

# Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-110

## Condo Smarts

Headline: Strata act, plan lay out who's responsible

Topic: Repairs

Publication date: January 16, 2005

Publication: The Province

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This week, a Lower Mainland strata-unit owner demanded that his strata council pay for repairs resulting from a water leak that occurred while he was away at Christmas. The damages to the strata unit were quite extensive, even though the cost of the pipe repair is under \$100. The owner claimed the leak had occurred from a failed pipe in the strata wall and, since pipes are common property, they were the responsibility of the strata. However, in his absence, the owner had left the unit's heat off resulting in the frozen pipe. The strata has a bylaw that requires heat to be maintained whenever the possibility of freezing temperatures exists, so the owner had to pay for the insurance deductible costs

**Strata Law:** Who pays is determined in the bylaws, the Act and the registered strata plan. The costs of common property repairs (as defined by the Act) are a common expense of the corporation, but if the leak occurred in a townhouse unit, the pipes may be part of the individual strata lot and not the common property. In an apartment-style condo, where the pipes are within a common boundary they form part of the strata's obligations. The cause of the leak is important. If it resulted from neglect or unauthorized alterations by the owner, the cost of repairing the leak plus any related damage could be the owner's responsibility.

**Rule of Thumb:** First read the bylaws and the Act to find out what the property designation is. If the pipes are part of the individual strata lot and not common property as defined by the Act, the repair is likely the strata lot owner's responsibility. If the actions of the owner/tenant resulted in the leak, the strata may have the opportunity to recover the cost of the leak, repairs and any related damages. In order for the council to properly make decisions and determine liability of costs, council members should review the strata's registered bylaws, the strata act and the registered strata plan.

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