

# Condominium Home Owners Association

A non-profit association serving strata owners since 1976

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## Condo Smarts

Headline: Claiming costs after strata's hair-raising act

Topic: Bylaws: ways to remedy a contravention

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What's more confusing than the plumbing and drainage system in an apartment-condo building? Another plumbing and drainage system in another condo.

Stratas are constantly facing overflowed toilets, sink-drain backups, washing-machine drain plugs, leaky taps under sinks, weeping shower systems, dripping garburetors and leaky dishwasher pumps. So who pays when it all goes wrong?

One Sunshine Coast strata recently paid out almost \$4,500 in clearing the building drains because all sinks above the second floor were backing up. Ultimately the culprit was discovered: hair. An owner on the fourth floor was doing hairdressing as part-time work out of her strata lot and washing all of the cuttings down the drains. Since the strata has a bylaw that prohibits the deposit of any debris down the drainage system, they are able to proceed with recovering the full amount from the "barbershop" suite.

**Strata law:** Section 133 of the act allows a strata to do whatever is reasonably necessary to remedy a contravention of its bylaws, including repairing the damage on a strata lot, the common property or assets. The strata may also require that the reasonable costs of remedying the contravention

be paid by the person responsible, who may also be fined for the contravention.

**Tips:** Owners, residents and tenants who are negligent or knowingly damage the strata's common property and common assets need to be aware they could find themselves paying the costs for the damage or insurance deductibles. Owners may want to check their personal insurance and find out if they are covered on their policy for such a claim. Strata councils and managers should maintain accurate documentation of incidents in written and visual form in the event they have to proceed to court to recover the losses.

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