

Strata Living

Headline: How do I Change my Parking?

Topic: Parking; Allocations

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Dear Tony: We bought a new car last week and have discovered we cannot make the turn around a pillar to get into our existing parking space. We have asked our strata council if they could provide us with a different parking space and their answer was a flat no. There are no other parking spaces available. We are currently parking in visitor parking until we can find a solution, but why would the strata council refuse to reallocate the parking. Is there some request we should be submitting to the council that could make this easier?

Gillian W.

Dear Gillian: Parking allocations can often be beyond the control of the strata council. With the new regulations coming into effect January 1, 2014 that require strata corporations to disclose parking and storage locker allocations on Form B Information Certificates, strata councils are actively building parking plans, inventories and identifying how parking is currently being used and allocated. Many strata corporations that we have assisted in the past months have come to realize that they have a significant parking problem or misunderstanding of how parking was allocated. It is essential to first understand how parking is designated. Is it common property, limited common property, part of a strata lot a separate strata lot, or some sort of easement, license or right of way

associated with a separate strata corporation or property. In many strata developments in the lower mainland, while parking is visible as common property on the strata plan, the parking is often leased or licensed out to individual buyers when they first purchase. The owner developer creates assignments and agreements that protect the use of the assigned parking for specific periods of time, often 99 years. I did look specifically at your strata plan and parking allocations and your strata council is correct. They cannot permit a parking change because all of the parking is limited common property that was created by the owner developer. A change to limited common property assigned or filed by the owner developer requires a unanimous resolution of all strata lot owners. So in your circumstance that would require all 112 strata lot owners to agree to a change at a properly convened general meeting. An option, which is not permanent, is to approach other owners in the building who may not be using their assigned parking and ask permission for consent to use their parking space in exchange for yours. An owner who has the use of a specific parking space that is limited common property could agree to your use of the space; however, it is not official or permanent and could easily change in the future.

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