



B.C. Reg. 43/2000
O.C. 130/2000

Deposited February 4, 2000
effective July 1, 2000

Strata Property Act
STRATA PROPERTY REGULATION

[includes amendments up to B.C. Reg. 312/2009, January 1, 2010]

Contents

Part 1 — Definitions and Interpretation

1.1 Definition

Part 2 — The Strata Corporation

Part 3 — The Owner Developer

- 3.1 Amounts payable to strata corporation
- 3.2 List of contractors and subcontractors
- 3.3 Budget and financial statement requirements for owner developer
- 3.4 Contingency reserve fund contribution in first annual budget

Part 4 — Strata Corporation Governance

- 4.01 Definition for section 34.1 of the Act
- 4.1 Preparation and retention of records
- 4.2 Maximum fees for records
- 4.3 Payment for failure to return records
- 4.4 Maximum fee for Information Certificate
- 4.5 Expiry of Mortgagee's Request for Notification

Part 5 — Property

- 5.1 Minor changes to strata lot size
- 5.2 Amount of builders lien holdback

Part 6 — Finances

- 6.1 Contributions to contingency reserve fund
- 6.2 Guidelines for depreciation report
- 6.3 Management of contingency reserve fund
- 6.4 Formulas for sharing operating expenses for limited common property and types of strata lots
- 6.5 Formulas for sharing operating expenses and special levies relating to strata lots
- 6.6 Budget requirements
- 6.7 Financial statement requirements
- 6.8 Maximum amount of interest for late strata fees or late special levies
- 6.9 User fees for the use of common property or common assets

- 6.10 Maximum fee for Certificate of Payment
- 6.11 Permitted investments for investment of money from contingency reserve fund
- 6.12 Investment of money collected under special levies

Part 7 — Bylaws and Rules

- 7.1 Maximum fines
- 7.2 Definition for section 135 of the Act

Part 8 — Rentals

- 8.1 Definitions for section 142 of the Act
- 8.2 Definition for section 144 of the Act
- 8.3 Fees for filing or copy of Rental Disclosure Statement

Part 9 — Insurance

- 9.1 Definitions for section 149 of the Act
- 9.2 Minimum liability insurance
- 9.3 Filing of court orders under section 160 of the Act

Part 10 — Legal Proceedings and Arbitration

- 10.1 Filing of order appointing administrator

Part 11 — Sections

- 11.1 Different types of residential strata lots for the purpose of creating sections
- 11.2 Formulas for sharing operating expenses for limited common property and types of strata lots in sections
- 11.3 Formulas for sharing operating expenses and special levies relating to strata lots in sections

Part 12 — Leasehold Strata Plans

- 12.1 Definitions for section 199 of the Act

Part 13 — Phased Strata Plans

- 13.1 Fees for phased developments
- 13.2 Bylaws in phased developments
- 13.3 Restrictions on changing the basis for sharing common expenses and amending bylaws
- 13.4 Owner developer's obligations from Part 3 of the Act
- 13.5 Annual general meeting after deposit of subsequent phase
- 13.6 Amendment of strata plan by owner developer

Part 14 — Land Titles

- 14.1 Definition for sections 241 and 242 of the Act
- 14.2 Definition for section 246 of the Act
- 14.3 Form of strata plan
- 14.4 Strata plan requirements
- 14.5 Approvals and endorsements
- 14.6 Accompanying documents
- 14.7 Form of documents
- 14.8 Fees payable to superintendent
- 14.9 Application to deposit strata plan
- 14.10 Endorsement by registrar
- 14.11 Indefeasible title
- 14.12 Correction of errors
- 14.13 Court ordered amendments to Schedule of Unit Entitlement

14.14 Notation on common property record

Part 15 — Strata Plan Amendment and Amalgamation

Part 16 — Cancellation of Strata Plan and Winding Up of Strata Corporation

16.1 Cancellation of strata plan

Part 17 — General

- 17.1 Definitions
- 17.2 Strata corporation name
- 17.3 Application of Part 3 of the Act
- 17.4 Time to comply with requirements
- 17.5 Investment of contingency reserve fund
- 17.6 Bare land strata plan easements
- 17.7 Short term exclusive use
- 17.8 Certificate of Payment
- 17.9 Payment of strata fees
- 17.10 Rules
- 17.11 Bylaws
- 17.12 Bylaws respecting pets
- 17.13 Types of strata lots
- 17.14 Rental disclosure by owner developer
- 17.15 Repealed
- 17.16 Arbitration
- 17.17 Phased developments
- 17.18 Conversions
- 17.19 Parking designated by owner developer
- 17.20 Plan amendments — effect on schedule of interest on destruction
- 17.21 Amalgamations — effect on schedule of interest on destruction
- 17.22 Change to basis for determining interest on destruction

Part 18

18.1 Repealed

Forms A to Z.1

Part 1 — Definitions and Interpretation

Definition

1.1 In this regulation, "**Act**" means the *Strata Property Act*.

Part 2 — The Strata Corporation

[No Sections]

Part 3 — The Owner Developer

Amounts payable to strata corporation

3.1 (1) For the purposes of section 14 (5) of the Act, the owner developer must pay to the strata corporation an additional amount calculated as follows:

(a) if the accrued expenses are at least 10% greater but less than 20% greater than the estimated operating expenses, the additional amount is the amount payable under section 14 (4) of the Act multiplied by 2;

(b) if the accrued expenses are at least 20% greater than the estimated operating expenses, the additional amount is the amount payable under section 14 (4) of the Act multiplied by 3.

(2) For the purposes of section 17 (b) of the Act, the owner developer must pay to the strata corporation

(a) \$1 000 if the first annual general meeting is delayed for a period of up to 30 days after the date required under section 16 of the Act, and

(b) \$1 000 for each additional delay of 7 days.

List of contractors and subcontractors

3.2 (1) For the purposes of section 20 (2) (a) (vi) of the Act, the owner developer must give the strata corporation the names and addresses of

(a) the contractors or subcontractors primarily responsible for the supply of labour or materials to each of the major components of the project,

(b) technical consultants, including building envelope specialists, if any, and

(c) the project manager, if any.

(2) For the purposes of subsection (1) (a), the major components of the project are the following:

(a) the electrical system;

(b) the heating system;

(c) the plumbing system;

(d) the elevators;

(e) the exterior walls;

(f) windows and doors on the exterior of the building;

(g) the roof;

(h) the building foundations.

Budget and financial statement requirements for owner developer

3.3 (1) For the purposes of section 21 (3) (a) of the Act, the first annual budget must contain the information required by section 6.6 of this regulation.

(2) For the purposes of section 21 (3) (a) of the Act, the financial statement must contain the following information:

(a) the details of the strata corporation's income from all sources from the first day of the period covered by the interim budget until a day that is within the 6 week period before the date of the first annual general meeting;

(b) the details of expenditures out of the operating fund for the period referred to in paragraph (a);

(c) the details of any expenditures or accrued expenses not included in the operating expenses estimated in the interim budget;

(d) the amount in the contingency reserve fund on the first and last day of the period referred to in paragraph (a).

Contingency reserve fund contribution in first annual budget

3.4 For the purposes of section 93 of the Act, the amount of the annual contribution to the contingency reserve fund for the fiscal year following the first annual general meeting must be determined as follows:

(a) if the amount of money in the contingency reserve fund at the time of the first annual general meeting is less than 25% of the estimated operating expenses for the 12 month period set out in the interim budget, the annual contribution to the contingency reserve fund under the first annual budget must be at least 10% of the total contribution to the operating fund for the 12 month period covered by that budget;

(b) if the amount of money in the contingency reserve fund at the time of the first annual general meeting is equal to or greater than 100% of the estimated operating expenses for the 12 month period set out in the interim budget, any contribution to the contingency reserve fund under the first annual budget must be approved by a resolution passed by a 3/4 vote at the first annual general meeting or a special general meeting;

(c) if the amount of money in the contingency reserve fund at the time of the first annual general meeting is at least 25% but less than 100% of the estimated operating expenses for the 12 month period set out in the interim budget, the annual contribution to the contingency reserve fund under the first annual budget may be of

any amount.

[en. B.C. Reg. 241/2001, s. 1.]

Part 4 — Strata Corporation Governance

Definition for section 34.1 of the Act

4.01 For the purposes of section 34.1 of the Act, "**hearing**" means an opportunity to be heard in person at a council meeting.

[en. B.C. Reg 312/2009, s. 1.]

Preparation and retention of records

4.1 (1) In addition to the records required to be prepared under section 35 (1) of the Act, the strata corporation must prepare a record of

- (a) each council member's telephone number, or
- (b) some other method by which the council member may be contacted at short notice, as long as that method is not prohibited by the bylaws.

(2) The strata corporation must permanently retain the records and documents referred to in section 35 (2) (b), (e) and (h) of the Act.

(3) The strata corporation must retain the records and documents referred to in section 35 (1) (a) and (d) and 35 (2) (f), (i), (j), (l) and (m) of the Act for at least 6 years.

(4) The strata corporation must retain the written contracts, including insurance policies, referred to in section 35 (2) (g) of the Act, for at least 6 years after the termination or expiration of the contract or policy.

(5) The strata corporation must retain the correspondence referred to in section 35 (2) (k) of the Act for at least 2 years.

(6) The strata corporation must retain current copies of the records and documents referred to in section 35 (1) (b) and (c) and 35 (2) (c) and (d) of the Act and subsection (1) of this section.

(7) The strata corporation must retain the following records and documents referred to in section 35 (2) (n) of the Act and obtained from the owner developer under sections 20 and 23 of the Act for the following periods:

- (a) the records and documents referred to in section 20 (2) (a) (i), (ii), (iv), (v) and (vi) of the Act must be permanently retained;
- (b) the contracts, including insurance policies, referred to in section 20 (2) (a) (iii) of the Act must be retained for at least 6 years after the termination or expiration of the contract or policy;

(c) the records and documents, other than warranties, referred to in section 20 (2) (a) (vii) of the Act, must be retained until the disposal or replacement of the common property or common asset to which they relate;

(d) the warranties referred to in section 20 (2) (a) (vii) of the Act must be retained until the disposal or replacement of the common property or common asset to which they relate, or the expiration of the warranty coverage, whichever comes first;

(e) the financial records obtained under section 23 of the Act, if any, must be retained for at least 6 years after the transfer of control referred to in section 22 of the Act.

Maximum fees for records

4.2 (1) The maximum fee that the strata corporation may charge for a copy of a record or document provided under section 36 of the Act is 25 cents per page.

(2) No fee may be charged to an owner, a tenant or a person authorized by an owner or tenant for the inspection of a record or document under section 36 of the Act.

Payment for failure to return records

4.3 For the purposes of section 37 (2) of the Act, a person providing strata management services who fails to give the strata corporation any of the records required to be given under section 37 (1) of the Act must pay to the strata corporation \$1 000.

Maximum fee for Information Certificate

4.4 The maximum fee that the strata corporation may charge for an Information Certificate, including required attachments, referred to in section 59 of the Act is \$35 plus the cost of photocopying, or other means of reproduction, up to 25 cents per page.

Expiry of Mortgagee's Request for Notification

4.5 A Mortgagee's Request for Notification under section 60 of the Act expires on the earlier of the following:

(a) 5 years from the date of the request;

(b) the date the mortgagee ceases to be a mortgagee of the strata lot.

Part 5 — Property

Minor changes to strata lot size

- 5.1** (1) An owner who wishes to decrease the habitable part of the area of a residential strata lot without amending the Schedule of Unit Entitlement need not comply with the requirements set out in section 70 (4) of the Act.
- (2) An owner who wishes to increase the habitable part of the area of a residential strata lot without amending the Schedule of Unit Entitlement need not comply with the requirements set out in section 70 (4) of the Act if
- (a) the increase to the habitable part, combined with any previous increase to the habitable part, is less than 10% of the habitable part and less than 20 square metres, and
 - (b) the owner obtains the prior written approval of the strata corporation.

Amount of builders lien holdback

- 5.2** For the purposes of section 88 (2) of the Act, a purchaser of a strata lot from an owner developer must retain a holdback of 7% of the gross purchase price.

