

News

Townhouse owner wins reduction in repair costs

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Phyllis Spencer's townhouse may be covered with more roofing than that of her neighbours, but it doesn't mean she should pay more to fix it.

That's the legal decision that came out of a recent strata scuffle at the River Shores townhouse complex on Railway Avenue.

Spencer, who owns a bungalow in the 43-unit complex, took on her strata council recently after it announced a new funding method to pay for costly roof repairs.

The method suggested by the strata, after hiring a consultant to write a report, is known as "equitable funding" — a simple formula based on the square footage of the roof over each townhouse unit.

Under the formula, townhouses with three levels and a roof span of 1,200 sq. ft. would pay the least amount,

totaling \$1,955. Two-level townhouse owners, with 1,300 sq. ft. of roofing, were billed \$2,425, while the bungalows, with 1,600 sq. ft. of roof, would bear the brunt of the costs at \$3,838 each.

"That's what we felt was fair," says strata chairman Ron Hyde.

But not according to Spencer, nor, as it turns out, the provincial guidelines set out under the Strata Property Act. Under the SPA, strata payments for maintenance and upkeep must be calculated based on the square footage of living space. Any change to that rule requires unanimous consent of strata voters.

For Spencer, whose double-garage bungalow is one of the smallest in the complex, the switch to unit entitlement subtracted \$1,150 from her overall roofing costs.

"It's made a big difference," she said.

It also meant an increase in costs of about \$1,200 for

each of three-storey townhouse owners — a change that has resulted in some hard feelings among neighbours.

"I tell you what, all of the people in the three-level units are pretty much not talking to me," Spencer said.

Costs for the two-storey homes will remain about the same.

Spencer began writing letters to the strata council last year to protest their initial payment scheme. By November, she said, she hired a lawyer after her written correspondence garnered no response. In a meeting in May, after legal advice on both sides, the equitable funding formula was dumped in favour of unit entitlement.

Lawyers fees ran Spencer about \$2,000, she said — \$800 more than she saved in repair costs. The strata council spent an estimated \$2,500 for its advice.

The legal bill was unfortunate, Spencer said, but

necessary after other, less costly means of finding a solution failed.

Besides, she said, there was an important principle at stake. "There are lots of older people living here," Spencer, a retired RCMP officer and embassy official, said of her neighbours. "They don't understand the Strata Property Act and so they pay when they shouldn't be paying."

Hyde, meanwhile, said the battle may be over, but the war has not been won.

The SPA, as it stands, is a one-size-fits-all policy that "doesn't fit" the various types of homes in a strata complex — ranging from townhouses to apartment-style condos. It's time the government amended the act to reflect those differences, Hyde said, adding his strata council will be writing to MLA Geoff Plant to make that suggestion.

Hyde makes no apologies for the equitable funding scheme: you have more roof, you should pay more for repairs. But, he said, "When you get lawyers involved, you can't talk about common sense. You have to talk about the law."



DAN TOUT/GOETZ/RICHMOND NEWS
Richmond's Phyllis Spencer took her strata council to court and won. Spencer felt she was unfairly billed for repairs to the 42-unit complex's roof. The court agreed with her.