

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-188

Condo Smarts

Headline: Councils can ban on-site vehicle repairs

Topic: Vehicle repairs on limited common property

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Dear Condo Smarts: I live in a highrise building in Vancouver and have two parking spaces that are my limited common property.

I store an older sports car in one space and occasionally do restoration work on it. The strata council has advised me that the bylaws do not permit car restoration or repairs in the parkade and that all cars must be insured or will be removed at by the strata corporation at the owner's expense.

What are my rights?

Doesn't limited common property prevent the strata from removing the car?

- Don Jacobs

Dear Don: If their bylaws are enforceable, then yes, they can prevent owners from effecting car repairs and maintenance and do potentially have the authority to remove objects that are in violation of the bylaws.

Strata owners often misunderstand the term limited common property (LCP) and their associated rights.

By definition, LCP means common property designated for the exclusive use of one or more owners.

If the strata creates the LCP, then it requires a $\frac{3}{4}$ vote to do so. Also, to change or remove the designation requires a $\frac{3}{4}$ vote.

If the developer has created the LCP, then only by a unanimous resolution can the LCP designation be removed or altered.

A parking garage is no place for major auto repairs or restoration.

We received countless complaints from owners with vehicles under repair that have experienced vandalism and theft or from strata councils dealing with unsafe, derelict cars.

Cars under repair, on blocks or derelict are also ideal targets for arson.

Mandatory insurance is simply another layer of protection for the strata corporation.

Think of it this way; Why should everyone else who shares your liability, but not your vehicle ownership, have to pay the costs of an uninsured vehicle and the associated damages caused by a claim against the strata?

And don't forget what goes down the garage drains ends up in our lakes and rivers: fluids antifreeze, oil, gas, cleaners, paints and bonding agents.

There are many excellent storage facilities that allow project restoration and are equipped for waste disposal and safety – as well as removing the concerns of your fellow strata owners.

For more information on CHOA resources and benefits visit www.choa.bc.ca or contact the office at 1-877-353-2462 or email office@choa.bc.ca.

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