

Condo Smarts November 28, 2018

Who is responsible for decks?

Dear Tony: Our strata corporation has a bylaw that says the owners must maintain and repair limited common property. Our balconies are designated as limited common property, and this summer the strata hired a company who washed our siding and then power washed every balcony, deck and patio area. Now several owners are concerned about the damage caused by the power washing, and several leaks have shown up from torn deck covers to the units below. The strata council said its our problem to get the deck membranes repaired or replaced as the bylaws require owners to maintain and repair common property. The decision of council to have decks power washed was challenged by several owners who were threatened with a police complaint at the time if they interfered with the contractors. Our strata president and treasurer are both bullies and virtually no experience. Because the damage was obviously caused by the carelessness of the contractor and the council, why should owners do these repairs. Lynn R.

Dear Lynn: This is a common misunderstanding of how limited common property bylaws are applied. Like the Standard Bylaws of the Strata Property Act, your bylaws require owners to maintain and repair limited common property (LCP) that occurs once a year or more frequently. It also requires the strata corporation to maintain and repair all decks and balconies on the building for those items that occur less than once a year. Your strata council obviously tried to take the cheap route and does not understand your bylaws. It was the responsibility of each owner to wash their LCP surface, clear drains, and ensure the area is not damaged by their use. The strata corporation is responsible to replace the deck membranes when their life cycle is finished, as well as replacing them if they were damaged by the contractor hired to wash down your building. It is possible to amend the bylaws to make owners responsible for the LCP areas such as the decking; however, every time a strata corporation attempts to download the responsibility and authority to repair and maintain out door components is disastrous. We live in condos so we don't have to clean the gutters, cut the grass, paint the siding, wash the windows, shovel the snow. Condo owners don't do exterior repairs, and if they try, the results are generally improper or insufficient. If your owners are maintaining their decks provide them with instructions to ensure they are not damaging the property. Power washers if managed with the correct pressure and proper skills may be safely used to clean building surfaces; however, soft membranes with waterproof seams, and caulking around doors, windows and deck membrane flashings are extremely vulnerable to damages. The spray from a garden hose is often more than sufficient with soft brushing. Before you aggressively wash your building surfaces, contact the manufacturer or installer of the deck membranes. They should be able to provide you with maintenance instructions, along with a list of cleaning products or chemicals that may be safe to use on the deck surfaces and safe for the environment. Before exterior maintenance is downloaded to your owners, check your bylaws to determine who is responsible.

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