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## Strata Living

Headline: Buying a condo sight unseen

Topics: Buying & Selling

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**Dear Tony:** Our strata has managed to sell a strata lot of an owner who had not paid strata fees for 3 years. The buyer, who purchased the unit through the courts and is now complaining about the condition of the strata lot and demanding we restore the damages. We visited the unit with the new owner and the results were horrible. The unit was loaded with garbage. All the flooring is destroyed, the bathroom fixtures need to be replaced, kitchen cabinets are damaged and none of the appliances operate. While we are sympathetic to the buyer, why is fair for the rest of the owners to pay for the suite restoration when a buyer gets a deal sight unseen?

*Jacqueline M. Burnaby*

**Dear Jacqueline:** There is a simple division of responsibility and authority in the *Strata Property Act & Standard Bylaws* relating to the responsibility of a strata lot, which is constantly misinterpreted and confused with the obligation of strata insurance. Owners are responsible to maintain and repair their strata lots. The strata corporation is responsible to maintain and repair the common property, common assets, and those parts of limited common property and strata lots that have been identified in the bylaws of the strata corporation. In most strata corporations, including yours, the strata is not responsible to maintain and repair the strata lots, which includes the finishing, fixtures and appliances. Buying a strata lot sight unseen, or without inspecting the strata lot, assigned storage lockers, parking spaces, and the documents of the strata corporation is a high risk venture. Buyer beware is an age old saying, but the buyer pays the price for the damages. If the damages qualify as an insurable claim under the strata insurance, for example they were caused by a fire in the strata lot, or unlawful entry resulting in vandalism, the claim for the damages may be on the strata insurance if

the amount is over the deductible. In most forced sale orders however, damages are a result of prolonged neglect, lack of maintenance and abuse. The buyer/owner of the strata lot is responsible for the maintenance and repair of their strata lot. Provide the buyer with a copy of the strata bylaws to ensure they are aware of any conditions relating to alterations, construction, recycling and waste management in your strata.