

## Condo Smarts

Headline: Hot-tub overflow forces the issue for Kits strata

Topic: Hot tubs

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It's surprising the number of owners in apartments and townhouses install portable or permanent hot tubs without consulting their strata council.

Last fall a Kitsilano strata experienced a roof collapse because of a 10-person hot tub installed over a structurally unsafe area. Just last week, an owner chose to drain their hot tub into the balcony drains, which turned out to be plugged and consequently flooded out the unit below through the pet-door access. The strata are faced with several issues: the cost of the repairs, who pays for the damages or insurance deductible and whether hot tubs were allowed in the first place. While this strata did not prohibit hot tubs, the balconies are common property and the strata bylaws require the written permission of council for any substantial change in use.

**Strata Law:** The Act creates the ability for the strata to recover damages or deductible losses if an owner has caused a claim. In this case, the owner's actions violated the strata bylaw that prohibits the disposal of any liquid chemical materials into the balcony drainage system. As well, the strata had not authorized the installation of the hot tub on the common property. As a result, the owner's actions caused the flood and the owner is paying the deductible.

**Tips:** Strata owners and councils need to contemplate the following: Can the building area structurally support the weight of a hot tub? Do the strata corporation's bylaw permit the installation or use of hot tubs on common property? How much noise will be generated by the pumps and will they affect other strata lot owners? What happens if there is the need to quickly drain the hot tub? Is the tub secured to prevent accidental drowning of children or pets? Where are the chemicals being stored, and what storage regulations apply?

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