



Proper Building Maintenance Can Avoid Catastrophic Failure

By Mitchell Gerskup



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In the wake of the collapse of the Champlain Towers South building in Miami, Florida, many condominium managers and boards find themselves asking what they can do to make sure their buildings are properly maintained. While the tragedy in Florida is likely the result of many contributing factors, there has been much media focus on deferred building maintenance. Significant restoration work had been recommended by the building's engineer back in 2018, and the work had only just started shortly before the building collapsed.

While catastrophic building failures are often attributed to multiple causes, history has shown that failure to carry out a timely review and properly maintain ageing buildings is

a common contributing factor. What can condominium managers and their boards do to ensure their buildings are adequately reviewed, and any early warning signs are caught and appropriately addressed?

Reserve Fund Studies

The starting point for all condominium corporations in the province of Ontario is the Reserve Fund Study. The *Condominium Act, 1998*, requires that all condominiums conduct a comprehensive Reserve Fund Study within a year of registration. The regulations to the Act further require the study to be updated every three years, alternating between site-based and non-site-based updates. That means your reserve fund preparer will be on-site reviewing the building at least once every six years, though some managers and their boards opt to conduct site-based updates with an increased frequency,

with some opting for site-based updates every three years.

While your reserve fund planner might not be a licenced architect or engineer, as they are not required to be under the Act, those professionals are in a good position to see the entirety of the building and understand how it's ageing between review cycles. However, because the Reserve Fund Study is only a visual review of the building, managers and boards must pay particular attention to recommendations made for follow-up studies (e.g. garage surveys, building envelope reviews, etc.), which may be necessary to obtain critical information about early warning signs. Qualified architectural or engineering professionals should carry out these more in-depth investigations.

Even in the absence of specific recommendations in the Reserve Fund Study report, condominiums would

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be well served to have a routine schedule for the professional review of any critical building systems (e.g. underground parking garage structures, balconies, roofs, windows, metal or precast cladding panels, waterproofing, caulking and sealants, etc.). These studies' frequency and level of detail will vary from building to building, so work with your architectural or engineering professional to develop a strategy that makes sense. Managers and their boards would be well advised to consider an in-depth assessment of the building by qualified professionals at least once every ten years to ensure the information set out in the Reserve Fund Study is as accurate as possible and to avoid unnecessary surprises.

Ensure to pay attention to the major repairs set out in the Reserve Fund Study's component inventory and financial analysis. Managers and board members should ask questions if it looks like anything might be missing and make sure that they have a good grasp of the anticipated projects over the next 3 to 5 years and what it will take to pay for those projects. It is always a good idea to schedule a meeting with your reserve fund planner to make sure you correctly understand their findings and recommendations.

Listen to the Professionals

Once you have received a copy of the Reserve Fund Study report or the more detailed investigation or survey from your architectural or engineering professional, make sure you listen to and act on their advice. Reports will often contain a section labelled "findings" or "recommendations," setting out a recommended course of action for managers and their boards to address any concerns. Following the advice of your professionals is the best way for managers to ensure buildings receive proper maintenance and for boards to ensure that they are exercising an appropriate standard of care as representatives of all condominium owners.

Have a Contingency Plan

However, even the best-made plans sometimes don't work out. Managers can be diligent about inspections and repairs, board members can follow professional advice in good faith, and things may still go wrong. That's why

it's essential to also have a contingency plan in place – and this doesn't mean over contributing to the reserve fund. Managers should make sure their boards are aware of what steps need to be followed when an unanticipated repair is required, or a building component fails sooner than expected. This may involve bringing in the reserve fund planner to "re-crunch" their numbers and looking to a professional architect or engineer to provide a more accurate cost estimate of what it will take to fix the problem or whether any emergency intervention is required.

Armed with this information, boards and managers can inform owners and residents of the plan of action and whether any "emergency" financial measures are necessary, like special assessments or loans to pay for the required repairs. Knowing how to communicate this information effectively can avoid pushback or result in the problem progressing while the decision-making process is drawn out. It will also help facilitate measures required to secure funding for the repair, such as passing a borrowing by-law.

Most building failures do not take the form of sudden and catastrophic failure but are instead the result of many years or decades of poor planning and neglect as repair costs spiral out of control. While not as devastating as a building collapse, the financial impact of deferred maintenance or quality of life resulting from secondary damages like water damage and mould growth can still create severe repercussions for owners and residents. We're fortunate in Canada to have a robust building code with many factors of safety built-in; however, even the best-designed buildings will fail if not properly cared for. ■

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