

Condo Smarts December 18, 2018

The trouble with Christmas trees

Dear Tony: we are at an impasse with our strata council over Christmas trees. Our bylaws permit holiday decorations for festivals throughout the year with a condition that they must be removed within 10 days of the festival and cannot cause a nuisance to neighbouring units. This has been easy to manage in a high rise. The dispute arises from Christmas trees. Trees are not prohibited, but we are prohibited from carrying Christmas trees through the lobby, the hallways and parking garage. Technically speaking, only the ground units and townhouses with street access could have a tree. The council refuse to respond whether they will enforce this bylaw, so how do we know whether we can have a tree or not? Janine B.

Dear Janine: strata councils really have little choice when it comes to the enforcement of bylaws and rules. Under the Strata Property Act, the corporation must enforce their bylaws and rules, but may apply fines and penalties. It would be safe to assume that if you drag a tree through the hallways to your unit and are caught in the act, the council will enforce their bylaws. They may impose a fine after they have gone through the enforcement process and may impose recoverable costs for damages and additional cleaning services. If the strata council do not enforce the bylaw, any owner or tenant may commence a Civil Resolution Tribunal complaint to order the strata corporation to enforce its bylaws.

I am a big fan of live Christmas trees and holiday decorations for all types of festivals throughout the year, but we have to be realistic about potential damages, risks and disruptions to our neighbours. Neglected trees are a serious fire hazard. No one wants a condo fire over the holidays. Never use candles on a Christmas tree. If the trees are not wrapped and bagged properly at the end of the season the branches will damage walls and the needles may jam elevator tracks. We can always rely on at least 1 owner or tenant dragging their tree through the hallways and neglecting the assigned pick up date, leaving the tree in the garbage room or in the lane for someone else to manage. My dreaded looming disaster is the owner or tenant who can't be bothered with proper tree removal and tosses it off their balcony often resulting in property damage or a dangerous injury risk.

If your building permits live trees, a good supply of tree bags, available to the residents will greatly reduce the damage and mess that follows. Before you buy that perfect tree and drag it upstairs, check your bylaws and have a safe and happy holiday.

Tony Gioventu, Executive Director CHOA

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