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The Pacific at 889 Pacific Street in Vancouver. (Grosvenor)

REAL ESTATE NEWS

Lawsuit Alleges Nearly 80 Defects In Grosvenor's 39-Storey Pacific

Brought forward by The Pacific's strata, the lawsuit details alleged defects in the Downtown Vancouver building ranging from water damage to cracking concrete to elevator doors closing with excessive force.

By Howard Chai August 08, 2023 05:04 pm

NEWSLETTER

The Pacific, a 39-storey luxury condominium tower in Downtown Vancouver, is the subject of a new lawsuit claiming an extensive array of defects across the building, according to a notice of civil claim filed last month.

Brought forward by the building's strata, the suit alleges that The Pacific, located at 889 Pacific Street, at the intersection of Hornby Street, has experienced nearly 80 different defects, ranging from water damage to cracking concrete to elevator doors closing with excessive force.

England-based Grosvenor served as the developer of the project through Hornby Pacific Limited Partnership, Hornby Pacific GP Limited, and Hornby BT Holdings Limited. The building was designed by Arcadis Architects (formerly IBI Group) and ACDF Architecture, constructed by Ledcor, with Aviva Canada and National Home Warranty Group serving as the warranty provider. Construction finished on the project in 2021.

All of the aforementioned firms, the principal members of the companies, and various subcontractors — such as those who worked on the building envelope, elevators, electrical systems, plumbing, roofing, windows, masonry, painting, and landscaping — are all named as defendants, as well as the City of Vancouver.

The 43-member list of defendants is only surpassed in length by the list of claimed defects, which extend to nearly all facets of the building and are almost all regarding components the strata believes were poorly installed.

Regarding the facade, balconies, and landscaping of the building, claims include defects to the metal cladding on the exterior, exposed insulation, chipping concrete, corrosion of structural steel posts on the roof, and a series of problems involving the unit balcony soffits — the underside of the balcony roof.

Alleged defects extended to the interiors as well, with the suit claiming the presence of windows that are inoperable, cracked glass, window walls with exposed aluminum brackets, damaged window frames, malfunctioning locking mechanisms for exterior doors, and scratched or damaged interior doors.

Common areas across the building also supposedly have a range of issues. According to the strata, the lobby desk countertop was inadequately installed, interior etched-glass walls are scratched, and concrete ramps in the parkade have supposedly seen "excessive cracking," while other below-grade areas have seen water ingress and water-staining.

Most critical, perhaps, are the claimed defects regarding the elevators, mechanical, and electrical systems of the building, where the strata alleges various components were improperly or inadequately installed. Those components include the vent opening covers, exhaust fans, thermostats, dishwasher hose lines, and inoperable electrical outlets. Other defects include leaky fire sprinklers, elevator doors closing with excessive force, and handicap access buttons that are inoperable or detached.

All in all, the list of 79 defects range from those that are visible (chipping and leaking) to those that are

highly technical (inadequate exhaust vents that permit excessive condensation within the balcony soffits), and those that could conceivably be deemed subjective nitpicks ("unsuitable and/or improperly installed vegetation").



Photos of The Pacific on 889 Pacific Street in Vancouver.
(Grosvenor)

The strata is claiming that these defects "have caused and will continue to cause resultant damage" and deterioration of the various components listed. Additionally, the strata is also claiming that the defects and resultant damage "pose a real and substantial danger to the owners and other persons," creating potential tripping hazards, slipping hazards, safety hazards, toxic mould, and more.

The crux of the strata's suit, however, is regarding the warranty.

Purchasers of the 224 units in The Pacific were issued BC's standard 2-5-10 warranties for their condos, which includes two-year coverage for defects regarding materials and labour, five-year coverage for defects regarding the building envelope, and 10-year coverage for any structural defects.

The strata says that they have given written notice of the defects to the warranty providers, and that the alleged defects should be covered under the warranty. However, the warranty providers, the strata claims, are breaching the contracts by not making prompt attempts to evaluate the alleged defects, failing to repair the defects, failing to investigate the claims "in an objective and impartial manner," failing to provide written reasons for invalidating their defect claims, and depriving them of the peace of the mind the warranty is intended to provide

of the kind the warranty is intended to provide.

The developers are included as defendants because the strata believes Grosvenor was obligated to pursue remedies for the purchasers under the warranties, and also "knew or ought to have known that the condominium contained deficiencies" but did not disclose this in the disclosure statement they filed to the Superintendent of Real Estate, as required under BC's *Real Estate Development Marketing Act*.

Upon inquiry by STOREYS, Grosvenor declined to comment due to the case being ongoing.

Ledcor, Arcadis Architects, and the various subcontractors are also included as defendants for similar reasons. Subcontractors include building envelope consultant Morrison Hershfield, mechanical consultant Introba Canada, Trotter and Morton Building Technologies, Villa Roofing & Sheet Metal Ltd., Keith Panel Systems, BVGlazing Systems, Inland Glass & Aluminum, Blackcomb Glass, Allwest Electric, TK Elevator, Wolf Masonry, Cemrock Concrete & Construction, New York Painting & Coating, and Houston Landscapes.

The City of Vancouver is also named as a plaintiff for its role as the inspector and issuer of the occupancy permit, with the strata saying that "the City's breaches have caused or contributed to the defects, resultant damage, and dangerous conditions."

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The strata is claiming that they have suffered losses as a result of the costs associated with investigating the defects, increased maintenance costs, increased property management costs, property damage, and depreciation in the market value of their homes. They are now asking the court to declare that the warranty providers must provide specific performance on the 2-5-10 warranty or payment of general and special damages.

The notice of civil claim was filed in the Supreme Court of British Columbia on July 19, and the defendants now have 21 to 49 days — depending on where they reside — to respond.

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