
Strata Living

Headline: Who is responsible for outside maintenance costs?

Topics: Insurance, Alterations to Common Property

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Dear Tony: Who is responsible for insurance claims to the outside of the building when there are alterations that have been permitted over the years? Our strata has permitted owners to install sunrooms and balcony enclosures. In the past year with heavy snow and wind storms there are three incidents where the attachments were seriously damaged along with the building and resulted in claims on the strata insurance. The strata is now attempting to force 6 of the owners to pay for the insurance deductible because they have alterations to their units. They have even attempted to charge an owner with an alteration who did not have any damages but experienced a broken window.

Many strata corporations have incorrectly assumed owners are automatically responsible for alterations, regardless of how the alterations were approved, and whether an alteration agreement was ever ratified. Unfortunately, if your strata has not been enforcing its bylaws, ratifying alteration agreements and disclosing alterations on Form B Information Certificates, your strata is likely in a situation where it has little or no enforcement for alterations. Before your strata is drawn into complicated disputes it would be timely to seek legal advice on how to administer the alterations and liabilities.

Shelly M. Langley

Dear Shelly: The responsibility for costs associated with alterations is determined through the existence of an alteration agreement, if the owner has taken responsibility for costs of maintenance, repairs and insurance costs associated with the alteration. Your strata corporation has never required owners to enter into an agreement for the alteration of unit exteriors. In addition, many of the units that have been altered have subsequently been sold with no knowledge of the alterations being identified to the subsequent buyers.

The strata corporation has an obligation to insure the original common assets and fixtures that were installed by the owner developer. Your insurance appraisal should have identified the original assets and the strata corporation needs to identify the alterations to the building exteriors on a building inventory to determine how these areas will be maintained, insured, and the costs relating to the alterations.