

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-310

Condo Smarts

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Dear Condo Smarts: Our strata corporation is having some emergency excavating done due to a pipe break and flooding of our townhouse. Several owners have been complaining about drainage problems for over two years, and we have had several minor incidents of flooding over that time. To date, no one has suffered any serious loss, but this time, our entire basement was flooded, including damage to our personal belongings. Our homeowner insurance is covering our personal items, but the strata said they will not repair the interior of our unit, even though this is the way we purchased it from the developer, and they refuse to file a claim on our insurance. So how do we get the damage to the interior repaired? Mrs. J Matthews, Burnaby

Dear Mrs. Matthews: Strata corporations do not have immunity from liability resulting from their neglect. If the strata corporation has been aware of the problem, owners have been filing complaints, and nothing has been done, the strata corporation could find itself not only paying the water leak and repairs to the unit, but for your personal costs as well. When a strata corporation refuses to repair a roof leak for example,

or they ignore an ongoing maintenance problem that results in greater damages, the strata corporation is potentially liable for those costs. Owners and tenants as set out in the Strata Act are deemed to be a named insured on the strata corporation policy. The strata corporation must maintain full replacement value insurance for common property and common assets, including those items installed by the owner developer. I checked out your development and yes the developer did complete all of the basements as finished living spaces, so those areas are included within the insurance policy. If the area had been an improvement by you or a previous owner it would be considered a betterment and you would add that coverage to your home owner policy. As an owner you can file the claim directly with the insurer and the deductible is a common expense of the strata corporation. Everyone who lives in or owns a strata lot, needs to insure their personal assets and personal liability. Do yourself a favour in 2009. Buy a tenant, landlord, or homeowner condo policy. Bring a copy of your strata policy to your insurer and make sure they sell you a policy that covers your risks.

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