



The
**edible
garden
project**

Starting a Food Garden

A Resource Guide for Strata Corporations

Saltview Garden: Strata Garden Established 2013
by owners of Seaview and the Edible Garden Project

ediblegardenproject.com
NORTH SHORE NEIGHBOURHOOD HOUSE



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so you're considering a garden....

Gardens are a great way to bring people together, grow healthy food and flowers, and can beautify your home as well. For those who live in strata buildings, it is often not as easy as simply deciding to put a garden in, gathering a few supplies and planting a seed. Careful consideration must be given to your particular site, your neighbours and how your project fits into the rules and regulations that govern strata corporations in the Province of British Columbia.

We're not lawyers or property managers; we're just hoping to get you thinking about some of the things that you will need to navigate if you're going to start a garden at your strata, and to guide you through a few initial steps. If you need more information, have questions or are not sure how to proceed, talk to your strata council, your strata management company, or seek legal advice.

"It turns out that growing and sharing food also grows our neighbourhoods."



choosing your site

Dreaming about a garden is easy – but it can sometimes be challenging to picture what that garden might look like once it's in the ground. These are a few things to think about to ensure that your garden thrives:

Solar exposure:

The average vegetable garden needs 6-8 hours of direct sunlight a day. Sun is one of those things that you just can't cheat. If you want to have a productive garden over the long term, you'll need to site the garden carefully. If you don't have a site with 6-8 hours of sun, you can still plant a garden, but will need to be realistic about what kinds of things will grow well (green and leafy) and what won't (tomatoes!).

Water:

Your garden needs access to water. If you don't have many outdoor taps, think really carefully about where you put the garden – the closer the better. Water is heavy, and it can be very time consuming to water with a watering can.

Soil:

You don't need to start with perfect soil in order to have a productive garden – in fact, you can even build a garden on top of concrete – so don't let that constrain your garden location. You can build soil naturally with 'lasagne gardening' or you can purchase soil and bring it in. The former takes a little more time and effort, while the latter can be more costly. Vegetables need an average of 12-18 inches of soil depth. Consider your options carefully.



Under-used spaces on common property can be ideal sites for your garden.

Here, a fallow planting area on a parking garage roof was transformed into a beautiful, bountiful, food-producing garden.



before

rooftop gardens

If you are considering a garden on your rooftop, you need to make sure that the building is structurally sound, and designed to handle the additional weight of both the soil and water – be sure to consult a structural engineer. You may also need to consider liability issues.



after



building your garden



In-ground beds use existing resources



Raised beds help define garden areas

what to build

There are as many different opinions on how to build a garden as there are gardeners. When approaching garden design in a community, soliciting the input and advice of all of your neighbours can be a very productive process. You may need to let go of your specific ideas around what a garden should look like, but you may get some excellent input from the community, while building support for the initiative at the same time.

Some common styles include:

In-ground garden beds

These could be ornamental flower beds that are converted to include some food production as well, or could be new beds. You can dig out garden space from lawns (or just build soil right on top of the grass with sheet mulching/lasagne gardening!). This tends to be the most cost effective way of starting a garden – you can simply use what's already there. Be aware that these are easy for pets and people to walk through, so be sure to mark the area well.

Raised beds

Raised beds can help to define the garden area, which can be helpful in keeping people from walking in gardens located in public areas. Raised beds are key for gardens located on paved surfaces and can be used for rooftop gardens as well. When building raised garden beds, avoid using pressure treated lumber (typically this has a green or bluish tint). This is treated with copper based pesticides and is not recommended for use in vegetable gardens. Rough cedar, though more expensive, will last the longest.



Organizing a garden “building bee” is a great way to connect with your neighbours!

what to plant

What you plant depends upon your particular site (hours of sun, microclimate, soil depth, moisture levels). Vegetables, non-invasive herbs, and some perennial bushes can work well.

When choosing plants for your garden, try to stick to those which are easily controlled and that don't tend to take over the entire garden (as plants like raspberries and mint sometimes can). Place tall – growing plants where they won't shade the garden and prevent other crops from growing.

Consult a planting chart for approximate planting and harvest dates in your area. If you live in the lower mainland, the West Coast Seeds planting chart is an excellent resource (see resources on p. 8).



top 15 garden vegetables

- Cucumbers
- Beans
- Broccoli
- Lettuce
- Tomatoes (cherry)
- Kale
- Carrots
- Beets
- Garlic
- Radish
- Peas
- Potatoes
- Strawberries
- Pumpkin
- Zucchini

garden management

There are many different ways that a garden can be managed (i.e. allotment garden vs. communal garden). Think carefully about what you and your neighbours are hoping to get out of the garden and how you want to work together.

Allotment plots are garden beds assigned to individuals or families.

Each plot is maintained by the assigned gardener – typically they can plant what they wish, and can harvest what they plant. Different gardeners have different styles of growing, and will have different aesthetics. Be sure to establish a clear understanding of what the responsibilities and expectations are for gardeners. There are

many sample agreements available online.

Communal gardens are areas that are maintained by a group of gardeners. They work together to tend the area and the harvest is shared amongst them.

the legal stuff...



a rooftop garden at a North Vancouver strata building

strata corporations in British Columbia are governed by the following pieces of legislation:

The British Columbia Strata Property Act

These are the regulations established by the Provincial Government that outline how strata corporations should operate. No changes to the Act can be made by a strata corporation.

