

Condo Smarts August 3rd – 7th, 2016

Selling your strata lot & the Civil Resolution Tribunal

Dear Tony: In order for us to sell our condo, our strata recently forced us to pay \$1,500 in fines for an alteration that we did not make to the exterior of our condo, but was made by a previous owner and was not disclosed to us by the strata when we purchased. Unfortunately, we did not know the amount was owing until the Form F Payment Certificate was requested a few days before our sale. This seems to be a serious problem with condo sales and leaves sellers vulnerable to the claims of stratas or managers. Carla

Dear Carla: Whether listing a home for sale or confirming the debt status of a strata lot, an owner at any time may request a Form F, Payment Certificate. The Certificate is valid for 60 days from the date of issue, and provides an excellent opportunity to review any financial claims that a strata corporation may have against a strata lot. The certificate must be provided by the strata corporation or strata manager contracted to provide the service, within 7 days of the request being received, and the strata may charge up to \$15. By requesting the form early, the owner has the ability to dispute the charges and avoid paying any rush fees for a form request of less than 7 days. Sellers have always had the ability to challenge the charges claimed on a Form F, but the time and costs involved were often barriers. With the Civil Resolution Tribunal in effect, owners now have a convenient and simple access to be able to dispute a claim if they cannot resolve it directly with their strata. A certificate must not include claims of damages including insurance deductibles against an owner that have not been determined by a court, by arbitration or by the civil resolution tribunal, but it may include strata fees, special levies, permitted interest, fines or user fees, or claims for work orders. Sellers need to know what they owe, the amount, and the nature of the claim. If there is a dispute over the amount claimed, an owner may now pay the disputed amount to the strata corporation in trust, and an initiating notice has been given under the Civil Resolution Tribunal Act. If you are considering selling, request a Form F early. Review the amounts claimed. The strata corporation must disclose the details of any amounts claimed. If you want to dispute the amount through the CRT, go to www.civilresolutionbc.ca and start a CRT proceeding. Use the solution explorer first to determine if you have any easier options to resolving the dispute over the claimed amounts. These could include a hearing with council or sample letters to help you dispute the claims. If the matter cannot be resolved, start a CRT action. Pay the amount in trust to the strata corporation if your sale is imminent and you require the Form F for the transaction, or include the amounts on your CRT claim if you have time to resolve the dispute.

Tony Gioventu, Executive Director
Condominium Home Owners' Association (CHOA)
website: www.choa.bc.ca