

The *Strata Property Act*: Responsibilities of Strata Councils



Homeowner
Protection Office
Branch of BC Housing

Under the *Strata Property Act*, the legal obligation to repair a leaking building and maintain it once the repairs are completed rests with the owners through the strata corporation. The strata corporation will have to take the necessary steps to ensure required meetings are held, resolutions are passed and special assessments are in place to undertake the required repairs.

The building envelope is part of the strata's common property and all owners are responsible for its repair and maintenance no matter where the leaks are located in the building.

Below are some excerpts from the *Strata Property Act*, which outlines some of a strata council's responsibilities to repair its building.

DUTIES AND POWERS OF THE STRATA CORPORATION

Repair of property

72 (1) Subject to subsection (2), the strata corporation must repair and maintain common property and common assets.

ADMINISTRATIVE EXPENSES AND RESERVES

Strata corporation responsible for common expenses

91 The strata corporation is responsible for the common expenses of the strata corporation.

Operating fund and contingency reserve fund

92 To meet its expenses the strata corporation must establish, and the owners must contribute, by means of strata fees, to

- (a) an operating fund for common expenses that usually occur either once a year or more often than once a year, and
- (b) a contingency reserve fund for common expenses that usually occur less often than once a year or that do not usually occur.

EXPENDITURE BY STRATA COUNCIL

Expenditures from contingency reserve fund

96 The strata corporation must not spend money from the contingency reserve fund unless the expenditure is

- (a) consistent with the purposes of the fund as set out in section 92 (b), and
- (b) first approved by a resolution passed by a 3/4 vote at an annual or special general meeting,

or authorized under section 98. (Unapproved expenditures).

Special levy

- 108** (1) The strata corporation may raise money from the owners by means of a special levy.
- (2) The strata corporation must calculate each strata lot's share of a special levy
- (a) in accordance with section 99 (Calculating strata fees) or 100 (Change to basis for calculation of contribution) in which case the levy must be approved by a resolution passed by a 3/4 vote at an annual or special general meeting, or
 - (b) in another way that establishes a fair division of expenses for that particular levy, in which case the levy must be approved by a resolution passed by a unanimous vote at an annual or special general meeting.
- (3) The resolution to approve a special levy must set out all of the following:
- (a) the purpose of the levy;
 - (b) the total amount of the levy;
 - (c) the method used to determine each strata lot's share of the levy;
 - (d) the amount of each strata lot's share of the levy;
 - (e) the date by which the levy is to be paid or, if the levy is payable in installments, the dates by which the installments are to be paid.

FOR MORE INFORMATION

The *Strata Property Act* can be obtained off the Internet at www.fic.gov.bc.ca or ordered through:

Crown Publications Inc.

Phone: 250-387-6409

Web site: www.crownpub.bc.ca

More information is available through:

Office of Housing and Construction Standards

Phone: 250-387-6467

Any questions you might have about the *Strata Property Act* can be addressed by calling:

Condominium Home Owners' Association

Phone: 1-877-353-2462 toll-free