

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-247

Condo Smarts

Headline: Someone always must pay

Topic: Unit Entitlement

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Dear Condo Smarts: We live in a bare land strata that is actually a trailer park in north western BC. Our common expenses include our water, sewer, club house, insurance and landscaping costs. Our strata bylaws stipulate that seniors receive a 10% discount on strata fees and the cost of cable. A new owner is now challenging us and says we can't charge different fees for different owners based on age as it discriminates against them. We understood that as long as it was a bylaw we could amend the schedule of the fees for discounts. Could you please clarify this for us?

- Pine Hills Strata

Bylaws cannot be used to amend the schedule of fees, provide discounts or impose higher costs for use of the lot; however, the strata can pass a unanimous vote to amend the formula. This would require every strata lot to vote in favour of the change in the formula and an amendment to your registered strata plan in the Land Title Registry. No matter how you structure the fees someone always has to pay their full share of the costs.

Dear Council members: While your intentions of offering seniors a discount are admirable, they are not enforceable or in compliance with the legislation. If 50% of your owners were seniors receiving a discount, then the other 50% would have to pay 10% more to make up their share and suffer a penalty. All common expenses are based on your schedule of unit entitlement, which in your case means every strata lot, regardless of who owns or resides there, pay the same amount. The same conditions apply to bylaws that improperly require landlords to pay an additional cost if they rents their units. In some strata corporations unit entitlement is based on living space so some larger units pay 2 or 3 times more than smaller units do.

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