

## Strata Living

Headline: What is the maximum rate of fines?

Topic: Collections; fines

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**Dear Tony:** Our strata corporation allocates the parking in our parking garage at the discretion of strata council. The parking is common property, and council allocates 1 space per unit and additional spaces are allocated at a rental cost of \$50 per month. People frequently park randomly even though we have assigned spaces, and council never enforces those people who park in other people's spaces.

We purchased a new car in 2011, and have been using the same space since then; however, we occasionally have to park in other spaces when someone uses ours by mistake. Last week the council sent us a notice that we have to pay \$250 to remove the oil from our assigned parking space, which they claim has been caused by our car. They have advised if we don't pay the amount, they will continue to fine us \$250 a month for the damages until the matter is resolved. Considering we have a new car, do not have any oil leaks, and the parking is open common property that anyone can use, how can the council point the finger at us over oil on the parking space?

*Jennifer Creighton*

**Dear Jennifer:** If a strata corporation properly adopts an amendment to the bylaws, the maximum amount of a fine for a violation of a bylaw ( except rental restriction bylaws ) is \$200.00 per week.

Before a strata corporation can fine an owner, or require a person to pay the costs of remedying a contravention, they must follow an enforcement process. They must receive a complaint about the contravention, give the owner or tenants the particulars of the complaint in writing about the alleged contravention, and a reasonable opportunity to answer the complaint, including a hearing if requested by an owner or tenant. Once the owner or tenant has responded in writing or requested a hearing the strata corporation, must, as soon as feasible, give notice in writing of a decision on the matter. Strata corporations, as part of a bylaw enforcement, may require that the reasonable costs of remedying a contravention be paid, such as the cleaning and restoration of the parking surface. I would advise that you request a hearing of council under section 34 of the *Strata Property Act*, and request that council provide you with the evidence that shows your car leaking oil onto the parkade surface, when the alleged infraction occurred, and who witnessed the damages. As your parking garage is open common property that anyone may use during your absence, it may be difficult for your strata corporation to identify the culprit.

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