

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-206

Condo Smarts

Headline: This time council is wrong

Topic: Snow removal

Publication date: December 3, 2006

Publication: The Province

Written by: Tony Gioventu

Dear Condo Smarts: We live in a 78-unit townhouse complex in the Fraser Valley. Just as the snow started falling on Saturday, all owners received a notice through our doors advising that it was each owner and tenants' responsibility to clear our sidewalks of snow and ice, and the areas immediately on front of our garages and the roadways.

Evidently, in a moment of insanity, our strata council decided to spend our snow removal money of \$1,500 on Christmas lights a few weeks ago without telling anyone.

Many owners have tried to pitch in, but we simply have too many elderly owners to do the job. Needless to say our driveways and roads are treacherous sheets of ice. Two questions: 1. How can the strata spend the money without our knowledge? 2. Where do they get the authority to order us around?

- *Snowbound in Fraser*

Dear Snowbound: The answer to your second question first – bottom line, they can't. The strata may only enforce bylaws and rules created and ratified by the corporation.

In most townhouse complexes, the roadways and driveways are common property, and neither the Act nor the regulations permits a bylaw or rule that makes owners responsible for the maintenance or repair of common property. That includes snow removal.

Consider for one moment who pays the losses if the strata do not maintain the snow and ice removal and someone falls and is injured or worse. Who will be sued? The strata corporation.

It's also cheaper and more efficient to contract one company to do all of the work.

On the darker side, because the cost of the lights is more than \$1,000, the strata council would have required a $\frac{3}{4}$ vote of the owners at a general meeting before they purchased them, so the council is erring twice here.

Your owners should address this matter either at your next AGM or at a specially petitioned meeting, the sooner the better.

The snow and ice pose an immediate threat to the safety of residents and visitors, and may prevent emergency vehicles from accessing your property.

Your strata council needs to take immediate steps to ensure your property is safe and accessible.

For more information on CHOA resources and benefits visit www.choa.bc.ca
or contact the office at 1-877-353-2462 or email office@choa.bc.ca.

No part of this publication may be reproduced without the prior written permission of CHOA

This publication contains general information only and is not intended as legal advice. Use of this publication is at your own risk. CHOA will not be liable to you or any other person for any loss or damage arising from, connected with or relating to the use of this publication or any information contained herein by you or any other person.