

Condominium

The following information is based on a summary of relevant provisions of the Condominium Property Act, the Condominium Property Regulation and standard bylaws. Many of the answers below may vary depending on the contents of the bylaws of your own condominium corporation. We recommend you review the bylaws of your condominium corporation and discuss any questions you may have with the condominium manager (or board of directors if your condominium corporation is self-managed). This is not intended to be legal advice applicable to any specific fact situation.

When can I get access to my unit?

The condominium corporation is responsible for the safe operation of the common elements of the building including its electrical system, gas distribution system, and common aspects of plumbing, heating and air conditioning equipment. It will be required to follow all applicable building code and health and safety rules in assessing and repairing damage to those systems. Until those assessments are completed, and any health and safety sensitive repairs are completed, it may be unsafe for you to enter your unit.

What do I do if my unit is damaged?

The first step is to notify your insurer. The second step is to notify your property management company (if available) together with their representative for the building. The next step is to notify your condo board. For each of these steps, provide as much detail as possible about the potential damage to the suite. Report any damage to your insurance provider and to the condominium manager. Depending on the cause, nature and extent of the damage, there may be insurance coverage under either your own insurance or the condominium corporation's insurance.

You are responsible for the cost of any uninsured damage to your unit and its contents.

Who is responsible for repairing damage to common property?

The condominium corporation is responsible for repairing damage to common property caused by natural disasters.

Who is responsible for repairing damage to parking areas?

Depending on the development, parking areas may be common property or individual parking stalls may be separate titled units. However, even if parking areas are unit property, most bylaws will provide that the condominium corporation is responsible for maintaining, cleaning and repairing parking areas.

Who is responsible for paying for damage to common property?

The condominium corporation is required to maintain insurance on common property.

Unless specified in its bylaws, the condominium corporation is not required to insure the value of any improvements to units made by owners. The condominium corporation should report any damage to units or common property to its insurance provider for determination of what, if any, coverage exists. Unit owners are entitled to a copy of the condominium corporations' insurance policy on request.

The condominium corporation is responsible for any uninsured damage to common property. Depending on the nature of the damage, the condominium corporation may be able to use a portion of its reserve fund to pay for the damage.

The condominium corporation collects fees for the purpose of maintaining a reserve fund at a level required by the *Condominium Property Act* and its Regulation, and for annual operating expenses.

Depending on the cost of repairs, the condominium corporation may need to levy a special assessment against each unit to supplement the reserve fund or operating budget. In such a case, unit owners will be responsible for a proportionate share of the special assessment in accordance with their respective unit factors.

How do I tell what is common property and what is unit property?

Contact the condominium manager or review the condominium plan and bylaws if you are not sure where

Condominium

your unit property ends and common property begins. If you are still unsure, seek legal advice.

What information am I entitled to regarding the condominium corporation's actions with respect to repairs?

The condominium corporation or its managers should provide owners with regular updates on repairs. If they are not doing so, owners should make a written request for that information to the condominium corporation's board of directors.

If your condominium corporation or condominium manager still fails to answer your questions, you are entitled, on request, to a variety of information which may provide answers, including:

- A copy of the bylaws of the corporation
- A copy of the minutes of meetings of the board of directors of the corporation and minutes of the annual general meeting
- A statement setting out the amount of the reserve fund

You may be able to make an application to the Courts to enforce the request under the *Condominium Property Act*.

How do I know if my building is safe or healthy for occupancy?

If you have any concerns about the safety or health of your building for occupancy, report them to the condominium manager (or condominium corporation if it is self-managed). If you are not satisfied with the information provided or actions taken by the condominium manager in that regard, contact Alberta Environmental Public Health for health related concerns or your local municipal office if the concern relates to a building inspection or municipal bylaw enforcement matter.

Also, unit owners are entitled to a statement from the condominium corporation setting out any structural deficiencies that the corporation has knowledge of at the time of the request in any of the buildings that are included in the condominium plan.

Am I responsible condo fees during the disaster phase?

Condo fees are still due and payable during the period of time that you are displaced from your unit. This may include the time period in which any repairs or remediation work are being completed. This time period may be covered by some forms of insurance. Some condominium corporations are waiving fees given the wildfire. Please contact your condominium corporation for information.

Resources

Lawyer Referral Service may be able to help you find a lawyer. Call the number below and describe your problem to the operator. The operator will give you the names and contact information for up to three lawyers that practice in the area of law that would best suit your needs. To reach an operator, call:

- In Calgary: 403-228-1722
- Toll free anywhere in Alberta, Saskatchewan, Lower Mainland British Columbia, Yukon, Northwest Territories and Nunavut: 1-800-661-1095

Dial-A-Law provides general information on a wide variety of legal issues in Alberta. To listen to a pre-recorded Dial-A-Law topic, call:

- In Calgary: 403-234-9022
- Toll free anywhere in Alberta: 1-800-332-1091

Alberta Environmental Public Health

- <http://www.albertahealthservices.ca/eph/eph.aspx>

Pro Bono Legal Clinics that may also be able to assist:

- Calgary Legal Guidance: 403-234-9266 (www.clg.ab.ca)
- Edmonton Community Legal Centre: 780-702-1725 (www.eclc.ca)
- Student Legal Assistance (University of Calgary): 403-220-6637 (www.slacalgary.ca)
- Student Legal Services of Edmonton: 780-492-2226 (www.slsedmonton.com)
- Central Alberta Community Legal Clinic - Red Deer & Area: 403-314-9129 (www.communitylegalclinic.net)
- Lethbridge Legal Guidance: 403-314-9129 (www.lethbridgelegalguidance.ca)
- Medicine Hat Legal Help Centre: 403-712-1021 (facebook.com/Medicine-Hat-Legal-Help-Centre-416282775178600)
- Grande Prairie Legal Guidance: 780-880-0036 (www.gplg.ca)

*Please note that pro bono clinics may not offer legal services in all areas of law.

This information and other resources are available online at www.pbla.ca/gethelp/fortmcmurrayfire

RR DONNELLEY

Our sincere thanks to RR Donnelley for their generous support in printing these resources.

Updated May 2016

This fact sheet is to be used for information only, and is not intended to substitute for or provide legal advice.