

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-243

Condo Smarts

Headline: Lawyer may be all wet when it comes to maintaining that pool

Topic: Pools

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Written by: Tony Gioventu

This is the fifth in a series about the six notorious "p's" of strata living: pets, people, parking, prostitution, polls and pot.

Dear Condo Smarts: Our complex has a pool house that is a money pit for our owners.

The building needs major reno's , there is extensive mould, and a number of health and safety concerns.

Last year only 5 of our 72 units ever used the pool. One of those owners is a lawyer who claims that we cannot change the use of the pool because that's one of the reasons he bought and we must maintain and repair the pool area.

An overwhelming number of our owners want to tear the building down and create more parking or remodel the building and build guest rooms and a games room.

How do we get this done? Do we run the risk of being sued if we make the changes?

-Ted Collins

Dear Ted: If you keep the pool then yes, you have an obligation to maintain and repair it.

However, the strata corporation does have the ability to make significant change in the use or appearance of common property.

Such a change would require a $\frac{3}{4}$ vote at a properly convened annual or special general meeting.

Communities change and use of common facilities change, so before you vote, hold an information meeting for your owners to consider the options and costs of either maintaining the pool, or the demolition and rebuilding of a new facility.

The final costs may be the most influential factor, and demolition is not always the cheapest option.

It is unlikely that your strata will be sued if you comply with the legislation and get the proper authority you need to make the changes, but anyone can commence and action against a strata corporation at any time over a number of issues.

If you feel the threat is real, consult with a lawyer experienced in strata issues before you make your final decision.

Next week: Pot

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