

Insurance Decals and Parking Bylaws

How does the termination of license decals affect our parking bylaws?

Bylaws and Rules are frequently adopted by strata corporations to control the use and enjoyment of common area parking, easements for shared parking use and parking on strata lots.

Regulating Parking is a common function of strata corporations to determine who may use the parking, what types of vehicles may be parked, the conditions of vehicles, and what uses are prohibited.

Parking Designations are determined on the registered strata plan or by a limited common property amendment filed in the Land Title Registry by the strata corporation. Parking may also be common property where there is a license or lease negotiated by the owner developer, assigning the exclusive use of designated spaces to the purchaser.

Insurance Decals were historically used to verify current insurance renewal status on vehicles. With the termination of insurance decals, strata corporations are reviewing and amending their bylaws to address the risks associated with common area parking. The collection of personal policies will be regulated by the *Personal Information Protection Act*, and must be permitted within the strata corporation's privacy policy.

ICBC does not insure the common property and assets of the strata corporation. Impact by vehicles or damages caused by vehicles are covered by the strata corporation policy. In the event of a claim associated with a vehicle, the strata corporation contacts the insurance broker to file a claim. If the amount is above the deductible, a claim proceeds. If the amount is below the deductible, the strata corporation is responsible for the repairs. In either case, it is important for strata corporations to adopt bylaws that enable them to recover the cost of an insurance deductible or damages if the owner (their tenants or occupants) are responsible.

How do we confirm a vehicle is properly insured and licensed? The real question is not how to confirm but whether it makes sense for the strata corporation to confirm that each vehicle parked in a parking stall is properly insured and licensed? In most strata corporations, the administration of 100+ parking spaces is impossible to manage and often

results in missed information, inaccurate information or cancelled policies without notification. Consider whether the strata corporation actually confirmed the decal on each vehicle parked or simply relied on owners to report expired decals. For most strata corporations, it is probably unnecessary and impractical to require confirmation that all the vehicles are properly insured and licensed. Instead, the focus should be on having parking bylaws that suit the strata corporation and addresses the following issues that may apply:

- The condition: example, all vehicles must be insured and roadworthy
- Who can park? Parking is for resident use only or as designated in the bylaws
- Parking permits may be issued to registered vehicles and how they are administered
- If an owner, their tenant or occupants are responsible for damages or a claim on the strata corporation insurance, the owner may be responsible for the cost
- Describe the types of vehicles permitted: domestic cars and light trucks that fit within parking spaces and the maximum height of any vehicle (including roof top racks)
- A description of the types of materials or uses that are not permitted in parking spaces
- Electric vehicles are not permitted to use standard receptacles and may only use authorized charging stations.
- If additional parking is available, an established user fee may be adopted.
- Permitted penalties if there are parking violations

Every strata corporation has a unique strata plan and parking designations. Before your strata corporation considers adopting a bylaw or rule that restricts the use of parking spaces, obtain a copy of the registered strata plan, identify how parking has been designated and create a parking plan to identify parking allocations for ease of administration.

Always consult a Lawyer when developing new bylaws. All bylaws must comply with the Strata Property Act, which includes all enactments of law and the BC Human Rights Code. Confirm that your bylaws comply with the provisions of the strata corporation insurance policy.