

# Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-146

## Condo Smarts

Headline: Who's responsible here?

Topic: Who is responsible for water damage costs?

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Dear Condo Smarts: On Sunday night I returned home from holidays to discover my living room was flooded by water from the unit above.

My furniture, carpets, walls and paintings were destroyed, and the water was seeping into the adjacent bedrooms and closets.

My strata council says because I didn't leave them a key, I was going to be responsible for the damages and my insurance would have to cover the cost.

- *Melva S., Abbotsford*

**Dear Melva:** A strata does not have the right to demand a key to your private residence.

Your personal and property security would be compromised if those keys fell into the wrong hands.

The standard bylaws make a provision for emergency access to strata lots and this may include different strategies such as breaking down doors to employing a lock smith.

Make an appointment with your personal insurer and the insurer for the strata corporation. They will sort out who settles the file on your behalf.

That said, there are a few things you have to determine in any loss or damage of common property, assets and owners property.

- Identifying what was damaged is most critical.

The common property and common assets and fixtures that include original carpeting, walls and finishing are within the obligation of the strata corporation to insure.

Your personal possessions, such as furniture, paintings and betterments such as new hardwood floors, are within your obligation as an owner to insure on your personal insurance.

- Identifying the cause of the damage comes next.

Was it simply a pipe line that had failed, or was it a direct cause such as an overflowing bath tub, or neglected building maintenance such as plugged gutters or drains?

- Next, review the bylaws and the strata insurance policy.

The strata must insure for all major perils, including water escape.

Even though the deductible for the building damages is a common expense paid by the corporation, the bylaws may require that an owner reimburse the strata for the cost of the insurance deductible if that owner or resident was negligent or was in fact the direct cause of the flooding.

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