

Condo Smarts

Headline: Garage Sales
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Dear Tony: Our strata council have decided to host a garage sale in our parking garage on the weekend before Canada Day. Our strata has done this in the past and it has worked out very well provided the sun was shining and we could use our exterior parking area. If it rains, we open our parking garage to strangers and in addition to the security problems we have experienced in the past, the set up takes place in our visitor parking area, causing significant disruption to residents entering or leaving the building as this is not a pedestrian area. Council have already given notice to several owners who rent additional parking spaces in the visitor area that if it is raining they will have to move their cars to exterior parking for Saturday or their cars may be towed. The owners of our building have not agreed to the garage sale and council seem to be acting in a heavy handed manner just because one of the council members has been pushing to clear out her storage locker. How would this decision process normally occur?
Carly C. Vancouver

Dear Carly: The use and enjoyment of common property and common assets of a strata corporation are determined and controlled through the bylaws and rules of the strata corporation, and by majority vote decisions of the owners at general meetings, or the allocation of exclusive use by decision of council. In the case of most disputes and questions, I always recommend that the council and owners first closely read their bylaws, rules and registered strata plan to determine parking allocation and use. The council, just like owners, must comply with the bylaws and rules of the strata corporation, and they often provide a clear understanding on the obligations and flexibility provided to the

strata council. In any strata corporation where parking is a premium parking bylaws are often adopted to establish a level of fairness and clear understanding of use.

Your bylaws specifically contain a one-page section on parking spaces, visitor parking and user fees for additional parking. If you look closely at your bylaws, they indicate: *"assigned parking must only be used by the strata lot allocated to that space and for no other purpose"*. Your bylaws do not give the strata council the ability to allocate or use the parking spaces for any other purpose, including the removal of vehicles for a garage sale. However, don't underestimate the value of events in strata properties to strengthen your community. Many strata corporations host games nights, holiday light competitions, seasonal festivals, gardening parties, pot luck dinners, and garage sales with great success. If the events are well planned and consider public liability, security, set up and removal, and are self funded, a great sense of harmony can be created within a community. Plan to include the year's events in a report at the Annual General Meeting and get the owners to vote on the events. If the majority don't support the use of space for events such as a garage sale, it was probably not the right idea in the first place.

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