

Condominium Home Owners' Association

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Bulletin: 300-204

Condo Smarts

Headline: Holiday trees hit a snag

Topic: Christmas trees

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Written by: Tony Gioventu

Dear Condo Smarts: Since I moved into our condo in the early '80's, we've been allowed Christmas trees in our strata lots and to decorate our balconies. This week, we've been advised by our property manager that Christmas trees are prohibited, and exterior Christmas lights are no longer permitted. This is news to me and my fellow strata lot owners, as we have never approved such changes. Wouldn't it be an infringement of our rights not to be able to have a Christmas tree and celebrate the holiday season?

- *Isabelle Berns, Vancouver Island*

Dear Isabelle: Before answering owners' questions on bylaws and use of property, I would always first check your registered bylaws and your strata plan.

Rules cannot apply to individual strata units; they only apply to common property and common facilities.

You do not have any bylaws in place that affect Christmas trees in strata lots. The council does not have the authority to prohibit Christmas trees at this time. However, if the strata corporation passed a bylaw that prohibited live Christmas trees in the building, it can be enforceable.

The exterior of your building and your balconies show as common property on your strata plan, so yes, a rule could be created by council that prohibits the use of exterior lights and decorations.

But rules must be ratified by the owners at your next general meeting to be enforceable. Owners holding 25 per cent of the votes can always demand a special general meeting to address this rule. If it's defeated by majority vote, it's all decorations on deck.

Now, for trees. If you ask a building caretaker about live Christmas trees, the responses cannot generally be published.

The most common complaints. Dragging trees across carpets shreds and tears the weaving. Scratching the walls with branches damages the interior common hallways. Elevator cabs are left scratched and soiled with sand and needles. Neglected trees that are allowed to dry out become a serious fire hazard, and discarding trees from balconies and decks damages buildings and pose a safety risk to everyone below.

If you allow live trees, create bylaws that require bagging of trees, a method for disposal, and the costs for remedying or cleaning if there is damage.

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