

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-182

Condo Smarts

Headline: Neighbours planting plans affect our view

Topic: Landscaping

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Dear Condo Smarts: I live in a townhouse complex in West Vancouver. We have spectacular landscaping and breathtaking ocean views. But our lives are about to change. My neighbour has decided to plant a 10 foot native Western Flowering Dogwood 2 feet from our fence line and only 5 feet from our living room window. We appealed to the council encouraging a different location but were told it was his property and he could do what he wanted. Our view will be blocked, diminishing our property value and the buildings will require more maintenance. Is there someone who can intervene and protect our investment?

- Mrs. C . Lo.

Dear Mrs. Lo: No, there are no strata police. Strata legislation is self regulating, so if there is a dispute and the corporation cannot resolve the matter through their bylaws, an owner(s) may be required to proceed with a court action or arbitration.

However, your specific strata plan and bylaws indicate that your yard areas are common property, and an owner requires the written permission of the council before any alterations are made, or shrubs or trees that block the view, are planted. That means your council are obliged to enforce the bylaw if necessary.

More important though, what are you going to do about the trees?

Over planting, improper planting and neglecting tree maintenance are chronic problems for most multi family communities.

Your landscaping and trees provide tremendous assets to strata properties.

They enhance property values, use and enjoyment of common property, protection from the elements and sustainability for the environment.

But, before you plant, know what you are planting and what they will become.

Here is a simple checklist that should keep you out of trouble:

- Do your bylaws allow plantings?
- How large will this tree/root base grow?
- Is it safe to plant the tree over a parking garage, next to a building, under power lines, or in building balcony or roof top planters?
- How will the tree be maintained and who will maintain it?
- Will the tree cause a nuisance to other owners?
- What additional maintenance costs will the tree add to your buildings for additional gutter cleanings and washing?
- Who will have the right to decide how the tree is pruned or removed if necessary?

Perhaps if you approach the strata council with these queries, they will not dismiss the matter so lightly.

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