

Strata Living

Headline: Altering a deck surface

Topic: Alterations; balconies

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Dear Tony: We live in a small midrise building of 8 floors. For the past 12 years owners have been responsible for the maintenance of our balcony surfaces, but over that time a number of owners have installed tiling or outdoor surfaces on top of their concrete balcony areas. It now comes to our attention that everyone is going to have to remove these surfaces as the coverings, are causing damage to the balcony surface areas. Who is responsible for the removal of the tiles and materials?

Cara F. West Vancouver

Dear Cara: The first task is always to look at your registered strata plan and your bylaws. The registered strata plan shows that all of the balconies on your building are limited common property. Limited common property is common property designated for the exclusive use of specific strata lot(s). The strata corporation is permitted to make owners responsible for maintenance and repair of limited common property; however, that role is determined in your bylaws. Your strata corporation has the schedule of Standard Bylaws regarding maintenance, and that indicates that owners are only responsible for maintenance that occurs once a year or more frequently. Basically, custodial maintenance such as cleaning. The second task is to determine whether those owners how have installed balcony floor covering had the written permission of the

strata corporation before they proceeded. If the owners did receive written permission, your strata corporation will have to review the agreement or consent to understand if there were any conditions relating to the maintenance, repair or renewal and replacement of the authorized alterations, and who would be responsible for those alterations. If there was no consent given, the strata corporation is going to have to address the unauthorized alteration of the balcony areas, and the implications of cost of removal of the unauthorized alteration, and any possible damages relating to the installation of tiling or coverings. The strata council will have to determine the implication of the unauthorized alterations and costs. If the damage was only caused by the coverings, and those owners who did not cover their balcony areas experienced no damage, I doubt the owners who have not altered their balconies will be prepared to pay for those who did and caused the damages. The other complication will be subsequent buyers who were not advised of the alteration and any potential obligations. It would be helpful for your strata council to have an information meeting with all of the owners, review your bylaws and decisions of the strata council over the past four years, and try to reach some consensus.

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