

Strata Living

Headline: Who owns the parking?

Topic: Parking

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Dear Tony: My mother bought her unit in 1986, and it came with 2 parking spaces. That was part of the sales agreement with the developer. Now the strata council have decided to reallocate the parking spaces to other owners who do not have 2 parking spaces allocated. The council have advised the owners that the parking spaces are common property, and subject to the discretion of council how they are allocated and how they are used. My mother only uses 1 of the parking spaces, and we use the other when we visit her. How is it possible for the strata corporation to remove her parking allocations?

Brendan J. New Westminster

Dear Brendan: Parking spaces may be allocated in one of 4 ways on a strata plan. They are either common property, limited common property which identified the exclusive use, or part of a strata lot or a separate strata lot. The first step is to obtain a copy of the registered strata plan to identify parking areas. If the parking is common property, it is possible that at some point the strata corporation may have filed limited common property allocations, so the strata Land Title filings should also be checked for other documents that may indicate this. Most commonly, parking and storage lockers are common property. It is a frequent practice for developers to create

leases or licenses which may allocate exclusive or assigned use of the parking to buyers. If that is the case, your mother should have some documentation indicating the assignment of the parking rights. Just being assigned a specific parking space on a sales agreement, whether it was from a previous owner or the developer, is not unto itself a long term assignment of parking allocations. It is possible that parking agreements or licenses were created; however, there should be a record of those assignments. If there was a parking license or assignment created by the developer, a draft copy of that agreement would have been filed with the original disclosure statement. You can obtain a copy of that statement from the office of the Financial Institutions Commission in BC. If no assignments or agreements were ever established, then it is quite likely the area is common property and administered at the discretion of the strata council in accordance with the strata rules and bylaws.

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