

Condo Smarts

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Written by: Tony Gioventu

Dear Condo Smarts: The unusually warm weather the past few weeks has brought the cooks outdoors in our strata complex. At least 1 out of every 3 owners has a barbeque, and they have been using them on the weekends. At the same time, many of us have opened up our units to the air them out, and much to our dismay we came home last Friday at dinner to discover our unit filled with greasy barbeque smoke. We have asked the owners below us to make sure our windows are closed before they fire up, but all they say is the strata permits barbeques and they don't have to listen to our complaining. We have moved beyond reasonable in our strata. This person also happens to be our council president. What are owners to do when others are so inconsiderate, and the result is a significant inconvenience and even damage to our units? Molly Wilson, North Vancouver

Dear Mollie: Barbeques are becoming a more contentious issue for strata corporations every year. It is not only the smoke damages that are done to homeowners' units each year, but heat damage to buildings and 2 very dramatic fires in recent years that are causing so much grief. If an owner, tenant or resident uses their barbeque in any way that unreasonably disrupts your use of your strata lot, or causes damage to your property, that is most likely a nuisance under your bylaws. The strata council has an obligation to enforce the bylaws, yes even against council

members, and if they fail to do so, owners frequently seek court orders against the corporation for failing to do so. The smoke can cause health hazards, property damage to porous fixtures such as carpets, wall coverings and window coverings, and personal property. The greater risk to all wood frame or combustible type buildings is fire. Many strata owners use barbeques on their decks and balconies. Outside spaces are still adjacent to combustible materials such as wood or vinyl siding, the structure of the roofing system or the upstairs decks, and are easily set on fire. Just because the inside of the building has sprinklers doesn't mean the exterior is protected. Once a fire reaches your deck spaces and roof decks, the quantity of water and destruction necessary to fight the fire will literally result in millions in damages. It also opens the doors to other owners/tenants suing the strata lot that caused the fire, resulting in their personal losses and damages. This is a risk management decision of the strata corporation, and now even that of your insurance companies. Many strata corporations are finding themselves facing much higher policy costs this year, and one of the contributing factors is a history of claims relating to barbeques, and associated fire and water damages. Every strata corporation in BC needs to make a serious evaluation whether they wish to permit barbeques or not, and consult with their insurance provider to understand the implications of costs and insurance coverage.

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