

Headline: **The Case of the Discoloured Tap Water:  
A Strata Corporation's Responsibility to Repair Common Property**

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The following case was decided by the Supreme Court of British Columbia in November 2002 and set out various factors that should be considered in determining whether a Strata Corporation has met its responsibility to repair common property.

The owner of a strata lot on the 12th floor of a 25 storey high rise complained that the water from the hot water taps in the ensuite was discoloured. It appeared that the discolouration was caused by a high iron content in the water, although the reason for the high iron content was not clear. The discolouration did not present a health risk.

After receiving complaints about the discoloured water from the owner, the Strata Council contacted the developer and then a consultant to find the cause of the discoloration. The consultant recommended flushing the system, which the Strata Corporation did. Although the discolouration disappeared for a period of time after the system was flushed, the water eventually returned to its yellow-brown colour.

Between 1994 and 1998 the Strata Council took various steps to remedy the problem, however none appeared to provide a permanent solution. In 1998 the Strata Council recommended that a water filtration system be installed under the sink in the ensuite, which the owner was to maintain. The owner objected for a number of reasons including that he did not want the cost and inconvenience of having to change the filters. The owner and the Strata Council were unable to reach an agreement and nothing more was done until 2001 when the Strata Council hired an engineering company to carry out further work. The engineering company performed various work and at the time of the trial, water discolouration had not been observed for approximately one week.

The Judge considered the Strata Corporation's obligation to repair and maintain the water pipes and stated that the Strata Corporation must act reasonably. The Judge also stated that if the pipes caused a serious and imminent health risk, a Strata Corporation might be obligated to take immediate steps to solve the problem, but if the problem is aesthetic only, it is reasonable to take more time.

In this case the Judge found that the Strata Corporation was currently acting reasonably, but that the Strata Corporation had acted unreasonably by insisting that the owner install the under-fixture filtration system and pay for the replacement of the filters. The Judge noted that there was no assurance that such a system would be successful. The Judge emphasized that the Strata Corporation has a duty to repair and maintain common property and cannot force owners to assume its duty.

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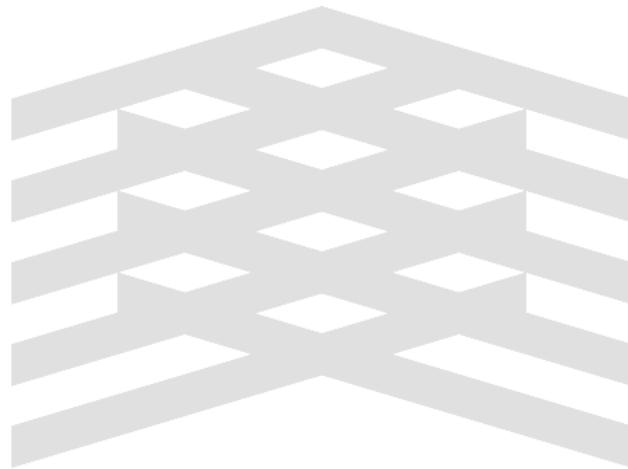
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The Judge also found that the Strata Corporation was in breach of its duty to repair and maintain the water pipes during the period between 1999 and 2000 when the Strata Corporation took no steps to remedy the problem.

The case confirms that a Strata Corporation is responsible to repair common property and cannot make an owner responsible to either carry out the repair or pay for the cost of the repair. The Strata Corporation must act reasonably, and although it may not be required to carry out immediate repair if there is no health risk, it cannot refuse to repair the common property.



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