

## Strata Living

Headline: Who is responsible for Limited Common Property?  
Topic: Repair & Maintenance; Repair of Limited Common Property  
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**Dear Tony:** We live in a 12 unit strata in Kitsilano. 4 of the units are on the top floor and have roof top access to a deck area. Each of the 4 deck areas are common property. We are about to replace our roofs and the 8 owners on the 1<sup>st</sup> and 2<sup>nd</sup> floors are disputed having to pay their share of the roofing cost. They have sent us a letter from a lawyer and claim because our decks are limited common property and cover the roof top area, we are responsible for the replacement of the roof. Our decks do not cover the entire areas, and we are unclear about how the use of limited common property is interpreted.

*Grace F.*

year or more frequently. In essence, this is simply custodial maintenance such as cleaning and ensuring drains or membranes are clean and protected. The bylaws stipulate that those repairs that occur less than once a year, such as roof replacements or repairs to the structure of the building are the responsibility of the strata corporation. The vast majority of answers to the questions that relate to use and enjoyment of property are frequently determined by reviewing a copy of the registered strata plan, LCP amendments filed in the Land Title Registry by the strata corporation, and the Schedule of Standard Bylaws or any amendments adopted by the strata corporation and filed in the Land Title Registry.

**Dear Grace:** A designation of limited common property is either created by the owner developer or by a three quarters vote resolution of the owners at a general meeting, which approves designated areas on a sketch plan to be determined as limited common property (LCP) for specific strata lots. Those designations alone do not make owners allocated the use of the LCP areas responsible for the replacement and renewal of the structure of the area. In order to establish who is responsible for LCP areas, and to what extent they are responsible, we have to review the bylaws of each strata corporation. No two strata corporations are the same, so we cannot rely on generic answers. Grace's strata have never amended the Schedule of Standard Bylaws of the Strata Property Act; therefore, the responsibility of each owner to maintain and repair the LCP roofing areas is limited to those maintenance items that occur once a

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