

# Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-084

## Condo Smarts

Headline: Deck the laws with specifics for balconies

Topic: Deck maintenance

Publication date: July 04, 2004

Publication: The Province

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Here's a basic rule about decks and balconies. Wood frame buildings generally have wood frame balconies. When neglected and overloaded with plants, water, people, furnishings or hot tubs, they tend to collapse.

We have received in the last 12 months reports of over 12 decks & balconies that have collapsed because of disrepair and weight. Luckily only one resulted in injuries, which were minor. Five of the 12 decks were in serious condition because of insect infestations that had been ignored, and the balance were attributed to age and overloading. But who pays the costs and who is liable ?

**Strata Law:** Decks and balconies are generally common or limited common property and part of the structure of the building. Other than routine cleaning and occasionally painting, the strata is responsible. Because the areas form part of the exterior and the boundaries, insect control is also the strata's responsibility. Owners may have some liability if they are overloading. But, more importantly, the strata corporation may risk their insurance liability coverage if they are aware of defects or failures and do not attempt to perform any repairs.

**Tips:** Take a 20 gallon pot and a 5 foot maple tree, add soil, load it up with water before you go on vacation, it now weighs almost 200 kilos. If you added six to 10 people at a party the total weight could exceed 1 ton. Strata corporations should consider bylaws that regulate the use of decks and balconies. Trees, weight, furniture, number of people, maintenance for decking and railings should all be seriously considered.

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