

Condo Smarts September 29, 2021

## Storm Season is Here: Is Your Strata Corporation Ready?

**Dear Tony:** Our strata corporation was totally caught unprepared in the recent rainstorms. We have gutter and roof cleaning scheduled for the first week of October, but during the rain cycle several units suffered damage to their drywall and floors as owners had left their windows open for fresh air. The overflows ended up running down the walls and entered units. These owners are claiming the council was negligent and the strata corporation is required to pay to replace their floors, the drywall and repaint their units. The maintenance schedule for the building is part of annual report and approval of the budget, so this is no surprise to owners who by approving the annual budget are also acknowledging the maintenance schedule we set out. Is this the responsibility of the strata corporation? Carol J.

**Dear Carol:** There are always owners who like to impose every obligation on their strata corporations and blame council. The floors are not original fixtures, they are betterments and the responsibility of each owner to maintain, insure and replace if required. The drywall is part of the strata lot, and unless otherwise amended in the bylaws of the corporation, which is rare, owners must maintain and repair their strata lot. This will include the drywall damages. The exception is when there is an insurance claim filed on the strata insurance policy and the proceeds of the claim cover the original assets and fixtures of the strata lots as well. There are circumstances where the strata corporation could be exposed to claim from owners. This occurs when there is a known defect and the corporation fails to act resulting in damages. A common example is sewer backups into strata lots and there have been reported drainage and back issues and no service call has been arranged resulting in subsequent claims. Not only will owners have grounds to seek damages against the corporation, but your strata corporation insurer will be putting you on notice and home owner insurance providers may be seeking to recover their losses as well.

The best solution is a maintenance plan. Every building has components vulnerable to seasonal change that exposes both the structure and the users to risk. It is also a practical method of planning the annual budget. Many strata corporations still maintain a budget line item that authorizes general maintenance and repairs with no details of what is being done, when, how or who is retained. A schedule that is referred and attached to the annual notice that itemizes each of the maintenance and inspection items, cost of the service agreements and contractors, provides valuable information to owners and provides a valuable resource to support your projected budget. As we have so many building variations, your strata council will need to assess the frequency of inspections and servicing. It's never too late to plan. Here are some of the key items to identify and plan for the fall rain, ice and snow. 1) Inspect and clear all roofing systems and drains. In a complicated multiple building structure this could be monthly and especially after each major storm event. 2) Gutter clearing, depending on the concentration of growth surrounding your property this could be multiple visits. 3) Surface drainage around patios, walkways and parking areas and driveways. Exterior drain flushing should be scheduled annually or if there are any indications of flooding, this includes underground parking garage drains. 4) Sump pumps and lift stations require routine inspection and servicing. Buildings with underground garages are recommended to install monitored flood alarms on sump pumps. Floods occur quickly and a plugged system almost always fails at 3am when no one is in the parking garage. 5) Inform the owners to clear the drains on their decks and balconies and drain their outside faucets to prevent freezing and remove any materials or debris that may be blocking drains. Upper level drain failures are a chronic complaint for everyone one below as many top floor balconies are not covered. Remind owners to report any conditions that are a concern immediately. Order your salt and sand now and arrange for snow and ice removal. Most surface areas are common property and the strata corporation cannot make owners responsible for their maintenance.

Tony Gioventu, Executive Director CHOA

**Covid-19 Notice:** As a precautionary measure to prevent the spread of COVID-19 CHOA staff are working remotely and our offices are temporarily closed. We understand these are challenging times for strata corporations and we are here to help. Even though CHOA advisors are working remotely we are only a phone call or email away and able to assist you with hosting meetings and notice preparation.

**Tuesday Lunch & Learn Live with CHOA:** CHOA is hosting a series of webinars once a week, for the next few months. Join us each Tuesday as we bring together industry experts to discuss the many issues affecting BC's strata community. For more information visit our website at:

<https://www.choa.bc.ca/seminars/>