Part 6 — Finances

Contributions to contingency reserve fund

- 6.1** For the purposes of section 93 of the Act, the amount of the annual contribution to the contingency reserve fund for a fiscal year, other than the fiscal year following the first annual general meeting, must be determined as follows:
- (a) if the amount of money in the contingency reserve fund at the end of any fiscal year after the first annual general meeting is less than 25% of the total annual budgeted contribution to the operating fund for the fiscal year that has just ended, the annual contribution to the contingency reserve fund must be at least 10% of the total contribution to the operating fund for the current fiscal year;
 - (b) if the amount of money in the contingency reserve fund at the end of any fiscal year after the first annual general meeting is equal to or greater than 100% of the total annual budgeted contribution to the operating fund for the fiscal year that has just ended, any contribution to the contingency reserve fund must be approved by a resolution passed by a 3/4 vote at an annual or special general meeting;
 - (c) if the amount of money in the contingency reserve fund at the end of any fiscal year after the first annual general meeting is at

least 25% but less than 100% of the total annual budgeted contribution to the operating fund for the fiscal year that has just ended, the annual contribution to the contingency reserve fund may be of any amount.

[en. B.C. Reg. 241/2001, s. 2 (a).]

Guidelines for depreciation report

6.2 (1) For the purposes of section 94 of the Act, a depreciation report prepared to assist a strata corporation in determining the appropriate amount for the annual contribution to the contingency reserve fund may estimate the repair or replacement cost for, and the expected life of, each of the items set out below, if applicable to the strata corporation, and any other items that the strata corporation considers should be included:

- (a) the electrical system;
- (b) the heating system;
- (c) the plumbing system;
- (d) the elevators;
- (e) the exterior walls;
- (f) the roof;
- (g) carpeting and furnishings;
- (h) interior and exterior painting;
- (i) parking facilities and roadways;
- (j) recreational facilities.

(2) The strata corporation's annual contribution to the contingency reserve fund relating to the repair or replacement of each of the items referred to in subsection (1) may be determined according to the following formula:

$$\frac{\text{estimated cost} - \text{past contribution}}{\text{expected life}}$$

(3) For the formula in subsection (2):

"estimated cost" means the estimated cost to repair or replace;

"past contribution" means the amount already contributed to the contingency reserve fund in respect of an estimated cost;

"expected life" means the estimated number of years before the cost of repair or replacement is likely to be incurred.

(4) A strata corporation must comply with section 3.4 or 6.1, as applicable,

whether or not a depreciation report to assist in determining the appropriate amount for the annual contribution to the contingency reserve fund is prepared.

(5) If a strata corporation contributes to the contingency reserve fund based on a depreciation report, the contributions in respect of an item become part of the contingency reserve fund and may be spent for any purpose permitted under section 96 of the Act.

[am. B.C. Reg. 241/2001, s. 2 (b).]

Management of contingency reserve fund

6.3 (1) For the purposes of section 95 (4) of the Act, the strata corporation may only lend money in the contingency reserve fund to the operating fund if both of the following conditions are met:

(a) the loan is to be repaid by the end of that fiscal year of the strata corporation;

(b) the loan is for the purpose of covering temporary shortages in the operating fund resulting from expenses becoming payable before the budgeted monthly contributions to the operating fund to cover these expenses have been collected.

(2) The strata corporation must inform owners as soon as feasible of the amount and purpose of any loan made under this section.

Formulas for sharing operating expenses for limited common property and types of strata lots

6.4 (1) For the purposes of section 99 of the Act, but subject to a resolution under section 100 of the Act, if a contribution to the operating fund relates to and benefits only limited common property, the contribution is shared only by owners of the strata lots entitled to use the limited common property, and each strata lot's share of that contribution is to be calculated in accordance with the following formula and not in accordance with the formula set out in section 99 (2) of the Act:

$$\frac{\text{unit entitlement of strata lot}}{\text{total unit entitlement of all strata lots whose owners are entitled to use the limited common property to which the contribution relates}} \times \text{contribution to operating fund}$$

(2) For the purposes of section 99 of the Act, but subject to a resolution under section 100 of the Act, if a contribution to the operating fund relates to and benefits only one type of strata lot, and that type is identified as a type of strata lot in the bylaws of the strata corporation, the contribution is shared only by owners of strata lots of that type, and each strata lot's share of that

contribution is to be calculated in accordance with the following formula and not in accordance with the formula set out in section 99 (2) of the Act:

$$\frac{\text{unit entitlement of strata lot}}{\text{total unit entitlement of all strata lots of the type to which the contribution relates}} \times \text{contribution to operating fund}$$

(3) Subject to a resolution under section 100 or 108 (2) (b) of the Act, if a strata lot's share of a contribution to the operating fund is calculated in accordance with subsection (1) or (2), each strata lot's share of the total contribution to the contingency reserve fund or a special levy is to be calculated using the following formula:

$$\frac{\text{unit entitlement of strata lot}}{\text{total unit entitlement of all strata lots}} \times \frac{\text{total contribution to contingency reserve fund or special levy}}{\text{total unit entitlement of all strata lots}}$$

Formulas for sharing operating expenses and special levies relating to strata lots

6.5 (1) For the purposes of section 99 of the Act, but subject to a resolution under section 100 or 108 (2) (b) of the Act, if a strata corporation has, by a bylaw passed under section 72 (3) of the Act, taken responsibility for the repair and maintenance of specified portions of some but not all of the strata lots, a contribution to the operating fund or a special levy in respect of the repair or maintenance of those portions is shared only by the owners of the strata lots to which the contribution or special levy relates, and each strata lot's share of the contribution or special levy is to be calculated in accordance with the following formula and not in accordance with the formula set out in section 99 (2) of the Act:

$$\frac{\text{unit entitlement of strata lot}}{\text{total unit entitlement of all strata lots to which the contribution or special levy relates}} \times \frac{\text{contribution to operating fund or special levy}}{\text{total unit entitlement of all strata lots to which the contribution or special levy relates}}$$

(2) Subject to a resolution under section 100 of the Act, if a strata lot's share of a contribution to the operating fund or special levy is calculated in accordance with subsection (1), each strata lot's share of the total contribution to the contingency reserve fund is to be calculated using the following formula:

$$\frac{\text{unit entitlement of strata lot}}{\text{total unit entitlement of all strata lots}} \times \frac{\text{total contribution to contingency reserve fund}}{\text{total unit entitlement of all strata lots}}$$

Budget requirements

- 6.6** (1) For the purposes of section 103 (3) of the Act, the budget must contain the following information for the fiscal year to which the budget relates:
- (a) the opening balance in the operating fund and the contingency reserve fund;
 - (b) the estimated income from all sources other than strata fees, itemized by source;
 - (c) the estimated expenditures out of the operating fund, itemized by category of expenditure;
 - (d) the total of all contributions to the operating fund;
 - (e) the total of all contributions to the contingency reserve fund;
 - (f) each strata lot's monthly contribution to the operating fund;
 - (g) each strata lot's monthly contribution to the contingency reserve fund;
 - (h) the estimated balance in the operating fund at the end of the fiscal year;
 - (i) the estimated balance in the contingency reserve fund at the end of the fiscal year.
- (2) If contributions to the operating fund are calculated in accordance with section 6.4 (1) or (2), 6.5 (1), 11.2 (1) or (2) or 11.3 (1) of this regulation, those contributions must be identified separately in the budget.

Financial statement requirements

- 6.7** (1) For the purposes of section 103 (3) of the Act, the financial statement must contain the following information for the fiscal year to which the financial statement relates as of a day that is within the 2 month period before the date of the annual general meeting:
- (a) the opening balance in the operating fund and the current balance;
 - (b) the opening balance in the contingency reserve fund and the current balance;
 - (c) the details of the strata corporation's income from all sources, except special levies;
 - (d) the details of expenditures out of the operating fund, including details of any unapproved expenditures under section 98 of the Act;
 - (e) the details of expenditures out of the contingency reserve fund, including details of any unapproved expenditures under section 98

of the Act;

(f) income and expenditures, if any, by special levy under section 108 of the Act.

(2) Within 8 weeks after the end of its fiscal year, the strata corporation must prepare a financial statement updated to the end of the fiscal year.

(3) For the purpose of distribution with notice of the annual general meeting, a strata corporation may provide, by bylaw, that the financial information required under subsection (1) (c) to (e) be provided in a summary form.

(4) Despite a bylaw under subsection (3), the strata corporation must place before the annual general meeting a financial statement that complies with subsection (1).

(5) Despite section 36 (3) of the Act, if a person who is entitled to a notice under section 45 of the Act makes a request in the period between the date that notice was given and the date of the annual general meeting, the strata corporation must promptly provide a copy of the financial statement that complies with subsection (1) to that person.

[am. B.C. Reg. 241/2001, s. 2 (c).]

Maximum amount of interest for late strata fees or late special levies

6.8 (1) For the purposes of section 107 (1) of the Act, the maximum rate of interest that a strata corporation may set out in its bylaws for the late payment of strata fees is 10% per annum compounded annually.

(2) For the purposes of section 108 (4.1) of the Act, the maximum rate of interest that a strata corporation may establish under that section is 10% per annum compounded annually.

[am. B.C. Reg. 312/2009, s. 2.]

User fees for the use of common property or common assets

6.9 For the purposes of section 110 of the Act, a strata corporation may impose user fees for the use of common property or common assets only if all of the following requirements are met:

(a) the amount of the fee is reasonable;

(b) the fee is set out

(i) in a bylaw, or

(ii) in a rule and the rule has been ratified under section 125 (6) of the Act.

Maximum fee for Certificate of Payment

6.10 The maximum fee that the strata corporation may charge for a Certificate of

Payment referred to in section 115 of the Act is \$15.

Permitted investments for investment of money from contingency reserve fund

6.11 A strata corporation may invest money from the contingency reserve fund or money collected on a special levy in the following investments for the purposes of section 95 (2) (a) or 108 (4) (b) (i), as the case may be, of the Act:

- (a) securities of Canada, a province, the United Kingdom, the United States of America or a municipal corporation in a province;
- (b) securities the payment of the principal and interest of which is guaranteed by Canada, a province, the United Kingdom, the United States of America or a municipal corporation in a province;
- (c) securities issued for school, hospital, irrigation, drainage or other similar purposes that are secured by or payable out of rates or taxes levied under the law of a province on property in that province;
- (d) bonds, debentures or other evidence of indebtedness of a corporation that are secured by the assignment to a trustee of payments that Canada or a province has agreed to make, if those payments are sufficient to meet the interest on all the bonds, debentures or other evidence of indebtedness outstanding as it falls due and also to meet the principal amount of all the bonds, debentures or other evidence of indebtedness on maturity;
- (e) bonds, debentures or other evidence of indebtedness of a corporation incorporated under the laws of Canada or a province that are fully secured by a mortgage, charge or hypothec to a trustee on any one or combination of the following assets:
 - (i) land;
 - (ii) the plant or equipment of a corporation that is used in the transaction of its business;
 - (iii) bonds, debentures or other evidence of indebtedness or shares of a class or classes authorized by this section;
- (f) bonds, debentures or other evidence of indebtedness of a corporation incorporated under the laws of Canada or a province if the corporation has earned and paid a dividend,
 - (i) in each of the 5 years immediately preceding the date of investment, at least equal to the specified annual rate on all of its preferred shares, or
 - (ii) in each year of a period of 5 years ending less than one year before the date of investment, on its common shares of at least 4% of the average value at which the shares were

- carried in the capital stock account of the corporation during the year in which the dividend was paid;
- (g) guaranteed trust or investment certificates of
- (i) a bank, or
 - (ii) a corporation that is incorporated under the laws of Canada or of a province and that has a business authorization to carry on trust business or deposit business;
- (h) bonds, debentures or other evidence of indebtedness of a loan corporation or similar corporation
- (i) that at the time of investment has all of the following:
 - (A) power to lend money on mortgages, charges or hypothecs of real estate;
 - (B) a paid up nonreturnable capital stock of not less than \$500 000;
 - (C) a reserve fund amounting to not less than 25% of its paid up capital, and
 - (ii) the stock of which has a market value that is not less than 7% in excess of its par value;
- (i) preferred shares of a corporation incorporated under the laws of Canada or of a province if the corporation has paid a dividend,
- (i) in each of the 5 years immediately preceding the date of investment, at least equal to the specified annual rate on all of its preferred shares, or
 - (ii) in each year of a period of 5 years ending less than one year before the date of investment, on its common shares of at least 4% of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;
- (j) first mortgages, charges or hypothecs on land in Canada, but only if the loan does not exceed 75% of the value of the property at the time of the loan as established by a valuator whom the strata corporation believes on reasonable grounds to be competent and independent;
- (k) securities issued or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development, approved by the *Bretton Woods and Related Agreements Act* (Canada), but only if the bonds, debentures or other securities are payable in the currency of Canada, the United Kingdom, a member of the British Commonwealth or the United States of America;
- (l) fully paid common shares of a corporation incorporated under

the laws of Canada or of a province that, in each year of a period of 7 years ending less than one year before the date of investment, has paid a dividend on its common shares of at least 4% of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;

(m) deposits in, or non-equity or membership shares or other evidence of indebtedness of, a credit union.

