

Condo Smarts

Headline: Townhouse Garages
Topic: Garages
Publication date: Feb 5, 2012
Publication: The Province
Written by: Tony Gioventu

Dear Condo Smarts: I have been looking for some information that could tell me about our town house garage. We are 68 units and some owners have single car garages and others are two car garages. The new council as of January 16, have sent a letter to everyone advising that garages are for the exclusive use of each owner, therefore the strata corporation will no longer be repairing the doors, springs or motors. This is of course after three of them had their motors replaced last fall. Could you tell us how this is determined and who has the authority to make these decisions?
Karen R. Chilliwack

requires a bylaw amendment and the approval of the owners of the proposed amendments by a three quarters vote at a general meeting. The strata council does not have the authority to impose different obligations on the owners than those of the bylaws. The same conditions would apply to basements, decks and balconies, storage lockers, parking spaces, and any other areas that are often allocated for the exclusive use of one or more owners. In Karen's strata, the parking garages are limited common property. On review of the bylaws the owners are responsible to clean the interiors and maintain and repair their electric motor for the garage door opener. The strata corporation maintains the rest.

Dear Karen: Before anyone can determine who is responsible for the different parts of the property, we first need to understand how the property is designated. To determine the property designations we go to the registered strata plan of your strata and the common index of the strata corporation on the land title registry. The registry shows the strata lot boundaries, the limited common property (LCP) allocated to the use of each strata lot (s), and the remaining areas are typically common property. In addition, at some point the strata corporation may have designated other areas as LCP, and these would be registered on the common index of your strata. If the garage is common property, then the strata must maintain and repair those parts of the common property. If the area is limited common property, then it depends on the bylaws. The standard bylaws of the Strata Property Act only require the custodial maintenance of LCP areas, such as sweeping, cleaning, snow removal. The strata corporation may require additional obligations on an owner; however, that would need to be specifically set out in the registered bylaws. For example, the strata may require that owners are responsible for the annual maintenance and repair of components such as the motors, pulleys, springs, and remote controls. If the garage area is shown as part of the strata lot, then except for the exterior of the garage, which includes the doors and windows, the remainder is the owners responsibility. Changing the allocation of property, or imposing additional obligations on owners for the maintenance and repair of property not set out in the bylaws,

**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.