

Condo Smarts

Headline: Balcony Barbeques
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Written by: Tony Gioventu

Dear Condo Smarts: We live in a unique townhouse complex that is actually a bare land strata. While many of the units are attached, several are detached like conventional homes. We were always told that in a bare land, the strata corporation was limited to the types of bylaws that could be adopted; however, in light of the recent building barbeque fire we are concerned because our unit is located next to a forest area and they are wood frame construction. At our council meeting several owners made a submission to council opposing any bylaws that would limit barbeques, citing a legal opinion that they had commissioned. We have since had a notice from our insurance company relating to accumulated ground cover that is a high fire risk, and adjacent to our buildings. If we do have a fire, it is likely that it would develop quickly into a forest fire as well. Do you have any suggestions on how to manage this risk?
Jeremy D. Kootenay District

Dear Jeremy: The primary duty of the strata council is to act in the best interest of the strata corporation and all owners, tenants and occupants and to protect their safety and property. The recent fire in Kelowna, caused by a barbeque is a sobering reminder for strata councils as they administer property and make decisions that will ensure everyone's safety and protect their property. When a strata corporation receives a notice from an authority or their insurance provider, they need to take this seriously and act quickly. The result of failing to act could limit your insurance coverage in the case of an incident, and if the strata council ignores the order, the council incur potential personal liability. Bare land strata corporations are not exempt from the strata corporation's ability to adopt and enforce bylaws. While detached bare land strata corporations may not have an interest in the building on the bare land strata lot, they still have a duty to the rest of the strata owners and to protect the common property and common assets. Bare land strata corporations may adopt bylaws that control the use and enjoyment of a strata lot, and that includes pets, rentals, age restrictions and

the use of property such as the limitation, control or prohibition of barbeques.

One of the conditions we all over look is the available space for the safe use of barbeques. In a detached bare land home, or a townhouse where there is sufficient space to use the barbeque a safe distance from the building, the risk of fire to property is greatly reduced. When we use a barbeque in a confined space that is not only a short distance from the walls and railings but also covered by the deck or roof structure above, a fire caused by grease, a gas fitting failure, or the disrepair or age of the barbeque is almost impossible to extinguish. The result is the risk to all occupants, their personal property, pets, and their accommodation. Barbeques such as propane, charcoal, or electric can all be operated safely, with sufficient area in the event of a failure, but barbeques also cause other problems. Many coastal and interior strata developments were not designed with air conditioning, or with heat pump systems with external air intakes. The exhaust created by barbeques is a significant health hazard to many people, and the oil and burn off residue can easily be detected on the siding and windows of the adjacent buildings. Get your strata to hold an information meeting of the owners to talk about the fire safety concerns. Consider bylaws that at least place restrictions and controls on barbeques that may also set specific bans on certain types such as electric, gas, or charcoal, times of use and location. If your strata is combustible construction (wood frame) and you are permitting barbeques on decks, patios and balconies adjacent to the building areas, it is only a matter of time before you are at serious risk of fire. Is a \$5.00 steak worth a million dollar insurance claim and the possible risk of life of your fellow residents and their property ?

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