

# Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-326

## Condo Smarts

Headline: Damage inside a suite can fall under "common assets"

Topic: Insurance

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**Dear Condo Smarts:** In the heavy rains on Sunday, we discovered our living room almost flooded, which appears to be the result of an open window. We were quite confused as to how this could happen because our building has very large overhangs. We contacted the council and were told it's in your suite it's not our problem. That includes our damaged hardwood floors the developer installed and several pieces of our furniture.

Not including the drywall damage, the cost is easily going to exceed \$10,000. Shouldn't our insurance pay for this? On top of it all, we noticed the gutter above our unit has all but collapsed, which is the likely the culprit and the source of the flood. Our building is only three years old and we're told by our manager that this should also be a warranty claim. Between the warranty and our insurance, who pays for what damages?  
Sylvia Fletcher, Mission

**Dear Sylvia:** The warranty on the building envelope covers the general building exterior systems for five years. To determine if it is a warranty claim, the cause of the gutter failure needs to be established. In the attached photo is a sample of the type of winter damage we experienced on gutter systems this winter from the heavy winter snowfall. As I suspected, there is another roof line above yours, and it is quite likely the similar cause from falling heavy snow

and needs to be repaired immediately to avoid further significant damages to your building. Your strata must also have the building system inspected to confirm there is no other damage or failures to your building system. If any are discovered contact your warranty provider and builder to set up a repair schedule. The damages to the common assets of the building are from an insured peril and the damage to your personal property are different than a warranty claim to the building. The original hard wood floors if they were installed by the developer are part of the common assets of the strata corporation and yes they fall under your strata insurance policy. Your building has never filed an insurance claim so your deductible is well below the cost of the damages that would include the floors, drywall and other common assets. Your personal property such as furniture or antiques are items that are insured separately by each owner; however, if the strata corporation were aware of the failure of the gutters, and chose not to effect any repairs, there may be sufficient reason for you to claim your personal damages against the strata corporation as well.

With proper home owner insurance and the coverage of the strata policy, your costs should be minimal. No matter what, get your strata to fix these gutters immediately, before more damage occurs or your warranty is placed in jeopardy.

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