

Condo Smarts July 3rd, 2018

Who pays for the pests?

Dear Tony: We are a small 18 unit low riser building in the greater Victoria area. Two owners have reported they have chronic problems with mice in their units. One owner is accusing the other of hoarding and causing the mouse problem and the other owner is targeting the bird feeders on her ground floor patio as the source of the problem. Up to this point the strata council has left the problem of mice and pests to each owner but now they seem to be spreading in the building and we cannot ignore this issue any longer. We have given owners notice to solve the problem and hire exterminators or the council will have to step in and back charge the affected units. Now we are at a dispute over who is responsible and who is liable? Can you shed some light on this issue for us? George M.

Dear George: Whenever a strata corporation is dealing with a pest control issue the most important and first decision is how to address the problem and how to prevent future issues. The strata corporation has the responsibility to maintain and repair common property and common assets, and owners must maintain and repair their strata lots. With the exception of bed bugs, pests almost always involve infestation of common property or at the very least access through the common property. While there is a definite boundary between strata lots, attics, crawl spaces and common area corridors will likely be affected along with other units.

Experience over the years has shown that if left to owners, pest infestations only become a greater problem. Owners and residents tend to ignore most responsibility that involves personal cost until it is too late. The list of pest invasions from insects to animals is extensive and the damage that may result if ignored can be devastating. The obvious and best plan is prevention and education of your residents. Wood and garbage piles, rotting structures, failing caulking, broken ventilation screens, unsanitary waste and recycling areas, standing water, high moisture content, and resident behaviour will all contribute to the problem. Accumulated debris, poorly maintained property and resident behaviour such as providing foods sources are the most common causes of infestations, but pest/animal infestations still occur with the best of maintenance and prevention programs. To name a few, here are some of the common pest problems in BC: carpenter ants and termites in wet and rotting structures, rats and mice attracted by garbage, recycling, composting, bird feeders and human debris, hornets, wasps and bees building hives, raccoons and opossums seeking shelter in roofing and crawl spaces to create dens, silver fish and cock roaches in moisture laden walls and structures, birds and bats seeking nesting or shelter and bears attracted to garbage and fruit trees.

As part of the annual budget, many property owners contract for monthly pest management services to avoid the disruptions and costs of infestations and to ensure they have the funds to respond when problems arise. Responding quickly and controlling the actions to eliminate the problem is the quickest and most economical solution. This is best in the hands of the strata corporation if the infestation affects more than one strata lot or common property. If the source or cause of the infestation can be linked to the activity of a strata lot, your strata council can consider recovering those costs against an owner and look to your bylaws and rules to identify if they have breached any of those provisions or acted in a manner that caused the problem.

Sincerely,

Tony Gioventu, Executive Director
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