[en. B.C. Reg. 33/2003; am. B.C. Regs. 203/2003, s. 1; 312/2009, s.3.]

Investment of money collected under special levies

6.12 (1) Subject to subsection (2), a strata corporation need not comply with section 108 (4) (b) of the Act with respect to money collected on a special levy if that money was invested by or on behalf of the strata corporation before the coming into force of this section.

(2) If an investment referred to in subsection (1) is disposed of after the coming into force of this section, the proceeds from the disposition may only be invested as permitted by section 108 (4) (b) of the Act.

[en. B.C. Reg. 312/2009, s. 4.]

Part 7 — Bylaws and Rules

Maximum fines

7.1 (1) For the purposes of section 132 of the Act, the maximum amount that a strata corporation may set out in its bylaws as a fine for the contravention of a bylaw or rule is

- (a) \$200 for each contravention of a bylaw, and
- (b) \$50 for each contravention of a rule.

(2) Despite subsection (1), the maximum amount that a strata corporation may set out in its bylaws as a fine for the rental of a residential strata lot in contravention of a bylaw that prohibits or limits rentals is \$500 for each contravention of the bylaw.

(3) For the purposes of section 132 of the Act, the maximum frequency that a strata corporation may set out in its bylaws for the imposition of a fine for a continuing contravention of a bylaw or rule is every 7 days.

Definition for section 135 of the Act

7.2 For the purposes of section 135 (1) (e) of the Act, "**hearing**" means an opportunity to be heard in person at a council meeting.

Part 8 — Rentals

Definitions for section 142 of the Act

8.1 (1) For the purposes of section 142 of the Act, **"family"** and **"family member"** mean

- (a) a spouse of the owner,
- (b) a parent or child of the owner, or
- (c) a parent or child of the spouse of the owner.

(2) In subsection (1), **"spouse of the owner"** includes an individual who has lived and cohabited with the owner, for a period of at least 2 years at the relevant time, in a marriage-like relationship, including a marriage-like relationship between persons of the same gender.

Definition for section 144 of the Act

8.2 For the purposes of section 144 of the Act, **"hearing"** means an opportunity to be heard in person at a council meeting.

Fees for filing or copy of Rental Disclosure Statement

8.3 (1) The fee to be paid to the superintendent for filing a Rental Disclosure Statement or changed statement under section 139 of the Act is \$150.

(2) The fee to be paid to the superintendent for a copy of a Rental Disclosure Statement or changed statement filed under section 139 of the Act is \$38.

[en. B.C. Reg. 203/2003, s. 2.]

Part 9 — Insurance

Definitions for section 149 of the Act

9.1 (1) For the purposes of sections 149 (1) (d) and 152 (b) of the Act, **"fixtures"** means items attached to a building, including floor and wall coverings and electrical and plumbing fixtures, but does not include, if they can be removed without damage to the building, refrigerators, stoves, dishwashers, microwaves, washers, dryers or other items.

(2) For the purposes of section 149 (4) (b) of the Act, **"major perils"** means the perils of fire, lightning, smoke, windstorm, hail, explosion, water escape, strikes, riots or civil commotion, impact by aircraft and vehicles, vandalism and malicious acts.

[am. B.C. Reg. 265/2000.]

Minimum liability insurance

9.2 For the purposes of section 150 of the Act, the strata corporation must obtain and maintain liability insurance for a minimum amount of \$2 000 000.

Filing of court orders under section 160 of the Act

9.3 The strata corporation must file in the land title office a certified copy of any order made by the court under section 160 of the Act.

Part 10 — Legal Proceedings and Arbitration

Filing of order appointing administrator

10.1 An administrator appointed under section 174 of the Act must file in the land title office a certified copy of the court order making the appointment.

Part 11 — Sections

Different types of residential strata lots for the purpose of creating sections

11.1 For the purposes of section 191 (1) (c) of the Act, the following are the different types of residential strata lots:

- (a) apartment-style strata lots;
- (b) townhouse-style strata lots;
- (c) detached houses.

Formulas for sharing operating expenses for limited common property and types of strata lots in sections

11.2 (1) For the purposes of section 195 of the Act, but subject to a resolution under section 100 of the Act, if a contribution to the operating fund relates to and benefits only limited common property for the exclusive use of strata lots in a section, the contribution is shared only by owners of the strata lots entitled to use the limited common property, and each strata lot's share of that contribution is to be calculated in accordance with the following formula and not in accordance with the formula set out in section 195 of the Act:

$$\frac{\text{unit entitlement of strata lot in section}}{\text{total unit entitlement of all strata lots in section whose owners are entitled to use the limited common property to which the contribution relates}} \times \text{contribution to operating fund}$$

(2) For the purposes of section 195 of the Act, but subject to a resolution under section 100 of the Act, if a contribution to the operating fund relates to

and benefits only one type of strata lot in a section, and that type is identified as a type of strata lot in the bylaws of the section, the contribution is shared only by owners of strata lots of that type, and each strata lot's share of that contribution is to be calculated in accordance with the following formula and not in accordance with the formula set out in section 195 of the Act:

$$\frac{\text{unit entitlement of strata lot in section}}{\text{total unit entitlement of all strata lots in section of the type to which the contribution relates}} \times \text{contribution to operating fund}$$

(3) Subject to a resolution under section 100 or 108 (2) (b) of the Act, if a strata lot's share of a contribution to the operating fund is calculated in accordance with subsection (1) or (2), each strata lot's share of the total contribution to the contingency reserve fund or a special levy is to be calculated using the following formula:

$$\frac{\text{unit entitlement of strata lot in section}}{\text{total unit entitlement of all strata lots in section}} \times \text{total contribution to contingency reserve fund or special levy}$$

Formulas for sharing operating expenses and special levies relating to strata lots in sections

11.3 (1) For the purposes of section 195 of the Act, but subject to a resolution under section 100 or 108 (2) (b) of the Act, if a section has, by a bylaw passed under section 72 (3) of the Act, taken responsibility for the repair and maintenance of specified portions of some but not all of the strata lots in the section, a contribution to the operating fund or a special levy in respect of the repair or maintenance of those portions is shared only by the owners of the strata lots to which the contribution or special levy relates, and each strata lot's share of the contribution or special levy is to be calculated in accordance with the following formula and not in accordance with the formula set out in section 195 of the Act:

$$\frac{\text{unit entitlement of strata lot in section}}{\text{total unit entitlement of all strata lots in section to which the contribution or special levy relates}} \times \text{contribution to operating fund or special levy}$$

(2) Subject to a resolution under section 100 of the Act, if a strata lot's share of a contribution to the operating fund or special levy is calculated in accordance with subsection (1), each strata lot's share of the total contribution to the contingency reserve fund is to be calculated using the following formula:

$$\frac{\text{unit entitlement of strata lot in section}}{\text{total unit entitlement of all strata lots in section}} \times \text{total contribution to contingency reserve fund}$$

Part 12 — Leasehold Strata Plans

Definitions for section 199 of the Act

12.1 For the purposes of the definition of "leasehold landlord" in section 199 of the Act, "**public authority**" means any of the following:

- (a) a university as defined in the *University Act*;
- (b) the Sechelt Indian Band established under section 5 (1) of the *Sechelt Indian Band Self-Government Act (Canada)*;
- (c) the Provincial Rental Housing Corporation;
- (d) a board as defined in section 1 of the *School Act*.

Part 13 — Phased Strata Plans

Fees for phased developments

13.1 If the land included in a phased development is in a rural area, there must be paid to the approving officer the following fees:

- | | |
|---|--------|
| (a) for examining a Phased Strata Plan Declaration in Form P under section 222 of the Act | \$100 |
| (b) for approving in Form Q a strata plan under section 224 of the Act..... | \$100. |

Bylaws in phased developments

13.2 If a phase other than the first phase of a phased strata plan is deposited, the bylaws of the strata corporation established by the deposit of the first phase, and any amendments to those bylaws, are the bylaws for the new phase.

Restrictions on changing the basis for sharing common expenses and amending bylaws

13.3 (1) Despite section 100 of the Act, if an owner developer is in compliance with the dates for the beginning of construction of each phase as set out in the Phased Strata Plan Declaration or amended Phased Strata Plan Declaration, the strata corporation established by the deposit of a phased strata plan may not

pass a resolution under that section until the annual general meeting held following the deposit of the final phase or until an election not to proceed under section 235 or 236 (2) of the Act, unless the strata corporation obtains the written consent of the owner developer.

(2) Despite any provision of the Act, if an owner developer is in compliance with the dates for the beginning of construction of each phase as set out in the Phased Strata Plan Declaration or amended Phased Strata Plan Declaration, a strata corporation established by the deposit of a phased strata plan may not create, change, repeal, replace, add to or otherwise amend any bylaws dealing with any of the following matters until the annual general meeting held following the deposit of the final phase or until an election not to proceed under section 235 or 236 (2) of the Act, unless the strata corporation obtains the written consent of the owner developer:

- (a) the keeping or securing of pets;
- (b) the restriction of rentals;
- (c) the age of occupants;
- (d) the marketing activities of the owner developer which relate to the sale of strata lots in the strata plan.

Owner developer's obligations from Part 3 of the Act

13.4 (1) The requirements of Part 3 of the Act apply to the first phase of a phased strata plan.

(2) The requirements of Part 3 of the Act do not apply to a phase other than the first phase of a phased strata plan except as set out in this section.

(3) If the first annual general meeting of the strata corporation established by the deposit of the first phase of a phased strata plan has not yet been held at the time that a new phase is deposited, the requirements of Part 3 of the Act apply to the new phase as if it were the first phase of a phased strata plan, but

- (a) in respect of the application of sections 7 to 14 and 16 of the Act, the reference to the first conveyance of a strata lot must be interpreted as a reference to the first conveyance of any strata lot in the strata plan,
- (b) in respect of the application of section 12 of the Act, the owner developer is not required to establish a separate contingency reserve fund for the new phase, but must pay the required amount into the contingency reserve fund of the strata corporation established by the deposit of the first phase of the phased strata plan,
- (c) in respect of the application of section 13 of the Act, the interim budget referred to in section 13 (1) (a) of the Act must be for the

12 month period following the deposit of the new phase rather than for the 12 month period following the first conveyance of a strata lot to a purchaser,

(d) in respect of the application of section 14 of the Act, the period referred to in section 14 (1) must be interpreted as the period following the deposit of the new phase until the annual general meeting required under section 230 of the Act, and

(e) in respect of the application of sections 20 (2) (a) and 22 (b) of the Act, the reference to the annual general meeting in those sections must be interpreted as a reference to the annual general meeting required under section 230 of the Act.

(4) Subject to subsection (5), if the first annual general meeting of the strata corporation established by the deposit of the first phase of a phased strata plan has been held at the time that a new phase is deposited, sections 6 (2), 12, 13, 14, 18, 20 (2) (a) and (3), 22 (b) and 23 of the Act apply to the new phase as if it were the first phase of a phased strata plan, but

(a) in respect of the application of section 12 of the Act, the owner developer is not required to establish a separate contingency reserve fund for the new phase, but must pay the required amount into the contingency reserve fund of the strata corporation established by the deposit of the first phase of the phased strata plan,

(b) in respect of the application of section 13 of the Act, the interim budget referred to in section 13 (1) (a) of the Act must be for the 12 month period following the deposit of the new phase rather than for the 12 month period following the first conveyance of a strata lot to a purchaser,

(c) in respect of the application of section 14 of the Act, the period referred to in section 14 (1) must be interpreted as the period following the deposit of the new phase until the annual general meeting required under section 230 of the Act, and

(d) in respect of the application of sections 20 (2) (a) and 22 (b) of the Act, the reference to the annual general meeting in those sections must be interpreted as a reference to the annual general meeting required under section 230 of the Act.

