

Condo Smarts February 11th, 2016

Removing Trees

Dear Tony: Our strata council has authorized the removal of 2 large trees in the heart of our townhouse complex. An arborist and tree removal company showed up last Saturday to cut down the trees. Several owners blocked the access to the area and the trees were not removed. Our strata council claimed this was an emergency, and that's the reason they called for the removal of the trees. Several of us talked to the arborist who told us the trees were in good condition and only required some maintenance and pruning, but that he was instructed by council to have to the trees removed. The council president claims the trees are causing extensive damage to the buildings and they were advised to have the trees removed. We don't want to inflame the conflict, but the two owners who benefit from the removal are the president and treasurer of council. Owners are furious, what can we do? JCR

Dear JCR: Before a strata corporation authorizes the significant change in use or appearance of common property they are required to obtain the approval of the owners passed by $\frac{3}{4}$ vote at an annual or special general meeting. This includes the actions and duties of council. The approval should include the scope of the work to be done, and the approval of the associated costs. Depending on the size of the trees the cost could easily be \$5,000- 10,000. There may be conditions that exist on properties that warrant emergency decisions and require the council to act immediately. A tree damaged in a window storm that has become property or safety risk is a typical example, but a planned removal of trees with no notice to the complex is a good bet that the council wanted to do this without the owners' input and hopefully remove the trees before anyone could stop them. Significant alterations to landscaping, including the removal of trees may have a long term impact on the, appearance and value of your community. Trees provide communities with natural soundproofing, privacy, protection from the elements, natural water management, a safe harbor for birds and insects, and our collective long term environmental sustainability. Whenever major issues arise in a strata the best solutions include the involvement of all owners. If the strata has not held a general meeting to bring the matter to the owners, you only need 20% of the owners to sign a petition to demand a special general meeting be called to address the issue. A petition should include the matter you are proposing on to be discussed and voted on. It may be time to have a complete condition assessment of the trees performed by an independent arborist with recommendations on maintenance and preservation.

Sincerely,

Tony Gioventu, Executive Director
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