

CONDO LIVING

Saturday, July 17, 1999 Section P

THE TORONTO STAR Saturday, July 17, 1999 P5

Ask an Expert

Door definition will decide responsibility

Q Last year the condo board of our townhouse condo complex borrowed \$135,000 to replace all windows and doors. The contractor said we could not keep the existing storm door with a screen if we installed the new doors because the buildup of heat between the doors from sunlight could cause the new door to deteriorate.

This was confirmed by a professional.

I have three doors to be replaced, two in the shade, the other in the sun.

I asked the board to replace the two doors in the shade, providing I could keep the storm doors and I asked that they not replace the door in the sun, since I want to retain the storm door so I can let in fresh air.

I told the board I could store the new door in case a future owner would want to install it.

The board wrote me that I was entitled to new doors, but they would be delivered only on an installed basis.

Am I entitled to receive a door even though it is not installed?

The property manager said he did not believe there would be a problem with deterioration of the new door in the sun if I retained the storm door. Who will be responsible if the

door is installed and deteriorates?

A *Condo Living* asked Martin Gerskup, the principal of Best Consultants Inc. He is an investigative architect and building science specialist.

The first issue to be established in this situation is whether the windows and doors are considered common element components of the condominium. Common element components are defined as all of the property except the residential units. This information is usually clearly set out in the condominium corporation's declaration.

The declaration also sets out the condominium corporation's responsibilities for the repair and maintenance of all common element components. Corporations are required to establish reserve funds for the repair and maintenance of all common element components.

If the doors are considered common element components, then it is unlikely that the board will agree to forego the necessary repair or replacement of any windows and doors pending the actions of future owners. If a new door is installed and deteriorates, it is the responsibility of the corporation to repair or replace it if it is a common element component.