

Strata Living

Headline: Parking Allocations
Topic: Parking
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Dear Tony: Our strata corporation is a small 18 unit apartment building in Vancouver. When it was built there were only 18 parking spaces available, allocating one for each unit. We have 2 council members who each have 2 parking spaces and 2 units who have to park on the street with no secure underground parking. The owners have petitioned for a special general meeting to address this situation but the council members told us that they each paid the previous owners, who had paid the developer for additional parking spaces and that there is nothing that we can do about it. How do we address this to make it fair to the owners who do not have parking spaces?

Janice Mildford

Dear Janice: Parking is a significant asset for strata owners. An additional parking space that is exclusively allocated to a strata lot can easily add \$25-50,000 of value to a unit. Whenever a strata is dealing with an issue over the allocation of parking, storage lockers, decks and balcony use, or exclusive use of common property, the first step is obtaining all of the relevant documents to find the source of the claims. You will need the original disclosure statement and any amendments, the registered strata plan, the bylaws of the strata corporation, or any other joint use easements or air space parcel agreements.

The owner developer files a disclosure statement with the Superintendent of Real Estate through the Financial Institutions Commission, and in addition to the building and its assets and liabilities that the developer intends to provide, there will also

be intended agreements for leased or licensed exclusive use of parking spaces and storage lockers. There may also be designations for limited common property, and any other easements or agreements that the developer has planned for the project. In simple terms, the disclosure tells you the buyer what you are buying, how things are paid for, how property intends to be designated, who has use of what property, and if there is an intended allocation for parking or storage.

In your disclosure documents and the bylaws of the strata, the developer clearly stipulated one parking space and storage locker per strata lot. There was no provision for the exclusive license or lease of additional parking spaces. If the previous owners had disclosed this information to the buyers, it was not created out of the disclosure. If such agreements exist, they may not have been lawful and those two owners need to seek legal advice on the status of their alleged agreements. Just because a seller claims exclusive use of parking or storage lockers doesn't make it true. The Form B Information Certificate provided by the strata corporation will verify the accurate information.

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