(5) If the strata corporation established by the deposit of the strata plan for the first phase of a phased strata plan has approved a budget at an annual general meeting before the deposit of a new phase, sections 6 (2), 12, 13, 14 (1) to (3) and (6) to (8), 20 (2) (a) and (3), 22 (b) and 23 of the Act, as modified under subsection (4) of this section, apply to the new phase as if it were the first phase of a phased strata plan, with the following changes:

- (a) the interim budget referred to in section 13 (1) (a) of the Act must be based on the budget approved by the strata corporation;
- (b) the owner developer must calculate the contribution to the contingency reserve fund required under section 12 of the Act as a percentage of the estimated annual operating expenses as set out in the interim budget for the new phase of the strata plan only;
- (c) in addition to the copy of the interim budget required to be delivered under section 13 (1) (b) of the Act, the owner developer must deliver a copy of the most recent strata corporation budget to each prospective purchaser of a strata lot in the new phase before the prospective purchaser signs an agreement of purchase and sale.

Annual general meeting after deposit of subsequent phase

- 13.5** (1) At the annual general meeting held under section 230 of the Act, 2 additional members of the council must be elected from the owners of strata lots in the new phase to hold office until the next annual general meeting of the strata corporation.
- (2) If the new phase consists of only one strata lot or of strata lots owned by only one or 2 owners, that owner or those owners are deemed to be elected under subsection (1), if that owner or those owners consent.
- (3) Any limit on the size of council set out in the bylaws is deemed to be increased temporarily by one or 2 to accommodate the temporary addition of a member or members under this section.

Amendment of strata plan by owner developer

- 13.6** For the purposes of section 258 of the Act, an owner developer may amend a phased strata plan to designate parking stalls as limited common property in a phase only up to the date of the annual general meeting required by the deposit of that phase under section 230 of the Act.

Part 14 — Land Titles

Definition for sections 241 and 242 of the Act

- 14.1** For the purposes of sections 241 and 242 of the Act, "**previously occupied**" means occupied at any time in its past for any purpose, including residential, commercial, institutional, recreational or industrial use, but does not include the occupation of a proposed strata lot by the owner developer solely as a display lot for the sale of strata lots in the proposed strata plan.

Definition for section 246 of the Act

- 14.2** For the purposes of section 246 of the Act, "**habitable area**" means the area of a residential strata lot which can be lived in, but does not include patios, balconies, garages, parking stalls or storage areas other than closet space.

Form of strata plan

- 14.3** (1) Each sheet of a strata plan must be prepared on mylar film with a minimum thickness of 0.075 mm and a matte finish on both sides, and must be capable of being satisfactorily microfilmed, photocopied or scanned and stored electronically using equipment in the land title office.
- (2) All lettering, drawing or figures on the strata plan must be made in black ink and must be of a permanent character.
- (3) Each sheet must be of a uniform size, which must be either 216 mm x 280 mm or 280 mm x 432 mm, unless the registrar, in special circumstances, authorizes sizes 432 mm x 560 mm or 560 mm x 864 mm.
- (4) This section does not apply to a strata plan in electronic format that may be submitted for deposit in a land title office in accordance with Division 2.1 of Part 10.1 of the *Land Title Act*.

[am. B.C. Reg. 295/2006, s. 4.]

Strata plan requirements

- 14.4** (1) Every strata plan tendered for deposit in a land title office must consist of a series of consecutively numbered sheets on the first of which is set out the matters required by section 244 (1) (a), (b) and (f) of the Act followed by further sheets on which are shown the matters required by section 244 (1) (c), (d), (g), (h), (i) and (j) of the Act and must comply with the following requirements:
- (a) each sheet of a strata plan
 - (i) must be endorsed, if it is the first sheet referred to in the preceding paragraph, in the top right corner "Sheet 1 of..... sheets, Strata Plan", and be endorsed in a like manner for the remaining sheets, and if a strata plan is to be deposited in phases, in addition to "Strata Plan" there must be added "Phase", and
 - (ii) must be dated and contain the name of the surveyor preparing the strata plan;
 - (b) if the strata plan includes a building, the perimeter of the building must be outlined on the first sheet and the first sheet must show
 - (i) the dimensions of such perimeter,
 - (ii) the location of the building relative to the boundaries of

the land included within the strata plan, and

(iii) distances from the building to the boundaries, unless this requirement is dispensed with by the registrar;

(c) the strata plan must show the dimensions of the boundaries of the strata lots and limited common property and, if it is a bare land strata plan, must show the bearings of the boundaries of the strata lots and limited common property;

(d) each strata lot must be numbered or lettered on the strata plan consecutively, beginning with Strata Lot 1 or Strata Lot A;

(e) for the purposes of paragraph (d), different parts of a building which together constitute a single strata lot must bear the same strata lot number or letter preceded by "Part" or "Pt", and the area of each part of a strata lot shown must be shown on that part and the aggregate area must be shown on the larger part of the strata lot;

(f) if a strata plan includes a building, any line shown as a boundary of the strata lot represents a wall built from floor to ceiling, unless the strata plan indicates that the line does not represent a wall built from floor to ceiling, and in that case the area of the space must be dimensioned with reference to a wall or walls;

(g) if a floor of a building is stepped out or back from the floor immediately below it, the floor below must be indicated in dotted lines to show the change in perimeter and those lines labelled "perimeter of floor below";

(h) unless the registrar permits the floor plan drawings of more than one floor or building to be shown on a single sheet, only the strata lots located on the same floor of the same building may be drawn on a single sheet, and the name or number of the floor must be shown at the top of the sheet, but a single floor plan drawing may be deposited if there are identical strata lots on identical floors of a building;

(i) the strata plan must include any representations, including an elevation or sectional drawing of the building, that the registrar may consider necessary to identify and locate the strata lots and floors within the building;

(j) strata lots must be numbered upward, starting from the lowest floor, unless the registrar permits otherwise;

(k) the strata plan must be accompanied by one mylar copy of its sheets, which may be machine made, of a quality equal to that specified in section 14.3 (1), together with any paper prints that are necessary for the purposes of the taxing authorities and one

paper print for the land title office;

(l) measurements on the strata plan must be shown in metres and decimals of a metre;

(m) a scale and corresponding bar scale must

(i) be shown on each sheet of the strata plan, and

(ii) must comply with the rules made under section 75 of the *Land Surveyors Act*;

(n) all dimensioned lines and ties on the strata plan, exclusive of enlargements, must be true to scale;

(o) a north point must be shown on each sheet of the strata plan, unless this requirement is dispensed with by the registrar;

(p) all abbreviations or symbols used and all necessary particulars not otherwise expressed must be explained by a legend on the first sheet of the strata plan;

(q) the street address of the land contained in the strata plan must be shown on the first sheet;

(r) the name of the municipality or assessment district in which the strata plan is located must be shown on the first sheet.

(2) If there is insufficient space for an endorsement or other matter required to be shown on the first sheet of the strata plan, it must be shown on the next sheet or sheets.

(3) The following do not apply to a strata plan in electronic format submitted for deposit in a land title office in accordance with Division 2.1 of Part 10.1 of the *Land Title Act*:

(a) the requirements in subsection (1) that the strata plan consist of a series of consecutively numbered sheets and that particular matters be set out on the first sheet;

(b) subsection (1) (k).

[am. B.C. Regs. 207/2004, s. (b); 295/2006, s. 5.]

Approvals and endorsements

14.5 (1) The approval of a phase in a phased strata plan required by section 224 of the Act, and referred to in section 244 (1) (h) of the Act, must be in Form Q.

(2) The approval for common facilities required by section 225 (1) of the Act, and referred to in section 244 (1) (h) of the Act, must be in Form R.

(3) The endorsement of nonoccupancy required by section 241 (1) of the Act, and referred to in section 244 (1) (i) (i) of the Act, must be in Form S.

(4) The approval of the approving authority required by section 242 (7) or (8)

of the Act, and referred to in section 244 (1) (i) (ii) of the Act, must be in Form T.

(5) The endorsement of the British Columbia land surveyor referred to in section 244 (1) (f) of the Act must be in Form U.

Accompanying documents

14.6 (1) The mailing address of the strata corporation, required by section 245 (c) of the Act to accompany a strata plan tendered for deposit, must be set out in Form X.

(2) Any bylaws that differ in any respect from the Standard Bylaws, required by section 245 (d) of the Act to accompany a strata plan tendered for deposit, must be set out in Form Y.

Form of documents

14.7 (1) Every instrument or document filed in a land title office under the Act, including attachments, must be on durable paper 8 1/2 inches by 11 inches in size.

(2) The instrument must be completed

(a) by printing or typing in legible characters of 10 or 12 pitch, but not smaller than 12 point, and

(b) by printing or typing in black or dark ink that is compatible with electronic scanning, optical character recognition or micrographic technology of the kind used in the land title office.

(3) The instrument must contain a blank space not less than 1 1/2 inches deep and 6 inches wide in the top right corner of the first page for use by the land title office.

(4) This section does not apply to plans.

Fees payable to superintendent

14.8 The fee to be paid to the superintendent for examining a schedule to a strata plan under section 246, 248 or 264 of the Act is \$200 per schedule.

[en. B.C. Reg. 203/2003, s. 3.]

Application to deposit strata plan

14.9 Every strata plan tendered for deposit and registration must be accompanied by

(a) unless the plan is in electronic format, an Application to Deposit Strata Plan in Form Z, signed by the person applying to deposit the strata plan or by his or her agent, and

(b) the duplicate indefeasible title covering the land if it is not already in the land title office.

[en. B.C. Reg. 295/2006, s. 6.]

Endorsement by registrar

14.10 (1) The deposit and registration of a strata plan must be effected by the registrar endorsing on the first sheet of it in the top right-hand corner the fact of the deposit and registration in the following manner:

Strata Plan deposited and registered in the Land Title Office
at B.C.,
[month, day, year]

.....[Registrar]

(2) This section does not apply to a strata plan in electronic format that is submitted for deposit in a land title office in accordance with Division 2.1 of Part 10.1 of the *Land Title Act*.

[am. B.C. Reg. 295/2006, s. 7.]

Indefeasible title

14.11 (1) On every indefeasible title issued for a strata lot, the registrar must endorse the following:

"STRATA PROPERTY ACT (Section 249)".

(2) The registrar must include on any indefeasible title for a strata lot, in the legal description, the words "together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V".

(3) The registrar must not register an indefeasible title covering more than one strata lot and its owner's share in the common property.

(4) On registration of an indefeasible title under section 249 (2) of the Act, the registrar must transmit to the appropriate taxing authority a copy of the strata plan.

Correction of errors

14.12 (1) In this section:

"error" means any erroneous measurement or error, defect or omission in a registered strata plan;

"registered strata plan" includes any document, deposited in the land title office, that

(a) is referred to in section 245 (a) or (b) of the Act,

(b) forms part of a strata plan under the *Condominium Act*, R.S.B.C. 1996, c. 64 or a former Act, or

(c) amends or replaces a document referred to in paragraph (a) or (b).

(2) If it appears to the registrar that there is an error in any registered strata plan, the registrar may give notice or direct that notice be given to any person, in the manner and within the time determined by the registrar, and the registrar, after considering submissions, if any, and examining the evidence, may correct the error.

[am. B.C. Reg. 241/2001, s. 3.]

Court ordered amendments to Schedule of Unit Entitlement

14.13 An application must not, after November 24, 2009, be brought under section 246 (7) of the Act in respect of a strata lot

(a) if the inaccuracy referred to in section 246 (7) (b) of the Act was contained in the Schedule of Unit Entitlement at the time of the deposit of the strata plan in a land title office, or

(b) in any other case, unless one or both of the following conditions apply:

(i) the actual habitable area or square footage of the strata lot is at least 10% greater than, or at least 10% less than, the habitable area or square footage used to determine the unit entitlement of the strata lot;

(ii) the actual habitable area or square footage of the strata lot is at least 20 square metres greater than, or at least 20 square metres less than, the habitable area or square footage used to determine the unit entitlement of the strata lot.

[en. B.C. Reg. 273/2009.]

Notation on common property record

14.14 The registrar must note on the common property record any freehold disposition of common property by the strata corporation and any designation or removal of limited common property.

