



## Instruction Guide 20

# Who is Responsible for Repairs?

**Important Notice:** This Instruction Guide has been prepared by the Superintendent of Real Estate to provide information about the *Strata Property Act* (the "Act"). This is only a guide to certain parts of the Act and Regulations. Please consult the Act and Regulations to determine the complete and precise requirements of the Act and Regulations. . In addition, please remember when reviewing statements about the Standard Bylaws that they may not apply until January 1, 2002, and even when they do apply, they may have been amended or removed if the strata corporation has filed bylaw amendments in the Land Title Office. Please check all filed bylaw amendments to determine whether and how the Standard Bylaws may have been amended.

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### 1. The Responsibility to Repair and Maintain vs. The Responsibility to Pay for Repair and Maintenance

Under the Act, Regulations and bylaws, there is a distinction made between:

- who undertakes the actual repair and maintenance of various parts of the strata development; and
- who pays for the maintenance and repair costs.

This distinction may result in:

- the strata corporation maintaining areas that are part of the strata lot or designated as limited common property, but
- the cost of the maintenance and repair being apportioned in the operating budget to the strata lots which have been maintained and repaired or have been allocated the limited common property.

The Act and the bylaws of the strata corporation (if the strata corporation has bylaws relating to repair and maintenance) determine whether the strata corporation or owners have the responsibility to undertake the actual repair and maintenance of various parts of the strata development.

If the strata corporation is responsible to undertake maintenance and repair, the Act and regulations determine how the costs for the maintenance and repair will be apportioned to strata lot owners. The apportionment of maintenance and repair costs incurred by the strata corporation cannot be changed with a bylaw amendment.

[Please see Instruction Guide 11 “How to Apportion Expenses” for more information about how the expenses are apportioned to each strata lot.]

## 2. **The Different Parts of the Strata Development**

The duty to repair different parts of the strata development may depend on how they are designated on the strata plan.

Each strata plan will use different symbols to denote the different parts of the strata plan. Review the legend or key on the strata plan to determine the meaning of the different symbols.

The different kinds of designations are:

- **Strata Lot or Part of the Strata Lot:**
  - the strata lot is owned solely by the owner;
  - a building strata lot usually ends at the center of walls, floors and ceilings, but may have different boundaries, if shown on the strata plan;
  - a bareland strata lot will consist of land and the boundaries will be shown on the strata plan; and
  - the strata plan will contain a legend which will explain how strata lots are noted on the strata plan:
    - ◆ the legend on the strata plan below shows that strata lots are designated as “SL” with the strata lot number after it.
- **Common Property:**
  - is the part of a strata development that is not part of a strata lot;
  - each owner owns a share of the common property, as tenants in common, which is in proportion to the strata lot’s unit entitlement; and
  - the strata plan will contain a legend which will explain how the common property is noted on the strata plan:
    - ◆ the legend on the strata plan below shows that the common property is designated as “C” on the strata plan.
- **Limited Common Property:**
  - is common property that has been designated on the strata plan or on a sketch plan filed at the Land Title Office, for the exclusive use of one or more strata lots;

- is often designated on the strata plan as “LCP” with the strata lot number after it; and
- the strata plan will contain a legend which explains how the limited common property is noted on the strata plan:
  - ◆ the legend on the strata plan below shows that the limited common property is designated as:
    - “P” with the strata lot number after it for patios;
    - “PR” with the strata lot number after it for porches; and
    - "W" with the strata lot number after it for bay windows.

