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Since the June 21, 2021 collapse of Champlain Towers South, a 13-floor condominium, in Surfside Florida, CAI has been actively pursuing best practices and laws that could help prevent similar tragedies. CAI in the USA convened three specialized task forces and the resulting public policy recommendations are detailed in this [report](#). The recommendations center around mandatory reserve fund studies, accurate as-built drawings, preventative maintenance plans and mandatory inspection of buildings. They also include recommendations to provide financial incentives to encourage upkeep of buildings. These financial aspects include ensuring local building officials have access to some particular funds to encourage inspections, federally supported loans to help with costs of repairs, and some tax breaks for residents if they borrow money to repair their building. The over-arching goal of these financial recommendations is to use funds pre-loss rather than using those same funds post-emergency.

Recently, and with extensive involvement from CAI, Florida passed [SB 4D](#) which requires structural inspections periodically for the life of the building, mandatory reserve fund studies and funding for major components, removal of opt-out provisions, mandatory transparency requirements to keep owners informed, and some pre-hand-over developer requirements.

Here in Canada, we are ahead of our US counterparts with respect to reserve funds. Reserve fund studies are required in most provinces and territories (BC, Alberta, Manitoba, Saskatchewan, Ontario, Quebec, New Brunswick, Nova Scotia, Newfoundland and Labrador and Northwest Territories). In BC the study is mandatory, but funding it is not. In some provinces, there are exemptions for condos with only a few suites or where all suites are owned by a single owner. In some provinces, the boards of the condominiums have full authority to spend reserve funds, in BC, a vote of the owners is required. Reserve fund studies, if done properly, should give condominium boards of directors a good understanding of how much money needs to be set aside to complete major repairs and replacements over the life of the building. While there are still situations where condominiums are still seriously underfunded or struggling to fund their reserve expenditures, this still puts us far ahead of any jurisdiction that does not require condominiums to have reserve funds.

However, in Canada, we do not have in place any mandatory requirements for structural condition evaluation of older condominiums. In Quebec, as a result of some failures that caused injuries and deaths, periodic garage and façade evaluations are required. In Calgary there is a municipal requirement for review of façades. Otherwise, the care and tending of the buildings lies fully in the hands of the building owners. After the collapse of a portion of the Algo Mall in Elliot Lake, Ontario, one of the results of the Belanger Inquiry was that a committee was convened - the Building Safety and Technical Advisory Panel (BSTAP) - to make

recommendations regarding structural evaluations. That committee recommended periodic structural evaluations of medium and high-risk buildings (which many Ontario condominiums would be). However, to date, the Ministry responsible for the Ontario Building Code has not implemented those recommendations.

The absence of a mandatory requirement does not mean that condominiums can abdicate their responsibility to maintain their buildings. All high-rise buildings, buildings with suspended parking slabs, and buildings with certain types of wood balconies should be conducting regular façade, balcony and garage reviews after their building reaches about 25 years old. These evaluations will include openings, test pits and laboratory testing designed to help evaluate concealed conditions and appropriate repairs.

Many reserve fund studies are completed by Professional Engineers; however, these are not equivalent to structural evaluations. Some major structural concerns may be noticed by a professional completing the visual review of a building for a reserve fund study who can then recommend a follow-up structural evaluation. However, many may not be. For example, wood-framed balconies with waterproofing on the top surface and metal soffits on the underside are a particular risk because the structural connections to the building are completely concealed from view. These connections can only be reviewed by removing soffit panels or waterproofing. Similarly, risks related to post-tensioned structures cannot be evaluated without making openings in the concrete slabs to permit review of the embedded cables.

The Canadian condominium building stock is rapidly aging and the older condominiums are reaching the age where major structural repairs are likely to be required. Boards are advised to take their responsibility for building safety seriously and to speak to their engineers to understand which evaluations should be completed. While reserve fund studies are a good first step, they are not the only step that must be taken.

[Read "Florida Lawmakers Pass Condominium Safety Legislation by Dawn Bauman, CAE" Here](#)