

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-332

Condo Smarts

Headline: Types of Strata Lots

Topic: Types

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Dear Condo Smarts: Back in the 90s our strata building was an older apartment building in Victoria that was converted to condo units for sale. Our building is well maintained, the owners comply with bylaws and we never have any problems for funding of special projects or the annual budget. We do have one bone of contention with the owners that has caused much debate over the years and we would like to resolve this. The top floor units have gas fireplaces and gas stoves. The rest of the building including heating is electric. Is there any legal way to separate the cost of the gas to just those strata lots who use it? Jason C.

Dear Jason: There are many strata corporations where there are "exclusive" services or circumstances where a "types" bylaw may be considered. If the service, which has to be an annual operating cost, is exclusive to 1 or more strata lots, the Strata Act makes a provision where your strata may adopt a bylaw that allocates that exclusive operating expense solely to those units. Those units then share that cost based

on their unit entitlement and consumption. This would show as a separate column on your annual budget for just those units affected. Gas, fireplaces and hot water services are some of the most common "types" bylaws. There are two principles that must be adhered to in adopting any such bylaw. The first is that the cost must be exclusive, not a share of a bill that is otherwise apportioned to another strata lot or section. The second is that the cost can only relate to operating expenses. Those are expenses that occur once a year or more frequently. In the example of consumption of gas, the bylaw would define the use of the gas with fireplaces and stoves as an exclusive expense of those specific units, to be reflected in the annual budget. Of course ratifying the bylaw by 3/4 vote is still the first hurdle as every eligible voter, including those affected by the bylaw get to vote. Remember a 3/4 vote is based on only those who vote for or against the resolution in person or by proxy at the time the vote is taken and who have not abstained.

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