

Condo Smarts

Headline: Limited Common Property
Topic: Limited Common Property
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Dear Condo Smarts: Our strata corporation has designated all of our parking spaces as limited common property (LCP) so that the owners are clear on how the parking is designated. The resolution passed without any question and the plan was filed in the Land Title Registry meeting all of the Strata Property Act requirements. At our strata council meeting last week, a question was raised regarding the new obligations for maintenance and repair for owners, now that they had an LCP designation. Some council members feel that because the property is now designated for exclusive use, each strata owner is responsible for the maintenance and repair of the strata lot, including any damage or wear to the concrete surfaces. Other council members are of the opinion that the corporation still controls the parking so the strata is responsible for maintenance and repairs. How do we clearly define the responsibilities of an owner and the responsibilities of the strata corporation for limited common property?

Douglas G. Highland Meadows Strata Council

Dear Douglas: When property is designated as Limited Common Property either by the owner developer or the strata corporation, the designation creates an exclusive benefit of use for that strata lot(s). That does not necessarily change the obligations of those owners, unless the bylaws set some definitions. The Schedule of Standard Bylaws require owners of strata lots with allocations of LCP, to be responsible for those items that require maintenance once a year or more frequently. What that generally implies is custodial maintenance, commonly cleaning, such as sweeping and degreasing. The bylaws could be amended to require additional obligations of owners, but the strata corporation seriously needs to contemplate what maintenance and repairs are reasonable for an owner, and what should be avoided to prevent owners from either neglecting their repair obligations or making repairs that result in greater damages, costs and risks for the strata corporation.

A prime example when the strata corporation should limit obligations is relating to decks and

balconies. Owners should be responsible for routine maintenance such as sweeping, clearing drains and cleaning surfaces, but when the strata corporation downloads the obligations for repairs to wood surfaces, deck membranes, or the structure of the decks, the result is frequently neglected repairs that the strata then has to commit to time and costs for either bylaw enforcement or the actual repairs. Owners move into strata corporations so they no longer have the obligations of snow removal, maintenance to buildings or cutting the grass. If the strata corporation attempts to download repairs and maintenance that should be managed and paid for by the strata corporation, it will eventually cost more and result in neglected repairs or lower standards of maintenance. Over time the strata corporation will simply pick up the pieces and greater costs. One of the major benefits of condo living is the quantity of scale. If each owner contracts a deck specialist or concrete repair contractor to repairs to their designated limited common property, it will cost substantially more than the strata corporation hiring a single contractor. It also ensures that the strata corporation can control the conditions and standards of repairs. Remember also, the strata corporation is not permitted to make a strata lot/owner responsible for the maintenance and repair of common property.

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