Registered Strata Plan

This document is registered at the Land Title Office and identifies the boundaries of the strata lots and the common property.

Changes to the Registered Strata Plan can be made, but it is a slow and difficult process – legal advice is recommended.

Bylaws

Bylaws govern the conduct of strata lot owners. There are standard bylaws available, though typically these are tailored to meet the needs of the specific type of strata corporation and bylaws for each Strata are unique.

You will need to review your bylaws and identify whether there are any rules that you will need to consider when building your garden.

parts of the Strata Act that you need to consider when putting a garden on common property:

Strata Property Act Chapter 43
Part 5 – Property

Division 1- General Property Matters
Change in use of common property

Section 71. Subject to the regulations, the strata corporation must not make significant change in the use or appearance of common property or land that is a common asset unless

- a. The change is approved by a resolution passed by a ¾ vote at an annual or special general meeting, or
- b. There are reasonable grounds to believe that immediate change is necessary to ensure safety or prevent significant loss or damage.

Division 2 – Limited Common Property and Exclusive Use of common property
Short Term Exclusive Use

Section 76. (1) Subject to section 71, the strata corporation may give an owner or tenant permission to exclusively use, or a special privilege in relation to, common asset or common property that is not designated as limited common property. (2) A permission or privilege under subsection (1) may be given for a period of not more than one year, and may be made subject to conditions. (3) The strata corporation may renew the permission or privilege and on renewal may change the period or conditions (4) The permission or privilege given under subsection (1) may be cancelled by the strata corporation giving the owner or tenant reasonable notice of cancellation.

The Translation:

- If you want to create a new garden space, you will need to vote on a resolution at an AGM or Special General Meeting. ¾ of strata owners will need to support the motion in order to be able to go ahead. You will need to write a resolution that reflects the location of the garden, how it will be managed, and indicates the roles and responsibilities around finances and liability.
- If the garden will be the responsibility of one or more strata owners, you will also need to go through the same voting process to grant permission for 'Exclusive Use'. This can only be granted for 1 year, and will need to be renewed annually. You'll have to make sure to include this in your AGM agenda annually if the garden will be used longer term. This can be included in your garden resolution.

things to consider

Liability:

You will want to check with your insurance provider to make sure that you are covered for this new use of common property. Generally, gardening is considered a low-risk activity.

This is particularly important if you are looking at rooftop space – building membranes are costly to repair, and you need to have appropriate coverage in place. Some Stratas may wish for interested gardeners to assume liability related to the community garden.

Financial implications:

You will need to decide who is covering any costs associated with the garden. Those can include start-up costs (i.e: materials for raised beds, soil, hoses, plants etc.), ongoing maintenance costs, or costs associated with removing the garden in the future if either does not work, or if no gardeners are interested. This should be clearly spelled out in the resolution. It may be a common expense shared by the strata, or costs may be covered solely by those interested in gardening.

resources:

View the West Coast Seeds Planting Chart:



<http://www.westcoastseeds.com/admin/files/PlantingChartDistribution2012.pdf>

View the BC Strata Act:



http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/98043_01

Appendix A: Sample Resolution

Strata Plan VR XXXX – “Name” ¾ Vote Resolution ‘A’

WHEREAS certain Owners of Strata Plan VR XXX “Name” have expressed a desire to establish a community garden, and have requested use of common property for the community garden; and

WHEREAS a suitable location has been identified [INSERT DESCRIPTION]; and

WHEREAS Section 76 of the Strata Property Act (Act) allows the Strata Corporation to, subject to Section 71, give an Owner permission to exclusively use, or special privilege in relation to, common property for a period of not more than one year; and such permission may be subject to conditons and may be renewed by the Strata Corporation or cancelled by the Strata Corporation upon reasonable notice; and

WHEREAS Section 71 of the Act requires the Strata Corporation to obtain approval by way of a ¾ vote at an annual or special general meeting prior to making a significant change in the use or appearance of common property; and

WHEREAS the implementation of the community garden is considered to be a significant change in the use and appearance of the common property area

BE IT THEREFORE RESOLVED by a ¾ Vote Resolution of the Owners of Strata Plan VR XXX ‘Name’ to authorize the Strata Corporatio, under the direction and discretion of the duly elected Strata Council to grant permission for the short-term use, by interested Owners, of [INSERT GARDEN LOCATION DESCRIPTION] as a community garden.

Such permission is subject to the requirements of the Strata Property Act, including but not limited to Sections 71 and 76 and the bylaws of Strata Plan VR XXX ‘Name’ and subject to satisfactory completion of an assumption form liability for by those Owners (“responsible Owners”) who take responsibility for the garden, including but not limited to the implementation, management, repair and maintenance, and (if and when required) removal (and associated site restoration) of the community garden and all associated costs.

Such permission is also subject to the condition that the community garden, and the area immediately around it be kept in a reasonable state of presentation and repair; that the garden be limited to the designated area; that plantings in the garden be limited to fruits, vegetables and flowers of a reasonable height and size and exclude trees and shrubs; and that all plants, products or materials used in or around the garden must be permissible by prevailing laws in [MUNICIPALITY]

Such permission is also subject to the condition that the interested Owners, and not the Strata Corporation, will be responsible for all costs associated with the community garden. In the event that the responsible Owners fail to comply with the requirements and conditions of the permission granted herein, the Strata Corporation reserves the right to undertake the repair, maintenance or removal of the community garden at the expense of the responsible Owners.



Starting a Food Garden supports a healthy environment & community

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