
Condo Smarts

Headline: Do it yourself services

Topic: Strata Council; rogue council

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Dear Tony: Our townhouse complex is 58 units. Each has a separate garage attached, fenced in back yards, and a series of mature trees through the complex. The homes are highly desirable because of location, size of units, and our hillside designs. The community have maintained higher strata fees to ensure we had the resources to effectively manage our landscaping and building renewals over the past 23 years. Until the recent council were elected, services like snow removal, gutter cleaning, fence repairs, tree pruning, and landscape management were hired to third party contractors. The current council have terminated all services, and are now paying themselves to perform the tasks, and the owners of the corporation are unhappy with the results. The new council have also insisted owners must mow their back yard lawns, and will be responsible for snow removal from their sidewalks and driveways this coming winter, and refuse to respond to owner directions. We need to replace them. Help!

Janice W.

Dear Janice: Under *the Strata Property Act* and your bylaws, your strata corporation will likely be required to petition for a Special General Meeting to remove these council members and elect a new council. A petition for the removal of council requires persons holding at least 20% of the strata corporation votes to demand a meeting and majority vote for their removal; however, bylaws to remove and elect new council may vary for your strata corporation.

Strata corporations may choose to administer certain obligations or duties on their own, and self managed strata corporations often try to save costs by performing do it yourself services or have no other option due to location. Some services may have minimal impact or risk, such as janitorial maintenance. The risk for a strata corporation increases dramatically when the strata self

administers duties that require a licensed service, such as an electrician, or activities that may result in injury or loss. Snow removal, gutter cleaning and landscape services must be performed by the strata corporation as a common expense if the areas are designated as common property.

The council members and strata corporation must be mindful of the significant limitations of any type of insurance or injury coverage in the event of an accident. Before any strata corporation considers administering services that pose a hazard or risk, contact your insurance broker. Describe the services and determine what, if any insurance coverage there is for the party performing the work, and what type of liability may exist for the strata corporation. If the strata fails to effectively manage snow and ice removal and a resident is injured, or a council member falls off a roof, or is injured during tree management, you may discover there is no liability or insurance coverage for their injuries or the result of their activities. The Lotto BC line, "know your limit, play within it", should be applied to strata council decisions as well.