

TALES FROM THE TRENCHES

BY BARRY C. MCGUIRE

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CONDOMINIUM PARKING – YET ANOTHER MYSTERY

You buy a condominium; you get a place to park, right?

At its simplest, that's true. But, condominium parking is way more complicated than that. Here's why. When a condominium corporation is created, there are a number of choices for how to handle parking. The developer (whether it's a brand-new condo or condominiumization of an existing building) chooses one of four ways to set up parking.

1. **TITLED PARKING UNITS:** There could be parking units that have a title just like living units. Those are shown on and are part of the registered condominium plan.
2. **EXCLUSIVE USE:** Parking might not be titled but might be located on common property and administered by the condominium corporation by way of formal or informal license agreements, sometimes called exclusive use agreements.

Exclusive use areas are (or can be) identified on the condominium plan (balconies or patios are the best example) as part of the survey process. The legislation then says the Board can give an owner 'exclusive use' in respect to these areas identified on the registered plan.

Parking can be handled in this way if the common area is specifically labelled on the plan as individual 'exclusive use' areas. (Kind of like a titled parking stall, but no 'title' is issued) These individually marked exclusive areas can be 'licensed' to individual owners if the Board decides to do this. If it is done this way, the legislation backs up the 'exclusive use' nature of the common property.

These agreements are often irrevocable. Even if not irrevocable, a parking license gives owners a fair degree of certainty about what parking is attached to their living unit.

3. **ASSIGNED PARKING:** The third way condominium corporations handle parking is simply to assign common property parking space(s) to individual unit owners. This method has less certainty than numbers one and two, although practically speaking, once a parking space has been assigned, it doesn't often change.
4. **A COMBINATION OF THE ABOVE:** Watch for a tricky blend of the titled parking spaces referred to in #1 and licensed spaces. Firstly, you need to know that a Condominium Corporation can, on the same condominium plan, combine the different types of parking. Secondly, be aware that developers have been known to license parking spaces to themselves during the development process, giving them an ongoing revenue stream and denying that same revenue stream to the Condominium Corporation.

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With that brief explanation of how parking works in condominiums, it's no wonder that the exact status of parking is often confused in a condominium purchase.

Offers to purchase often mis-describe or don't describe parking accurately!!!!

LESSONS LEARNED:

Ask the realtor and or the developer how parking is handled. Are there titled parking spaces, are they licensed formally or informally, are they assigned or is parking a blend of parking choices? What parking space(s) do you get? For how long? Can a new Board change who parks where?

Ask to see a parking plan and supporting documentation. To keep track of parking, almost all Condominium Corporations have a written parking plan, although it may not be legal according to legislation or the Bylaws.

To check what the realtor and or developer are telling you, **review the condo bylaws** to see what they say about parking. How many spaces, titled or otherwise do you get? Whatever answers you get, make sure your offer to purchase accurately describes your parking entitlement.

Consider ordering a copy of the condominium plan as part of your conditional diligence. You can get a copy of the condo plan the same way as you get a copy of title. They are often very large so you probably have to pick it up at your local registry office. You can also ask your lawyer to get one for you and to sit down and review the plan with you, but it's best to do this **before** the offer is unconditional. The condominium plan will reveal whether or not there are any titled parking spaces or registered exclusive use areas.

REMEMBER, ask these questions and do these searches before you go unconditional, BEFORE it's too late.

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