

Condo Smarts

Headline: Drainage lines in a building

Topic: Strata Council

Publication / Date: The Province, Dec 13, 2018

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Dear Tony: Our strata corporation is a midrise apartment building of 12 floors constructed in 2002. I live on the 4th floor and since August have had chronic issues with soap suds in my kitchen sink and slow drainage in my tub. I recently had a backup into my unit causing significant damage including destroying the original carpets and the kitchen cabinets. The strata council and property manager told me to hire a plumber to snake out my lines and clear the clogs. I was advised this would be my cost as the amount was below the stratas' insurance deductible. This seems very unfair. The plumber identified the clog was almost 35 feet from my unit and likely in a main line. He provided me with written detail of the information to provide to my council. The council are still denying it is their problem. I have also heard from several other owners between the 1st and 8th floors they are also having the same concerns and have written letters to the council complaining about drainage problems. I thought the drainage piping in the building was the responsibility of the strata? Shouldn't it be the responsibility of the strata council to maintain this system?

Holly B. Burnaby

Dear Holly: You are correct. Here is the definition of common property from the *Strata Property Act* that every strata council, manager and owner need to understand. *Common property means: a) that part of the land and buildings shown on a strata plan that is not part of a strata lot, and (b) pipes, wires, cables, chutes, ducts and other facilities for the passage or provision of water, sewage, drainage, gas, oil, electricity, telephone, radio, television, garbage, heating and cooling systems, or other similar services, if they are located (i) within a floor, wall or ceiling that forms a boundary (A) between a strata lot and another strata lot, (B) between a strata lot and the common property, or (C) between a strata lot or common property and another parcel of land, or (ii) wholly or partially within a strata lot, if they are capable of being*

and intended to be used in connection with the enjoyment of another strata lot or the common property.

In your strata building, as in most apartment style buildings the drainage systems under the definition are common property. The strata corporation must maintain and repair common property and this includes frequent clean outs and flushing of drainage systems. Drainage systems for roofing systems and internal discharge should be cleaned at least every 2-3 years or more frequently depending on the nature of use and exposure. Because strata councils and managers frequently change, it is common to forget about maintenance if the strata corporation does not maintain a written operations plan. If a strata corporation is properly maintaining their building systems, they will have a schedule of annual maintenance services. These schedules are essential for budget planning as well.

Owners are entitled to request copies of the correspondence between owners and the council relating to the drainage complaint. This will help identify if the strata corporation has responded to common property failures. You may also request copies of maintenance or service calls, identifying whether the corporation actually maintained the drainage systems of your building.

The maintenance of common property is the responsibility of the strata corporation and cannot be downloaded to an owner. If an owner, as a result of inappropriate use or misuse is responsible for a claim or damages, the strata corporation may recover those costs from the owner. Owners may commence a claim with the Civil Resolution Tribunal to recover their costs in the event the strata corporation has been negligent in maintaining and repairing common property, or seek an order for the corporation to maintain the common property.