



What you need to know about:
Parking Spaces and Storage Lockers January 1, 2014

Effective January 1, 2014, under the *Strata Property Act and Regulations*, upon request of a Form B Information Certificate, strata corporations are now obliged to disclose the designation of parking and storage lockers and how they are allocated to a strata lot.

How is parking allocated? In British Columbia we have several different types of strata corporations, all with variations of use and allocation of parking. In addition to the listed types of strata corporations, each strata property may administer the use of their parking and storage lockers in a different manner based upon the bylaws or rules of the strata corporation, and the assignments of parking created by the owner developer when marketing strata properties.

Common Property – Is any part of the strata plan that is not part of a strata lot or designated as limited common property. The use and allocation of common property is established through the bylaws or rules of the strata corporation, a lease or license issued by the owner developer over the common property, or an easement or right of way which assigns other strata corporations' use and access of the common property when multiple strata corporations share a single parking garage. This may include owner developer leases or licenses, or a short term exclusive use assignment under section 76 of the *Strata Property Act*.

Limited Common Property (LCP) – Is any part of the strata plan or a Common Index Land Title filing that identifies a certain area of strata common property as limited common property for the exclusive use of one or more strata lots which may also apply to parking spaces and storage lockers. If the limited common property has been created by the owner developer, it may only be amended by a unanimous resolution of the strata corporation at an Annual or Special General

Meeting. If the Limited Common Property has been designated by the strata corporation by a $\frac{3}{4}$ vote at an Annual or Special General Meeting, the designation may be amended by the strata corporation under the same procedures. The registered strata plan or the Common Property/General Index will show the filing of Limited Common Property designations and any easements or covenants and will include the diagram or sketch plan of the designations.

Strata Lot – Is any part of the registered strata plan that is identified with boundaries as part of a strata lot or a separate strata lot. In addition to parking areas that are identified as part of a strata lot, there may also be additional parking in a strata corporation available for additional vehicles on a user fee system, visitor parking and specially designated parking areas for special needs residents and vehicles and locations for electric vehicle charging stations. A parking space strata lot may also be sold separately or allocated by lease or license if the parking area is in a separate strata corporation. These are commonly found in multiple strata corporations that share a single parking garage where the parking garage is part of one strata corporation, but the other strata corporations share use, assignment or ownership of parking as a result of an air space parcel agreement.

Important: *Always consult the registered Land Title documents to determine the designation of parking spaces and storage lockers, and the registered bylaws and rules of the strata corporation to understand the allocation procedures, if any apply.*

In the following types of strata properties, parking allocations and variations may vary significantly between different strata corporations.

Bare Land Strata – is a type of strata property where the bare land strata lot is identified on the strata plan and the strata corporation, unless identified in the bylaws, has no insurable interest or obligation of maintenance in the buildings which are not shown on the strata lots shown on the strata plan. Parking is normally part of a bare land strata lot, and storage is normally part of each bare land strata lot or building that is the responsibility of each strata lot owner. However; additional parking and storage facilities in a club house or commercial storage facility as common property may be part of the strata corporation with additional parking in common property areas, or assigned limited common property for the storage of recreational vehicles or boats.

Townhouse Strata – is a type of strata where each strata lot usually has a separate residential entrance and often an exclusive parking space under a covered carport or garage attached to the townhouse unit. While these parking areas may be shown as common property, limited common property or part of the strata lot, their access is generally exclusive to the strata lot and for the exclusive use of the owner. Additional parking areas may also include common property assignments of use and registered limited common property for visitor parking, additional owner vehicles, recreational vehicle and boat storage.

*Underground common property or limited common property parking is becoming more frequent where townhouses are constructed above an underground parking garage, which may also include owner developer lease or license of parking.

Apartment/High-Rise Strata – is a type of strata property where the parking allocations are located in underground or exterior parking lots. Parking may be common property in random use or common property controlled by parking plans that are published in the strata rules or bylaws, limited common property with specific assignments, part of a strata lot or separate strata lot or common property with allocations of use

determined by a lease or license created by the owner developer in the sale of strata lots, or allocations to

parking garages located in another property, determined by an easement or covenant. **At the first AGM, the owner developer must provide the strata corporation with a copy of any assignments of parking and storage lockers.*

How will our strata council /strata manager complete the information on the Form B?

Step 1: It will be important for your strata corporation to obtain a copy of all the registered Land Title documents including: the registered strata plan, any limited common property designations created by the strata corporation or owner developer after the strata plan was filed, any Air Space Parcel agreements, or easements or covenants that apply to parking allocations and use, and a copy of the owner developer disclosure statement from the Superintendent of Real Estate, to determine if there are any license or leases to assign parking.

Step 2: Once you have all of the records, it will be necessary to create an inventory of the parking and storage locker allocations. It will be helpful to set up a plan showing the various allocations so you may understand what inventory is occupied and what is available. It may be necessary to start with each owners' current allocations to verify which parking spaces and storage lockers are allocated and used by specific strata lots. If owners have been granted owner developer leases or licenses, request copies of the assignments to help you with identifying the allocation process.

Step 3: Review the strata corporation bylaws, rules, and minutes of meetings to verify the strata corporation is complying with allocation requirements and use. Publish an inventory of the parking and storage lockers allocations for use by the strata council and strata manager in identifying the allocation for administration and Form B purposes.