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## Strata Living

Headline: Parking Ownership

Topics: Parking

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**Dear Tony:** How do we solve a problem of some people in our strata having extra parking spaces while other people do not have any? Our building is 32 units and we have 38 parking spaces, 4 of which are used for visitors and motorcycles. Two of our council members each have 4 parking spaces, so several owners have to park on the street. As a council member I have raised the issue about fairness a number of times and have been told by the council president that's the way it has been for over 10 years and that's the way it's going to stay. An owner without parking requested a hearing of council last week has asked council to explain why the parking is not fairly allocated and why the council members who have the additional parking get to rent them to other residents. The council president simply responded that parking was allocated before his time and there is nothing they can do about it. Our strata financial statements have never shown any revenue for parking, so is it possible that the council members are keeping the money?

*JW, Coquitlam*

**Dear JW:** Parking is one of the most common disputes in every strata; however the cause and solutions are often misunderstood. Take an academic approach to the problem.

First, you will need any possible records that relate to parking allocations. The registered strata plan or filed amendments by the strata may show areas or parking stalls that are allocated as limited common property, part of a strata lot, a separate strata lot, are located in another property. If there are no designations filed on the plan, through strata amendments, or easements, then the parking is common property. Parking that is common property may have been allocated by the

owner developer through a license or lease, so the strata will have to check the original filed disclosure or prospectus with the Superintendent of Real Estate for BC.

In the absence of any designations or allocations, the common property parking, as in JW's strata, is then either administered by the strata through their bylaws, rules, or annual allocations designated by council. The excuse "it's always been that way, or it was before my time" is no defense against unfairness. If the parking is common property, the owners could adopt a rule or a bylaw that determines how parking is allocated, and who has access or use of additional spots. The owners can petition for a rule or bylaw to be added to the agenda of the next AGM or call for a special general meeting and address the issue. The rule or the bylaw can also address any user fees charged for the additional parking spaces, which are revenue of the strata corporation. If the parking is common property with no leases or easements imposed, the revenue belongs to the strata. How could you ethically or legally profit from something that you don't have an interest in?