

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-291

Condo Smarts

Headline: The first year of a strata

Topic: Record Keeping

Publication date: August 17, 2008

Publication: The Province

Written by: Tony Gioventu

Dear Condo Smarts: We are in a new strata that the first owners moved into in July of 2007. Our council has been working very hard to create a management plan, but we get no cooperation from either the developer or our property manager who was hired by the developer. We have no access to our building records and unclear on who we go to when we have a building problem. Since our first AGM in November, we have had two pipe breaks, and a roof leak. Both were easily repaired once they were discovered, but now our insurance is increasing substantially and we still don't know what we need to do. Our council are all volunteers and don't know what to do next. CC Chow, Richmond.

Dear CC: The first year of a strata is the toughest. If you don't get off on the right foot it can be very costly. At the first AGM your developer was required to hand over all the building records, contracts, operating instructions, supplier's names, plans and warranties. That may have been provided to the manager, but your council also needs those records to make decisions and understand your building system. Get the list from Section 20 of the Strata Act, and review all of your documents and confirm that everything required exists. If there is anything missing, track it down through the developer. Next, make sure every council

member has a copy of the common area warranty for your strata, and individual copies of warranties for products and materials such as: the elevator, roof, carpeting, boilers or safety systems. The warranty commences on the date of the first sale or first occupancy, whichever came first. In the warranty documents, there are critical dates that limit claims and set out conditions of how to file claims. If you have any building warranty claims, they are only treated as a valid warranty claim if you file the claim with the warranty provider in the proper form. While calling the developer to coordinate service may resolve the problem, it is not necessarily a valid warranty claim. As your 1-2 year period is coming up, it may also be prudent to have a complete building inspection conducted to form part of a claim process before the expiry dates. The 2, 5 and 10 generally means that building systems are covered for 2 years, the envelope for 5 years and the structure for 10 years. The warranty is a contract with your strata that also sets out specific maintenance and inspection obligations, to make sure you uphold your obligations to protect your warranty interests. Your warranty can be worth as much as \$2.5 million in coverage per building. If you are getting no cooperation from the developer or manager it might be time to take tougher action and legal recourse.

For more information on CHOA resources and benefits visit www.choa.bc.ca
or contact the office at 1-877-353-2462 or email office@choa.bc.ca.

No part of this publication may be reproduced without the prior written permission of CHOA

This publication contains general information only and is not intended as legal advice. Use of this publication is at your own risk. CHOA will not be liable to you or any other person for any loss or damage arising from, connected with or relating to the use of this publication or any information contained herein by you or any other person.