

**Condo Smarts**

Headline: Townhouse Confusion  
Topic: Pipes  
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**Dear Tony:** We live in a 73 unit townhouse complex in Burnaby that is 23 years old and we have started having problems with plumbing leaks in the strata lots. Our property manager recommended that we hold a special general meeting to approve the funds to retain a mechanical engineer to help us set up the scope of work and specifications for the replacement of our plumbing systems. At our special general meeting there was a lot of confusion over the issue of who was responsible for the plumbing in each unit. Everyone had a different opinion, including the manager and the strata council president. Our strata lots are side by side in groups of 4 or 5 per set, and each townhouse has a separate water line with an exterior shut off. Could you help us determine who is responsible for the water lines in each unit?

*Carol Reeves*

**Dear Carol:** Your question identifies one of the most complicated problems that townhouse strata developments face. The answer to your question may be found in the registered Land Title documents of your strata corporation, and by reviewing your bylaws and on site conditions. Pipes, wires and ducts that are within common property or that are used in connection with another strata lot, are generally common property, and as a result the obligation of the strata corporation; however, in a town house the pipes may not be within common walls, or used in connection with another strata lot, and as a result may be the responsibility of each strata lot owner. The first thing your strata will have to determine is whether the pipes are common property or part of the strata lot, the second and likely more important issue is to consider the best interest of the strata corporation. Even if the

plumbing is part of each strata lot, the strata corporation will want to ensure that each owners replaces the plumbing in a timely manner, otherwise you will be facing leaks, which lead to insurance claims, which everyone eventually pays the price for. If the strata corporation wants to ensure that all piping is replaced, the strata corporation is permitted to adopt a bylaw that makes the strata corporation responsible for certain parts of a strata lot, this could be the plumbing lines and delivery systems. On a preliminary basis, I did review your strata plan and bylaws, and it is certainly confusing and complicated. Your strata was built in 3 phases, and in phase 3 the piping is interconnected, in common walls and common property, as opposed to phase 1 & 2 where they are each strata lots responsibility. My recommendation is for your strata corporation to consult with a lawyer on how to create a bylaw that addresses this problem and makes it fair for everyone. If the strata corporation takes responsibility for the renewal of plumbing, you can ensure that all of the project is complete, and one contract for 73 units will be much less expensive than 73 owners each contracting separately.

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