

Condo Smarts

Headline: Common Water Expenses
Topic: Unit Entitlement, Utilities
Publication date: May 29, 2011
Publication: The Province
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Dear Condo Smarts: Based on one of our bylaws, our strata corporation has been allocating water in our strata based on the number of people living in each townhouse. We have challenged our council on a number of occasions, and short of going to court there seems to be no way of getting them to believe what they are doing is simply wrong. Even if one house has five people and the other has three, there is no way of verifying who has the greatest use of water without assessing life style and individual metered use. Separate from our strata fees, the strata corporation divides the water bill once a year and sends out the bills. Could you please explain to our Victoria council that this is simply not legal? With rising costs the water wars are about to begin, so it would be much more beneficial to our community to get this right, before we get dragged into court. DJ Adams

Dear DJ: All utilities billed to the strata corporation that are common expenses are allocated to each strata lot based on unit entitlement. The schedule of unit entitlement, the formula used to calculate fees, is published on the registered strata plan or common strata index which is filed in the Land Title Registry. The water, electricity, gas, sewer and any other energy or service types of utilities must be based on unit entitlement, and are approved as part of the annual budget. The Strata Property Act does not give strata corporations the authority to invoice units based on a separate random use formula. It is possible to change the schedule of unit entitlement for all common expenses and even for a one-time expense like a roof replacement, but it must be approved by a unanimous vote and filed in the proper form with the Land Title Registry. A unanimous vote in your case means all 46 out of 46 townhouses must vote in favour of the resolution. There are

different types of allocations if you have exclusive use of a utility by a separate section or type in a strata, but that would still be calculated on unit entitlement, unless by unanimous vote that section or the strata changed the schedule. A bylaw cannot change unit entitlement or utility allocations, but bylaws can control excessive water use such as irrigation of gardens, lawns and car washing. There is a much more serious message for readers though. In many parts of the province with continued growth of residential homes, industry and agricultural use, we are placing much higher demands on our water supplies and the infrastructures that deliver water to our communities. While we are fortunate to live in a province where we seem to have endless water we cannot continue to abuse our consumption. Water use and delivery costs are accelerating at an alarming rate in regions like the Capital Regional District, The Thompson Okanagan, and the south side of the Fraser Valley in the GVRD. The delivery and supply of a continued source of safe drinking water is vital but also a major expense, and it is downloaded directly to local users. Strata Corporations play a major part in water consumption and efforts to reduce consumption will pay back great dividends in cost reductions, and reduce the pressure on our precious supply.

Most regional districts across the province post guides and tips on their web sites to help plan water conservation and use by multi-family communities and their residents. Metro Vancouver, the Kelowna Regional District, the Thompson Nicola Regional District are all great resources if you are planning water management and conservation in your strata.

**For more information on CHOA resources and benefits visit www.choa.bc.ca
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