

Condo Smarts

Headline: Smoke Alarm Regulations May 1
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Dear Condo Smarts: We received a notice that the government brought in new regulations regarding mandatory smoke alarms in residential buildings. Our council gave notice to all the owners in our complex regarding the requirements for the smoke alarms, but several owners have refused and come back to the strata council and demanded that we install the smoke alarms. We don't know how we are supposed to enforce the regulations. We are a strata of detached town homes, and the strata has no authority or obligation to maintain or repair the inside of the strata lot. We are concerned that this might put our insurance in jeopardy, and council is afraid of being sued if we don't bring our buildings up to date. So how are we supposed to get our owners to cooperate?
JS Myers, Nanaimo

Dear Ms. Myers: The BC Fire Code requires that every residential building built before March 31, 1979 shall have a smoke alarm installed by **May 1, 2010**. This new law applies to every private home, suites within apartment buildings and sleeping rooms such as those found in hotels or motels. It also includes strata titled residential buildings. Owners of these buildings are permitted to install battery operated smoke alarms rather than having smoke alarms that are connected to the building's electrical system.

Before any strata corporation can determine who is responsible for the smoke alarms, or fire safety systems they need to understand first whether the system is part of the strata lot, part of the common property, or a system that form the common property. Once you understand where the responsibility lies, you then have to look at each of your bylaws to determine if your

strata corporation is responsible for those portions of the services or safety systems. The Strata Property Act sets out a definition for common property in Section 1. If it is common property as defined in the Act, then it will fall on the shoulders of the strata corporation to inspect, maintain and repair the system. A simple example of this relates to the emergency sprinkler systems in a condo building where the entire system is interconnected and monitored by the strata corporation. This is routinely a common system that is inspected maintained and repaired by the strata. If you look at a typical older townhouse complex or condo prior to 1979, the interior services and obligations of most of the units are contained within the strata lot boundaries of that unit, and their services may not be part of a common system or interconnected; therefore, not part of the obligations of the strata to maintain and repair.

If a smoke alarm is not monitored or connected by the strata corporation, then it is the responsibility of each strata lot owner to install their smoke alarms, maintain, and repair them. There are a few options for strata corporations. The first is a bylaw that reflects the requirements of the legislation, requiring smoke alarms in all residential units. The same bylaw may also set standards that require owners to maintain and repair the smoke alarms. There still remains the challenge for the strata corporation to enforce the bylaws and inspect the units for compliance. Another option is for the strata corporation to adopt a new bylaw, where the strata corporation will be responsible to install the smoke alarms and maintain them annually. There are benefits

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to this bylaw in that the strata corporation can control the installation and service, and you can gain the economies of cost, especially in a larger strata, but you will still need to have access to the strata lots for installation and maintenance. This requires advance notice in writing setting out the date, time and purpose of the inspection. Like any bylaw that requires access to a strata lot for inspection or services, if an owner/tenant does not comply with providing access, you have to give them written notice of a complaint regarding an alleged bylaw violation. They are entitled to a hearing, they may respond in writing, and ultimately if the owner does not provide access, a strata may have to consider penalties such as fines and even in some cases where the inspection is critical, a court order may have to be obtained. Ultimately the owner will burden the cost, but the strata is still left with the difficulties of enforcing the bylaws. The new regulations are intended to provide better safe and early notice to occupants of a fire. At the very least it is valuable for the strata to notify the owners and tenants of the new requirements, and in your routine communications remind owners to maintain their smoke alarms and check them regularly. For more information on the new regulations go to: www.housing.gov.bc.ca.

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