

Condo Smarts

Headline: Who is responsible for Sewer Pipes?

Topic: Pipes, Repair & Maintenance

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Dear Tony: Our bare land strata is an 88 unit mobile home park in the interior. Each unit has a direct hook up to the main sewer line that serves our property, and we have been starting to have some serious problems with damages caused by trees, owners doing unauthorized landscape alterations and some failures just due to the age of our park which is now over 30 years old. As a strata, who is responsible for the sewer lines and who pays for the replacement and damages? *Judy M.*

Dear Judy: Think of your bare land strata like a local government. Each strata lot has its own property boundary dividing the strata lot from the common property and other strata lots. The in ground infrastructure will either be part of the common property of the strata corporation, or part of the strata lot. Before you start assigning responsibility for costs, double check your bylaws. In general, most bylaws require owners to maintain and repair their strata lot, and the strata corporation to maintain and repair common property; however, there are a number of bare land strata bylaws, where the strata corporation has taken sole responsibility for the in ground services right up to the connection to the house, industrial unit or mobile home. This frequently occurs where the sewage outflow lines or on the boundary between two strata lots, or where the strata is taking direct control over the entire sanitation system. If your strata has not taken responsibility for these services in the bylaws, and a pipe fails or require maintenance or replacement on your strata lot, it will be your sole responsibility for the related repairs. Likewise, if the damages or failures occur on the common property, the strata corporation will be responsible. As a result, it is important to

know where the boundary lines are, who will be responsible for the repairs and costs, any access or construction requirements that will need the approval of the strata corporation, such as excavation and restoration of the site, and whether this construction will require the involvement of the strata corporation or a neighbouring unit. It is also critical to ensure that the sanitation lines are properly restored, connected and that the site restoration is complete. Exposed or leaching raw sewage is health and environmental hazard, and may pose a threat to the contamination of your drinking water or nearby streams and rivers. A very common misconception about bare land strata developments as that they are just like owning a detached non strata titled home. They are not. The basic difference in a bare land is that the strata is not responsible to maintain and repair buildings not shown on the strata plan, unless they agree to in the bylaws. All other basic conditions of strata law apply. In virtually all bare land developments, the owners and the strata corporation are responsible for the in ground infrastructure and services. This is not paid for by your local municipality or district. Whether your community is experiencing a geological event or sudden loss such as a flood, your owners may be paying for the replacement of the systems and site restoration if they are not covered by insurance or a result of aging systems. A sanitation and water system that is managed by the strata corporation may require a significant upgrade or renewal every 40-70 years, and the costs can easily reach \$25,000 per unit or more.

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