

Condo Smarts

Headline: When to renew or not?
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Dear Condo Smarts: Our strata corporation in Nanaimo is 23 years old. They are townhouses all which include a wood burning fireplace. We have recently been advised by the chimney cleaners that the fireboxes and chimneys have seriously rusted away and need to be replaced. They have also advised we cease from using the fireplaces until the work is complete as this is now a serious fire hazard. Part of the fire box is within the strata lot, while the remainder and chimney is on the exterior of the unit and common property. Half of our owners want to replace and upgrade them, and the other half want to shut them down entirely or convert them to gas. As a result we cannot get a ¾ vote to approve the funding to do either option. If you have any advice on how to resolve this difference of interest it would be very helpful.

Carol M.

Dear Carol: Here are a few excerpts from the Strata Property Act and your bylaws to help understand the responsibility of the strata corporation.

" SPA Part 2-3 The strata corporation is responsible for managing and maintaining the common property and common assets of the strata corporation for the benefit of the owners.

Part 5-72 The strata corporation must repair and maintain common property and common assets. The strata corporation may, by bylaw, take responsibility for the repair and maintenance of specified portions of a strata lot.

Standard Bylaw 8 The strata corporation must repair and maintain all of the following....(c) chimneys, stairs, etc....attached to the exterior of your building.

Strata corporation bylaw 33.8 The strata corporation is responsible for the structural maintenance, repair and inspection of fireplaces, and chimneys in the strata lots"

The nature of property use and bylaws is often different for each strata corporation. As in Carol's strata, they have adopted a bylaw that in addition to the obligations of the Act, the strata is responsible for everything relating to the fireplaces, except for basic cleaning. The benefits ensure that the strata corporation has the fire places and chimneys routinely inspected and maintained, which they have been diligently performing each year. It also ensures the strata will have a single contractor performing the work, reporting to the strata corporation, and minimizing the cost to the owners. In each circumstance, it is critical for the strata council to read and understand their bylaws and the Act, to ensure the correct decisions will be made. Failing a 3 / 4 vote decision of the owners to change the fireplace use or configuration, the strata corporation may be in the situation where they will be obliged to upgrade the cost of the fireplace units and chimneys. Before the strata corporation presents an option to the owners, they will first need to obtain a written estimate of the cost of upgrading the chimney and fire box liners, determine whether any types of permits will be required for inspections and determine with their insurance provider whether any of these decisions impact their insurance coverage or exemptions within the policy. Once the strata has gathered this information, they could they consider applying this to options. Option 1) repair and replace the existing wood burning system 2) upgrade to gas fireplaces (they too would have separate permit and installation requirements) 3) eliminate the fuel options and convert to electric systems only 4) terminate the use of the fireplaces. Each of the options will have different cost implications, long term maintenance implications, aesthetics, and impacts on the living space. The cost for wood burning upgrades or gas installation and upgrades may easily range from \$3,000-8,000 per unit so the cost may very easily be a determining factor when the owners have to make a decision.

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