

Condo Smarts

Headline: Barbeques, Flags, Butterflies & Baskets

Topic: Strata Living, Alterations to Common Property

Publication date: Jun 30, 2013

Publication: The Province

Written by: Tony Gioventu

Dear Condo Smarts: We have an unusual townhouse strata complex. We have 20 homes on the upper level, which each owner enters from the upper parking area, and 20 units on the lower level, which owners enter from underground parking. If you look at the front of our complex it's really a 2 level apartment building. Of the 40 units, 38 are resident owners, and the other two units are occupied only in the summer. Every year, the gardening committee purchase flowers for the planters and hanging baskets which are on stands. This year, the owners have decided to tighten the budget and not add the planters; however, two owners have decided to install their own hanging baskets. Unfortunately, one of the hanging baskets was so heavy when it was watered, the bracket it was hanging on was torn from the wall and caused a serious amount of damage to our siding and the deck area. The owner has advised that as a townhouse they could do what they wanted. This is the first time we have ever had an incident with an owner in the last 15 years, so appreciate any assistance on how we are going to address this situation.

Ruth D. Chilliwack

Dear Ruth: Townhouse complexes come in all shapes and sizes, and the configuration of property, definitions of common property and assets, and application of bylaws and rules is essentially the same as any apartment style condo. The only real difference is that they generally have a separate exterior entrance, frequently a separate address, and can even be detached into separate homes; however, there are even variations on those terms that make it sometimes difficult to understand what constitutes a townhouse. Many owners unaccustomed to strata living, often misunderstand their definitions of ownership. Whether you are in a duplex, highrise, bareland, townhouse or commercial strata corporation the Strata Property Act and Regulations, Standard Bylaws or amended bylaws all apply, unless they specifically exempt your type of building or ownership. If an owner understands that in a strata their home is "not" their castle, the results are often better for everyone. For example, in your townhouse

complex, the building exteriors including roofing, decking, vinyl siding(cladding), doors and windows, stairs and parking are all common property. While owners may wish to decorate their homes in a unique fashion, they cannot alter or decorate the common property or exterior of the buildings without the written consent of the strata corporation/ council. The installation of hooks or brackets for hanging plants, alteration of a gas line to accommodate their barbeques, hooks into the trim or siding for decorative butterflies, installation of satellite dishes or attachment of flag poles, all likely result in unauthorized alterations of common property, unless permitted by the strata corporation or a specific bylaw.

Once the strata council has received a complaint/is aware of a violation, the first step is a letter to the owner as a notice of complaint. It specifies the particulars of the complaint, and gives the owner the opportunity to respond to the council. The situation may be easily resolved or require further bylaw enforcement. The owner may agree to the damages and agree to pay for the costs of the restoration and cease from altering the property, but if the owner does not cooperate, the strata council then meets to consider the enforcement of the bylaw, which could include the repairs to the damages and costs, and to impose fines or penalties against the owner for violating the bylaw. Strata corporations occasionally have to proceed to court to protect the interests of the other owners and to collect damages and fines. Just remember that all decisions of bylaw enforcement are conducted by council at a council meeting by majority vote like any other decisions of the council. A proactive 'before you alter " checklist distributed to owners, occupants and tenants each year, will help them make much better decisions in everyone's interest, and greatly reduces the strata council work load.

**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.