

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-311

Condo Smarts

Headline: Who shovels the snow?

Topic: Snow removal

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Dear Condo Smarts: Our strata is a small eight unit townhouse development in Qualicum Beach. Since the snow has started, nothing has been done to keep our driveways or sidewalks clear. Several elderly owners have attempted to shovel, but the conditions are simply too wet to do anything about it. Our strata council of three say that we must remove our own snow, because the bylaws don't say anything about the strata removing the snow. We have homeowners simply cannot do it, and if we hire a contractor how do we get them to clean the driveway that everyone in the strata uses, without assuming the liability if anything goes wrong? Our bylaws say that we are responsible for any damage done by any contractor or trades person we hire. I expect this is a problem in most strata corporations this week and we would appreciate your assistance. JP

Dear JP: The first thing everyone needs to understand is the designation of the property that requires snow removal. If the area is common property then regardless of your bylaws, the strata corporation cannot make you responsible for the area. The Act only permits bylaws making owners responsible for common property if permitted by the regulations, and the regulations do not permit such a bylaw for common property. As a result you likely have an unenforceable bylaw

as it conflicts with the Act. Don't lose sight on one of the most important reasons you moved into a strata. The intent of strata living is sharing the cost and work load of maintenance and operations. As a common expense, you can take advantage of the quantities of scale and reduce individual unit operating costs. A single snow removal contract will cost much less than everyone paying individually, even if you hire local students to shovel the walks. Owners must also be aware of their obligations if the areas are limited common property. The standard bylaws require custodial maintenance by owners on limited common property and that includes snow removal. If you neglect your obligations for snow removal on limited common property, the strata may have to take action on your behalf and it could be at your cost. Owners in low rise buildings and townhouse developments with large deck areas need to pay close attention to the snow loads and ensure your drains are clear to avoid flooding. It's never too late for a strata to sit down and develop a snow removal plan. We still have a few months of winter to go. Avoid unnecessary damage. Consult with your strata council or manager before you start shoveling decks or roofs, and secure a snow removal contract for the safety and convenience of your residents.

For more information on CHOA resources and benefits visit www.choa.bc.ca
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