
Condo Smarts

Headline: Who's Responsible?

Topic: Repair & Maintenance

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Dear Tony: Can a strata corporation be held responsible for repairs to a strata lot when there is damages caused as a result of negligence? Our strata council decided to be misers with our expenses this fall and did not have the routine gutter, roof and drain cleaning performed. It was approved in the annual budget, but to quote our president, "Unless there is a problem, we (the council) just don't see the point of wasting this money." The obvious result has occurred. Our 80 year old neighbour on the ground floor was inundated with water from the roof, the drains were plugged and she has extensive damage to her unit which her insurer will not cover because the insurer claims the strata failed to meet its obligations.

Phillip J. Coquitlam

Dear Phillip: The Civil Resolution Tribunal has published a decision over the holiday that addresses the issue of negligence by the corporation. In strata plan BCS 1299, an owner experienced a sewer back up into her unit as a result of the strata corporation failing to maintain the vertical common property drain pipes. The owner was awarded \$22,589 plus the CRT application fees, for the contracted services of repairs. The Tribunal determined the strata corporation was negligent as it is the responsibility of the strata corporation to maintain and repair common property, this includes pipes, wires, ducts and drains between strata lots or between a strata lot and other common property.

The grave winter conditions we experienced over the holidays was a reminder of the necessity of routine inspections, maintenance and repairs to building systems. Many strata corporations across the lower mainland and Vancouver Island experienced damages to common property roofing, decks and balconies, and owners were exposed to damages to their strata lots

which may or may not be insured depending on the cause and their home owner policies.

Strata corporations must maintain a record of routine maintenance and servicing to building systems to support their defence of annual maintenance and inspections. Many strata corporations fail to perform any service work on their building systems until a problem arises. Everyone with a hot water tank in their town house, condo or home shares the same experience. When do we replace them? Usually when they leak and it's too late. When do we replace rubber washing hoses with braided steel? When does a strata corporation conduct stack cleaning and roofing drain cleanouts?

Gutter and roofing drain clear outs must be at least annually, and systems must be inspected after major weather events. Drain stacks within buildings must be flushed at least every 3 years, and more frequently depending on your building designs and uses. The cautionary tale here is for strata corporations. If you fail to maintain and repair, and an owner experiences damages, the Tribunal may order compensation for the losses.