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## Strata Living

Headline: Strata may be liable for incorrect information certificates

Topics: Form B, Parking

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**Dear Tony:** What happens when a strata discloses the wrong information on a Form B information certificate? Our strata provided the form to an owner early in 2015, and listed incorrect parking information. The form disclosed the buyer had two parking spaces, but they found out after they moved in they have only one parking space. All of the parking was common property, but was allocated by the developer through parking leases and copied to the strata corporation. One of our council members thought he knew better and decided to manage and reallocate some of the parking, the result was a number of errors in parking allocations. We do not have any extra parking so the new owner has lost a parking space and is threatening to sue our strata corporation. Is this possible?

*Michael B. North Vancouver*

**Dear Michael:** A person requesting an Information Certificate of a strata corporation can rely upon that information as factual, and may as a result of errors and omissions sue the strata corporation. While it is optional, most strata corporations carry directors and officers liability/errors and omissions insurance to protect against such law suits. If you have been given notice of a court action or arbitration, contact your insurance broker/insurer and file a claim. You may also want to contact your lawyer. There could be unusual circumstances that occurred resulting in the incorrect information being published, so this is a good time to collect all of your parking information, minutes of meetings, the assignments for parking and review your strata procedures.

The use and enjoyment of common property parking or storage lockers is allocated by the strata council; however, parking and storage locker plans are essential if the strata is going to efficiently manage and report the allocations. A common error made by strata

councils and managers is assuming the common property is not allocated or assigned by a lease or license.

Before your strata corporation creates a parking plan, you may verify if there were ever parking leases or licenses created by reviewing the disclosure statements filed by the owner developer. A copy may be obtained from the developer or the Superintendent of Real Estate at 1.866.206.3030.