



What you need to know about: "Parking Spaces and Storage Lockers January 1, 2014"

Effective January 1, 2014, under the *Strata Property Act and Regulations*, upon request of a Form B Information Certificate, strata corporations are now obliged to disclose the designation of parking and storage lockers and how they are allocated to a strata lot.

How is parking allocated? In British Columbia we have several different types of strata corporations, all with variations of use and allocation of parking. In addition to the listed types of strata corporations, each strata property may administer the use of their parking and storage lockers in a different manner based upon the bylaws or rules of the strata corporation, and the assignments of parking created by the owner developer when marketing strata properties.

Common Property – Is any part of the strata plan that is not part of a strata lot or designated as limited common property. The use and allocation of common property is established through the bylaws or rules of the strata corporation, a lease or license issued by the owner developer over the common property, or an easement or right of way which assigns other strata corporations' use and access of the common property when multiple strata corporations share a single parking garage. This may include owner developer leases or licenses, or a short term exclusive use assignment under section 76 of the *Strata Property Act*.

Limited Common Property (LCP) – Is any part of the strata plan or a Common Index Land Title filing that identifies a certain area of strata common property as limited common property for the exclusive use of one or more strata lots which may also apply to parking spaces and storage lockers. If the limited common property has been created by the owner developer, it may only be amended by a unanimous resolution of the strata corporation at an Annual or Special General Meeting. If the Limited Common Property has been designated by the strata corporation by a ¾ vote at an Annual or Special General Meeting, the designation may be amended by the strata corporation under the same procedures. The registered strata plan or the Common

Property/General Index will show the filing of Limited Common Property designations and any easements or covenants and will include the diagram or sketch plan of the designations.

Strata Lot – Is any part of the registered strata plan that is identified with boundaries as part of a strata lot or a separate strata lot. In addition to parking areas that are identified as part of a strata lot, there may also be additional parking in a strata corporation available for additional vehicles on a user fee system, visitor parking and specially designated parking areas for special needs residents and vehicles and locations for electric vehicle charging stations. A parking space strata lot may also be sold separately or allocated by lease or license if the parking area is in a separate strata corporation. These are commonly found in multiple strata corporations that share a single parking garage where the parking garage is part of one strata corporation, but the other strata corporations share use, assignment or ownership of parking as a result of an air space parcel agreement.

Important: *Always consult the registered Land Title documents to determine the designation of parking spaces and storage lockers, and the registered bylaws and rules of the strata corporation to understand the allocation procedures, if any apply.*

The Condominium Home Owners' Association
A non-profit association serving strata owners since 1976
600-001 updated to Jan 1, 2014

In the following types of strata properties, parking allocations and variations may vary significantly between different strata corporations.

Bare Land Strata – is a type of strata property where the bare land strata lot is identified on the strata plan and the strata corporation, unless identified in the bylaws, has no insurable interest or obligation of maintenance in the buildings which are not shown on the strata lots shown on the strata plan. Parking is normally part of a bare land strata lot, and storage is normally part of each bare land strata lot or building that is the responsibility of each strata lot owner. However; additional parking and storage facilities in a club house or commercial storage facility as common property may be part of the strata corporation with additional parking in common property areas, or assigned limited common property for the storage of recreational vehicles or boats.

Townhouse Strata – is a type of strata where each strata lot usually has a separate residential entrance and often an exclusive parking space under a covered carport or garage attached to the townhouse unit. While these parking areas may be shown as common property, limited common property or part of the strata lot, their access is generally exclusive to the strata lot and for the exclusive use of the owner. Additional parking areas may also include common property assignments of use and registered limited common property for visitor parking, additional owner vehicles, recreational vehicle and boat storage.

*Underground common property or limited common property parking is becoming more frequent where townhouses are constructed above an underground parking garage, which may also include owner developer lease or license of parking.

Apartment/High-Rise Strata – is a type of strata property where the parking allocations are located in underground or exterior parking lots. Parking may be common property in random use or common property controlled by parking plans that are published in the strata rules or bylaws, limited common property with

specific assignments, part of a strata lot or separate strata lot or common property with allocations of use determined by a lease or license created by the owner developer in the sale of strata lots, or allocations to parking garages located in another property, determined by an easement or covenant. **At the first AGM, the owner developer must provide the strata corporation with a copy of any assignments of parking and storage lockers.*

How will our strata council /strata manager complete the information on the Form B?

Step 1: It will be important for your strata corporation to obtain a copy of all the registered Land Title documents including: the registered strata plan, any limited common property designations created by the strata corporation or owner developer after the strata plan was filed, any Air Space Parcel agreements, or easements or covenants that apply to parking allocations and use, and a copy of the owner developer disclosure statement from the Superintendent of Real Estate, to determine if there are any license or leases to assign parking.

Step 2: Once you have all of the records, it will be necessary to create an inventory of the parking and storage locker allocations. It will be helpful to set up a plan showing the various allocations so you may understand what inventory is occupied and what is available. It may be necessary to start with each owners' current allocations to verify which parking spaces and storage lockers are allocated and used by specific strata lots. If owners have been granted owner developer leases or licenses, request copies of the assignments to help you with identifying the allocation process.

Step 3: Review the strata corporation bylaws, rules, and minutes of meetings to verify the strata corporation is complying with allocation requirements and use. Publish an inventory of the parking and storage lockers allocations for use by the strata council and strata manager in identifying the allocation for administration and Form B purposes.