### Legend

SL denotes strata lot

A denotes area

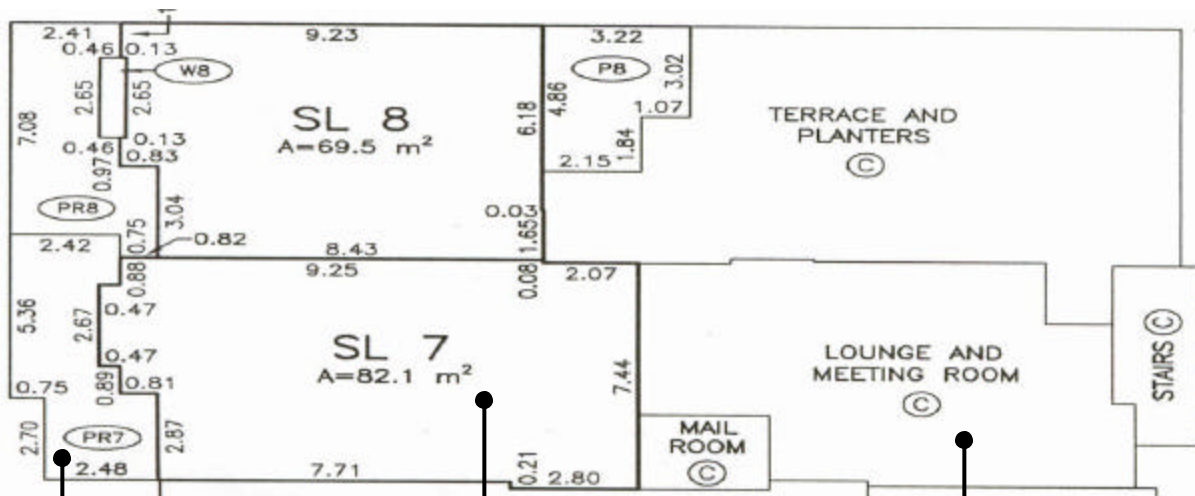
PR denotes porch (limited common property)

P denotes patio (limited common property)

W denotes bay window (limited common property)

C denotes common property

### Sample portion of a strata plan



“PR7” denotes Porch Limited Common Property for strata lot 7

“SL7” denotes strata Lot 7

“C” denotes area that is Common Property

3. **Common Property**

The strata corporation is generally responsible for maintaining and repairing common property, including limited common property, (“LCP”) and common assets. With the exception of limited common property, common property and common assets cannot be made the responsibility of strata lot owners to repair and maintain.

4. **Limited Common Property (“LCP”)**

Under the Standard Bylaws, owners are required to maintain and repair LCP which they have the use of, except the following LCP, which the strata corporation repairs and maintains:

- structure of the building;
- exterior of the building;
- chimneys, stairs balconies and other things attached to the exterior of the building;
- doors, windows and skylights on the exterior of a building or that front on the common property;
- fences, railings and similar structures that enclose patios, balconies and yards; and
- all LCP relating to repairs and maintenance that occurs less often than once a year.

The Standard Bylaws can be amended to change the different maintenance and repair responsibilities of owners and the strata corporation for LCP.

If there are no bylaws relating to the repair of LCP, the Act provides that the strata corporation must undertake the repair and maintenance of common property (including LCP).

5. **The Strata Lot in a Strata Development that is not Bareland**

Under the Standard Bylaws, owners in a strata plan that is not bareland, are required to maintain and repair their strata lot, except the following parts of a strata lot, which the strata corporation maintains and repairs:

- structure of the building;
- exterior of the building;

- chimneys, stairs balconies and other things attached to the exterior of the building;
- doors, windows and skylights on the exterior of a building or that front on the common property; and
- fences, railings and similar structures that enclose patios, balconies and yards.

The Standard Bylaws can be amended to change the different maintenance and repair responsibilities of owners and the strata corporation for parts of the strata lot.

If there are no bylaws relating to the repair and maintenance of portions of a strata lot by the strata corporation. Each owner must repair and maintain their strata lot.

#### 6. **The Strata Lot in a Bareland Strata Plan**

There is no provision in the Standard Bylaws to make the strata corporation responsible to maintain and repair parts of a strata lot in a bareland strata plan.

#### **References:**

Sections of the Act: 1, 66, 68, 72

Sections of Standard Bylaws: 2, 8