

# B.C. condos built to fix leaky problem with overhangs now facing bigger problem

*The strata owners of a complex of 81 townhomes have been fighting for repairs to the roofs since 2011.*

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Condo units in the 12000-block of 68th Street in Surrey on July 2. The strata is suing over the alleged improper construction of building overhangs. PHOTO BY JASON PAYNE /PNG

A B.C. developer who built townhouse condos, mostly in Surrey, with roof overhangs as a solution to the leaky-condo problem, is facing at least three lawsuits from stratas, alleging the overhangs weren't properly designed or built.

The strata owners of a complex of 81 townhomes have been fighting for repairs to their roofs since 2011, about five years after the three-storey wood-frame buildings were built in Surrey. They filed a claim against the warranty provider, Travellers Insurance Co. of Canada, and the developer, architect, engineers and framer, seeking repairs for structural defects in the roofs of the 12 buildings that made up the complex, that if left unprepared "posed a real and substantial danger to owners and other persons," according to a lawsuit filed by the owners.

The strata in the suit said the gable and dormer roofs had "structural defects in their design, workmanship and/or materials," which included "inadequate supports for the overhangs."

The strata filed a claim against its insurance policy, called the 2-5-10 warranty, which was mandated by the B.C. government at the end of the leaky-condo crisis in the 1980s and '90s, and provided two years' coverage for labour and materials, five for the building envelope and 10 years for structural defects.

The claim was accepted and the repairs done but they "did not correct the defects," the lawsuit says.

The suit says the overhangs were sagging and the support rungs were rotating, and the overhangs were being supported by the non-structural frame. That framing was "experiencing increased stress" and the "walls were failing and nails were withdrawing from the wood," the lawsuit said.

Left disrepaired, the roofs were in danger of failing because of the buildings' "inability to support the dead load of overhangs, snow loads and loads imposed during maintenance and repairs of the roofs," the suit said.

After the insurer and developer refused to complete the repairs, "the plaintiff was required to repair one of the dormer roofs as it posed an immediate safety hazard," the lawsuit said.

There are 331 units involved in the three lawsuits against complexes connected with Lakewood Homes (each project had a name that included Lakewood but was unique to each project).

One of the writs names Jerry Luking as Lakewood's owner. Lakewood Homes' website says he and his brother Hans started the company in 1967 and have built 4,000 homes in Metro Vancouver.

The writ for that development alleges negligence by Luking, saying he "lacked the necessary technical expertise and practical experience to design, build or inspect the condominium's roofs and overhangs," and that he "was informed by the developer's employees, consultants and trades that there were defects" but didn't investigate or repair them.

None of the allegations have been proven in court. All defendants and third parties to the large and complicated legal proceedings in which various parties were named denied responsibility in their responses to the claims. Almost all constructions lawsuits are settled during mediation and the suits aren't completed.

The owners are asking for the developer and insurance company to honour the building's warranty or pay general and special damages for breaching the warranty.

One owner, who did not want to be named because the matter is in mediation, said the strata is suing for \$13 million.

A report by Miller Thomson lawyers analyzing B.C.'s leaky-condo crisis years ago said 45 per cent of the 160,000 condos and 57 per cent of the 700 schools built in B.C. between 1958 and 2000 had water-ingress issues.

With three- or four-storey wood frame buildings, the percentage suffering from building envelope failure and water ingress jumped to 90 per cent and some have had their envelopes repaired two or three times, the report said.

It listed as causes for the crisis “inappropriate design features and building materials” of the “face-sealed” or stucco walls.

The report also noted a bylaw change by Vancouver in the 1980s, which included roof overhangs in the building’s floor-space ratio, reduced the amount of permitted square footage and led to the removal of overhangs from designs.

“These design changes were more likely to allow water ingress,” it said.