



STRATA INFORMATION

Your property management company is **CORNERSTONE PROPERTIES LTD.** If you have any questions or concerns related to the common-area property you are asked to contact them directly.

Your new home at The 881 is part of a Strata. Here is a general overview of the terms related to strata living, as well as a description of how a strata functions. For more detailed information, consult the *Condominium Act* or refer to the Bylaws provided.

STRATA MANAGEMENT – CORNERSTONE PROPERTIES LTD.

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PROPERTY DESIGNATION

COMMON PROPERTY

The *Strata Property Act, 1998* defines common property as:

- 1) that part of the land and buildings shown on a strata plan that is not part of a strata lot, and
- 2) pipes, wires, cables, chutes, ducts and other facilities for the passage or provision of water, sewage, drainage, gas, oil, electricity, telephone, radio, television, garbage, heating and cooling systems, or other similar services if they are located:
 - a. within a floor, wall or ceiling that forms a boundary,
 - . between a strata lot and another strata lot,
 - . between a strata lot and the common property, or
 - . between a strata lot or common property and another parcel of land,
 - b. wholly or partially within a strata lot, if they are capable of being and intended to be used in connection with the enjoyment of another strata lot or the common property.

The Strata Corporation must inform all owners in the Strata Project about the distinction between the individual unit and those areas specified as Common Property. In addition, it must be made clear to the owners that it is the duty of the Strata Corporation to address issues related to the Common Property and not the individual owner's responsibility. The owners should notify the Strata Corporation of any deficiencies or maintenance concerns and then the Strata Corporation may address the matter as they determine under their overall building maintenance program.

LIMITED COMMON PROPERTY

Limited Common Property (LCP) as defined in the *Strata Property Act* means common property designated for the exclusive use of the owners of one or more strata lots. The balcony or patio of each strata lot is designated as LCP. These areas are designated on the strata plan. Although LCP is designated for the exclusive use of the homeowner, it is subject to the rights of ingress and egress for members, employees and agents of the Strata Corporation in cases of emergency or where it provides access to other common areas.

STRATA LOT

Your strata lot is that area shown as such on the strata plan filed in the Land Title Office. The boundary of this area with another strata lot or with common property is the centre of the floor, wall or ceiling as the case may be. Each homeowner is individually responsible for everything inside these boundaries.



Exterior doors and windows, however, may be the exception and remain the responsibility of the homeowner.

STRATA CORPORATION

A strata corporation is created to divide a building(s) and/or a parcel of land into separate components individually owned and common components owned by all of the owners.

The strata plan will show the separately and commonly owned components of the building(s) and/or land:

- separately owned components are referred to as "strata lots"; and
- commonly owned components are referred to as "common property".

A strata corporation is a legal entity created by the deposit of a strata plan in the Land Title Office. The Land Title Office will assign a number to the strata corporation. This will become the legal identity of the strata corporation.

The name of the strata corporation is "The Owners, Strata Plan, (the registration number of the strata plan)".

Strata corporations are created under the *Strata Property Act* (the "*Act*"), and not the *Company Act*. This means that there is no incorporation certificate for a strata corporation, and the Registrar of Companies does not regulate strata corporations.

The strata corporation is a legal entity with all of the powers of a natural person who has full capacity. This means that it can sue others, be sued by others, enter into contracts with others and hire employees.

The owners of the strata lots are the members of the strata corporation. If a strata corporation is responsible for paying a judgment, the owners are personally liable to pay a portion of the judgment in proportion to their unit entitlement. A strata corporation does not have limited liability like a company.

The strata corporation is responsible for managing and maintaining the common property and assets of the strata development for the benefit of all of its owners. The specific obligations of the strata corporation are usually performed by the strata council, or agents or employees whom it hires.

Additionally, the strata council will also perform its own obligations which are imposed by the *Act* and Regulations on the strata council, and will benefit the strata corporation. The specific obligations of the strata corporation which are set out in the *Act* and Regulations are:

- preparing, retaining and making accessible various records;
- holding general meetings, or obtaining the appropriate waiver of general meetings;
- giving notices of general meetings;
- preparing "Information Certificates" (Form B) and "Certificates of Payment" (Form F);
- ensuring that the strata corporation address is correct at the Land Title Office;



- maintaining and repairing common property, except any limited common property that the owners may have to maintain under the bylaws;
- complying with work orders which deal with common property;
- maintaining a contingency reserve fund which is accounted for separately from the operating fund;
- paying common expenses;
- determining the amount of contributions which owners must make to the operating fund and the contingency reserve fund;
- preparing annual budgets;
- informing owners of any changes to strata fees;
- obtaining adequate insurance coverage; and
- informing owners if the strata corporation is sued.

