

Strata Living

Headline: Who does the work?

Topic: Repair of Limited Common Property

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Dear Tony: Our strata corporation is 118 townhouses. Everyone has their own back yards and most yards have large trees that provide shade for those areas. We have always required owners to maintain their own yard areas and it has worked well. Several owners have pruned and managed their own trees and generally the property looks in good condition. Now we have a number of people who want their trees pruned and several trees are causing damage to roofing, but the owners of those units refuse to do the work. Our bylaws require owners to maintain their own yards, so what options do we have if these owners don't do the work? Can we just prune the trees and have them charged? Thanks

Kyle B, North Van

Hi Kyle: Before you can force the pruning and costs on owners, you first have to be clear on who has the responsibility. Your back yard areas are designated as limited common property on the strata plan, and your bylaws require owners to maintain limited common property; however, your bylaws only require custodial maintenance, those obligations that occur once a year or more frequently. They also specify that the limitation is to cutting the grass, weeding, cleaning yards, snow removal and clearing drains weekly. The bylaw

does not require owners to prune and manage trees, maintain fences or gates, or any other repairs that occur less than once a year. Strata owners and corporations commonly assume that just because the area is common property it is automatically each owners responsibility, that is incorrect. The designation of limited common property is simply the allocation of exclusive use. If you want owners to be responsible for maintenance and repair, that will also require a bylaw setting out those conditions.

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