

Transferring Ownership of Parking Stalls

At the 2020 AGM, against the Council's recommendations, the owners of Riviera passed a motion to direct council to convert parking stalls to limited common property.

Background from 2020 AGM

An issue that was brought up by several owners was the bylaw regarding allocation of the parking stalls. The parking stalls (and storage lockers) at The Riviera are designated as common property on the official Strata Plan. The Strata Property Act limits the length of time that common property may be assigned to an individual owner's use to no longer than one year.

In crafting the bylaw amendments, Strata's legal counsel took these two factors into account: parking stall assignments are therefore technically made for the period of one year with a clause automatically renewing them yearly as required.

Many owners with multiple stalls raised the concern that their other stalls may be assigned away from them by a future Council since reference in the renewal clause was only to a single stall. One possible solution to this issue was raised from the floor: The Council can work to re-designate the parking stalls as Limited Common Property through a 3/4 vote mechanism available in the Strata Property Act.

This will require extensive legal advice and probably a land survey, however the Council resolved to listen to the wishes of the ownership and pursue this re-designation of the stalls if that is what Owners desired.

After some further discussion, it was MOVED / SECONDED to approve Resolution "B" as presented:

With 1 Abstention; 28 Opposed and 110 in Favour

From 2021 AGM

(8) UNFINISHED BUSINESS: REPORT REGARDING CONVERSION OF PARKING STALLS TO LIMITED COMMON PROPERTY

At the Riviera AGM held Feb 25, 2020 it was approved to direct the Strata Council to research and report back to the Ownership regarding the processes and costs required for re-designating the parking stalls at The Riviera as Limited Common Property instead of common property, in time for next year's Annual General Meeting.

From 2022 AGM

12.2.1 RESOLUTION TO DESIGNATE LIMITED COMMON PROPERTY PARKING STALLS PURSUANT TO SECTION 74 OF THE STRATA PROPERTY ACT – 3/4 VOTE RESOLUTION B WHEREAS:

A. The Owners, Strata Plan NWS3385 (the “Strata Corporation”) has a parking facility forming part of its common property; Associa British Columbia Inc., Agents of the Owners Annual General Meeting Minutes February 22, 2022 Strata Plan NWS3385

B. the Strata Corporation passed a special resolution at a general meeting held on January 1, 1991 under the former Condominium Act, 1979 RSBC, c. 61 to allocate common property parking stalls for the exclusive use of various strata lots (the “1991 Resolution”);

C. the Strata Corporation passed a further resolution on November 28, 1994 with an amended list of parking stall allocations (the “1994 Resolution”);

D. the Strata Corporation wishes to rescind the parking stall allocations made under the 1991 Resolution and the 1994 Resolution and designate the parking stalls as limited common property (“LCP”) for the exclusive use of individual strata lots as shown on the sketch plan dated January 27th, 2022 attached as Schedule “A” to this resolution, which is intended to reflect the current allocation of parking stalls;

E. pursuant to s. 74 of the Strata Property Act, S.B.C. 1998, c. 43 (the “Act”), a strata corporation may designate common property as LCP with a resolution passed by a $\frac{3}{4}$ vote of the owners at an annual or special general meeting;

BE IT RESOLVED by a $\frac{3}{4}$ vote resolution of The Owners, Strata Plan NWS3385:

1. the common property parking stall allocations made under the 1991 Resolution and 1994 Resolution are rescinded;
2. pursuant to s. 74 of the Act, the Strata Corporation approves the designation of LCP parking stalls for the exclusive use of strata lots as shown on the sketch plan prepared by Matson Peck & Topliss and attached as Schedule “A” to this resolution;
3. any two members of the strata council are authorized to prepare and sign all documents and certificates that are required to give effect to this $\frac{3}{4}$ vote resolution;
4. the strata council is authorized to approve any revisions to the sketch plan that may be required by the Land Title Office at the time of filing, provided that such revisions do not materially change the LCP designations shown on the sketch plan attached to this resolution.

VOTE COUNT: WITH 68 IN FAVOUR; 3 OPPOSED and 1 ABSTAINED; the MOTION was CARRIED

What is The End Result?

A minority of owners who have more than one parking stall may feel more protected from the extremely unlikely alienation of their extra parking stalls.

Some may be comforted by the costs of pursuing a pyrrhic achievement. With the new legal status of stalls, if an owner wishes to change ownership of a parking stall, they now must:

- Secure a motion to approve the change at an AGM which needs 3/4 vote;
- Then pay the surveyor cost to change the stall plan; and

- Then pay fee to Land titles to register the changed plan.

Be careful what you wish for, lest it come true! - *Aesop's Fables*