

## Strata Living

Headline: How do I Challenge a Penalty Claim?

Topic: Form F

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**Dear Tony:** We recently sold our 2 bedroom condo in Burnaby. The sale completed the last week of October, and on the date of the sale we were advised that there was a \$2,000 outstanding fee for bylaw fines related to our pets. We found this out a day before the sale, when our notary obtained a copy of the Form F payment certificate. We immediately contacted the strata manager and council and no one would respond to us. After the sale was transacted, and the amount was paid to the strata corporation, we contacted the strata corporation again but they refused to respond. We have never had any pets so assume that there was either an error or the claim was just bogus.

*Jenny K.*

**Dear Jenny:** A Form F, payment certificate, is valid for 60 days from the day it is issued. Sellers or anyone requiring a Form F for the purpose of verifying they do not owe any funds to the strata corporation, should not wait until the day before they need the form. You or your agent should request the form well advance of the transaction to ensure your account is clear, and in the event there are charges that are

questionable, you are entitled to challenge them. In addition, the form cannot include charges that relate to claims of damages, including insurance deductibles, against an owner which have not been determined by a court or arbitration. If there were claims or allegations against your strata lot of bylaw infractions, the strata corporation had to follow the requirements of the Strata Property Act before they could impose any penalties. That includes: notice of a complaint to you, and the opportunity to request a hearing or respond in writing. Even though you have sold your unit, you are permitted to request copies of the strata records and documents in the period you were an owner, and may still consider proceeding to Provincial Court to resolve this matter. If in doubt, talk to your lawyer.

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