

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

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Condo Smarts

Headline: Common-property repairs for strata

Topic: Windows and common property

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A reader has written about their failed window seals. Her building is about 18 years old, a four-storey low-rise apartment and many of the window units need replacing. The owner was told by her council that she would have to make the arrangements and pay for them herself.

The owner's contention is this: If she moves, she can't take the windows with her, so why should she pay to replace them? Whose windows are they and who pays?

Strata Law: The registered strata plan will provide diagrams of the strata corporation. It shows the boundaries between the strata lots and the common areas. The bylaws will also set out who is responsible for the maintenance and repairs of certain parts of the building.

In this strata, the exterior of the building is common property and the bylaws stipulate that the corporation will maintain and repair windows that front onto common property or on the exterior of the building.

The answer is no, she does not have to pay for the windows. The strata corporation is responsible. However, she still requires the written permission of the corporation before she considers replacing the windows and for the cost.

Tips: An owner does not have to maintain or repair common property. The exterior of the building, roofing and skylights are particularly important. The strata corporation should maintain control over how windows are replaced, who replaces them, the nature of the warranties and security of the installers, the types of windows being used and installation methods. Replacing large numbers of windows will also be much more economical

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