
Condo Smarts

Headline: Elevator Failures

Topic: Elevators

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Dear Tony: We live in a 22 floor building in Metro Vancouver with 2 elevators. Owners received notice a week prior that one of our two elevators will be out of commission for 2-3 months undergoing an overhaul. The work started last week and on Friday night our 2nd elevator failed. The council refused to make an emergency call and waited until Tuesday morning after the long weekend for service. There are many seniors with accessibility issues, and several people in wheel chairs. Fortunately, there were no medical emergencies over the weekend, but owners were prisoners in their building until Tuesday afternoon when the 2nd elevator was finally operating, and many owners were in a dire situation over groceries running low, and families unable to get out with their children and pets. Basically no one above the 10th floor left the building for the long weekend. How do we prevent this from happening again?

Ms. M Wilson

Dear Ms Wilson: An operational elevator for accessibility, is a basic requirement under the BC Human Rights Code. Accessibility to multi-family buildings has been an adjudicated dispute on several occasions, and strata corporations have been ordered to accommodate residents to the extent of undue hardship. The argument of being too costly for emergency service is not valid when the service providers are available, the strata corporation negotiated a service agreement including emergency after hours services, and the owners are funding the operations, including emergencies through the annual budget and the reserve funds.

If an emergency had occurred during the shutdown, the first responders such as paramedics would have been seriously restricted in their access, especially if an incident occurred at higher floors. It would have placed

an unacceptable obligation on the responders and limit the services that may have been available. If a person experienced a heart attack, stroke, or other medical emergency, a quick response is essential to get to an emergency facility. Such delays and restrictions of avoidable elevator shut downs may result in dire consequences for residents and significant liability for a strata corporation.

All elevators require routine inspection and maintenance. Depending on the use and type of elevators it may be monthly or quarterly, and may require short term shutdowns for the safety of the technicians. If there is only one elevator, schedule the maintenance with your service provider to be the same day and time each month to allow residents to plan around these periods.

The *Strata Property Act* and Bylaws are silent on notice requirements that impact accessibility. If an elevator, or all elevators are going to be out of service for a 1 to 3 month period due to a major overhaul, give owners at least 30 days' notice if possible of the planned shutdown. Owners will at least have an opportunity to find alternate accommodations. Contact your elevator service provider and determine if shorter periods can be negotiated and if ordered parts can be expedited to reduce the down time of your devices.