

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-302

Condo Smarts

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Dear Condo Smarts: What does the strata corporation do when an owner refuses to repair damage to their townhouse? We have one owner who recently backed up into his unit and broke off the water tap and tore off a section of siding. He is refusing to fix the damage, and with winter approaching we're concerned that the damages to the siding and the plumbing could make matters much worse. Avery Creighton, Mission

Dear Avery: There's a line that sums up strata living for all types of strata buildings shown on the strata plan. "In a strata, your home is not your castle." Except for a bare land strata corporation, in townhouses, smaller stratas like duplexes and triplexes and conventional midrise and highrise buildings, the exterior of the buildings are common property. The walls, windows, doors, decks balconies and roofing systems are all part of the common assets, and they form part of the insurable interests of the strata corporation. When someone causes building damage in such an accident, it is quite possible that this would be a claim on your strata corporation insurance. The most common mistake many strata corporations make is assuming that because damage to the common building assets was caused by a particular

person, the strata insurance would not cover the claim, or the home owner insurance would cover such a claim. As the area damaged is common property and a common asset, as is frequently the case, the strata corporation can execute the claim to ensure the damage is remedied. They may also execute the repairs themselves and then recover the cost of those repairs against the person who caused the damages. Owners, tenants and guests need to beware. No matter what was damaged, if you caused or are responsible for the claim or associated costs to the strata corporation, you may likely be responsible for the cost of the deductible or any amounts below. For the best interest of the strata corporation, it is also best for the strata to coordinate the claims to ensure the repairs are executed properly and you're not left with a disaster years down the road.

A very common building damage complaint we receive relates to damage to parkade gates. Drivers are often impatient for the gate to entirely lift, or careless in passage, and run into gates. So who pays? The strata executes the repairs and recovers the costs from the owner or relating strata lot that caused the damages. Remember you break it, the strata probably fixes it, but you still pay.

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