

Strata Living

Headline: Can strata ding you extra for plumbing?

Topics: Alterations

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Dear Tony: We bought a condo in Metro Town in 2011. One of the most appealing features was the size of the balcony area, which enabled us to continue our gardening but on a smaller scale. There is a water faucet on the exterior wall which serves both our balcony and we share with our neighbour. We have discovered a leak in the pipe stem and require the strata to shut off the water to the floor so we can have it repaired as there was no shut off on the interior wall. The strata have agreed but have advised that we will have to pay the \$395 service call for the plumber to come on site because the tap was not original and installed by the previous owner. Is the strata permitted to charge us for this cost?

Lana P.

Dear Lana: There are many variations in alterations that affect common property, limited common property and strata lots. Within strata lots, owner alterations generally remain the responsibility of the strata lot owner whether they required the permission of the strata or not because an owner is responsible to maintain and repair a strata lot. For common property, strata corporations are only permitted to make an owner responsible for the cost associated with alterations as a condition of the approval of the alteration. This could include the cost of the alteration and the future costs associated with the maintenance and repair of the alteration. However, if the strata corporation has granted the permission for the alteration and required as a condition of the

approval that the owner agree to any costs associated with the alteration, they are also obliged to disclose that information to a prospective buyer. When a buyer is interested in a strata lot, they are advised to request a Form B information certificate which provides them general information about the strata and disclosure of any such agreements. In your case, you did request the Form B, and there was nothing disclosed on the Form B about any such agreement or obligation to pay for costs associated with the claimed alteration. It is also interesting to note that there is no such mention of any such permitted alteration in the minutes of the strata council meetings and the seller claims that the tap was always there. In order for the strata to have a valid claim for the costs, some documented agreement would be necessary. This is just as important for strata councils and strata managers to understand the critical need to maintain suite files. If there are any alterations or agreements associated with strata lots it is critical to maintain documentation and a registry of the alterations.