

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-252

Condo Smarts

Headline: Door, window rules tough

Topic: Doors and Windows

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Written by: Tony Gioventu

Dear Condo Smarts: Our Strata Corp reads your column every Wednesday in the newspaper. We live in a 15 unit patio home. We are a little confused by the Strata Property Act and our by-laws.

Two years ago one unit had to replace a broken transom window – the opening part of the window is above the main window and opens outward. At the time the units were about 14-15 years old. It has not lasted long and needs replacing again (2 years later). Strata says the owner must pay for the replacement part because it's due to wear and tear. The owner interprets what she had read as "strata pays for repairs to the envelope of the unit, owner pays for anything on the inside". Please advise us of the proper ruling on this issue. Thank you in advance

- Margo McEwan, Campbell River

Dear Margo: Doors and windows have to be the most contentious and misunderstood item in the legislation.

There are 2 types of strata corporations: building design where the air space is broken up into strata lots and the building exteriors are almost always common property, and bare land where the strata lot is the measured property and the buildings not shown on the strata plan are not the strata responsibility for maintenance and repair.

With, a building type strata, the *Strata Property Act*, Regulations and the bylaws

make the responsibility of the doors and windows that face onto common property or common hallways the responsibility of the strata corporation. Additionally the Act & Regulations do not permit the strata to create bylaws making owners responsible for common property. So as long as the area is defined as common property it ends up being the strata, as in your case. Bylaws may address items like patio door rollers, handles and cranks that are within the strata lot that may be an owners' responsibility.

Think of the logical side of this. How many owners would really take the necessary care and cost of properly repairing the windows if they could get away with it cheaper? How many owners have enough experience to make the right decisions? One of the greatest benefits of strata living is the quantities of scale. The cost of 20 windows at a time will be cheaper than 1, creating a much more cost effective method of operating in a strata, and the strata can control the outcome.

The Homeowner Protection Office has a helpful bulletin (Maintenance Matters) on residential windows and doors @ <http://www.hpo.bc.ca/Consumer/index.htm>

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