

## Strata Living

Headline: What is a non-conforming strata?

Topic: Strata Corporation

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**Dear Tony:** We have been shopping around for a townhouse in a small strata. Our agent has taken us to see several tri-plexes and duplexes. One of the odd problems we discovered and do not understand is this term used on the listings that says they are a no-conforming strata. The agent told us this was typical of small strata corporations under 10 units, where each owner was responsible for their own unit and areas because they chose to avoid the obligations of costs of the Strata property Act. Are we missing something here? If this is possible, how are we supposed to get information like minutes or financial information?

*Devi Miller*

**Dear Devi:** There is no such thing as a non conforming strata corporation where the units are owned by multiple parties. Whether it is a duplex, 4 plex or 10 units, they are still entirely regulated by the *Strata Property Act*, Regulations and the Standard Bylaws of the Act. Small strata corporations can save themselves a significant amount of trouble if they conduct the a few basic requirements each year. Approve an annual budget that will cover their common costs such as utilities, maintenance, insurance and a contingency contribution. They need to keep minutes of the decisions of the annual general meeting (AGM), their financial operations and maintain a bank account in trust for the strata corporation. Depending on the bylaws if there are fewer than 4 strata lots, each strata lot is automatically represented on council. The council as elected at the AGM will have the authority to act on behalf of the strata corporation to

manage the finances, enforce bylaws, secure the maintenance and repair of the strata corporation, represent insurance claims on behalf of the corporation, and provide the required real estate documents for transaction on inquiries of information.

Our office receives many complaints from owners in small strata corporations who cannot sell their strata lots because the strata corporation is not capable of providing the basic information to prospective buyers. Whether a strata is small or large is irrelevant to the obligations of maintenance and repair of property.

The owner is responsible for the maintenance and repair of their strata lot, as determined in the bylaws the custodial maintenance of limited common property, and the strata corporation must maintain and repair common property. On an interesting note Devi and I checked two properties they were looking at that were supposedly non-conforming, and both had filed bylaw amendments to deal with pets or maintenance. Clearly both of the strata corporations are functioning on some level when it serves their needs. Happy Holidays to everyone who enjoys the columns and sends in their emails.

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