
2016 Alberta Fires

Quick tips: Condominiums

Information for Condominium Owners and Boards

For additional information about the rights and responsibilities of condominium owners and boards, please visit Service Alberta's website at http://www.servicealberta.ca/pdf/tipsheets/Buying_and_Owning_a_condo.pdf or call the Consumer Contact Centre at 1-877-427-4088 (toll-free in Alberta).

I'm not able to live in my unit because of the evacuation order. The corporation will probably have to make some repairs before I can move back in. Do I still pay condominium fees for the time I'm not living in my unit?

Yes. The *Condominium Property Act* (CPA) authorizes condominium corporations to levy contributions (also known as condominium fees) on owners to pay expenses necessary for the control, management and administration of the common property and to pay for insurance premiums and other obligations of the corporation. Contributions are due and payable by owners unless otherwise specified by the board. Overdue contributions that remain unpaid by owners can result in serious consequences for owners, such as registration of a caveat on title and possible foreclosure of an owner's condominium. Owners should not withhold payment of contributions, even if an evacuation order is in place. If contributions are not paid at least 30 days prior to a vote being taken, either at a general meeting, or by written resolution, owners who remain in arrears are not entitled to exercise their powers of voting. If contributions are not paid at least 30 days prior to a vote being taken, either at a general meeting or by written resolution, owners who remain in arrears are not entitled to exercise their voting rights.

Who is responsible for repairing damage caused by the fire?

Roles and responsibilities vary depending on whether the units are bare land units or the units are located in a building (i.e. conventional condominium). Responsibility for repairs also depends on what the bylaws of the corporation say regarding responsibility for improvements within the unit.

The CPA requires every corporation (with some exceptions for bare lands) to maintain insurance on the common property and units against loss resulting from destruction or damage caused by fire.

Typically, in a conventional condominium, the corporation's insurance policy will provide coverage for the building structure including all standard fixtures and finishing inside the units. This coverage would not generally include any material upgrades (betterments or improvements) made by the unit owner or previous owners. For example, upgrades to cabinetry, flooring or light fixtures would not ordinarily be covered by the corporation's insurance, unless the bylaws specifically require the corporation to insure unit upgrades.

Generally, owners of bare land units would be responsible for insuring the entire building structure and any

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exterior property located within the boundaries of the bare land lot. However, owners should check their bylaws for additional rules and obligations regarding insurance, as these requirements vary from corporation to corporation.

If you do not have a copy of your registered bylaws, you can obtain a copy through the Alberta Registries Spatial Information System (SPIN2) at <https://alta.registries.gov.ab.ca/spinii/logon.aspx>. You may use the Guest log-in feature to access the search services. The SPIN 2 System has been developed as a "self-service site" with the ability for customers to use a credit card to pay for and obtain a copy of a condominium plan. You will need to provide the corporation's plan number. Instructions for accessing the system are provided on the website. If you have any trouble completing your search, you may contact the SPIN 2 Help Desk toll-free within Alberta by dialing 310-0000 then 780-422-7874.

The condominium corporation's insurance policy would not cover any personal contents of the unit owner, guests, tenants or other occupants. Unit owners would be responsible for purchasing unit owners' or tenants' insurance on these items.

Nearly all property insurance policies provide coverage for fire, including but not limited to wildfire. Property insurance is not a mandatory product, unlike basic automobile insurance. This means each insurance company establishes its own property insurance policy wording, coverage limits, and price. Call your insurance company, agent or broker to assist you.

How long does the condominium corporation have to repair a damaged unit?

Timelines for repairs will vary, depending on the severity of loss or damages. The start of repair work depends on how soon an insurance adjuster is able to inspect the units and the common property to assess damage. Other factors affecting the repair schedule include the time it takes to process the insurance claim; whether demolition work must be done on the former structure; scope of the repairs; building permit approval; selection of contractors; availability of materials and workers and numerous related factors.

My belongings were damaged in the fire. Who is responsible for cleaning, fixing or replacing them?

Unit owners are usually responsible for their belongings, including furniture. If you have owner's insurance, call your insurer with any questions. You may be able to obtain a copy of your policy from your insurer. Read the policy closely to see what kind of damage is covered.

If you need help identifying who your insurance company is, you may contact the Insurance Bureau of Canada:

- Call: IBC's Consumer Information Line: 1-844-2ASKIBC (1-844-227-5422)
- Contact IBC by email: - FortMacFire@ibc.ca

Who is responsible for covering the cost of alternate accommodations?

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Most unit owners' insurance policies provide coverage for additional living expenses if residents are required to leave their homes because of a mandatory evacuation order or if they are unable to return to their homes. Your insurance company may reimburse you for reasonable expenses to cover food, lodging, and other necessities. Keep receipts for expenses you have incurred. Contact your insurance provider to see if you are eligible.

Additional Resources for Condominium Owners:

Canadian Condominium Institute – North Alberta Chapter, info@ccinorthalberta.com
Phone (780) 453-9004; website: <https://cci.geniepad.com/>

Canadian Condominium Institute – South Alberta Chapter
Phone: (403) 253-9082; website: <https://ccisouthalberta.com/>

Wild Fires and Insurance, <http://finance.alberta.ca/publications/insurance/wildfires-and-insurance.html>

Condo Law for Albertans, <http://www.condolawalberta.ca/>

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