
Strata Living

Headline: Who cleans the sidewalks?

Topics: Snow Removal, Repair & Maintenance; Repair of Common Property

Publication / Date: 24 Hours, Dec 15, 2016

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Dear Tony: We live in a small townhouse complex in East Vancouver of 16 units. A few years ago the owners decided to change our budget and give the responsibility of maintenance for the driveways and sidewalks to each unit. In good weather owners are happy to be out there to wash down their driveways and sweep up a few leaves, but the recent snow has created a hazard for several of our senior owners who cannot remove the snow or ice. We are concerned about their safety and the possible liability of the strata if we don't address this. Our president refuses to arrange for anyone to clear the snow. His comment to the owners last week was, "if you don't like it, you should live in a highrise". How do most small strata corporations deal with these issues?

Daphne J.

Dear Daphne: Strata corporations have 3 types of general property designations. Strata lots, limited common property and common property. We first need to understand the property designated then look at your bylaws. If the property area is common or limited common property then the bylaws of the strata may impose obligations for maintenance and repairs, including snow and ice removal. If the area is common property then it defaults automatically to the strata corporation, and the strata is not permitted by the Act or Regulations to make owners responsible. Your strata plan shows the driveways and all the sidewalks as common property, so yes, it is the responsibility of your strata corporation to maintain these areas, including snow and ice removal. If your strata corporation fails to meet its obligations to maintain common property, owners have a valid claim and may now use the Civil Resolution Tribunal to obtain an order for the maintenance. It is quick, easy access and inexpensive.

Planning for snow removal in annual budgets is unpredictable on the BC coast, but for the strata corporations who plan for the expense, the funds are there if needed, and if we don't get any snow the strata may end up with a surplus they can transfer to their contingency to offset major expenses.