

Condo Smarts

Headline: How do we get owners to fix their units?

Topic: Repair and Maintenance; Repair of Strata Lot, Insurance

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Dear Tony: We have an unusual situation. A flood occurred in our building and the damages were below the deductible which is \$25,000. As a result 3 suites 301, 201 and 101 were all damaged, and each owner was instructed to contact their own insurance company to file a claim to repair their units. The flood was caused by the owner of unit 301 changing their own kitchen faucets. Unit 201 did not have home owner insurance and has refused to repair their strata lot, and now the owners on the second floor are complaining about the smell of mould coming from the unit, and one owner visiting the unit advised all the carpets are mouldy and damaged. If we weren't responsible for the insurance how could we make the owner repair their strata lot?

The strata council, Seaview Towers

Dear Council: The duty to maintain and repair a strata lot is set under your bylaws and is the responsibility of each strata lot owner. In the event of damages to the original fixtures the strata corporation or the owner would file a claim with the strata insurance provider if the amount was not under the deductible of the building. If there were 3 units affected, all 3 units would be under the same claim/incident, so don't attempt to split the claim to avoid the strata insurance deductible because the home owner insurance companies will refuse to pay the claim. In your case, no one knows the actual total amount of the claim because a claim was not filed, and an adjuster did not estimate the total cost of the damages. If the total amount was under the deductible then yes each owner would be responsible to maintain and repair their own strata lot under the bylaws.

This is how your strata forces an owner to repair their unit: You enforce the bylaws. Give notice of the complaint that the unit has not been repaired, and if the

owner does not take any action, the strata corporation may enforce the bylaws by imposing fines, and may also use the Civil Resolution Tribunal to obtain a decision ordering the owner to repair their strata lot. If an order is issued and the owner does not comply, the strata may take further action by making an application to the courts for an enforcement order. In addition to the order for repairs, the strata may also under the bylaws request access to inspect the strata lot, which may include an inspection by the local bylaws officer for the city if there are life safety risks such as unapproved structural alterations, removal of fire stops or suppression, or a grow op or meth lab. This may result in an order for repairs, including naming the strata corporation to ensure that if the owner does not complete the repairs, the strata corporation is also ordered to undertake the repairs.

The moral of the story is: If an owner doesn't repair and maintain their strata lot, the strata corporation will take the steps necessary to have the repairs done, and the owner will pay the price. A holiday tip for 2016: If you are going to be away, don't turn off your heat to save money, turn your hot water heaters down and turn your water off.