

Condominium Home Owners' Association

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Bulletin: 300-187

Condo Smarts

Headline: Previous tenants damage may be covered

Topic: Responsibility for repairs

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Dear Condo Smarts: We recently purchased a lovely three-bedroom townhouse in Nanaimo. When we inspected the home, there was an attractive storage unit on the deck next to the kitchen wall that stored gardening equipment. When we moved in we discovered what was behind the storage unit – a two-metre area of warped and melted vinyl. We immediately notified the council and advised them of the damage. The manager came by, took a photos and advised that the strata would look after it. Two weeks later we received a letter advising us that we have to pay for repairs. If we don't we will be fined \$50 per week because it's our strata lot that damaged the area. Who should pay for this?

- Darren and Maureen

Dear Nanaimo owners: The area that you have identified on your specific strata plan is common property, not part of your strata lot, and it is the strata corporation's obligation to maintain and repair.

If you had caused the damage they would be able to recover the costs but, under the circumstances, it may be best addressed by meeting with your council and filing an insurance claim for the damages.

Your strata's bylaws do not permit storage units against the building, so had the council enforced their bylaws they would have seen this before the previous owners moved out. Remember, the strata cannot fine a strata lot, only the person(s) living in the lot who violated the bylaw.

However, your question raises a seasonal issue this column should address: barbeques, clearly the cause of your problem.

Many stratas now prohibit the use of barbeques of specific types because of the risk of fire and smoke damage.

Solid fuels like charcoal and briquettes always pose a serious risk of fire and gas barbeques are often poorly maintained or misused, causing building damage. Electric barbeques can be a viable solution but still pose a significant risk if they are not monitored.

Bylaws sometimes cause bizarre problems. One condo in Chilliwack prohibits the use of air conditioners but allows barbeques.

The only way owners can ventilate is to open their doors and windows – but the lower floors' barbecue smoke is immediately drafting into their homes, causing smoke damage, health risks and, needless to say, endless conflict. One solution: several strats have cleverly installed common barbeques in safe areas.

Before you buy that \$1,200 stainless outdoor-cooking centre check your bylaws. If barbeques are allowed by your strata, protect your buildings and don't smoke up your neighbours' homes.

If using propane, proper storage and a valve lock is required to prevent arson and vandalism.

Finally, mind what you cook. Deep frying or candlemaking on a barbeque are fires waiting to happen, often resulting in serious injuries and disastrous building fires.

Never leave the barbeque unattended, and know where your fire extinguisher is located.

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