
Condo Smarts

Headline: Window Replacements

Topic: Windows

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Dear Tony: We are a 1980's mid rise 12 floor building in Burnaby. Rather than manage the windows on the exterior as common property our strata council let owners change their windows without any alteration agreements or approvals, and many without the consent of the council. About 40% of our windows have been changed. Now we have a significant upgrade to our building that includes the windows and doors on the exterior, including windows that were changed over time. The owners who changed their windows refuse to vote in favour of the repairs unless they can keep their windows and receive a credit for the alterations. As a result, we can't get a vote approved for the special levy project. Many units are now experiencing water damage from the failed windows and drainage issue. How do we resolve this issue?

Debbie M.

Dear Debbie: This is a very common problem and omission of many strata corporations. In most strata buildings and townhouse complexes the exterior of the buildings, which include doors and windows, are common property. While there are exceptions to this practice, a unified approach to maintenance, inspection and renewals by a strata corporation is the ideal approach. A unified appearance, planned upgrades and renewals, and energy upgrades can all be managed by the strata corporation. This is the most cost effective method of managing exterior repairs.

Unfortunately, when owners are permitted to conduct upgrades or replacement of windows, their expectation is that they have contributed to repairs or they purchased some premium window system or modification and should be permitted to retain that alteration.

Any common property alterations require written approval of the strata corporation. As a routine practice, the strata corporation should insert a condition into the agreement that excludes any upgrades in the event the strata corporation is required to conduct any major upgrades.

It will come as a surprise to owners who have conducted these upgrades, in good faith with the permission of the strata council, that when the time comes to renew the building exteriors (such as doors, windows, decks and balconies) that they will be captured by the upgrades and they will be required to contribute to the project based on unit entitlement for the calculation of strata fees or a special levy. When this dispute arises, a close analysis of the historic practice of the corporation will be necessary to determine what consent they granted and any conditions for the alterations.

The designations of the property in question, and the bylaws also require detailed review to determine responsibility and conditions of alterations. Try to avoid court action to proceed and spend your funds on repairs, not disputes, but court intervention may be necessary to proceed with repairs.