

Bulletin #3

The new *Strata Property Act* is overwhelming. Each month we attempt to inform and educate you on different provisions and we hope this process is helpful. If you need a copy of previous bulletins please feel free to ask your property manager. If you have joined your strata council in recent months you should obtain a copy of previous bulletins as they are most useful. The content of these bulletins does not purport to offer legal opinions or advice. You should retain and consult with legal professionals.

The New Strata Property Act

Most strata councils charge back insurance deductibles to owners if they are negligent in causing an insurance claim. Commonly this involves water escape – from dishwasher and laundry hoses, overflowing bathtubs and so on. Deductibles are anywhere from \$1000 to \$2500. Generally strata corporations have by-laws to grant and support the authority for these chargebacks.

Under the new Strata Property Act (July1/00) this cannot be done. If your strata corporation has such a by-law, that by-law will remain valid until December 31, 2001 but after that date, it will be invalid. If your strata corporation does not have such a by-law, after July 1st this year, you cannot charge back the deductible.

The legislation does, however, recognize the aggravation and expense created by such situations and the new Strata Property Act permits (authorizes) the strata corporation to sue an owner in a court of competent jurisdiction.

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