STRATA COUNCIL

The Strata Corporation will elect a small "Executive" from its members to form a Strata Council. The Strata Council carries out the mandate of the Strata Corporation and is charged with the responsibility of organizing and operating The 881 condo development with the assistance of professional property managers.

The strata council's role is to:

- act as the managing body for the strata corporation;
- make daily decisions that enable the strata corporation to operate smoothly; and
- operate within any restrictions created by the *Act*, Regulations, bylaws, or a majority vote of the owners.

The *Act* states that the strata council's role is to: "exercise the powers and perform the duties of the strata corporation, including the enforcement of bylaws and rules".

The strata council can hire a strata manager to perform some or most of the functions of the strata council. However, if a strata council has delegated its powers to a strata manager, the strata council is still ultimately responsible for ensuring that its obligations under the *Act* are fulfilled.

- pay regular strata fees, usually in proportion to their unit entitlement, on the date set out in the bylaws, which is the first day of each month under Standard Bylaw 1;
- maintain and repair all parts of their strata lot and limited common property which are required by the bylaws;
- use property in a manner required by the bylaws, which under the Standard Bylaws requires that owners:
 - not cause a nuisance to others;
 - not make unreasonable noise;
- not use their strata lot for an illegal purpose; and
- leash and secure pets in common areas. pay special levies to the strata corporation if the special levy has been approved by the necessary vote;
- under the Standard Bylaws, within two weeks of becoming an owner, inform the strata corporation of their name, strata lot number, and any mailing address outside the strata



development; and comply with work orders from a local authority to do work to his or her strata lot.

STRATA / MAINTENANCE FEE

Living in a strata requires the payment of maintenance fees as per point one above. These fees are based on unit entitlement - that is, they are assessed pro-rata on the basis of square footage of your unit as it relates to the total square footage of the all the units. They are usually payable on the 1st day of each month, in advance, to the Strata Corporation so that they in turn can pay all the bills relating to The Hawthorne. The fees are usually paid by post-dated cheque or pre-authorized payment plan. When submitting any payment ensure that your Strata plan number, unit number and the strata lot number are clearly identified on the back of your cheque so that it may be credited to the correct account.

BYLAWS

The bylaws are the rules and regulations of a Strata Corporation which determine the rules of conduct which each homeowner must abide by. After the first annual general meeting, the owners may enact new, or vary existing bylaws, provided they satisfy the requirements of the *Condominium Act* in doing so.

If there are bylaw violations, fines can be levied against the individual strata lots by the Strata Council. Please refer to the *Disclosure Statement* for The 881 bylaws.

In order for a strata corporation to function effectively, strata lot owners should be willing to do the following:

- participate in managing the strata corporation by sitting on the strata council;
- attend general meetings to participate in important discussions and decision making about the strata corporation;
- understand and observe the bylaws and rules of the strata corporation;
- educate themselves about the *Act* and Regulations, so the strata corporation functions as it should;
- compromise individual interests for the good of the strata corporation as a whole; and
- take responsibility for resolving disputes between owners through discussion, mediation and arbitration, as there is no government body that can become involved in strata affairs.

INSURANCE

Condo (Strata) Insurance

Generally, the insurance coverage provided by the insurer for the Strata Corporation will replace or repair items that are damaged and were included in the original specifications by the builder/developer. This will include such items as the building and its components, original carpets and appliances.



Household or Contents Insurance

Your condominium corporation's policy only covers items that are part of the building. You need your own insurance to protect the upgrades you have made inside your unit, such as better carpets and built-in cupboards.

You also need insurance for your furniture, artwork and other personal belongings. Finally, and perhaps most important of all, you need to protect yourself against personal liability for injuries to visitors to your home or for damage you accidentally cause to your neighbours' property.