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.

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Strata Property Act

Form B

INFORMATION CERTIFICATE

(Section 59)

The Owners, Strata Plan[*the registration number of the strata plan*] certify that the information contained in this certificate with respect to Strata Lot[*strata lot number as shown on strata plan*] is correct as of the date of this certificate.

[*Attach a separate sheet if the space on this form is insufficient.*]

- (a) Monthly strata fees payable by the owner of the strata lot described above \$.....

- (b) Any amount owing to the strata corporation by the owner of the strata lot described above (other than an amount paid into court, or to the strata corporation in trust under section 114 of the *Strata Property Act*) \$.....

- (c) Are there any agreements under which the owner of the strata lot described above takes responsibility for expenses relating to alterations to the strata lot, the common property or the common assets?
 no yes [*attach copy of all agreements*]

- (d) Any amount that the owner of the strata lot described above is obligated to pay in the future for a special levy that has already been approved. The payment is to be made by[*month day, year*]. \$.....

- (e) Any amount by which the expenses of the strata corporation for the current fiscal year are expected to exceed the expenses budgeted for the fiscal year \$.....

- (f) Amount in the contingency reserve fund minus any expenditures which have already been approved but not yet taken from the fund \$.....

- (g) Are there any amendments to the bylaws that are not yet filed in the land title office?
 no yes [*attach copy of all amendments*]

- (h) Are there any resolutions passed by a 3/4 vote or unanimous vote that are required to be filed in the land title office but that have not yet been filed in the land title office?
 no yes *[attach copy of all resolutions]*
- (i) Has notice been given for any resolutions, requiring a 3/4 vote or unanimous vote or dealing with an amendment to the bylaws, that have not yet been voted on?
 no yes *[attach copy of all notices]*
- (j) Is the strata corporation party to any court proceeding or arbitration, and/or are there any judgments or orders against the strata corporation?
 no yes *[attach details]*
- (k) Have any notices or work orders been received by the strata corporation that remain outstanding for the strata lot, the common property or the common assets?
 no yes *[attach copies of all notices or work orders]*
- (l) Number of strata lots in the strata plan that are rented

Are there any parking stall(s) allocated to the strata lot?

- (m) no yes

(i) If no, complete the following by checking the correct box

- No parking stall is available
 No parking stall is allocated to the strata lot but parking stall(s) within common property might be available

(ii) If yes, complete the following by checking the correct box(es) and indicating the parking stall(s) to which the checked box(es) apply.

- Parking stall(s) number(s).....is/are part of the strata lot
 Parking stall(s) number(s)is/are separate strata lot(s) or parts of a strata lot.....*[strata lot number(s), if known, for each parking stall that is a separate strata lot or part of a separate strata lot]*
 Parking stall(s) number(s) is/are limited common property
 Parking stall(s) number(s) is/are common property

(iii) For each parking stall allocated to the strata lot that is common property, check the correct box and complete the required information.

- Parking stall(s) number(s) is/are allocated with strata council approval*
- Parking stall(s) number(s) is/are allocated with strata council approval and rented at \$..... per month*
- Parking stall(s) number(s) may have been allocated by owner developer assignment

Details:

.....
.....
.....

[Provide background on the allocation of parking stalls referred to in whichever of the 3 preceding boxes have been selected and attach any applicable documents in the possession of the strata corporation.]

***Note: The allocation of a parking stall that is common property may be limited as short term exclusive use subject to section 76 of the *Strata Property Act*, or otherwise, and may therefore be subject to change in the future.**

Are there any storage locker(s) allocated to the strata lot?

(n)

- no yes

(i) If no, complete the following by checking the correct box

- No storage locker is available
- No storage locker is allocated to the strata lot but storage locker(s) within common property might be available

(ii) If yes, complete the following by checking the correct box(es) and indicating the storage locker(s) to which the checked box(es) apply.

- Storage locker(s) number(s) is/are part of the strata lot
- Storage locker(s) number(s)is/are separate strata lot(s) or part(s) of a separate strata lot.....[strata lot number(s), if known, for each locker that is a separate strata lot or part of a separate strata lot]
- Storage locker(s) number(s)is/are limited common property
- Storage locker(s) number(s)is/are common property

(iii) For each storage locker allocated to the strata lot that is common property, check the correct box and complete the required information.

- Storage locker(s) number(s)is/are allocated with strata council approval*
- Storage locker(s) number(s)is/are allocated with strata council approval and rented at \$..... per month*

- Storage locker(s) number(s)may have been allocated by owner developer assignment

Details:

.....
.....
.....

[Provide background on the allocation of storage lockers referred to in whichever of the 3 preceding boxes have been selected and attach any applicable documents in the possession of the strata corporation.]

***Note: The allocation of a storage locker that is common property may be limited as short term exclusive use subject to section 76 of the *Strata Property Act*, or otherwise, and may therefore be subject to change in the future.**

Required Attachments: In addition to attachments mentioned above, section 59(4) of the Strata Property Act requires that copies of the following must be attached to this Information Certificate:

- The rules of the strata corporation;
- The current budget of the strata corporation;
- The owner developer’s Rental Disclosure Statement under section 139, if any; and
- The most recent depreciation report, if any, obtained by the strata corporation under section 94.

Date:[month day, year].

.....
Signature of Council Member

.....
Signature of Second Council Member (not required if council consists of only one member)

OR

.....
Signature of Strata Manager, if authorized by strata corporation.