

Strata Property: Frequently Asked Questions

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Strata Owners and Residents

Q. What legislation governs strata/condominium matters?

A. The *Strata Property Act and Regulations* plays a major role. The Act, its Regulations and Forms are available on the Queen's Printer's website at www.qplegaleze.ca. For basic information on the *Strata Property Act and Regulations*, please also refer to the [28 Guides](#). Other legislation that can impact strata corporations, strata councils, strata lot owners and tenants includes, but is not limited to: the *Human Rights Code*, the *Real Estate Services Act* and the *Residential Tenancy Act*. As well, local government bylaws may impact strata corporations and residents.

Q. What changes has government made to the *Strata Property Act*?

A. For information about recent changes to the *Strata Property Act* please see <http://www.housing.gov.bc.ca/strata/regs/index.htm>

Q. Who manages a strata development and the strata corporation?

A. The *Strata Property Act and Regulations* provide a framework for the creation and operation of strata developments. The legislation provides for strata corporations to operate and make decisions based on democratic principles. Under the Act, the strata lot owners elect a strata council that manages the development and the strata corporation. Many strata corporations hire a strata manager to help the strata council perform certain tasks. In addition to the strata council's role, some strata governance decisions require either majority, $\frac{3}{4}$ or unanimous votes by the strata lot owners. Strata corporations are also governed by any rules that they create, and by either the schedule of standard bylaws or by amended bylaws. The Act gives a strata corporation the ability to pass its own bylaws to provide for the control, management, maintenance, use and enjoyment of the strata lots, common property and common assets of the strata corporation.

For more information please see: [Guide 3](#) (The Role and Responsibilities of Strata Corporations); [Guide 4](#) (The Role and Responsibilities of Strata Councils); [Guide 13](#) (How to Create or Amend Bylaws and Rules); [Guide 14](#) (How to Enforce Bylaws and Rules); and [Guide 24](#) (What to Know About Contracting with a Strata Manager)

Q. Who enforces the *Strata Property Act*?

A. The *Strata Property Act* is self-governing legislation. It is the responsibility of the strata lot owners and other interested parties to administer and implement the provisions of the Act. If necessary, strata lot owners may also use a mediator, arbitrator or the courts.

For more information please see: [Guide 25](#) (What to Know about Resolving Complaints); [Guide 26](#) (Arbitration); and [Guide 27](#) (Court Actions). Our office does not provide legal advice and does not play a role in enforcing the provisions of the Act.

Q. Must a strata manager be licensed?

A. Under the *Real Estate Services Act*, a strata manager must either be licensed or exempt from the licensing requirement. The *Real Estate Services Act* is available on the Queen's Printer's website at www.qplegaleze.ca.

Further information about licensing is available from the Real Estate Council of British Columbia. Please see the Council's website at www.recbc.ca or contact the Council by telephone at 604-683-9664 or toll free in British Columbia at 1-877-683-9664

Q. How can a strata lot owner make a complaint about a strata manager?

A. A complaint about a strata manager should be made to the strata council. Additionally, a complaint about a strata manager may be directed to the Real Estate Council of British Columbia by the strata council.

For more information please see the Real Estate Council's website at www.recbc.ca or contact the Real Estate Council by telephone at 604-683-9664 or toll free in British Columbia at 1-877-683-9664.

Q. What rules govern the use of the strata lots and common property?

A. The strata bylaws govern the use of the strata lots and common property. Additionally, strata rules may be created to govern the use of common property. For more information, please see: [Guide 13](#) (How to Create or Amend Bylaws and Rules) and [Guide 14](#) (How to Enforce Bylaws and Rules).

Q. Can common property be dedicated to specific strata lots?

A. Yes. A specific portion of the common property can be designated as limited common property for the use of only a specific strata lot or a group of strata lots. Short term exclusive use arrangements are also possible.

For more information please see: [Guide 18](#) (What to Know About Limited Common Property and Short Term Exclusive Use Arrangements of Common Property) .

Q. Who determines the budget for a strata development?

A. The strata council prepares the annual budget, which must be approved by a majority vote of the strata lot owners. For more information, please see: [Guide 10](#) (Budgeting and the Collection of Strata Fees).

Q. Who repairs strata property, and who pays the repair costs?

A. For more information please see: [Guide 20](#) (Who is Responsible for Repairs); and [Guide 11](#) (How to Apportion Expenses).

Q. How are major repairs or improvements funded?

A. The contingency reserve fund may be used for strata expenses that usually occur less often than once a year. A special levy may be used to raise further amounts.

For more information please see: [Guide 12](#) (Depreciation Reports, Contingency Reserve Funds and Special Levies).

Q. Can I rent out my strata lot?

A. An owner's ability to rent out his or her strata lot may be limited, or prohibited altogether, in amendments to the strata bylaws.

