

Condo Smarts

Headline: Townhouse Confusion
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Written by: Tony Gioventu

Dear Tony: Our townhouse complex is 23 years old, we have 67 homes, and our development was constructed in 4 phases. We are now experiencing some problems with plumbing and venting and are not sure who is responsible for the services because we think we have multiple variations of property use. Our plumbing is self contained in each strata lot, but in some phases we have crawl spaces with the plumbing located in the crawl spaces that are identified as common property, but in other units the plumbing was laid in the poured concrete slabs. Some plumbing is copper and the remainder is poly butylene. We also have some units with gas furnaces with the ducting located in the slabs, and some units with electric base board heating. We also have dryer vents located in most units through the floor slabs and the crawl spaces. How we establish who is responsible to repair the plumbing and the ducting in the units when some configurations are clearly in the strata lots and others are located in common property?

Jeannette P. Delta

Dear Jeanette: Identifying who is responsible for the pipes wires and ducts is first an interpretive matter. The strata corporation's registered strata plan and the registered bylaws will have to be closely reviewed. Common property by definition, includes pipes wires and ducts that are located between a strata lot and another strata lot, between a strata lot and common property, a strata lot or common property and another parcel of land, or wholly or partially within a strata if they are capable of being and intended to be used in connection with the enjoyment of another strata lot or common property.

It is not always easily understood who is responsible for the pipes, wires and ducts in a townhouse complex. It is possible that a crawl space or basement area is designated as common property, or is not part of the strata lot and is therefore common property and the resulting services are the responsibility of the strata

corporation; however, in addition to what may be the likely answer may not always be the easiest solution for the strata corporation.

A good example of this is the water pipes in some variations of townhouses. While they may be solely contained within the strata lot and the responsibility of each owner, it is still much less expensive if all of the townhouses are completed at the same time with a single contractor. If not, the strata corporation has limited control over the strata lots which refuse to upgrade their plumbing and continue to expose the other owners to ongoing insurance claims and increased premiums and deductible costs.

Strata corporations may take responsibility for the maintenance and repair of a portion of a strata lot, which requires an amended bylaw. This could enable the townhouse strata corporation to administer such a project. A successful maintenance and renewal program in townhouse complexes requires the cooperation of the owners, an easily understood set of enforceable bylaws, and a long term funding program.

There are thousands of townhouse complexes in BC, and no two alike. If you are in doubt who is responsible for the pipes, wires and ducts, review all of your registered documents first. Jeanette's strata is seeking a legal opinion on the application of their bylaws and the configuration of their strata plan to determine the strata obligations, how to ensure all areas are maintained and renewed and perhaps consider some bylaw amendments to ensure a level of fairness among all owners.

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