

**Condo Smarts**

Headline: Hanging your dirty laundry  
Topic: Balconies & Decks, Alterations to Common Property  
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**Dear Condo Smarts:** We are a row of townhouses in Vancouver's west side. Each townhouse has a roof top deck/garden that our owners use throughout the summer for gatherings and dining. Each unit was designed with a built in gas barbeque, and we are divided by glass partitions and low shrubs. Everyone has been very cooperative for the first 7 years, but a new owner has moved in and caused all kinds of trouble. They are in the middle of 8 units so everyone especially the neighbours are affected. They removed the shrubs and planted pyramid cedars that are 7 feet high and in the evenings they dry their laundry outside on a series of lines they have attached to either end of their roof top area. No one wants to use their roof top decks any more, but they were a valuable part of our investment. Do we have any reasonable options to solve this problem without getting the courts involved?  
*Andy, Kitsilano*

**Dear Andy:** Depending on your registered strata plan, easements, and your bylaws there is a potential of several violations. For example, there may an easement/building scheme filed that prevents obstruction of the view from any one of the strata lots, or the strata plan may have specified plant materials and locations to ensure maximum use by any strata lot. Changes to the design may require the consent of all owners, or a three quarters vote for the significant change in use or appearance of the common property. There may also be an issue of an alleged bylaw infraction if an owner uses a strata lot or the common property in a way that causes a nuisance or hazard to another person. A mediator may be a solution for your strata to find a solution. Perhaps outdoor laundry has specific schedules that do not disrupt other

owners, or the trees could be pruned to a height that does not obstruct other strata lots. Smaller strata corporations frequently encounter conflicts because they are casual about how they operate under the Strata Property Act or their bylaws. I noticed in reviewing your recent minutes that while you did have an Annual General Meeting in December, you did not elect a strata council. So before you can even contemplate enforcing your bylaws you will need to have a Special General Meeting and elect a council, because it is only the authority of the strata council to enforce the bylaws. Some basic formality in a small strata corporation can make all the difference. The owners gain a better understanding of their interaction and obligations to the strata corporation and each other. It is also extremely helpful to print off a copy of the Schedule of Standard Bylaws and any of your strata amendments and provide a copy to each strata lot. Whenever someone wishes to make an alteration to a strata lot or the common property, stick with your bylaws, give consent in writing, and maintain a record of the alterations. When you have a bylaw complaint, stick to the Act and follow the requirements of written notice of a complaint and right to a hearing. Whether you are a duplex or 200 units, it's all the same, just a bit more personal in small strata corporations.

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