

Strata Living

Headline: How is parking allocated in a strata corporation?

Topic: Parking

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Written by: Tony Gioventu

Dear Tony: As an original owner, when I first purchased my condo, each owner was given two parking spaces. Over time some people have increased to three or four parking spaces and other owners are down to just one space, and two owners without cars have no spaces. We all pay for the maintenance and jointly own the parking garage, so how does a strata corporation properly allocate parking? Our council would like to make this fair, but at the same time there is no need for empty spaces that could be used by others.

Michelle Moore

Dear Michelle: It is important for a strata corporation to first understand how the parking is allocated. There are several variations that frequently occur. The most common are: common property where the strata allocates use, limited common property assigned by the owner developer or created by three quarters vote of the strata which is found in the Land Title Registry, part of a strata lot or a separate strata, common property that has been designated for use either by an easement sharing agreement with another strata or property owner, and lease or license assignments by the owner developer of common property. Verify the type of parking allocation that first applies. In your strata, the parking was simply designated as common property with no specific allocations, other than each owner being allocated two parking spaces at purchase, if required. The use and administration of common property is administered through the bylaws and rules of the strata corporation. To enable flexibility,

rules that are developed to administer your parking may be the best option. Rules are passed by majority vote of council, ratified by the owners at the next general meeting by majority vote and can be amended by majority vote at any subsequent general meeting. They are not filed in the Land Title Registry, but must still be included with a requested Form B Information Certificate. The rule can set out how parking is allocated, how many spaces per strata lot, and what authority council has to administer the parking. Maintain a copy of your parking inventory, and remember that the Form B has been amended so you are now required to include the parking allocation information on the form.

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