Part 15 — Strata Plan Amendment and Amalgamation

[No Sections]

Part 16 — Cancellation of Strata Plan and Winding Up of Strata

Corporation

Cancellation of strata plan

16.1 (1) If a strata plan is cancelled by order of the registrar under section 275 (1) of the Act or by the filing of a vesting order under section 281 of the Act, the registrar must do all of the following:

- (a) make a notation of the cancellation on the strata plan;
- (b) make such further entries in the records as the registrar considers necessary;
- (c) mail a copy of the order to the appropriate taxing authority.

(2) If a strata plan is cancelled by the filing of a vesting order under section 281 of the Act, the registrar may require the deposit of a reference plan that creates a single parcel from the land shown on the strata plan.

[en. B.C. Reg. 241/2001, s. 4.]

Part 17 — General

Definitions

17.1 For the purposes of this Part:

"Amended Schedule of Interest on Destruction" means an Amended Schedule of Interest on Destruction prepared in Form Z.1 for filing with the registrar;

"Condominium Act" means the *Condominium Act*, R.S.B.C. 1996, c. 64, or other former Act;

"schedule of interest on destruction" means, with respect to a strata plan, the schedule required by section 4 (g) of the *Condominium Act* or an Amended Schedule of Interest on Destruction, most recently filed with the registrar.

[en. B.C. Reg. 289/2000, s. 1.]

Strata corporation name

17.2 (1) Despite any other provision of the Act, a strata corporation created under the *Condominium Act* has as its name, and may continue to use, the name given to it under the *Condominium Act*.

(2) Despite subsection (1) or any provision of the Act, the omission or inclusion of the word "No." from a strata corporation's name does not affect the validity of that name.

Application of Part 3 of the Act

17.3 (1) Sections 10, 12 (1) to (3) and 14 (5) of the Act do not apply to an owner developer with respect to a strata corporation for which, before the coming into force of this section,

(a) a developer, as defined in the *Real Estate Act*, has submitted, and the superintendent has accepted and filed, a prospectus under that Act with respect to the strata plan establishing that strata corporation,

(b) a developer, as defined in the *Real Estate Act*, has submitted, and the superintendent has accepted for filing, a disclosure statement under that Act with respect to the strata plan establishing that strata corporation,

(c) the superintendent has exempted a developer, as defined in the *Real Estate Act*, individually with respect to the strata plan establishing that strata corporation from the requirements under that Act to submit for filing a prospectus and a disclosure statement, or

(d) if

(i) the submission and filing referred to in paragraphs (a) and (b) are not required under the *Real Estate Act*, or

(ii) a developer, as defined in the *Real Estate Act*, is exempt under that Act, other than as referred to in paragraph (c) of this section, from the requirement to submit for filing a prospectus and the requirement to submit for filing a disclosure statement with respect to the strata plan establishing that strata corporation,

a developer has obtained

(iii) a building permit for all buildings in the strata plan establishing that strata corporation or, if it is a phased strata plan, for all buildings in the first phase, or

(iv) if it is a bare land strata plan establishing that strata corporation, preliminary layout approval.

(2) If a strata plan was deposited under the *Condominium Act*, and the owner developer holds the first annual general meeting within the time limit that would have applied if the relevant provisions of the *Condominium Act* were still in force, section 17 (b) of the Act does not apply.

[am. B.C. Reg. 237/2000.]

Time to comply with requirements

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.

Investment of contingency reserve fund

17.5 (1) Subject to subsection (2), a strata corporation created under the *Condominium Act* need not comply with section 95 (2) of the Act with respect to money in its contingency reserve fund which is already invested, on the coming into force of this section, in a manner not permitted by section 95 (2) of the Act.

(2) If an investment referred to in subsection (1) is disposed of after the coming into force of this section, the proceeds from the disposition may only be invested as permitted by section 95 (2) of the Act.

Bare land strata plan easements

17.6 The easements referred to in section 69 (1) (b) and (2) (b) of the Act do not apply to a strata lot in a bare land strata plan deposited under the *Condominium Act* unless

(a) the existence of the pipes, wires, cables, chutes, ducts or other facilities was disclosed to the purchaser of the strata lot by the owner developer in the prospectus or disclosure statement required under the *Real Estate Act*, or

(b) the owner of the strata lot burdened by the easement has consented to the easement in writing.

Short term exclusive use

17.7 Despite section 76 (2) of the Act, a right, permission or privilege granted, before the coming into force of this section, under section 117 (f) of the *Condominium Act* or a similar bylaw under which the strata corporation gives an owner permission to exclusively use or enjoy, or a special privilege in relation to, common property that is not designated as limited common property under section 53 of the *Condominium Act* continues to be enforceable in accordance with its terms, but may be renewed only as permitted by section 76 of the Act.

Certificate of Payment

17.8 (1) A certificate in Form A under section 38 of the *Condominium Act* issued by a strata corporation before the coming into force of this section is deemed to be a Certificate of Payment under section 115 of the Act.

(2) The certificate in Form A referred to in subsection (1) is valid for the purposes of section 256 of the Act for a period of 3 months from the date it was issued.

Payment of strata fees

17.9 If a strata corporation created under the *Condominium Act* has no bylaw that establishes a schedule for the payment of strata fees, the strata corporation is deemed, on the coming into force of this section, to have the bylaw set out in section 1 of the Standard Bylaws to the Act.

Rules

17.10 (1) A rule or regulation made by a strata corporation under section 117 (h) of the *Condominium Act*, or made under a similar bylaw, is deemed to be a rule of which owners and tenants have been informed under section 125 (4) of the Act and is deemed to have been ratified as required by section 125 (6) of the Act.

(2) Subject to subsection (3), a rule or regulation referred to in subsection (1) that conflicts with a provision in Parts 1 to 17 of the Act or this regulation continues to have effect despite the conflicting provision.

(3) On January 1, 2002, a rule or regulation referred to in subsection (1) ceases to have effect to the extent that it conflicts with a provision in Parts 1 to 17 of the Act, this regulation or a bylaw.

Bylaws

17.11 (1) Except as provided in section 17.9 of this regulation, the Standard Bylaws do not apply to a strata corporation created under the *Condominium Act* until January 1, 2002, and on that date apply only to the extent set out in this section.

(2) Subject to subsections (3) to (5), a strata corporation bylaw existing under the *Condominium Act* immediately before the coming into force of this section, including a bylaw under Part 5 of the *Condominium Act* or under a former Act which was deemed, by section 26 (2) of the *Condominium Act* or a similar section of a former Act, to be a bylaw of the strata corporation, continues to have effect despite any provision of the Act or this regulation.

(3) On January 1, 2002,

(a) the Standard Bylaws are deemed to be the bylaws for all strata corporations created under the *Condominium Act*, except to the extent that conflicting bylaws are filed in the land title office, and

(b) any bylaws under Part 5 of the *Condominium Act* or under a former Act which were deemed, by section 26 (2) of the *Condominium Act* or a similar section of a former Act, to be bylaws of the strata corporation cease to have effect.

(4) Subject to subsection (5), if a strata corporation bylaw filed in the land title office conflicts with a Standard Bylaw, the filed bylaw prevails.

(5) On January 1, 2002, a strata corporation bylaw filed in the land title office ceases to have effect to the extent that it conflicts with a provision in Parts 1 to 17 of the Act or this regulation.

(6) Subsection (5) does not apply to a bylaw that was filed in the land title office before July 1, 2000 to the extent that the bylaw provides for the apportionment of contributions to a contingency reserve fund as a common expense according to type of strata lot, if that type of strata lot is a type identified in the bylaws of the corporation or a section.

[am. B.C. Reg. 241/2001, s. 5.]

Bylaws respecting pets

17.12 If section 3 (4) of the Standard Bylaws is deemed, under section 17.11 (3) (a) of this regulation, to be a bylaw of a strata corporation, section 123 (1) of the Act applies as if that deemed bylaw were passed on January 1, 2002.

Types of strata lots

17.13 (1) Subject to the bylaws of the strata corporation, if a strata corporation's budget, in effect on the coming into force of this section, apportions any common expenses to one or more type of strata lot in accordance with section 128 (2) of the *Condominium Act* or a similar bylaw, the strata corporation may continue to use the type of strata lot identified in the budget as a "type of strata lot" for the purposes of sections 6.4 (2) and 11.2 (2) of this regulation.

(2) Subsection (1) is of no effect on or after January 1, 2002.

(3) Before January 1, 2002, a strata corporation may enact a bylaw that identifies the type of strata lot set out in the budget referred to in subsection (1) as a "type of strata lot" for the purposes of sections 6.4 (2) and 11.2 (2).

(4) Despite section 128 (1) of the Act, a bylaw under subsection (3) may be approved by a resolution passed by a majority vote at an annual or special general meeting.

Rental disclosure by owner developer

17.14 (1) A rental disclosure statement delivered to the superintendent by an owner developer under section 31 of the *Condominium Act* before the coming into force of this section is deemed to be a Rental Disclosure Statement under section 139 of the Act.

(2) To change a rental disclosure statement referred to in subsection (1), the owner developer must comply with the requirements of section 139 of the Act.

Repealed

17.15 Repealed. [B.C. Reg. 312/2009, s. 5.]

Arbitration

17.16 (1) If an arbitration has commenced under section 44 of the *Condominium Act* before the coming into force of this section,

(a) section 45 of the *Condominium Act* applies to that arbitration, and

(b) sections 175 to 189 of the Act do not apply to that arbitration.

(2) For the purposes of this section, an arbitration has commenced if the arbitrator or arbitrators have been appointed under section 44 of the *Condominium Act*.

Phased developments

17.17 (1) Sections 221 (2) and 222 (2) of the Act do not apply to a phased strata plan for which a Form E under section 77 of the *Condominium Act* has been approved by an approving officer before the coming into force of this section.

(2) Despite any section of the Act, if the first phase of a phased strata plan has been deposited in the land title office before the coming into force of this section,

(a) the requirements for the schedule of unit entitlement, schedule of voting rights, schedule of interest on destruction and address for service set out in sections 1 (2) to (6) and 4 (f) to (i) of the *Condominium Act* and the forms required for those sections apply to all phases of the phased strata plan, and

(b) sections 245 (a) to (c), 246 (1) to (6), 247, 248 and 250 (2) (a) to (c) of the Act do not apply.

(3) The fee to be paid to the superintendent for examining a schedule of unit entitlement, schedule of voting rights or schedule of interest on destruction for a phase in a phased strata plan referred to in subsection (2) is \$200 per schedule.

[am. B.C. Reg. 203/2003, s. 4.]

Conversions

17.18 Section 242 (9) of the Act does not apply to an approval of a conversion of a previously occupied building obtained under section 9 of the *Condominium Act*.

Parking designated by owner developer

17.19 (1) Section 258 of the Act does not apply to a strata plan deposited under the *Condominium Act*.

(2) Despite subsection (1), section 258 of the Act applies to a phase of a phased strata plan if the phase is deposited after the coming into force of this section.

Plan amendments — effect on schedule of interest on destruction

17.20 (1) If a strata corporation that is subject to a schedule of interest on destruction applies under section 259 of the Act to amend a strata plan to add to, consolidate or divide a strata lot, the application must be accompanied by an Amended Schedule of Interest on Destruction which shows

- (a) the same interest on destruction for each strata lot in the strata plan, except the strata lots being altered by the amendment, as is shown on the schedule of interest on destruction,
- (b) the same aggregate of interests on destruction for all strata lots in the strata plan as is shown on the schedule of interest on destruction, and
- (c) the new interests on destruction for the new strata lots created by the amendment, derived by apportioning the interest on destruction for the strata lots being altered to the new strata lots.

(2) If a strata corporation that is subject to a schedule of interest on destruction applies under section 262 of the Act to amend a strata plan to make land held by the strata corporation into a new strata lot, the application must be accompanied by

- (a) an Amended Schedule of Interest on Destruction which shows
 - (i) a new interest on destruction for each strata lot in the strata plan including the new strata lot, and
 - (ii) the aggregate of interests on destruction for all the strata lots in the amended strata plan, and
- (b) a Certificate of Strata Corporation in the prescribed form stating that the Amended Schedule of Interest on Destruction referred to in paragraph (a) has been approved by a unanimous vote at an annual or special general meeting.

