

# Regina couple injured in deck collapse wants builder, developer to take responsibility

Builder, Pacesetter Homes, denies any negligence or breach of duty



[Bonnie Allen](#) · CBC News · Posted: Jul 04, 2022 2:00 AM CT | Last Updated: August 15



Two neighbours try to help 43-year-old Mahshad Khaniki, seen in the bottom right of the picture trapped under furniture, after her second-storey deck collapsed in northwest Regina on June 22, 2020. (Koroush Khandehroo)

A raised deck overlooking a pond and golf course is what convinced Koroush Khandehroo, a 47-year-old professor at the University of Regina, and his wife, Mahshad Khaniki, to buy a new townhouse in northwest Regina in 2015.

For nearly five years, the couple considered the second-storey deck to be a peaceful oasis from which they could watch birds and golfers.

Then, on June 22, 2020, the deck collapsed underneath them and turned their lives upside down.

That morning, Khandehroo had invited his wife to join him on the deck for a cup of coffee. She heard some strange noises and leaned over the railing to investigate. Khandehroo heard loud creaking.

"I wanted to warn my wife something is happening, but no time. In a second, we were falling down on the patio," he said.

The deck broke loose from the house, dropping down underneath them. The couple fell about three metres and landed on the stone patio, under a table, chairs and an outdoor umbrella base. Khandehroo was able to crawl free, but his wife, who was bleeding, was trapped.

## Screams for help

Their neighbour, Cindy Knapman, said she heard a loud bang, along with screaming, and ran to help the couple. She and another neighbour called 911.



Korosh Khandehroo, 47, stands on his rear deck that was rebuilt after it collapsed in June, 2020. Khandehroo and his wife were injured when the deck came loose from his duplex and they fell nearly three metres to the ground. (Richard Agecutay/CBC )

"Everybody was shaken up because it happened to them and it could have happened to us too," said Knapman. "We were all scared. We were really worried about them. It was quite a mess."

Khaniki was taken by ambulance to Pasqua Hospital and required several surgeries on a fractured heel and ankle. A doctor's report from July 29, 2020, said the long-term prognosis included stiffness and arthritis. Nearly a year later, a physical therapist assessment determined she would have "a permanent loss of motion and likely lifelong altered gait. Whether or not she develops arthritis is yet to be seen."

## **Pacesetter team 'feels terrible'**

Khandehroo's neighbours immediately notified Pacesetter Homes, the large construction company and real estate developer that had erected the row of duplexes on Kestral Drive, overlooking Wascana Creek and the Joanne Goulet Golf Course.

Pacesetter contacted all of the residents who had rear decks along the golf course and told them "not to use their decks until further notice," according to emails from then-Vice President Curt Keil that were provided to CBC News.



After this deck collapsed on June 22, 2020, the builder, Pacesetter Homes, notified all residents on Kestral Drive who backed the Goulet Golf Course and warned them to stay off their raised, rear decks until they could be assessed by a structural engineer and fixed. (Koroush Khandehroo)

He said, "[O]ur team feels terrible this happened."

Keil said the collapsed deck at 8829 Kestral Drive, which belonged to Khandehroo, was structurally sound but "the connection point between the deck and the home failed over time. We will be sharing our findings with the industry so this can mitigate risk of this happening to other Regina residents."

Knapman said the decks had not been properly attached to houses with lag screws or bolts, as required by the National Building Code.

"They came and fixed them all," she said.



Mahshad Khaniki was trapped under the deck and furniture for 15 minutes while she waited for paramedics to arrive. She suffered fractures on her right heel and ankle, a contusion under her left eye, and bruises. (Koroush Khandehroo)



Still, it took Knapman an entire year to feel comfortable sitting on her deck.

"Even though I knew that they had finally secured it properly, when you go through something like that — or you see it — you just don't feel safe," she said.

## Finger-pointing

Khandehroo enlisted a lawyer to sue the builder and real estate developer, Pacesetter New Homes Ltd. and Pacesetter Homes (Regina), for, among other things, damages for pain, suffering, disability and psychological injuries, as well as loss of income, medical expenses and punitive damages.

The statement of claim, filed at Court of Queen's Bench on Nov. 3, 2020, alleges Pacesetter failed to obtain the necessary permits or inspections and "were negligent" by using ordinary nails to secure the deck.

An occupancy permit from August 2015 shows the house's basement and rear deck had not been approved. Khandehroo said he's been unable to find any records of a deck permit or city inspection of the deck before 2020, when the deck was rebuilt.



In the summer of 2020, after a collapsed deck injured two people, Pacesetter Homes ripped out and replaced rear decks on the homes it built on Kestral Drive in northwest Regina. In a statement of defence filed in court, the builder denied any responsibility for the injuries. (Koroush Khandehroo)

Pacesetter's statement of defence said they "exercised reasonable care consistent with the standard to be expected of a reasonably prudent home builder" and denied any negligence.

The legal filing suggested the homeowners may have failed to maintain the deck or placed too much furniture on it, or that the sub-contractors were to blame.

In July 2021, Pacesetter added Duaco Construction Inc. to the lawsuit in a third party claim, stating that Duaco was responsible for framing and constructing the deck. The court document alleged Duaco failed to properly secure the deck and failed to exercise reasonable care, skill and diligence.

Pacesetter also added the City of Regina as a third party, but then dropped the action in May, 2022 "without costs" and "pursuant to an agreement reached between the parties."

The City of Regina would not divulge terms of that agreement or whether it involved a financial settlement.

The City of Regina would not comment on the case or provide permit information. The manager of Pacesetter Homes Regina said he couldn't comment while the matter is before the courts. Calls and emails to Duaco Construction were not returned. The company has not yet filed a statement of defence.

## **Future uncertain**

Khandehroo said his wife was traumatized by the fall and decided to move to Toronto when their twin sons were accepted to the University of Waterloo. He now lives alone in the house.



Mahshad Khaniki receives help from her twin sons. She required several surgeries for a fractured heel and ankle. (Koroush Khandehroo)

The professor loves his job teaching at the University of Regina, but said he's tired of living in the city by himself. His wife won't return because of "horrifying memories," he said.

He wants a resolution and some form of recognition.

"We were feeling that we're not important. Whatever has happened was not important to nobody. And I feel that no one cares about us," he said.