

Condo Smarts July 23, 2019 Flicker Invasion

Dear Tony: Our building is 30 years old and we are under attack. The Flickers and woodpeckers have been boring holes into our stucco siding, we have blackbirds and swallows nesting in our eaves and within the siding, and we had a family of geese take up residence on our roof top. Our location is adjacent to a green belt, so we tend to be more exposed to critter invasions; however, our owners would like to simply remove the nests and birds and close up the holes, but the council is refusing to do anything about this. Help! Cynthia F.

Dear Cynthia: Between the age of your property, the type of construction material and your location, I suspect your problems are much greater than bird invasions. Flickers and woodpeckers are on the hunt for food. Boring into your stucco and siding is an indication of infestations. This is a common problem across the province and stucco siding is not immune. The Starlings nesting in siding and eave crevices is a result of failed aging building cladding that has permitted their access. As for the geese, they just come with living in the lower mainland; however, large areas of roof top ponding will attract more migratory birds to your rooftop. Twenty percent (20%) of your owners in writing may petition for a special general meeting to address these issues and direct your council on next steps. A full building condition assessment would be a good starting place to plan for overdue upgrades and renewals. Your strata corporation has an obligation to comply with the BC Wildlife Act as a private residential complex. Here is a quick summary of the BC Wildlife Protection act as it relates to birds and the possible implications. Property in wildlife: Ownership in all wildlife in British Columbia is vested in the government. Endangered and threatened species: If the Lieutenant Governor in Council considers that a species of wildlife is threatened with imminent extinction throughout all or a significant portion of its range, or if the factors affecting its vulnerability are not reversed, in British Columbia the Lieutenant Governor in Council may, by regulation, designate the species as an endangered species. Right of action: The government has a right of action against a person who, without authority, destroys or damages wildlife habitat in a wildlife management area or an area set apart for wildlife management and may recover damages from the person for any money that the government spends to restore the habitat and its wildlife to its original state, or the loss of the habitat and its wildlife if restoration of the wildlife habitat is impossible. Birds, nests and eggs: A person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys (a) a bird or its egg, (b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or (c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg. The above offenses may result in fines or penalties and the recovery of cost for the restoration of habitat. Dangerous wildlife protection order: "**private dwelling**" means a structure used solely as a private residence or a residential accommodation within any other structure. If a conservation officer believes on reasonable grounds that dangerous wildlife is or may be attracted to any land or premises other than a private dwelling, the conservation officer may, without a warrant, enter and search the land or premises. If a conservation officer believes on reasonable grounds that the existence or location of an attractant in, on or about any land or premises, other than in a private dwelling, poses a risk to the safety of any person because the attractant is attracting or could attract dangerous wildlife to the land or premises, the conservation officer may issue a dangerous wildlife protection order directing an owner, occupier or person in charge of that land or premises to contain, move or remove the attractant within a reasonable period of time specified in the order. Before you remove any species, go to: http://www.env.gov.bc.ca/lower-mainland/wildlife/management/wildlife_management.htm

Tony Gioventu, Executive Director CHOA

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