
Strata Living

Headline: How is common property determined?

Topics: Common Property

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Dear Tony: We live in a 12 unit townhouse complex in Kitsilano. We have a shared heating system with piping that runs between our units and through our floors. The president of the strata council insists that only the boiler is the strata responsibility and the pipes through the parking garage and between our units are the responsibility of each strata lot owner. We have argued that the strata cannot make owners responsible for common property but his counter argument is that the pipes are for our exclusive use making them our responsibility because each unit can be shut off at the boiler. There must be an easy way to figure this out.

J P Morris

Dear JP: Common property is determined by separate methods. The property that is shown on the strata plan as common property (not part of the strata lot) and the definitions of common property in the *Strata Property Act*. The underground parking garage on your strata plan is clearly shown as common property which determines that piping and heating system in this area is also common property.

The pipes between your walls however are not as clearly identified, which is why the *Act* has a specific definition that determines common property: "**common property**" means

(a) that part of the land and buildings shown on a strata plan that is not part of a strata lot, and
(b) 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 (i) within a floor, wall or ceiling that forms a boundary (A) between a strata lot and another strata lot, (B) between a strata lot and the common property, or (C) between a strata lot or common

property and another parcel of land, or (ii) 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.

It would seem logical that if the system was maintained by one service provider, under one contract it would be the most economical for maintenance and operations for your strata owners. The whole reason we live in strata properties is to take advantage of the collective benefits of shared use and expense.