(3) The Amended Schedule of Interest on Destruction referred to in subsection (2) must be approved by a unanimous vote at an annual or special general meeting.

(4) If a strata corporation that is subject to a schedule of interest on destruction applies under section 263 of the Act to amend a strata plan to add a strata lot to the common property, the application must be accompanied by an Amended Schedule of Interest on Destruction which shows

- (a) the same interest on destruction for each strata lot in the strata

plan, except the strata lot being added to the common property, as is shown on the schedule of interest on destruction, and

(b) the aggregate of interests on destruction for all the strata lots in the amended strata plan.

(5) Section 267 of the Act applies to an Amended Schedule of Interest on Destruction referred to in subsection (1), (2) or (4) and to the Certificate of Strata Corporation referred to in subsection (2) as though those documents were listed in section 267 (d) of the Act.

[en. B.C. Reg. 289/2000, s. 2.]

Amalgamations — effect on schedule of interest on destruction

17.21 (1) If an application is made under section 269 of the Act to amalgamate 2 or more strata corporations, at least one of which is subject to a schedule of interest on destruction, the application may be accompanied by an Amended Schedule of Interest on Destruction which must show

(a) the interest on destruction for each strata lot in the amalgamated strata plan, and

(b) the aggregate of interests on destruction for all the strata lots in the amalgamated strata plan.

(2) If amalgamating strata corporations submit an Amended Schedule of Interest on Destruction with an application under section 269 of the Act, the Certificates of Strata Corporation required by section 269 (2) (b) (v) of the Act must also state that the Amended Schedule of Interest on Destruction conforms to the amalgamation agreement.

(3) Section 270 of the Act applies to an Amended Schedule of Interest on Destruction referred to in subsections (1) and (2) as though that document was listed in section 267 (d) of the Act.

(4) If amalgamating strata corporations to which subsection (1) applies do not submit an Amended Schedule of Interest on Destruction with the application under section 269 of the Act,

(a) the amalgamated strata corporation is not subject to a schedule of interest on destruction, and

(b) section 273 (1) and (2) of the Act, for the purposes of section 272 of the Act, and section 278 (1) and (2) of the Act, for the purposes of section 277 of the Act, apply to the amalgamated strata corporation.

[en. B.C. Reg. 289/2000, s. 2.]

Change to basis for determining interest on destruction

17.22 (1) A strata corporation that is subject to a schedule of interest on

destruction may cancel that schedule of interest on destruction as follows:

- (a) a resolution approving the cancellation must be passed by a unanimous vote at an annual or special general meeting;
- (b) an application to file the resolution required under paragraph (a) must be made to the registrar accompanied by a Certificate of Strata Corporation in the prescribed form stating that that resolution was passed by a unanimous vote at an annual or special general meeting.

(2) The resolution under subsection (1) must be filed and the notations made in the records of the registrar that the registrar considers necessary, if the registrar is satisfied that the application and accompanying documents comply with subsection (1) (b) and the *Land Title Act* and regulations made under that Act.

(3) A resolution under subsection (1) (a) has no effect until filed under subsection (2).

(4) Section 273 (1) and (2) of the Act, for the purposes of section 272 of the Act, and section 278 (1) and (2) of the Act, for the purposes of section 277 of the Act, apply to a strata corporation that has cancelled a schedule of interest on destruction in accordance with subsections (1) and (2).

[en. B.C. Reg. 289/2000, s. 2.]

Part 18

Repealed

18.1 Repealed. [B.C. Reg. 312/2009, s. 6.]

Forms A to Z.1

Strata Property Act

Form A

PROXY APPOINTMENT

(OPTIONAL FORM)

(Section 56)

Re: Strata Lot[*strata lot number as shown on strata plan*] of Strata
Plan.....[*the registration number of the strata plan*]

[*Check only one box*]

1 **General proxy**

I/We,[name(s)], the owner(s)/tenant(s)/mortgagee of the strata lot described above, appoint[name of appointee] to act as my/our proxy beginning.....[month day, year] until[month day, year].

2 Proxy for a specific meeting

I/We,[name(s)], the owner(s)/tenant(s)/mortgagee of the strata lot described above, appoint[name of appointee] to act as my/our proxy at the annual or special general meeting to be held on[month day, year].

3 Proxy for a specific resolution

I/We,[name(s)], the owner(s)/tenant(s)/mortgagee of the strata lot described above, appoint.....[name of appointee] to act as my/our proxy with respect to the following resolution at the annual or special general meeting to be held on[month day, year].

[wording of resolution]

[voting instructions]

Limitations on Proxy, if any

[set out limitations]

Date:[month day, year].

.....
Signature of Owner/Tenant/Mortgagee

.....
Signature of Owner/Tenant/Mortgagee

Strata Property Act

Form B

INFORMATION CERTIFICATE

(Section 59)

The Owners, Strata Plan[the registration number of the strata plan] certify that the information contained in this certificate with respect to Strata Lot[strata lot number as shown on strata plan] is correct as of the date of this certificate.

[Attach a separate sheet if the space on this form is insufficient].

- (a) Monthly strata fees payable by the owner of the strata lot described above \$.....
- (b) Any amount owing to the strata corporation by the owner of the strata lot described above (other than an amount paid into court, or to the strata corporation in trust under section 114 of the *Strata Property Act*) \$.....
- (c) Are there any agreements under which the owner of the strata lot described above takes responsibility for expenses relating to alterations to the strata lot, the common property or the common assets?
 no yes [*attach copy of all agreements*]
- (d) Any amount that the owner of the strata lot described above is obligated to pay in the future for a special levy that has already been approved. The payment is to be made by[*month day, year*]. \$.....
- (e) Any amount by which the expenses of the strata corporation for the current fiscal year are expected to exceed the expenses budgeted for the fiscal year \$.....
- (f) Amount in the contingency reserve fund minus any expenditures which have already been approved but not yet taken from the fund \$.....
- (g) Are there any amendments to the bylaws that are not yet filed in the land title office?
 no yes [*attach copy of all amendments*]
- (h) Are there any resolutions passed by a 3/4 vote or unanimous vote that are required to be filed in the land title office but that have not yet been filed in the land title office?
 no yes [*attach copy of all resolutions*]
- (i) Has notice been given for any resolutions, requiring a 3/4 vote or unanimous vote or dealing with an amendment to the bylaws, that have not yet been voted on?
 no yes [*attach copy of all notices*]
- (j) Is the strata corporation party to any court proceeding or arbitration, and/or are there any judgments or orders against the strata corporation?
 no yes [*attach details*]
- (k) Have any notices or work orders been received by the strata corporation that remain outstanding for the strata lot, the common property or the common assets?
 no yes [*attach copies of all notices or work orders*]
- (l) Number of strata lots in the strata plan that are rented

Date:[*month day, year*].

.....
Signature of Council Member

.....
Signature of Second Council Member (not required if council consists of only one member)

OR

.....
Signature of Strata Manager, if authorized by strata corporation

Strata Property Act

Form C

MORTGAGEE'S REQUEST FOR NOTIFICATION

(Section 60; Regulation section 4.5)

Re: Strata Lot*[strata lot number as shown on strata plan]* of Strata Plan
.....*[the registration number of the strata plan]*

I,*[name]*, mortgagee of the
strata lot described above, request:

[check appropriate box(es)]

notices of annual and special general meetings under section 45 of the *Strata Property Act*;

notices of money owing under section 113 of the *Strata Property Act*.

Date:*[month day, year]**.

.....
Signature of Mortgagee, or Agent of Mortgagee

Name and Address for Notification:
.....
.....
.....
.....

* Section 4.5 of this regulation provides that a Mortgagee's Request for Notification in Form C under section 60 of the Act expires on the earlier of the following:

- (a) 5 years from the date of the request;
- (b) the date the mortgagee ceases to be a mortgagee of the strata lot.

Strata Property Act

Form D

STRATA CORPORATION CHANGE OF MAILING ADDRESS

(Section 62 (3))

Re: Strata Plan.....*[the registration number of the strata plan]*

The mailing address of the strata corporation has been changed to:

.....

.....
.....
.....

Date:[month day, year].

.....
Signature of Council Member

.....
Signature of Second Council Member (not required if council consists of only one member)

OR

.....
Signature of Strata Manager, if authorized by strata corporation

Strata Property Act

Form E

[am. B.C. Reg. 289/2000, s. 3.]

CERTIFICATE OF STRATA CORPORATION

(Sections 78, 79, 80, 100, 214, 257, 259, 261, 262, 263, 266, 269, 274, 283 of the Act and sections 17.20 to 17.22 of the Regulation)

Complete and file only the applicable form of certificate.

CERTIFICATE FOR SECTION 78, 79, 80, 214, 257, 259, 261, 262, 263 OR 266 OF THE ACT OR SECTION 17.20 OF THE REGULATION

The Owners, Strata Plan.....[the registration number of the strata plan] certify that a resolution referred to in section [section number] of the *Strata Property Act* or section [section number] of the Strata Property Regulation was passed by a unanimous vote or 3/4 vote [check appropriate vote] at an annual or special general meeting held on [month day, year], and that the attached instrument, schedule, plan or other document conforms to the resolution.

For the purposes of section 165 (4) (f) of the *Land Title Act*, execution of the attached instrument has been approved by a resolution at an annual or special general meeting in accordance with the requirements of the *Strata Property Act* or the Strata Property Regulation, and the instrument conforms to the resolution.

.....

Signature of Council Member

.....

Signature of Second Council Member (not required if council consists of only one member)

CERTIFICATE FOR SECTION 100 OF THE ACT OR SECTION 17.22 OF THE REGULATION

The Owners, Strata Plan.....[*the registration number of the strata plan*] certify that the attached resolution was passed under section 100 of the *Strata Property Act* or under..... section 17.22 (1) of the *Strata Property Regulation* [*check appropriate authority*] by a unanimous vote at an annual or special general meeting held on [*month day, year*].

For the purposes of section 165 (4) (f) of the *Land Title Act*, execution of the attached instrument has been approved by a resolution at an annual or special general meeting in accordance with the requirements of the *Strata Property Act* or the *Strata Property Regulation*, and the instrument conforms to the resolution.

.....

Signature of Council Member

.....

Signature of Second Council Member (not required if council consists of only one member)

CERTIFICATE FOR SECTION 269

The Owners, Strata Plan.....[*the registration number of the strata plan*] certify that a resolution referred to in section 269 of the *Strata Property Act* was passed by a 3/4 vote at an annual or special general meeting held on [*month day, year*], and that the attached instrument, schedule, plan or other document conforms to the amalgamation agreement.

For the purposes of section 165 (4) (f) of the *Land Title Act*, execution of the attached instrument has been approved by a resolution at an annual or special general meeting in accordance with the requirements of the *Strata Property Act*, and the instrument conforms to the resolution.

.....

Signature of Council Member

.....

Signature of Second Council Member (not required if council consists of only one member)

CERTIFICATE FOR SECTION 274

The Owners, Strata Plan.....[the registration number of the strata plan] certify that

(a) a resolution referred to in section 272 of the *Strata Property Act* was passed by a unanimous vote at an annual or special general meeting held on[month day, year],

(b) the attached conversion schedule conforms to the resolution, and

(c) the strata corporation has no debts other than debts held by persons who have consented in writing, under section 274 (b) of the *Strata Property Act*, to the winding up of the strata corporation.

For the purposes of section 165 (4) (f) of the *Land Title Act*, execution of the attached instrument has been approved by a resolution at an annual or special general meeting in accordance with the requirements of the *Strata Property Act*, and the instrument conforms to the resolution.

.....
Signature of Council Member

.....
Signature of Second Council Member (not required if council consists of only one member)

CERTIFICATE FOR SECTION 283

The Owners, Strata Plan.....[the registration number of the strata plan] certify that the attached document(s) referred to in section 283 of the *Strata Property Act* were approved by a resolution passed by a 3/4 vote at an annual or special general meeting held on [month day, year].

For the purposes of section 165 (4) (f) of the *Land Title Act*, execution of the attached instrument has been approved by a resolution at an annual or special general meeting in accordance with the requirements of the *Strata Property Act*, and the instrument conforms to the resolution.

