

# Board must act quickly to repair flood damage

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Dear Robert: I had a flood in my condominium in January 2011 and, as of today, reconstruction has not begun. This has been a nightmare.

I am unemployed, so legal action is the last resort.

Do you know of anywhere I can turn to for real help, instead of people just answering my questions without any real substance?

Also, since the restoration work has not even started, do you know how I can get a copy of the insurance policy to ensure that the reconstruction is done correctly?

A: You are entitled to a copy of the insurance policy of the condominium corporation. The Condominium Property Act gives you that authority.

Therefore, make a written request for a copy of the policy of insurance placed by the corporation.

The board is required to provide a copy of the policy to you within 30 days from the day of receiving your written request. I trust that your board or the property manager will know and respect the law. With respect to finding free help, perhaps you could contact Student Legal Services' Civil Law Project at the University of Alberta.

At the end of the day, the onus is on you to force the condo board to start work within your unit.

Unless there is some legitimate reason why the work has not begun, the board should move quickly to restore your unit.

Helpful hint: Sometimes all it takes to solve a problem is a carefully worded letter, with photographs attached, copied to all members of the board.

Dear Robert: Our condo board is stalling on calling the annual general meeting (AGM), and it has been over 16 months since the last one.

How do we force the board to call an AGM? They have cancelled once already and have indicated that there are some issues they want to clear up before the AGM.

A: The Condominium Property Act states that the board must call an annual general meeting of the owners within 15 months of the last annual general meeting. This is the law and the board has no legal authority to delay the annual general meeting beyond 15 months. Perhaps you can convince all of the owners to contact the board and indicate their displeasure on how this issue is being handled.

Helpful hint: Condo boards have to follow the law; they do not have the discretion to simply say that they need more information before they can schedule the AGM.

Dear Robert: Some of our condominium owners are interested in converting an unused room, part of the common property, into a fitness centre.

However, there is no information as to how the centre would operate, who would operate it, and who would pay for it. Building a fitness centre does not appear to be a reserve fund item, nor is it part of the operating budget for the year. What are your thoughts?

A: The facts you provided indicate there is no concern with respect to the condominium corporation's authority to construct a fitness centre.

Assuming that this is correct, the way to pay for the fitness centre will be to either charge owners a user fee to access the fitness centre, or all owners will pay for the fitness centre through their monthly condominium fees.

The cost of outfitting the fitness centre and staffing it should form part of the budget so that condo fees can reflect the additional cost. Building a fitness centre would not normally be considered a reserve fund item.

Helpful hint: Fitness facilities or pools add a level of concern to some condominium corporations, and proper insurance is essential. As such, I would urge you to speak to your insurance agent to assist you in developing the proper policy for such a use.

Dear Robert: What are typical board responsibilities with regard to addressing vandalism? I am concerned about recent vandalism in my condominium's secured underground parking area. I am also concerned with the fact that the board is refusing to disclose information, and is dealing inconsistently with victim complaints and possibly offering compensation to some and not to others.

Can victims demand reimbursement for out-of-pocket expenses resulting from this incident?

A: Is the condominium corporation's insurer involved in this issue?

If the answer is yes, then I would suggest that you put forward a claim to the condominium corporation and have the corporation deal with it.

If the condominium corporation's insurer is not involved and the board has decided to simply provide compensation to owners, then I would make a written demand for reimbursement.

If the board has developed criteria as to what will or will not be covered, then the board should communicate that to all of the owners. It would be extremely unfair of the board to compensate one owner and not the other when the facts are identical, and the board could potentially expose itself to a claim for improper conduct. I am hopeful that the board has obtained legal advice to deal with this issue.

Helpful hint: Insurance-related issues are complicated, and condominium corporations do not like to put claims forward, as it has a huge impact on their insurance premiums.

Whatever the board does, however, fairness and the law should be its guiding principles.

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