For more information please see: [Guide 13](#) (How to Create or Amend Bylaws and Rules); and [Guide 15](#) (Rentals Permitted within a Strata Corporation).

Q. Was a Rental Disclosure Statement filed for my development to help entrench rental rights?

A. Upon payment of the \$38 fee, our Records department can confirm whether a Rental Disclosure Statement was filed for a particular development and provide a copy of any such filing. For more information on Rental Disclosure Statements please see [Guide 15](#) (Rentals Permitted within a Strata Corporation).

Q. What are the rights and responsibilities of tenants and landlords of strata lots?

A. Please see: [Guide 6](#) (The Role and Responsibilities of Tenants and Landlords in Stratas).

Further information, and assistance in resolving disputes between tenants and landlords, may be obtained from the Residential Tenancy Branch through its website at <http://www.rto.gov.bc.ca>. You may also contact the Residential Tenancy Branch: by telephone at 604-660-1020 (lower mainland), 250-387-1602 (Victoria) and 1-800-665-8779 (toll free in British Columbia); by e-mail at HSRTO@gov.bc.ca; or by visiting any of the office locations listed at <http://www.rto.gov.bc.ca/content/contactus/default.aspx>.

Q. Can strata lot owners keep pets?

A. An owner's ability to keep a pet in his or her strata lot, or allow that pet on the common property, is limited in the schedule of standard strata bylaws. Additionally, pets may be further limited, or prohibited altogether, in amendments to the standard strata bylaws.

For more information please see: [Guide 13](#) (How to Create or Amend Bylaws and Rules); and [Guide 17](#) (What to Know about Pet Bylaws).

Q. What happens at Strata meetings?

A. For more information please see: [Guide 7](#) (How to Prepare for an Annual General Meeting); and [Guide 8](#) (How to Conduct an Annual General Meeting).

Q. What information can a strata lot owner obtain about strata matters at his or her development?

A. For more information please see: [Guide 21](#) (What to Know About Record Keeping); [Guide 22](#) (Certificates of Payment); and [Guide 23](#) (Information Certificates (Form B)).

Developers

Q. What obligations do developers have to strata owners when creating a strata development?

A. For more information please see [Guide 2](#) (The Role and Responsibilities of Owner Developers).

Q. Where does a developer file a Rental Disclosure Statement to disclose and help entrench rental rights?

A. A developer who intends to rent out residential strata lots must file a Rental Disclosure Statement with our office before the first strata lot is offered for sale or sold. Please see the *Strata Property Act*, section 139. Additionally, please see [Guide 15](#) (Rentals Permitted within a Strata Corporation).

Q. What is the fee for filing a Rental Disclosure Statement?

A. The fee for filing a Rental Disclosure Statement is \$150. Cheques should be made payable to the Minister of Finance. Please see our [Bulletin SPA-03-001](#).

Q. Must a developer obtain our approval for any Schedules in respect of a strata plan that it wishes to register at the Land Title Office?

A. Our approval is required for **some** Schedules that are to be registered at the Land Title Office with a strata plan. In particular, the Superintendent of Real Estate's approval is required for three types of Schedules in the following circumstances.

Schedule of Unit Entitlement (i.e., [Form "V"](#) under the current *Strata Property Act* and Form 1 under the old *Condominium Act*). The Superintendent's approval is required:

- if the development contains both residential and non-residential strata lots (see the *Strata Property Act*, section 246(5));
- if the unit entitlement is based on something other than the habitable area or a whole number that is the same for each strata lot (see the *Strata Property Act*, sections 246(3)(a)(iii), 246(3)(b)(iii), and 246(6)(b));
- if the unit entitlement will change as a result of a strata plan amendment (see the *Strata Property Act*, section 264(6)(a)); or
- if the strata plan is phased and the strata plan for the first phase was registered under the old *Condominium Act* (see the *Strata Property Regulation*, section 17.17).

Schedule of Voting Rights (i.e., [Form "W"](#) under the current *Strata Property Act* and Form 3 under the old *Condominium Act*). The Superintendent's approval is required:

- if the development contains at least one non-residential strata lot and the voting rights are based on a unique formula (see the *Strata Property Act*, section 248);
- if the voting rights will change as a result of a strata plan amendment (see the *Strata Property Act*, section 264(6)(b)); or
- if the strata plan is phased and the strata plan for the first phase was registered under the old *Condominium Act* (see the *Strata Property Regulation*, section 17.17).

Schedule of Interest on Destruction (i.e., Form 2 under the old *Condominium Act*). The Superintendent's approval is required:

- if the strata plan is phased and the strata plan for the first phase was registered under the old *Condominium Act* (see the Strata Property Regulation, section 17.17).

Contact Information:

For further information please refer to the [contact](#) section of the website.