

***Strata Property Act***

**STRATA PROPERTY REGULATION**

[includes amendments up to B.C. Reg. 295/2006, November 13, 2006]

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## **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**

### **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:

estimated cost — past  
contribution

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:

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

whose

owners are entitled to use the limited  
common  
property to which the contribution  
relates

(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:

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

### **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:

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

(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:

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

### **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**

**6.8** 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.

### **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 in the following investments for the purposes of section 95 (2) (a) 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. Reg. 203/2003, s. 1.]

## **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:

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

(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:

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

(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:

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

**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:

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

## 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:

( for examining a Phased Strata Plan Declaration in Form P  
a under section 222 of the  
) Act .....

( for approving in Form Q a strata plan under section 224  
b of the  
) Act.....

.....

**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** No application may be brought under section 246 (7) of the Act unless one or both of the following conditions apply:

- (a) the actual habitable area or square footage of a strata lot is at least 10% greater than, or 10% less than, the habitable area or square footage used to determine the unit entitlement of the strata lot;
- (b) the actual habitable area or square footage of a strata lot is at least 20 square metres greater than, or 20 square metres less than, the habitable area or square footage used to determine the unit entitlement of the strata lot.

### **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.

#### **Applicability of rental restriction bylaws**

**17.15** Despite section 143 (2) of the Act, but subject to section 143 (1) of the Act, if a strata lot is conveyed by the first purchaser of the strata lot, and the strata lot was designated as a rental strata lot on a rental disclosure statement in the prescribed form under section 31 of the *Condominium Act* and all the requirements of section 31 of the *Condominium Act* were met, a bylaw that prohibits or limits rentals does not apply to that strata lot until the earlier of:

- (a) the date the rental period expires, as disclosed in the statement;
- (b) January 1, 2006.

#### **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 — Definition For Standard Bylaws**

### **Definition for section 15 of Standard Bylaws**

**18.1** For the purposes of section 15 of the Standard Bylaws, "**hearing**" means an opportunity to be heard in person at a council meeting.

