

Condo Smarts

Headline: What is a Bare Land Strata?

Topic: Bare-land Strata

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Dear Tony: Thank you for your weekly. We read them with enthusiasm and save the pieces for reference. I have to admit, that we moved into a Patio Home complex in Campbell River during the summer, not being aware that it was in fact a Bare Land strata. I realized when I attended our first AGM, that many of the other owners weren't aware of the difference either. Would you please write a column to discuss the differences and the ramifications of those differences between a regular full strata, and a bare land strata.

Sincerely, Helen Weiss

Dear Helen: For some reason we have had a significant number of inquiries about "Bare Land" strata corporations over the past month. There are many misunderstandings about bare land strata corporations, partly because there are so many variations in strata plans, and partly because of some of the published misinformation on blog sites. The term "bare land", very much describes what a buyer is purchasing. You are purchasing a bare lot, with no buildings shown on that strata lot. They usually host detached homes, mobile homes, recreation sites, or commercial or industrial property, but they may also include other configurations such as attached homes such as duplexes or attached patio homes.

Before you make any assumptions about any type of strata property, it is essential that you first review the filed strata plan in the Land Title Registry. The words, "Bare Land Strata" appear on almost every bare land strata, with a few exceptions. This indicates that you the purchaser/owner have an interest in the bare lot, and any buildings constructed on that lot, that are not shown on the strata plan, and are not the responsibility or interest of the strata corporation. The other condition that is frequently imposed on a bare land strata is a building scheme. The building scheme is generally filed on the title of each of the strata lots, and occasionally as part of the bylaws registered by the owner developer. The building scheme sets out the limitations and definitions of what type of

development and construction is permitted on the building sites.

The most common differences between a bare land strata and building type strata corporation, is that the residence on each strata lot, those buildings that are not shown on the plan, are the responsibility of each strata lot owner for maintenance, repair and insurance. Unless otherwise amended in the bylaws where the strata corporation has taken responsibility for certain parts of a strata lot, the strata corporation has no interest in each strata lot owners' buildings. It is important to remember that beyond the strata lot, there is still common property, common amenities, and facilities that the strata corporation continues to be responsible for. Your common roadways, club houses, recreational facilities, in ground services such as sanitation and water, common liability and risk insurance, management and operations, and depreciation and reserve planning will all be common expenses that form part of your annual budget. With some exceptions common expenses in bare land strata corporations are all shared equally, even though the strata lots may vary in size. The registered schedule of unit entitlement frequently shows an equal value of (1) one part share for each strata lot. Don't be misled into thinking a bare land strata means it's not really a strata, because all other conventions of strata living apply. The Strata Property Act and adopted bylaws of the strata corporation that apply to the use and enjoyment of strata lots, such as rental restrictions, pets, age restrictions and the Schedule of Standard Bylaws of the Act still apply. Whether it is a bare land of 2 units or 250 units it is still a strata.

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