

## Strata Living

Headline: Special levies gone bad

Topic: Special levies

Publication date: April 17, 2014

Publication: 24 Hours

Written by: Tony Gioventu

**Dear Tony:** What happens when a strata corporation passes a resolution for a special levy that has a serious error? Our strata corporation passed a special levy for repairs and upgrades to our elevator, and everyone was required to pay \$500, but our strata fees are not all equal, so how can the assessment for the elevator be the same? We also had a dispute at the meeting over the type of vote that was needed, because the resolution did not indicate the voting requirement. Now we have several owners who are not paying their special levies.

*Devon W. North Vancouver*

**Dear Devon:** The *Strata Property Act* very nicely sets out the requirements for special levies under section 108. Unless a strata corporation has passed a unanimous vote to adjust the allocation of common expenses or a common expense, and the properly ratified unanimous resolution along with the proper forms are filed in the Land Title registry, all common expenses are based on unit entitlement. When we review your schedule of unit entitlement and apply the special levy total amount, contribution allocations range from \$333.49 to \$1,157.14. It is easy to understand why some owners are unwilling to pay, when they are being unfairly over charged for their share of the cost. There is also a problem with the resolution because it does not establish a due date for the payments. It simply states the amount may be paid over 5 months, but starting when and for what amounts each month?

The easiest remedy is for the strata corporation to give notice of a special general

meeting, issue a correctly worded three quarters vote resolution, along with the correct payment schedule and correct the payments received. If your strata corporation has not been using unit entitlement for other common expenses, that will have to be remedied as well. Here is a simple example that identifies the type of resolution, amount, purpose and due date. "The owners, strata plan *ABC 1234*, by three quarters vote resolution approve a special levy in the total amount of \$0,000.00 for the purpose of the elevator upgrades identified in the engineering report. The levy is based on the attached schedule of unit entitlement, and due ( specific date ) or ( the strata may identify a payment schedule such as the following dates and amount for each payment ). It is always prudent to get a lawyer to write your three quarters vote resolutions to avoid the very problems that you are experiencing. Between additional meeting costs and delays resulting in increased costs it would have been much less expensive for the strata to have sought legal counsel in the first place.

---

For more information on CHOA resources and benefits visit [www.choa.bc.ca](http://www.choa.bc.ca)  
or contact the office at 1-877-353-2462 or email [info@choa.bc.ca](mailto:info@choa.bc.ca).

**No part of this publication may be reproduced without the prior written permission of CHOA**

This publication contains general information only and is not intended as legal advice. Use of this publication is at your own risk. CHOA will not be liable to you or any other person for any loss or damage arising from, connected with or relating to the use of this publication or any information contained herein by you or any other person.