

Who is responsible for what...

When you purchased your townhouse, you also became a shareholder in York Condominium Corporation 367 and all its assets. Who is responsible for what in a condominium is fairly straightforward: everything inside your home (the Unit) is yours; everything outside (Common Elements) is the Corporation's. However, determining the boundaries of these two may be the confusing part, especially for new Owners. And while you are 99 - 100% responsible for everything within your home, you are still 1/48th responsible for everything else (there being 48 Units within Y.C.C 367).

As our DECLARATION states, the primary division in a Condominium is between COMMON ELEMENTS and UNITS. The term Common Elements refers to all property EXCEPT the Units.

The boundaries of the Unit are described in Schedule "C" of the Declaration and within Section IV. Your home (and property) is the area extending from the top of the concrete floor in the basement to the upper side of the ceiling drywall on the top floor and within the area bounded by the interior face of the exterior concrete/masonry walls in the basement or the backside of the drywall in any other exterior wall.

Roof joists, roofing, shingles, siding, cladding or exterior brickwork, and foundation (cracks) are the Corporation's responsibility to maintain, and repair or replace if required.

If for any reason a repair is required WITHIN your Unit, such as an interior ceiling or issues with a bathroom, this is your responsibility.

There are a few exceptions to this division however.

While you are responsible for the interior side of any door leading out of your Unit, the Corporation is responsible for the exterior side. The same applies to window frames: you are responsible for the inside of the window frame and the Corporation is responsible for the exterior. The glass and screening used in any of your doors and windows are solely your responsibility. The sliding patio screen door is also your responsibility even though, technically, it is located outside the bounds of the Unit definition.

Your garage door is slightly different as the Unit boundary only includes the inside of the door. So while the actual door is the responsibility of the Corporation, the mechanism and all parts inside the garage required to operate the door are your responsibility.

There are exceptions regarding things which may pass through your Unit but serve others in your block including any pipe, wire, cable, conduit duct or other service.

Most Units receive individual feeds for these services, while common distribution services such as water, gas, sewage, electrical, phone and cable utilities are typically located in the Common Element either below your Unit or outside of its defined bounds. On the other hand, the air conditioner is your responsibility, even though part of the system is located outside of your Unit.

One end Unit in each of our five blocks contains a water main which meters the water being delivered to all of the Units in that block. This water meter and its pipes are not part of that Unit, but are the responsibility of the Condominium.

The Common Element in close proximity to your Unit is referred to as an “exclusive use” common area. This includes your front walkway and driveway area as well as your backyard patio area. For Units with balconies, these areas are also classified as exclusive use.

The general Common Element is the sole responsibility of the Condominium Corporation. The Corporation arranges for the roadways to be cleared of snow in the winter and for the grounds to be maintained throughout the year. This includes landscaping, maintaining the fire hydrants, street lighting, swimming pool, roadways, sidewalks, sewers, pest control, and many other general maintenance issues.

The front area of a typical Unit includes a driveway, walkway, front porch, garage and a lawn or garden. Originally, the driveway was asphalt, the walkway comprised approximately 8 (24 x 30”) patio stones, the front porch area was open and the lawn/garden area had a few shrubs, grass and in some instances a tree. Over the years, the Corporation has permitted Owners to personalize their outdoor living areas by making improvements to things as lighting, screen doors, front doors, porch enclosures, widening or enhancing the walkway and landscaping their exclusive use area.

Similarly, the rear area of a typical Unit includes a back patio comprised of about 16 patio stones, step-up stone (if required), dividing fence and shrubs separating Units, and a grass backyard. Owners are permitted to make patio and landscaping improvements.

It is the Corporation’s responsibility to maintain the exclusive use area only up to the level of the ORIGINAL specification. It is the Owner’s responsibility to maintain any enhancement to these original features.

It should be noted that ANY alteration or improvement to the common element, including exclusive use areas, must be submitted to the Board for approval. If approval is granted, a signed agreement describing the proposed change to the common element and the responsibilities of both the Owner and the Corporation must be on file before any work is started related to the common element change.

Contained in the Declaration is a similar stipulation for work performed within the Unit as well. However, unless there is a specific prohibition or peril associated with

an alteration within the Unit, the Board is obliged to approve the request. The Owner is obligated to inform the Corporation of any change, either within the Unit or to the common element.

Following are some examples of who is responsible for what:

Damaged divider fence - Condo Corp

Broken rear light fixture, if it is the original, standard fixture – Condo Corp

Damaged eaves – Condo Corp

Re-level rear patio - Condo Corp (responsible for the maintenance or equivalent cost to re-level the original 16 stones)

Damaged downspout – Condo Corp

Re-level front walkway - Condo Corp (responsible for the maintenance or equivalent cost to re-level the original 8 patio stones)

Driveway sinking or cracked - Condo Corp

Burnt out light bulb - Owner

Ripped screen - Owner

Storm door - Owner

Front porch enclosure - Owner

In the past there have been very few disagreements regarding the division of responsibility, especially if the original Owner still lives in the Unit. However, confusion may occur once the Unit has changed hands. The new Owner may be unaware of what constituted the original Unit and which features were added by a prior Owner. New Owners should not assume that something is the Corporation's responsibility simply because it was there when they purchased their Unit.

If you are in any doubt as to who is responsible for what, please contact our Property Manager or request clarification from the Board.