.....
Signature of Council Member

.....
Signature of Second Council Member (not required if council consists of only one member)

Strata Property Act
Form F
CERTIFICATE OF PAYMENT
(Section 115)

The Owners, Strata Plan[the registration number of the strata plan] certify under section 115 of the *Strata Property Act* that the owner of the strata lot described as

[parcel identifier] [legal description of strata lot]

(a) does not owe money to the strata corporation, or

(b) does owe money but

(i) the money claimed by the strata corporation has been paid into court, or to the strata corporation in trust, under section 114 of the *Strata Property Act*, or

(ii) arrangements satisfactory to the strata corporation have been made to pay the money owing.

Date:[month day, year]*.

.....
Signature of Council Member

.....
Signature of Second Council Member (not required if council consists of only one member)

OR

.....
Signature of Strata Manager, if authorized by strata corporation

* Section 115 (2) of the Act provides that a Certificate of Payment is current for the purposes of section 256 of the Act for a period of 60 days from the date it is issued.

Strata Property Act

Form G

CERTIFICATE OF LIEN

(Section 116)

The Owners, Strata Plan.....[the registration number of the strata plan] certify that:

1 The owner of the strata lot described below has failed to pay the strata corporation one or more of the amounts owing under section 116 of the *Strata Property Act*.

2 The amount owing to the strata corporation as of[month day, year] is \$....., plus costs permitted under section 118 of the *Strata Property Act*.

3 The strata corporation claims a lien under section 116 of the *Strata*

Property Act for the amount owing under paragraph 2 against the strata lot described below.

[parcel identifier] [legal description of strata lot]

Date:[month day, year].

.....
Signature of Council Member

.....
Signature of Second Council Member (not required if council consists of only one member)

OR

.....
Signature of Strata Manager, if authorized by strata corporation

Strata Property Act

Form H

ACKNOWLEDGEMENT OF PAYMENT

(Section 116 (6))

The Owners, Strata Plan.....[the registration number of the strata plan] certify that:

1 The amount owing under the Certificate of Lien registered as No. against the title to the strata lot described as [parcel identifier] [legal description of strata lot] has been received.

2 The lien against the strata lot is hereby released.

Date:[month day, year].

.....
Signature of Council Member

.....
Signature of Second Council Member (not required if council consists of only one member)

OR

.....
Signature of Strata Manager, if authorized by strata corporation

Strata Property Act

Form I

[am. B.C. Reg. 312/2009, s. 7.]

AMENDMENT TO BYLAWS

(Section 128)

The Owners, Strata Plan*[the registration number of the strata plan]* certify that the following or attached amendments to the bylaws of the strata corporation were approved by a resolution passed in accordance with section 128 of the *Strata Property Act* at an annual or special general meeting held on*[month day, year]**:

[wording of bylaw amendment]

.....
Signature of Council Member

.....
Signature of Second Council Member (not required if council consists of only one member)

* Section 128 (2) of the Act provides that an Amendment to Bylaws must be filed in the land title office.

Strata Property Act

Form J

[am. B.C. Reg. 312/2009, s. 8.]

RENTAL DISCLOSURE STATEMENT

(Section 139)

Re: Strata Plan.....*[the registration number of the strata plan]* or *[legal description of development]*

This Rental Disclosure Statement is *[Check whichever box is correct and provide any required information.]*

the first Rental Disclosure Statement filed in relation to the above-noted strata plan

a changed Rental Disclosure Statement filed under section 139 (4) of the *Strata Property Act*, and the original Rental Disclosure Statement filed in the relation to the above-noted strata plan was filed on*[dd/mmm/yyyy]*.....

1 The development described above includes*[number]* residential strata lots.

2 The residential strata lots described below are rented out by the owner developer as of the date of this statement and the owner developer intends to rent out each strata lot until the date set out opposite its description.

[Describe all strata lots rented out by owner developer as of the date of this

statement.]

Description of Strata Lot <i>[strata lot number as shown on the strata plan]</i>	Date Rental Period Expires <i>[specify a date - "indefinitely" or timing related to an event is not acceptable]*</i>
	<i>[dd/mmm/yyyy]</i>
	<i>[dd/mmm/yyyy]</i>

* Section 143 (2) of the *Strata Property Act* provides that, if this Rental Disclosure Statement is filed after December 31, 2009, a bylaw that prohibits or limits rentals will not apply to a strata lot described in this table until the date set out in the table opposite the description of the strata lot, whether or not the strata lot is conveyed before that date.

3 In addition to the number of residential strata lots rented out by the owner developer as of the date of this statement, the owner developer reserves the right to rent out a further*[number]* residential strata lots, as described below, until the date set out opposite each strata lot's description.

[Describe all strata lots intended to be rented out by the owner developer.]

Description of Strata Lot <i>[strata lot number as shown on the strata plan]</i>	Date Rental Period Expires <i>[specify a date - "indefinitely" or timing related to an event is not acceptable]*</i>
	<i>[dd/mmm/yyyy]</i>
	<i>[dd/mmm/yyyy]</i>

* Section 143 (2) of the *Strata Property Act* provides that, if this Rental Disclosure Statement is filed after December 31, 2009, a bylaw that prohibits or limits rentals will not apply to a strata lot described in this table until the date set out in the table opposite the description of the strata lot, whether or not the strata lot is conveyed before that date.

4 There is no bylaw of the strata corporation that restricts the rental of strata lots.

OR

There is a bylaw of the strata corporation that restricts the rental of strata lots, the text of which is attached to and forms part of this statement.

[Strike out sentence which does not apply.]

Date:*[month day, year]*.

.....
Signature of Owner Developer

Strata Property Act

Form K

NOTICE OF TENANT'S RESPONSIBILITIES

(Section 146)

Re: Strata Lot*[strata lot number as shown on strata plan]* of Strata Plan
.....*[the registration number of the strata plan]*

Table 1:

Street Address of Strata Lot
.....
Name(s) of tenant(s)
.....
Tenancy commencing*[month day, year]*.

IMPORTANT NOTICE TO TENANTS:

1 Under the *Strata Property Act*, a tenant in a strata corporation **must** comply with the bylaws and rules of the strata corporation that are in force from time to time (current bylaws and rules attached).

2 The current bylaws and rules may be changed by the strata corporation, and if they are changed, the tenant **must** comply with the changed bylaws and rules.

3 If a tenant or occupant of the strata lot, or a person visiting the tenant or admitted by the tenant for any reason, contravenes a bylaw or rule, the tenant is responsible and may be subject to penalties, including fines, denial of access to recreational facilities, and if the strata corporation incurs costs for remedying a contravention, payment of those costs.

Date:*[month day, year]*.

Table 2:

..... Address of landlord, or agent of landlord:
Signature of Landlord, or Agent of Landlord
.....
.....

.....
Signature of Tenant

.....
Signature of Tenant

Strata Property Act

Form L

NOTICE BEGINNING ARBITRATION

(Section 179)

I/We, *[check appropriate box]*

the Owners, Strata Plan *[the registration number of the strata plan],*

the owner(s)/tenant(s) of Strata Lot(s) *[strata lot number(s) as shown on strata plan]*

give notice to *[check appropriate box]*

the owner(s)/tenant(s) of Strata Lot(s)..... *[strata lot number(s) as shown on strata plan]*

the Owners, Strata Plan *[the registration number of the strata plan],*

that I / We intend to submit the following dispute to arbitration:

[set out details of dispute, including what happened and the remedy being sought; attach separate sheet if more space required]

I/We propose that *[check only one box]:*

the arbitrator of this matter be *[name and occupation of proposed arbitrator].*

the arbitrator of this matter be one of the following:
[name and occupation of each proposed arbitrator]

an arbitrator be appointed by:
[proposed method for appointing an arbitrator]

Date: *[month day, year].*

.....
Signature of Council Member

.....
Signature of Second Council Member (not required if council consists of only one member)

OR

.....
Signature(s) of Owner(s)/ Tenant(s)

Strata Property Act

Form M

NOTICE OF REPLY

(Section 179)

[Check Box 1 or Box 2]

1 I / We, *[check appropriate box]*

the owner(s)/tenant(s) of Strata Lot(s).....
[strata lot number(s) as shown on strata plan],

the Owners, Strata
Plan.....*[the registration
number of the strata plan],*

AGREE to the following arbitrator or method of appointing an arbitrator as
proposed in the Notice Beginning Arbitration (Form L) *[check appropriate
box]:*

Arbitrator.....*[name and
occupation of one proposed arbitrator].*

Method for appointing an arbitrator:
[proposed method for appointing an arbitrator]

2 I / We, *[check appropriate box]*

the owner(s)/tenant(s) of Strata Lot(s).....
[strata lot number(s) as shown on strata plan],

the Owners, Strata
Plan.....*[the
registration number of the strata plan],*

DO NOT AGREE to the arbitrator(s) or method for appointing an arbitrator
as proposed in the Notice Beginning Arbitration (Form L), and instead
propose that *[check only one box]:*

the arbitrator of this matter
be.....*[name and
occupation of proposed arbitrator].*

the arbitrator of this matter be one of the following:
[name and occupation of each proposed arbitrator]

an arbitrator be appointed by
[proposed method for appointing an arbitrator]

Date:[month day, year].

.....
Signature of Council Member

.....
Signature of Second Council Member (not required if council consists of only one member)

OR

.....
Signature(s) of Owner(s)/ Tenant(s)

Strata Property Act

Form N

NOTICE RESPONDING TO REPLY

(Section 179)

[Check Box 1 or Box 2]

1 I / We, *[check appropriate box]*

the Owners, Strata Plan*[the registration number of the strata plan],*

the owner(s)/tenant(s) of Strata Lot(s)*[strata lot number(s) as shown on strata plan],*

AGREE to the following arbitrator or method of appointing an arbitrator as proposed in the Notice of Reply (Form M) *[check appropriate box]:*

Arbitrator*[name and occupation of one proposed arbitrator].*

Method for appointing an arbitrator:
[proposed method for appointing an arbitrator]

2 I / We, *[check appropriate box]*

the Owners, Strata Plan*[the registration number of the strata plan],*

the owner(s)/tenant(s) of Strata Lot(s)*[strata lot number(s) as shown on strata plan],*

REJECT the arbitrator(s) or method for appointing an arbitrator as proposed in the Notice of Reply (Form M).

Date:[month day, year].

.....
Signature of Council Member

.....
Signature of Second Council Member (not required if council consists of only one member)

OR

.....
Signature(s) of Owner(s)/ Tenant(s)

Strata Property Act

Form O

LEASEHOLD STRATA PLAN SCHEDULES

(Sections 206, 214)

Re: Leasehold Strata Plan*[the registration number of the strata plan]*

The restrictions imposed on the lease, assignment or occupancy of the strata lots under sections 206 of the *Strata Property Act* are as follows:

The purchase price of each strata lot under section 214 of the *Strata Property Act* is to be calculated as follows:

Date:*[month day, year]*.

.....
Signature of Leasehold Landlord

Strata Property Act

Form P

PHASED STRATA PLAN DECLARATION

(Sections 221, 222)

I,*[full name of applicant]*,
declare

1 That I intend to create a strata plan by way of phased development of the following land which I own or on which I hold a right to purchase:

[parcel identifier] *[legal description]*

2 That the plan of development is as follows:

[Here set out

(a) a schedule setting out the number of phases in the order in which the phases will be deposited and specifying any common

facility to be constructed in conjunction with a particular phase;

(b) a sketch plan showing

(i) all the land to be included in the phased strata plan,

(ii) the present parcel boundaries,

(iii) the approximate boundaries of each phase, and

(iv) the approximate location of the common facilities;

(c) a schedule setting out the estimated date for the beginning of construction and completion of construction of each phase;

(d) a statement of the unit entitlement of each phase and the total unit entitlement of the completed development;

(e) a statement of the maximum number of units and general type of residence or other structure to be built in each phase.]

3 I will elect to proceed with each phase on or by the following dates:

Table 3:

Phase Number	Date [month day, year]
Phase 1
Phase 2

.....
Signature of Applicant

Date of approval:[month day, year]*.

.....
Signature of Approving Officer

.....
Name of Municipality (or as the case may be)

* Section 222 (2) of the Act provides that approval expires after one year unless the first phase is deposited before that time.

Strata Property Act

Form Q

ENDORSEMENT OF APPROVAL FOR PHASED STRATA PLAN

(Section 224; Regulation section 14.5 (1))

Approved as Phase[number of phase] of a[total number of phases] phase strata plan under section 224 of the *Strata Property Act*.

