
Strata Living

Headline: Who repairs attic spaces?

Topics: Repair & Maintenance of Common Property

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Dear Tony: We live in a townhouse unit in Coquitlam that was built in the mid 1980's. Many of the owners have done extensive renovations to their homes including flooring, kitchen renos, skylight installation over their entries and some have gone as far as expanding their attic spaces to make storage or hobby areas. Several owners have recently complained about stained ceilings in their living rooms. Upon investigation, council have determined the ventilation for the dryer vents were not connected correctly and there has been some moisture trapped in the ceiling between the attic and the living space. All of the attic floors were finished with an inexpensive planking, and each attic had a drop down stair access, so it is obvious they were intended for storage at the very least. Our property manager looked at the space and deemed the area was limited common property and the responsibility of the owner to maintain, but owners have another opinion that this area is common property and the strata responsibility to maintain. Help?

Winni L.

Dear Winni: One of the best resources a strata council can provide to their owners is a clear understanding of property boundaries and how the bylaws for each strata applies to the responsibility to maintain and repair. The strata council or property manager cannot "deem" an area limited common property (LCP).

The designations of property are shown on the registered strata plan. These will be the boundaries of the strata lot, areas designated as limited common property, and all of the remaining areas that are common property. If there are any later designations of LCP, they required a $\frac{3}{4}$ vote at a general meeting and a plan showing the designated area filed with the Land Title Registry.

Not all strata plans are perfect and it may require some legal interpretation to understand the boundaries and how the definition of common property is applied from the *Act*; however, in your case which is typical, your strata plan clearly shows the attic spaces are common property and the boundary between the attic and the living rooms as the half way point between the ceiling and upper floor.

Under the definition of common property, any pipes, wires, cables or ducts that run in this boundary area are common property and therefore the obligation of the strata corporation to maintain and repair, including the restoration to the attic areas.

There may be a number of variables that could slightly alter the outcome of who pays the cost. For example, if an owner renovated and moved the ducting resulting in the failure, the strata may be in a position to recover the cost from the owner.