

## Bulletin #15

The new *Strata Property Act* is overwhelming. Each month we attempt to inform and educate you on different provisions and we hope this process is helpful. If you need a copy of previous bulletins please feel free to ask your property manager. If you have joined your strata council in recent months you should obtain a copy of previous bulletins as they are most useful. The content of these bulletins does not purport to offer legal opinions or advice. You should retain and consult with legal professionals.



## USER FEES

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We have been so busy coming up to speed on major requirements of the *Strata Property Act* that there is a good chance many of us have overlooked the smaller points. Right? Small or not, the law is the law and a strata corporation must have a bylaw to authorize "user fees". Section 110 of the *Act* says:

*"A strata corporation must not impose user fees for the use of common property or common assets by owners, tenants or occupants, or their visitors, other than as set out in the regulations."*

*Excerpt from The New Condominium Concept (Revised)*

### 110. User Fees

*This is also a new statutory provision which states that a strata corporation<sup>1</sup> must not impose user fees for the use of common property or common assets by owners, tenants or occupants, or their visitors other than as set out in the regulations<sup>2</sup>. Many strata corporations, for example, rent parking stalls to the owners. This is clearly a user fee applied to common property. Some strata corporations charge so-called moving fees for use of elevators and other facilities at the property and this will have to comply with the regulation. Strata corporations with recreational facilities and/or lounges also charge user fees to the residents within the strata corporation and these, for the most part, can be quite legitimate. In some instances, however, the user fees are set at such a high level that they are, in fact, no longer user fees, they are absolute deterrents to usage. Owners, quite rightly, get upset with such high deterrent fees since they hold the view that, as owners within the strata corporation, they are entitled to use these facilities on a reasonable basis. If a strata corporation has coin operated laundry equipment, it is technically a requirement to have a bylaw to charge the owners for its use.*

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<sup>1</sup> **Time to comply with requirements**

Regulation 17.4 A strata corporation created under the *Condominium Act* need not comply with the requirements of sections 62, 110 and 150 of the *Act* until January 1, 2002.

<sup>2</sup> **Regulation 6.9** User fees must be reasonable and must be enshrined either as a bylaw or in a rule which has been ratified under Section 125(6).

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Here are some examples of user fees:

- (1) Locker Charges
- (2) Bike Room Charges
- (3) Move In/Out Fees
- (4) Co-op Laundry Equipment
- (5) Recreation Room Charges
- (6) Additional Parking
- (7) Remote Control Devices
- (8) Keys and Key Deposits
- (9) ? Perhaps you can think of some items in your own  
strata corporation which should go on the list.
- (10) ?

When you update your bylaws this year, remember to add "User Fees". If you choose not to do it as a bylaw but rather as a rule ratified by the owners, remember to do it at the next SGM or AGM. VCS recommends that it be done as a bylaw.

## THE LICENSING OF STRATA PROPERTY MANAGERS

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Well, it has finally happened. One of the last pieces of legislation passed by the provincial government before calling the May 16/01 election was to pass a bill authorizing the licensing of property managers. There is a "Regulatory Impact Statement" (April 09/01) that you should read. If you have web access, you can get the document (13 pages) from the following address:

[www.hpo.bc.ca/PublicationsForm/RIS\\_strata\\_property.html](http://www.hpo.bc.ca/PublicationsForm/RIS_strata_property.html)

If you do not have web access, please call your property manager and request a copy. It is very important that you read this document.

A very interesting chart (Appendix 2) identifies groups in support of licensing through the Real Estate Council (REC) or through the Homeowner Protection Office (HPO). You will see that all the professional organizations endorsed the REC. On the other hand, Consumer groups, i.e., CHOA, supported the HPO. Please note that VCS endorsed the HPO option.