Date:[month day, year].

.....
Signature of Approving Officer

.....
Name of Municipality (or as the case may be)

Strata Property Act

Form R

ENDORSEMENT FOR COMMON FACILITIES IN PHASED STRATA PLAN

(Section 225; Regulation section 14.5 (2))

I certify that the

[specify common facility],

which according to the Phased Strata Plan Declaration in Form P filed for this strata plan was to have been constructed in conjunction with this phase, has been provided for in accordance with section 225 (2) of the *Strata Property Act*.

Date:*[month day, year]*.

.....
Signature of Approving Officer

.....
Name of Municipality (or as the case may be)

Strata Property Act

Form S

ENDORSEMENT OF NONOCCUPANCY

(Section 241, Regulation section 14.5 (3))

I,, a British Columbia land surveyor, certify that the buildings included in this strata plan have not, as of*[month day, year]**, been previously occupied.

.....
Signature

* Section 241 (2) provides that the endorsement must be dated not more than 180 days before the date the strata plan is tendered for deposit.

Strata Property Act

Form T

ENDORSEMENT BY APPROVING AUTHORITY

(Section 242; Regulation section 14.5 (4))

I certify that the conversion of the buildings included in this strata plan have been approved under section 242 of the *Strata Property Act*.

Date:[month day, year]*.

.....
Signature of Authorized Signatory of Approving Authority

.....
Name of Municipality (or as the case may be)

* Section 242 (9) provides that the endorsement must be dated not more than 180 days before the date the strata plan is tendered for deposit.

Strata Property Act

Form U

ENDORSEMENT OF SURVEYOR

(Section 244 (1) (f); Regulation section 14.5 (5))

I,....., a British Columbia land surveyor, certify:

1 that the buildings shown on this strata plan are within the external boundaries of the land that is the subject of the strata plan *[where applicable, add]* subject to clause 2 of this endorsement.

2 that certain parts of the buildings are not within the external boundaries but appropriate and necessary easements or other interests are registered under No. *[registered charge number]*, as set out in section 244 (1) (f) of the *Strata Property Act*.

Date:[month day, year].

.....
Signature

Strata Property Act

Form V

[am. B.C. Reg. 203/2003, s. 5.]

SCHEDULE OF UNIT ENTITLEMENT

(Sections 245 (a), 246, 264)

Re: Strata Plan*[the registration number of the strata plan]*, being a strata plan of

[parcel identifier] [legal description]

Complete and file only the applicable form of schedule.

STRATA PLAN CONSISTING ENTIRELY OF RESIDENTIAL STRATA LOTS

The unit entitlement for each residential strata lot is one of the following *[check appropriate box]*, as set out in the following table:

- (a) the habitable area of the strata lot, in square metres, rounded to the nearest whole number as determined by a British Columbia land surveyor as set out in section 246 (3) (a) (i) of the *Strata Property Act*.

Certificate of British Columbia Land Surveyor

I,, a British Columbia land surveyor, certify that the following table reflects the habitable area of each residential strata lot.

Date: *[month day, year]*.

.....
Signature

OR

- (b) a whole number that is the same for all of the residential strata lots as set out in section 246 (3) (a) (ii) of the *Strata Property Act*.

OR

- (c) a number that is approved by the Superintendent of Real Estate in accordance with section 246 (3) (a) (iii) of the *Strata Property Act*.

.....
Signature of Superintendent of Real Estate

Strata Lot No.	Sheet No.	Habitable Area in m ²	Unit Entitlement	%* of Total Unit Entitlement**
Total number of lots:			Total unit entitlement:	

* expression of percentage is for informational purposes only and has no legal effect

** not required for a phase of a phased strata plan

Date: *[month day, year]*.

.....
Signature of Owner Developer

.....
Signature of Superintendent of Real Estate (if submitted under section 264 of the Act)

STRATA PLAN CONSISTING ENTIRELY OF NONRESIDENTIAL STRATA LOTS

The unit entitlement for each nonresidential strata lot is one of the following *[check appropriate box]*, as set out in the following table:

- (a) the total area of the strata lot, in square metres, rounded to the nearest whole number as determined by a British Columbia land surveyor as set out in section 246 (3) (b) (i) of the *Strata Property Act*.

Certificate of British Columbia Land Surveyor

I,, a British Columbia land surveyor, certify that the following table reflects the total area of each nonresidential strata lot.

Date: *[month day, year]*.

.....
Signature

OR

- (b) a whole number that is the same for all of the nonresidential strata lots as set out in section 246 (3) (b) (ii) of the *Strata Property Act*.

OR

- (c) a number that is approved by the Superintendent of Real Estate in accordance with section 246 (3) (b) (iii) of the *Strata Property Act*.

.....
Signature of Superintendent of Real Estate

Strata Lot No.	Sheet No.	Total Area in m ²	Unit Entitlement	%* of Total Unit Entitlement**
Total number of lots:			Total unit entitlement:	

* expression of percentage is for informational purposes only and has no legal effect

** not required for a phase of a phased strata plan

Date: *[month day, year]*.

.....
Signature of Owner Developer

.....
Signature of Superintendent of Real Estate (if submitted under section 264 of the Act)

STRATA PLAN CONSISTING OF BOTH RESIDENTIAL AND NONRESIDENTIAL STRATA LOTS

The unit entitlement for each **residential** strata lot is one of the following [check appropriate box], as set out in the following table:

- (a) the habitable area of the strata lot, in square metres, rounded to the nearest whole number as determined by a British Columbia land surveyor as set out in section 246 (3) (a) (i) of the *Strata Property Act*.

Certificate of British Columbia Land Surveyor

I,, a British Columbia land surveyor, certify that the following table reflects the habitable area of each residential strata lot.

Date: [month day, year].

.....
Signature

OR

- (b) a whole number that is the same for all of the residential strata lots as set out in section 246 (3) (a) (ii) of the *Strata Property Act*.

OR

- (c) a number that is approved by the Superintendent of Real Estate in accordance with section 246 (3) (a) (iii) of the *Strata Property Act*.

.....
Signature of Superintendent of Real Estate

Strata Lot No.	Sheet No.	Habitable Area in m ²	Unit Entitlement	%* of Total Unit Entitlement of Residential Strata Lots**	%* of Total Unit Entitlement of All Strata Lots**
Total number of residential strata lots:			Total unit entitlement of residential strata lots:		

* expression of percentage is for informational purposes only and has no legal effect

** not required for a phase of a phased strata plan

The unit entitlement for each **nonresidential** strata lot is one of the following [check appropriate box], as set out in the following table:

- (a) the total area of the strata lot, in square metres, rounded to the nearest whole number as determined by a British Columbia land surveyor as set out in section 246 (3) (b) (i) of the *Strata Property Act*.

Certificate of British Columbia Land Surveyor

I,, a British Columbia land surveyor, certify that the following table reflects the total area of each nonresidential strata lot.

Date: [month day, year].

.....
Signature

OR

- (b) a whole number that is the same for all of the nonresidential strata lots as set out in section 246 (3) (b) (ii) of the *Strata Property Act*.

OR

- (c) a number that is approved by the Superintendent of Real Estate in accordance with section 246 (3) (b) (iii) of the *Strata Property Act*.

.....
Signature of Superintendent of Real Estate

Strata Lot No.	Sheet No.	Total Area in m ²	Unit Entitlement	%* of Total Unit Entitlement of Nonresidential Strata Lots**	%* of Total Unit Entitlement of All Strata Lots**
Total number of nonresidential strata lots:			Total unit entitlement of nonresidential strata lots:		

* expression of percentage is for informational purposes only and has no legal effect.

** not required for a phase of a phased strata plan

Schedule of Unit Entitlement approved by the Superintendent of Real Estate in accordance with section 246 (5) of the *Strata Property Act*.

.....
Signature of Superintendent of Real Estate

Date: [month day, year].

.....
Signature of Owner Developer

.....
Signature of Superintendent of Real Estate (if submitted under section 264 of the Act)

BARE LAND STRATA PLAN

The unit entitlement for each bare land strata lot is one of the following [*check appropriate box*], as set out in the following table:

(a) a whole number that is the same for all of the strata lots in the strata plan as set out in section 246 (6) (a) of the *Strata Property Act*.

OR

(b) a number that is approved by the Superintendent of Real Estate in accordance with section 246 (6) (b) of the *Strata Property Act*.

.....
Signature of Superintendent of Real Estate

Strata Lot No.	Sheet No.	Total Area in m ²	Unit Entitlement	%* of Total Unit Entitlement**
Total number of lots:			Total unit entitlement:	

* expression of percentage is for informational purposes only and has no legal effect.

** not required for a phase of a phased strata plan

Date:[*month day, year*].

.....
Signature of Owner Developer

.....
Signature of Superintendent of Real Estate (if submitted under section 264 of the Act)

Strata Property Act

Form W

[am. B.C. Reg. 203/2003, s. 5.]

SCHEDULE OF VOTING RIGHTS

(*Sections 245 (b), 247, 248, 264*)

Re: Strata Plan[the registration number of the strata plan], being a strata plan of

[parcel identifier] [legal description]

The strata plan is composed of[number] nonresidential strata lots, and [number] residential strata lots.

The number of votes per strata lot is one of the following [check appropriate box], as set out in the following table.

(a) the number of votes per residential strata lot, if any, is 1, and the number of votes per nonresidential strata lot is calculated in accordance with section 247 (2) (a) (ii) of the *Strata Property Act*.

OR

(b) the strata plan is composed entirely of nonresidential strata lots, and the number of votes per strata lot is calculated in accordance with section 247 (2) (b) of the *Strata Property Act*.

OR

(c) the number of votes per strata lot is approved by the Superintendent of Real Estate in accordance with section 248 of the *Strata Property Act*.

.....
Signature of Superintendent of Real Estate

Strata Lot No.	Type of Strata Lot (Residential or Nonresidential)	Sheet No.	Number of Votes
Total number of strata lots:			Total number of votes:

Date:[month day, year].

.....
Signature of Owner Developer

.....
Signature of Superintendent of Real Estate (if submitted under section 264 of the Act)

Strata Property Act

Form X

STRATA CORPORATION MAILING ADDRESS

(Section 245 (c); Regulation section 14.6 (1))

Re: Strata Plan[the registration number of the strata plan], being a strata plan of

[parcel identifier] [legal description]

The mailing address of the strata corporation is:

.....
.....
.....
.....

Date:[month day, year].

.....

Signature of Owner Developer

Strata Property Act

Form Y

OWNER DEVELOPERS' NOTICE OF DIFFERENT BYLAWS

(Section 245 (d), Regulation section 14.6 (2))

Re: Strata Plan[the registration number of the strata plan], being a strata plan of

[parcel identifier] [legal description]

The following or attached bylaws differ from the Standard Bylaws to the *Strata Property Act*, as permitted by section 120 of the Act:

[wording of different bylaws]

Date:[month day, year].

.....

Signature of Owner Developer

Strata Property Act

Form Z

APPLICATION TO DEPOSIT STRATA PLAN

(Regulation section 14.9)

I,
.....
.....
.....

[full name, address and telephone number of applicant, or agent of applicant]

apply on behalf of

.....
.....
.....

[full name, address and occupation of applicant]

to deposit a strata plan of

[parcel identifier] [legal description].

I enclose:

1 The strata plan (original mylar), and the accompanying documents required by section 245 of the Act.

2 The reproductions of the strata plan required by section 14.4 (k) of these regulations.

3 Fees of \$

4 Duplicate Indefeasible Title No. If a duplicate indefeasible title does not accompany this application, I certify that I have, before making this application, checked that there is no duplicate indefeasible title.

Date:*[month day, year]*.

.....
Signature of Applicant, or Agent of Applicant

Strata Property Act

Form Z.1

[en. B.C. Reg. 289/2000, s. 4.]

AMENDED SCHEDULE OF INTEREST ON DESTRUCTION

(Sections 17.20 and 17.21 of the Regulation)

Table 4:

Strata Lot No.	Sheet No.	Interest on Destruction
Aggregate		

Note: *this regulation repeals B.C. Regs. 534/74, 74/78 and 248/93.*

[Provisions of the *Strata Property Act*, S.B.C. 1998, c. 43, relevant to the enactment of this regulation: sections 246 (7), 292 and 293 (4)]

