

## Strata Living

Headline: Ponying up for common property repairs  
Topic: Repair and Maintenance of common property, Doors, Windows  
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**Dear Tony:** Our strata corporation has always made owners responsible for their own doors and windows in our townhouse complex. Over the past 15 years people have made all sorts of changes that have significantly changed the appearance of our complex. We have just received our depreciation report and an engineering review of the doors and windows and several units that have not upgraded windows are identified as in serious condition. In addition 4 units that have upgraded windows have serious problems as the window frames and flanges were not installed properly. Now we have to undertake repairs to both non repaired windows and altered windows that were not installed properly, who is going to be responsible for the costs?

*Kelly Marshall*

**Dear Kelly:** Many strata corporations have permitted random alterations to town houses or condos without considering the future implications. The impact of the scenario you have described frequently results in negligence as a result of dumping the responsibility on to the owners, or inappropriate alterations that also result in damages. The Strata Property Act and Standard Bylaws contemplate this scenario. Under the Act, a strata corporation is not permitted in the Regulations to make an

owner responsible for common property. While many strata corporations may have adopted bylaws under the Condominium Act prior to 2000 that transferred the responsibility to owners, those bylaws are only enforceable if they comply with the Strata Property Act. The implication of transferring common property obligations to some owners who make alterations and not others results in a level of unfairness that now makes it a complicated issue. Common property is still common property, and the responsibility of the strata corporation. Before your strata requires or permits an owner to alter common property, that may include doors, windows, balconies, decks and patios, process a formal approval process and agreement for future costs. At this time, Kelly's strata should seek a legal opinion on the application of their bylaws, the alterations, the allocation of costs, any agreements for alterations and a solution to the subsequent repairs and costs. In most building type strata corporations, exteriors are usually common property, as in Kelly's strata, and the cost of repairs will be paid by every owner based on unit entitlement.

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