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## Strata Living

Headline: Parking Problems

Topics: Parking

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**Dear Tony:** What happens when an owner purchases a unit in the building and in the process was given incorrect information? Our strata corporation has a parking plan, that we have used for several years that shows parking allocations. When the Form B Information Certificate was requested the week before the sale, all of the documents were provided including a copy of the parking plan. The owner who sold their unit disclosed 3 parking spaces in the sales agreement, which were the same as our parking plan. Neither the buyer or their agent noticed the parking plan allocations because they relied upon the registered strata plan in Land Titles. When the owner moved in last week they insisted upon parking in the two parking spaces they thought were theirs and now we have a conflict with the owners. How do we resolve the issue of incorrect information being provided?

*Renee M.*

**Dear Renee:** Many strata councils get into trouble because they simply don't have complete documents. Every strata council and property manager must have a copy of the registered Land Title documents for each of their strata corporations if they plan on competently managing their properties. The *Strata Property Act* requires the strata corporation to prepare and retain copies of the documents. Without these documents the council and manager are often relying on historic inherited information that is frequently incorrect. Your registered strata plan shows the parking allocated as limited common property and only 2 spaces allocated to each strata lot. The strata corporation does not have the authority to reallocate the use of limited common property that was registered by the owner developer, unless the strata passes a unanimous vote resolution at a general meeting. A unanimous vote resolution requires the support of all votes of all eligible voters. If

a strata corporation, or the strata manager as the agent provides incorrect information on a Form B Information Certificate it exposes everyone to law suits for damages as a result of the error. Consult with your lawyer if the parties cannot agree to a solution, but a good starting place would be to identify how the parking allocations are currently issued, identify how the reallocations impact use of parking, post a copy of the registered plan showing the allocations and consult with the owners. Owners can informally agree to exchange spaces, but in the absence of a unanimous vote each owner has the designated exclusive use of the identified parking spaces on the strata plan.