

Condominium Home Owners' Association

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Bulletin: 300-181

Condo Smarts

Headline: In hot water over tanks

Topic: responsibility for hot water tanks

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Dear Condo Smarts: We live in an older self-managed condo building in North Vancouver.

At our AGM in February, a new strata council was elected.

The previous council refused to transfer over the banking records and information to our new council until legal action was finally threatened.

Now we have discovered that just before the AGM, the past council members had all of their hot water in the units changed at the cost of the strata.

When challenged, they claim it is now a requirement of the *Strata Property Act* as of July 1, 2006. So who really pays the cost of hot water tanks and has there been a change in the Act?

- Mr. J. Fenton

Dear Mr. Fenton: There have been no such changes to the *Strata Property Act* or any other legislation.

If a hot water tank is in a strata lot, it is the responsibility of the owner of the strata lot, to maintain, repair and replace when it fails.

However, a strata corporation may pass a bylaw that makes the strata responsible for maintaining, repairing and replacing certain parts of a strata lot. Hot water tanks are one of the most frequent items.

Home owners tend to wait until a tank fails and there's a flood before they replace their tanks, usually at the greater costs of the strata's insurance, and damages and disruptions to other owners in the building.

Better to have a plan before they fail.

In townhouse complexes, hot water tanks may also be in crawl spaces or attics, which are often common or limited common property, and the strata corporation needs to amend their bylaws to clearly identify who is responsible for their repairs and maintenance.

As for the past strata council, what they did was not allowed by the Act or approved by the owners, or, I suspect, permitted by your bylaws.

Those former council members will be required to refund the costs back to the owners and, if they refuse, your strata may want to hold a special general meeting to consider suing them for the unapproved costs.

A council member's obligation is to act in the best interest of the strata corporation, not their own.

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