

**Condo Smarts**

Headline: Who is responsible for structural repairs?

Topic: Repair & Maintenance

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**Dear Tony:** My wife Betty and I have lived in our townhouse for 8 years. In our strata complex we have 6 townhouses and 68 condo apartment units. Our building is on a hillside with the townhomes on the lower level below the apartment building adjacent to the river. We have noticed a slight increase in the slope of our living room floor over the past few years, but the seriousness of the slope became obvious when we decided to upgrade our floors from carpeting to hard wood floors, which was permitted by the strata corporation. The slab in living room has dropped almost 1.5 inches, on the river side compared to the hillside. We contacted the strata council who have advised it is part of the strata lot and not their responsibility to repair, but on investigation have been given several options for raising or jacking the slab to a secure level that involve the foundation of the units and external access. The other issue we are addressing is the visible moisture seeping through the cold joint on the hillside of the unit. Is there any way of determining who is responsible for this repair without getting into a nasty court or legal battle? These issues need to be addressed; we just need to know who is ultimately responsible. Mike C. North Van

**Dear Mike:** A common error that everyone in our industry frequently makes is in the process of determining responsibility for repairs and liability. Don't assume that just because the issue is in the strata lot it is automatically the responsibility of the strata lot owner. The designation of the property is the first step, but the more important second step is to read the strata corporation bylaws to establish responsibility, and they are all

different. In your strata, the bylaws stipulate that the strata corporation is *"responsible to maintain and repair the structure of the building, including decks, balconies, patios, foundations, and drainage"*. The obligation for the structure of the building is included in the Standard Bylaws of the Act, and in most building type strata designs because the structure and drainage are collective and integrated systems. Before any work is done, your strata corporation will want to investigate the changes to your buildings. A structural engineer would be an ideal place to start, and also try to source the cause of the water seepage into the slab area. It is possible that there is an under slab water flow and erosion problem resulting in the impact on your strata lot; however, there may a greater problem affecting the other 5 town homes. The sooner this problem is remedied the less expensive it will become. The real issue is going to be to determine whether there is actually a structural problem or is this just the residual effects of poor construction leaving you the home owner with the cost of a leveling the floors for the hardwood installation. Just don't cover up the problem hoping no one will notice in the future. Reminder that this week is the Shake Out. October 17, at 10:17am everyone is recommended to participate in an earthquake drill. This is a good opportunity for strata corporations to review their emergency response and evacuation procedures. For more info go to : [www.ShakeOut.org](http://www.ShakeOut.org)

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