

Condo Smarts

Headline: Townhouse Maintenance

Topic: Repair & Maintenance

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Written by: Tony Gioventu

Dear Condo Smarts: Our strata council has been polarized by a "repair gone bad," resulting in damage to the building envelope. It all started when the president of council told an owner that she had to arrange for the replacement of her own vinyl deck surface because our bylaws said owners had to maintain and repair limited common property. The deck of one owner is also the roof of the owner below. She hired an inexperienced contractor that left the site without completing the job, and without covering the exposed areas. He also tipped a bunch of scaffolding against the building. The result was damage to the siding and windows, and damage to the unit below from the unfinished decking. Council have retained a licensed contractor and are very satisfied with the repairs and the completion of the work. Half of our council insist that the owner of the unit has to pay for all the costs including the damages, and the remaining council believe we should pay the cost because we instructed the owner to conduct repairs and didn't place any limitations on the owner. The root of our problem is that we really don't understand our bylaws. Claire Walker, Coquitlam

Dear Claire: Your strata has the Schedule of Standard Bylaws from the Strata Act, including a few additions that relate to pets and rentals. The Standard Bylaws say, "an owner who has the use of limited common property (LCP) must repair and maintain it, except for repair and maintenance that is the responsibility of the strata under these bylaws." When you look at the strata's obligations, it clearly states that the strata must repair and maintain LCP in the ordinary

course of events that occurs less often than once a year, and the following, no matter how often: a) the structure of a building, b) the exterior of a building, and then c) includes balconies and other things attached to the exterior. In common language, under the Standard Bylaws, owners have custodial duties, sweeping, keeping drains cleared and cleaning, while the strata is responsible for most types of repairs, including replacing deck surfaces. It is helpful to remember that like strata council members, owners for the most part are lay people, that as volunteers have little, if any experience in construction, the contracting process, or the negotiations necessary to protect your property. One of the principle reasons that building exteriors are common property is that the exteriors, regardless of boundaries, protect all of the strata lots as a common asset. A strata corporation acting as a singular legal entity can negotiate contracts and services, ensure there is a qualified, insured contractor, obtain legal review of contracts, negotiate services on a larger scale to reduce costs, and control the outcome of the contracts. Collectively the strata corporation is responsible for the common property (including the limited common property) to the extent that it acts in the best interests of all owners. Technically, Claire's strata council never had the authority to make her responsible for the repairs, and should have ensured the scope of work was properly documented, contracted and paid for by the Strata Corporation. Strata councils need to review their bylaws before making decisions. Depending on each strata's bylaws, the answer could vary significantly.

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