

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-125

Condo Smarts

Headline: Good deck sense

Topic: Maintenance - decks

Publication date: May 1, 2005

Publication: The Province

Written by: Tony Gioventu

Great spring weather is reason for us all to drag out the barbecues, start the patio parties and get ready to enjoy the upcoming months of sun.

But a Vancouver Island strata corporation had a nasty surprise last weekend when a group of owners decided to celebrate with a block party on one owner's deck. The strata's decks were new, installed a few years earlier, so the last thing on anyone's mind was a problems with the deck. However, as they set up the party they noticed the deck was a bit wobbly, and soon the area collapsed: tables, food, barbecue and all. Two owners suffered minor injuries. There was an immediate dispute about responsibility - whether the owner holding the party was responsible because it was his deck, or whether the problem was the strata's responsibility.

Strata Law: There is a misunderstanding about common property and decking in strata buildings that is ongoing. The perception is that if a deck is attached to only one unit, that unit is responsible for the deck. Not so. Most decks are common or limited common property, and structural repairs and maintenance are usually the responsibility of the corporation. Further, the Act or regulations do not even permit owners to maintain or repair common property. So ultimately the owner in this case was right - the strata was responsible.

Tips: It is useful to circulate basic information from time to time about common or limited common property so no unnecessary disputes arise -the distinction affects all kinds of day-to-day activities.

Also, it is only common sense that strata decisions about maintenance and repairs should be made with the utmost care as to materials and workmanship. In this case, the problem with the decking system was that the decks were made of pressure-treated lumber and, disastrously, the wrong nails and screws were used, causing them to corrode and rust away.

Consumer alert: If your strata is planning to replace decking with pressure-treated lumber or if you already have pressure-treated decking and balconies, double-check that you have the correct, specially-treated nails & screws. Reputable hardware and landscape suppliers can provide you with the correct technical and product information.

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