

**Condo Smarts**

Headline: Snow Removal  
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**Dear Condo Smarts:** The first flakes of snow have already started falling for our interior strata and the owners are already fighting over who is responsible for the removal of snow. Our council understands that owners are responsible for their own decks, balconies, walkways and driveways. However, an owner has come back to us with a legal opinion that the strata corporation is responsible for all snow removal. We suspect that every other strata is just as confused about this problem, and would appreciate your insight. Alderwood Strata Council

**Dear Alderwood Council:** This is not a question that anyone can answer without reviewing the strata plan and registered bylaw amendments and rules of each strata corporation. It is quite possible that the obligations will change for each strata in your neighbourhood. The basic requirements of the Act are easy to follow, but, to determine responsibility, your council first needs a copy of your registered strata plan and all filed bylaw amendments. Generally the drawings of the strata plan will show what is part of the strata lot, what is common property and what is limited common property. Areas not designated are generally common property. If the area is common property on the strata plan, the strata corporation must remove the snow as they are not permitted to make an owner responsible for the maintenance and repairs of common property, either through a rule or bylaw. If the area is limited common property (LCP), and the strata has the schedule of standard bylaws, then the owner is responsible as the standard bylaws require an owner to maintain LCP for those items that occur once per year or more often and

that is things like sweeping, washing, snow removal, or general custodial items. Where it gets complicated is when the strata has amended the standard bylaws or repealed them with nothing replacing the obligations of owners. Basic rule of thumb though, if the area is common property, the strata must perform snow removal. If the area is limited common property then it depends on what your bylaws say, including the Standard bylaws if they still apply. That satisfies the legislative part of the answer, but strata corporations should also think about the practical applications. For example, if you have a townhouse complex of residents who are 55 and over, and each driveway is limited common property, does it really make sense to have each person shovel their own driveway? It would be much more economical for the strata corporation to arrange a singular snow removal contract, and it would not be placing undue physical pressure on owners. Remember one of the underlying principles of strata living is the benefits of scale. It's always cheaper to have one contractor do 25 driveways at the same time than each owner having to arrange their own contract with different contractors. The strata also has control of selecting a contractor who is insured and reliable. This is always a good item for owners to discuss and approve at your annual meeting when you approve the budget.

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