New trees block beautiful river valley view

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There is little a condo owner can do if their view is obscured by new plants on common condo land.

File / Calgary Herald

Q: Ten years ago, we purchased a second-floor condo unit with a beautiful river valley view.

The gardening committee recently had new trees and shrubs planted, including a large tree that blocks our window. We bought the condo unit specifically for the view. What recourse do we have?

A: You probably have no recourse, as you do not own a view. I am assuming that the lands in front of your building are common property and the condominium corporation was within its rights to plant trees and shrubs.

Helpful hint: Your situation is akin to someone who lives in a highrise, and then another building is erected across the street, blocking the view. This happens, and there is unfortunately nothing you can do to prevent that.

Q: If, in the future, we revise our bylaws to include a no-smoking bylaw, what would be the legal, fair and responsible approach for enforcing this for residents that are smokers?

A: Generally, most condominium corporations grandfather current

ers so that their rights are not affected at all. There is nothing wrong putting forward a transition period in which they would be expected

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Helpful hint: Unfortunately, there was nothing in the proposed amendments to the Condominium Property Act that addressed the issue of smoking. However, there is nothing preventing a condominium corporation from amending their bylaws to ensure that smoking is not permitted anywhere on condominium corporation property or within the units.

Q: I have recently moved into a condominium complex of 13 units. Are there any companies that will offer assistance for the initial set up of the association and board?

A: There are a number of reputable property managers who will provide you with the level of assistance you are requiring, and the type of assistance you are looking for can be laid out by way of agreement. If a certain property manager is not interested in assisting you in that regard, then move on and find someone else.

Helpful hint: The condominium corporation is the client, and you can ask the property manager to provide you with the level of service you want and are willing to pay for.

Q: Last winter, our condo board had the snow from the parking lot of our

unit complex piled into two of the four handicap parking spaces. Is it to render the designated handicap parking spaces unusable for many winter months?

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other things. I believe what the condominium corporation was doing was just trying to save costs so that the snow didn't need to be hauled away, but this is wrong. We live in a winter climate and it is a legitimate expense to have the snow hauled away. If this continues, as an owner, you could contact bylaw services of your municipality to make a complaint that the handicap stalls are being misused by the corporation.

Helpful hint: Handicap stalls are in place for a real reason and they are not a storage facility.

Q: My condo board is considering getting a line of credit for times of the year when operating costs are higher. The idea is that any extra money owing would be returned in months when spending is lower. The only asset that the corporation has is the reserve fund. The bank advised that they could take a portion of the reserve fund and use it as security for a line of credit. Does the Condominium Property Act allow for this type of transaction?

A: There is nothing under the Condominium Property Act that deals with the issue of borrowing money; you need to refer to your bylaws. If your bylaws are silent on the issue of borrowing, then the condominium corporation does not have the power to borrow money. I question the need, though, to even open a line of credit. It would appear to me that the condominium corporation may have some challenges when it comes to budgeting. Perhaps your condominium fees are too low and you require an

ease so that you don't get into these low dips. The concept of owing in this scenario does not make a lot of sense to me.

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borrow money if in fact the condominium corporation is budgeting appropriately.

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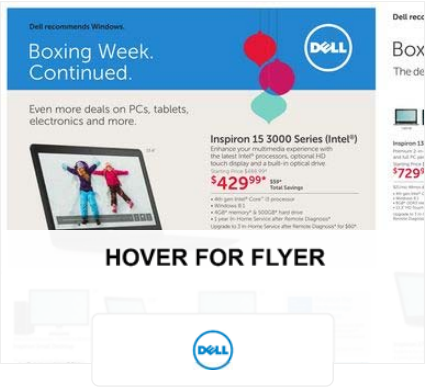

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