
Condo Smarts

Headline: Common or limited property: What's the difference?

Topic: Common Property, Limited Common Property, Electric Vehicles

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Dear Tony: We put in a written request to our strata council to install a charging station for our new car and the strata council have refused to give us permission. Our parking is common property and the council have said they don't want to open the door on alterations in the garage as it will just lead to a mess. We were under the impression if we agreed to pay all the costs the strata council couldn't refuse our request and had to agree to the alterations. The property manager told us to apply again and detail all of the other alterations people have been allowed to make so they could hang kayaks, bikes and storage lockers. This would force the council to allow the alteration but council have said they don't have to give permission. Would it help if the parking was limited common property?

Sharon M. Vancouver

Dear Sharon: It is first helpful for readers to understand the differences between common and limited common property.

Common property is all of those portions of a strata corporation that are not designated as part of a strata lot or identified as limited common property either on the strata plan or through an amendment correctly approved and filed in the Land Title Registry by the strata corporation. The *Strata Property Act* requires the strata corporation to maintain and repair common property and does not permit a strata corporation to create a bylaw that makes owners responsible for the maintenance and repair of common property. Alterations to common property are determined through the Schedule of Standard Bylaws of the Act or through bylaws amended by the strata corporation.

Most strata bylaws, like yours, require a written application before any alteration is considered or

approved to common property and does not require the strata to grant permission for the alteration. If the strata corporation approves the alteration to common property the strata may require all current and future alteration and maintenance costs be paid by the applicant.

Limited common property is common property that has been designated for the exclusive use of one or more strata lots identified on the strata plan or as amended and filed by the strata corporation. These are spaces designated for horizontal use that can be easily identified on a 2-dimensional plan. The Schedule of Standard Bylaws and your bylaws both permit alterations to limited common property and require the strata council to act reasonably when considering the application. In exchange the strata council may require all alterations and future costs related to the alteration be paid by the applicant and the bylaws require the designated owner perform custodial maintenance on the designated areas. The bylaws could also be amended to require a higher standard of maintenance and repair of limited common property by designated strata lots.

The strata corporation may, with the approval of a 3/4 vote resolution at a general meeting, designate limited common property provided it is filed in the correct form and meets the requirements of the Land Title Registry.

Your property manager has raised a valid point regarding other alterations. Strata corporations have a reasonable expectation to act fairly for all owners. If the strata corporation has permitted other types of alterations to the common property there may be a valid argument why you should also be permitted to install charging station. There may be sufficient evidence to challenge the decision of council. If the

alteration does result in a major electrical upgrade or significant change in the use or appearance of common property or the acquisition of an asset greater than \$1,000, the approval will require the passing a 3/4 vote resolution at a general meeting.

Depending on the age and design of your building, a charging station may be a simple installation or a complicated and costly venture. Whether you are a strata council or an owner, confirm all of the costs associated with the installation before you proceed. This is an excellent time for both owners and strata corporations to consider the installation as there are grants available for the stations and improvements. The incentive amount is up to 75% of project costs up to \$4,000 per level 2 charging station with a maximum of 2 stations per property. For more information go to: www.pluginbc.ca