
Strata Living

Headline: Fines on strata fees

Topics: Strata Fees

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Dear Tony: We are in a dispute with our strata over the fines that have been imposed on our account because they claimed we did not pay strata fees on time. Our management company changed in March this year, and owners were issued a notice regarding the new banking information. We completed the form and submitted the information to the manager and assumed everything was correct. We noticed in May that no fees had been taken from the account, contacted the manager who told us they were just having delays from the banking changeovers. In August we contacted the strata council and raised the issue that fees had still not been removed from our account. The council contacted the manager who told the strata the account we provided did not have sufficient funds; as a result we were supposedly behind 5 months. The statement we requested in August finally arrived last week and fines of \$100 have been imposed on our account every month, even though we have been trying to get the strata to address the issue. We received no notice of the fines, only the last statement. The strata have found out that the account we provided was correct, the information entered by the manager was incorrect. The strata have corrected the account but the manager has refused to reverse the fines. How do we get this resolved?

Wilma C.

Dear Wilma: Any claim of bylaw violation must start with a notice of complaint to the owner of the strata lot. The letter must include the particulars of the complaint, which bylaw the matter is about, what the claimed infraction was about, and details such as date, time, and conditions. Strata fee fines are no exception. Even though an owner must pay them on the first of each month as a bylaw requirement, that ongoing obligation does not permit a strata to impose fines

without a notice of complaint. The owner still has the right to challenge the claim by responding in writing or requesting a hearing of the strata. Only once this process has been completed is the council then in a position to consider whether the fine may be imposed or not.

The enforcement of bylaws is not a duty that can be delegated to any other party, so the council will have to vote on any fines that are being imposed. Those fines become part of the records of the strata corporation. The fines are not a decision of the manager only the strata council. If your council has resolved the problems, and they were not your fault, the strata council has the authority to instruct the manager to reverse and removes the fines on the account.

If an owner is late paying strata fees, neither the manager or the strata is permitted to automatically impose fines. The council must still follow the enforcement process of notice of complaint, hearing or written response, and decision on the imposition of fines.