

Condominium Home Owners' Association

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Bulletin: 300-209

Condo Smarts

Headline: Ignoring repairs blew up into one big mess

Topic: Repairs – deferred maintenance

Publication date: January 7, 2007

Publication: The Province

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Dear Condo Smarts: We live in a retirement town house development with over 100 units. In August of 2006, the strata council received a roof report that advised our roofing systems be immediately replaced. There was deck damage, rot, missing tiles, and predicted imminent failures.

Our strata council did not share this information with us until just before Christmas. By then it was far too late. The fall storms of heavy rain and wind resulted in 1 section of a roof collapsing and countless leaks and floods resulting in substantial damage to building interiors and personal property.

The owners have been demanding a copy of the report since the summer and the council kept delaying a response. To complicate this even more both the president and vice president sold after the report was received and it was never disclosed to the purchasers.

Simply put, we're in big trouble. The insurance does not cover damage resulting from maintenance neglect, and our retirement community is loath to approve special levies for the repairs. How do we get out of this mess?

- *Dave and Aline, North Vancouver*

Dear Dave and Aline: Deferred maintenance is the poorest economic decision any strata corporation can make. Your most important duty as a strata is to maintain and repair the common property and common assets.

For every month or year maintenance is deferred the costs increase almost to the point of doubling in a 1 year period, especially with roofing.

First, your strata needs to face the music. Have your roofing technician return as soon as possible to review the situation, set the specifications, estimate the cost of repairs, and send out your roofing replacements for tender.

Within days of knowing the estimated costs, send out notice for a special general meeting for the strata to approve a special levy for the repairs set out in the specs. Your most important duty as a strata is that you must maintain and repair the common property and common assets.

If the resolution passes, proceed at your earliest. If it fails, your council needs to seek legal advice on the appointment of an administrator.

If owners simply cannot decide to repair the common property, the courts may need to intervene. Be sure to allow some funds in your resolution for legal costs of reviewing contracts, and advise your owners to take precautions with their personal assets until the repairs are complete.

Both your strata and new purchasers may have valid claims against the previous president and vice president who withheld the reports until they sold, so documentation of the events and photographs of the damages may also be critical.

For all strata corporations, the new year is as good a time as any to start in the right direction. Take an inventory of your deferred maintenance items and figure out how you're going to tackle them this year, before it is far too late.

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