect on January 1, 2014, that will have a significant impact on the information provided to persons requesting Form B Information Certificates. The Form will require that the strata corporation must identify as follows: a) if there are any parking stalls allocated to a strata lot b) whether or not parking stalls are available c) if they are assigned, identify the type of designation on the strata plan d) who they are/were allocated by and e) if parking spaces are available for rent and at what cost. It is important to understand that parking may be common property, limited common property, part of a strata lot, a separate strata lot, or common property that has been allocated under a lease or license by the owner developer. There may also be parking allocated for use in a separate strata corporation, where several strata corporations share the same parking lot, and parking allocation and use is created under an easement or covenant between the properties. Storage lockers will have much the same type of disclosure requirement. For strata buyers and sellers, this is provide some much

needed clarity around parking space and storage locker ownership, use and allocation. Unless the parking is part of a registered strata lot, separate strata lot, or limited common property on the strata plan or Land Title Registry, it is unlikely you will be able to confirm the exact parking allocated to the unit of interest.

Strata corporations need to pay close attention to these regulation changes. There is a significant amount of work to do for every type of strata, including bare land strata corporations or town house complexes with additional rental parking, visitor parking, and RV and boat storage parking. Strata councils are finding that they are having to take an inventory of their parking, survey their owners, and determine who has what spaces allocated for their use, if owner developer assignments under leases or licenses have ever occurred, what those assignments constitute, and identify the allocation of parking on registered strata plans. This transition is likely to uncover some surprises for strata councils and strata owners. For example, a high rise building in Metro Town conducted a survey of the owners parking allocations to discover claims on 17 more parking stalls than actually exist. CHOA has created an information bulletin on parking spaces and storage lockers, that includes a sample of the Form B that is not in effect until January 1, 2014. CHOA Spring seminars will also be including a session on identifying parking spaces and storage lockers for 2014. Go to www.choa.bc.ca

**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.