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McCarthy Tétrault’s ANNOTATED BRITISH COLUMBIA STRATA PROPERTY ACT by Scott D. Smythe and E.M. (Lisa) Vogt Release No. 2, December 2024
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What's New in this Update:

This release features updates to the case law and commentary in the Schedule of Standard Bylaws chapter, and the Strata Property Regulation chapter.

Highlights

- **§ SPR14.12:1 Case Law** — In *Baker v. Strata Plan KAS 2750*, 2022 BCSC 1449, the dispute was about who was responsible for the cost of remediating a retaining wall that bordered the lower boundary of a 24-lot bare land strata residential development on a hill. The wall was shown on the strata plan as being located within seven strata lots. The petitioners owned one of the seven lots and sought rectification of the strata plan to designate the wall as common property. Individual respondents were owners of the other six lots and took no position except as to costs and to seek minimal encroachment on their lots if the wall was designated as common property. The strata corporation took no position but made submissions regarding the positions of the various groups in the development.