
Condo Smarts

Headline: Failing Repairs

Topic: Repairs & Maintenance

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Dear Tony: I live in a 38 unit apartment style condo building in East Vancouver. Our building ownership has slowly turned over to investors with less than 50% resident owners. The roof on our building is almost 19 years, and the top floor units have all experienced water damage from the failing membrane. At our special general meeting last week, the investors voted against the special levy averaging \$7,000 per unit for the complete repairs. There was no reason given, other than the agent representing 11 investors was instructed to oppose the levy and the repairs. We are self managed and seeing our investment rapidly deteriorating. Are there any options to force these repairs?

Jenna M.

Dear Jenna: The *Strata Property Act* provides a few options for the owners in this situation. Since the roof is already failing, several units have been damaged, and your strata corporation has an engineering report on the replacement and urgency, you may want to consider the option of an order in the courts for the repairs. In the situation where a special levy is necessary to ensure safety or prevent significant loss or damage whether physical or otherwise, the strata corporation may apply to Supreme Court to order approving the resolution.

What this requires is if the number of votes that were in favour of the resolution was more than half of the votes cast, but did not reach the 3 / 4 vote required. This application is the most efficient as it must be made within 90 after the vote, it may be approved by the council, the corporation is required to fund the application, and the resolution is ordered as if it had been passed. In your meeting, 11 were opposed but 18 had voted in favour, so you meet the requirements for this application. Obviously, this requires legal representation for the application, but the process is expedient and effective.

The strata corporation may also consider an application to the Civil Resolution Tribunal, (CRT) who may order the repairs, but the tribunal does not have the authority to order the special levy or the resolution declared as passed. While this is an effective measure for lower valued levies where there is no urgency, but if timing is essential a potential concern with a CRT order is it may require longer term enforcement in the courts if the investors do not comply.

I am always bewildered when communities fail to support repairs that are essential. The costs inflate rapidly, the conflicts fuel court applications and delays, purchases and sales are cancelled or hampered by the pending repairs, insurance costs and deductibles skyrocket, and everyone ends up paying for the delays. Project inflation can easily reach 30-50% over a 1-2 year period in these circumstances. While you are making the application, another SGM might encourage the investors to change their mind.