

THE ROLES AND RESPONSIBILITIES OF THE STRATA OWNERS

STRATA OWNERS

It is important for strata owners and long term tenants to understand their legal roles and responsibilities. There may also be additional responsibilities if the owner or long term tenant belongs to a section.

STRATA LOT OWNERS

Under the *Strata Property Act*, an owner includes an Owner Developer, and can be any of the following persons

- The registered owner of a strata lot, and includes trustees who hold title for the benefit of someone else
- The registered owner of a leasehold strata lot in a leasehold strata plan (who is referred to in the *Strata Property Act* as a *leasehold tenant*), and includes trustees who hold title for the benefit of someone else
- The person registered on title as a holder of an agreement for sale of a strata lot, and (in this case, the registered owner of the strata lot will not be considered an owner under the *Strata Property Act*) and
- The registered holder of a life estate (which is referred to in the *Strata Property Act* as a “tenant for life”) and in this case, the registered remainder owner will not be considered an owner under the *Strata Property Act*.

The following persons are not defined as owners under the *Strata Property Act*:

- Spouses of registered owners or tenants
- Beneficiaries, who may live in or collect rent from a strata lot, but are not registered on title as owner or tenant.
- Tenants or sub-tenants, who may hold a long term lease or rent on a month to month basis and
- Tenants with a lease that expires upon the tenant’s death (sometimes called a life lease).

However long term tenants and tenants assigned rights can have the same obligations and rights as strata lot owners.

OWNERS’ PROPERTY

An owner of a strata lot owns the following:

- His or her strata lot which is defined by a strata plan. Usually a strata lot's boundaries are at the center of walls, ceilings and floors, but these boundaries will be different if the strata plan shows a different boundary
- In a bare land strata plan, the strata lot will consist of the land and not the building situated on the strata lot and
- A share, as a tenant in common with other strata lot owners, of the common property and assets of the strata corporation that is based on their unit entitlement

THE RIGHTS OF STRATA LOT OWNERS

Owners have the right to:

- Vote at a general meeting.
- Obtain certain records from the strata council.
- Direct the actions of the strata council by majority vote at general meetings.
- Limit the power of the strata council by majority vote at general meetings.
- Requisition general meetings with a petition of 20% of the owners.
- Add matters and resolutions to a general meeting agenda with a petition of 20% of the owners.
- Obtain insurance for loss or damage to their strata lot, to pay the strata corporation's insurance deductible and other insurance coverage.
- Seek a court or arbitration order to prevent or stop unfair acts of the strata corporation or strata council.
- Go to the Civil Resolution Tribunal, seek a court or arbitration order to prevent a person who holds more than 50% of the votes, including proxies, from exercising those voting rights.
- Go to the Civil Resolution Tribunal, seek a court or arbitration order to require the strata corporation to perform a duty under the *Strata Property Act*, regulations, bylaws or rules.
- Go to the Civil Resolution Tribunal, seek a court or arbitration order to require the strata corporation to stop contravening the *Strata Property Act*, regulations, bylaws or rules.

Under the Standard Bylaws (which can be amended):

- Owners have the right to vote by secret ballot if requested at a general meeting.
- Attend strata council meetings as observers for matters other than bylaw contravention, rental hardship, or matters affecting an individual's privacy.

Under the *Strata Property Act*, owners do not have a right to:

- Claim any interest in the Contingency Reserve Fund (CRF) upon selling his or her strata lot.

- Requisition general meetings, unless 20% of the owners petition to have a general meeting for a specific purpose.
- Place items on the agenda of annual or special general meetings, unless 20% of the owners petition to have items on the agenda.

Under the Standard Bylaws (which can be amended) owners do not have a right to:

- Participate in discussions or decision making at strata council meetings, if they attend as observers
- Refuse entry to their strata lot by any authorized person: in an emergency, even though no notice has been given
- Refuse entry to inspect and repair parts of common property or the strata lot that the strata corporation is responsible to maintain or insure, if 48 hours written notice has been given
- Alter common property or limited common property without written strata council approval
- Alter certain parts of the strata lot without written strata council approval

THE OBLIGATIONS OF STRATA LOT OWNERS

Under the *Strata Property Act*, strata lot owners must do the following:

- Pay regular strata fees, usually in proportion to their unit entitlement, on the date set out in the bylaws. For example under the Standard Bylaws (which can be amended) strata fees must be paid the first day of each month.
- Maintain and repair all parts of their strata lot and limited common property which are required by the bylaws.
- Understand and comply with the bylaws and rules of the strata corporation (or section).
- Use property in a manner required by the bylaws and rules. For example, the Standard Bylaws (which can be amended) require that owners:
 - not cause a nuisance to others
 - not make unreasonable noise
 - not use their strata lot for an illegal purpose and
 - leash and secure pets in common areas
- Pay special levies to the strata corporation if the special levy has been approved by the necessary vote
- Comply with work orders from a local authority to do work to his or her strata lot.

The Standard Bylaws (which can be amended) require that the owner inform the strata corporation of their name, strata lot number, and any mailing address outside the strata development within two weeks of becoming a strata owner.

WHAT OWNERS SHOULD BE WILLING TO DO:

For a strata corporation to function effectively, strata lot owners should be willing to do the following:

- Participate in managing the strata corporation by sitting on the strata council.
- Attend general meetings to participate in important discussions and decision making about the strata corporation.
- Educate themselves about the *Strata Property Act* and regulations, so the strata corporation functions as it should.
- Compromise individual interests for the good of the strata corporation as a whole and,
- Take responsibility for resolving disputes within the strata corporation.

REFERENCES:

Strata Property Act: Sections 1, 25, 27, 36, 43, 46, 53-55, 66, 68, 84, 92, 99, 101, 107, 108, 142, 147, 148, 161, 164

Standard Bylaws (which may be amended) 1-8, 17, 27

Important Notice: This information has been provided by AWM-Alliance Real Estate Group Ltd, compiled from the Government of British Columbia strata housing website (<http://www2.gov.bc.ca/gov/content/housing-tenancy/strata-housing/operating-a-strata/roles-and-responsibilities/strata-owners>).

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