

---

## Condo Smarts

Headline: Maintenance of Common Property

Topic: Repair & Maintenance

Publication / Date: The Province, Nov 1, 2018

Written by: Tony Gioventu

**Dear Tony:** Our council hired a contractor to clean our gutters and roof areas as we have several large maple trees around our property. The contractor removed the debris from the upper areas and simply dumped it onto our balconies and patios. The council have informed owners that patios and balconies are the responsibility of each owner and we are required to remove the debris. Many of our owners are seniors and not capable of cleaning the materials from their balconies. As a result of the debris being dumped and blocking drains, several patio areas flooded in the heavy rains causing damage to 3 units on the ground level. Can our strata council make owners responsible to maintain and repair our decks and patios?

*Judith M. North Vancouver*

**Dear Judith:** There are two separate considerations when answering your question. What does the *Strata Property Act* and your bylaws require, plus what is common sense? First the legislative side. Most exterior decks, patios and balconies are either common property or limited common property. Any areas that are common property must be maintained and repaired by the strata corporation. On your strata plan the balconies and patios are shown as common property. Your strata corporation must maintain and repair the common property, this includes the removal of the debris and washing of the decks and balconies. Strata corporations are not permitted to adopt bylaws that require owners to maintain and repair common property.

If an area is limited common property, the duties are defined in the bylaws of the strata corporation. Under the Standard Bylaws of the *Strata Property Act*, owners are responsible to conduct maintenance on their allocated area of limited common property for duties that would occur once a year or more often, and the strata corporation is responsible to maintain and repair the area for items that occur less than once a year.

As for common sense, one of the benefits of living in a strata corporation is the ability to share the service costs for routine maintenance. Hiring a service provider to clear the gutters, debris, decks and balconies is a lower cost and ensures your strata can hire a reliable, insured contractor with resources to effectively maintain your property without placing your residents at risk. Throwing the debris down onto lower levels not only causes increased maintenance, but is also a safety hazard.

As winter approaches, apply the same consideration to snow removal and de-icing. It is much more economic, and to everyone's benefit, to plan for snow removal and maintenance of roads, sidewalks and driveways. Check your strata plan and bylaws before you try to download maintenance onto your owners. In most townhouses and apartment style strata corporations, driveways, sidewalks and roadways are common property and must be maintained and repaired by the strata corporation.