
Strata Living

Headline: Community Gardens

Topics: Alterations, Landscaping

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Dear Tony: Our strata has developed a community garden on our property that will hopefully stop our owners from tearing up bedding plants and planting their own vegetables. Several owners who are not gardeners are complaining about the cost and don't feel they should contribute in their strata fees. The strata corporation did include this in the annual budget, and we are only allocating \$2,500 a year into the community and have reduced our landscaping by \$2,500 a year. These owners have petitioned for a special general meeting to get the strata to change the approved change of use of the property. For such a small amount of money and a good community cause, we feel these owners are just being unreasonable.

Kira P. Richmond

Dear Kira: Strata corporations are permitted to alter the use and enjoyment of their common property and assets, but there are restrictions on how these decisions are made. If the alteration is a significant change in use or appearance, the strata requires a 3 / 4 vote. The first matter the council has to consider is whether the change is significant. The term significant is often difficult to determine, however a test can be applied that may help your strata consider the impact. Does the change alter use or access of property in a way that disrupts any owner's access to their strata lot or their use and enjoyment of the property? Were there other features or uses in the area that have been altered or removed for the gardens? Has the appearance been altered in a manner that changes the appeal or value of the property? Would the change result in an impact to a strata lot that could influence use, appearance or value? If your strata properly approved the funding and the alteration, the expense does become a common expense that everyone pays for through their strata fees in the same way many people live in buildings

where ground floor owners do not have balconies and still pay a share of those common expenses for maintenance. Community gardens are a great asset if they have been properly created and users maintain their plots. It would be helpful for the strata council to consider a rule that sets out the use of the gardens, maintenance requirements and limits on the type of plant materials. Basic rules before owners plant will help prevent major conflicts after.