

Condo Smarts May 25, 2022 License Decals

Dear Tony: Our strata corporation is 178 units with an underground parking garage of 5 levels. Our bylaws require all vehicles must display a current decal showing valid license and insurance. With the end of decal requirements and online renewals, we no longer have an enforceable bylaw. Council members are concerned we may end up with a vehicle that is not licensed or insured, and the strata corporation would be left with the liability of any claims if there was damage to our buildings. We have considered amending our bylaw at our annual meeting in June that would require all residents of the building to provide copies of the insurance renewal policies. Are there any options or recommendations we might consider that would simplify this? Deanne D.

Dear Deanne: In the development of bylaws, the first task is to determine the purpose of the bylaw. What are you trying to control or manage? Is the proposed bylaw enforceable under the Strata Property Act, which includes the BC Human Rights Code and any other enactment of law that would apply? It is important to discuss your insurance requirements and liabilities with your insurance broker to confirm your strata corporation maintains all the minimum insurance requirements, which includes: the full replacement value of all common assets, fixtures installed by the owner developer, the structure of the buildings and all common property. You are also required to maintain insurance for damages caused by impact of a vehicle. The strata corporation, regardless of cause, maintains insurance on their buildings and property. Owners may still be responsible for an insurance deductible amount or damages below a deductible to common property, but ICBC does not insure your building. Many strata corporations adopt bylaws that control the use of the parking and the requirement for all vehicles to be licensed and insured, and in the event a vehicle's insurance has expired or not renewed, the owner of the strata lot owner may still be responsible for the amount of a deductible or damages below a deductible. To manage parking, the following examples are often used. 1. All vehicles must be licensed, insured and road worthy. Only vehicles of residents may be parked in the parking garage/lot. This prevents owners from renting their parking to outside parties which may be a breach of security and prevents derelict vehicles being stored on site. 2. All vehicles in the parking must be registered with the strata corporation. This provides strata council and management with contact information in the event of vehicle damages or claims and identifies tenant and occupant vehicles associated with strata lots. 3. Storage of flammable materials such as paper, tires, solvents, flooring or wood products is prohibited. These are an easy source of fuel for vandals. Routine inspections and removal of fire hazards are essential. For most moderate to large strata corporations, it is an impossible expectation of your manager or council to effectively regulate the parking by collecting insurance documents and to manage the collected personal information under your privacy policy. Develop clear bylaws that are enforceable. Don't write your own bylaws. Have a legal review of the proposed bylaws before you vote.

Tony Gioventu, Executive Director CHOA

Kindly note CHOA is a member-based, non-profit association. If your strata is not currently a CHOA member please consider joining – membership details are posted on our website at: <https://www.choa.bc.ca/about-choa/join-choa/>

We bring together industry experts to discuss the many issues affecting BC's strata community. Click here for a link to our archived webinars: <https://choa.bc.ca/resources/webinars/>

COVID-19: To prevent the spread of COVID-19 CHOA staff may be working remotely. During this time we are online and available by phone and email to assist with your strata questions. Please stay safe and healthy.