

## Woodpeckers Cause Unexpected Condominium Expenses

A condominium in Kelowna B.C. is facing considerable unplanned expense (\$225,000) to repair damage caused by woodpeckers to the exterior of the building.

It was reported in [the media](#) that the woodpeckers have drilled over 300 holes into the cladding of the building. These holes are attractive nesting areas for smaller birds. Once these smaller birds lay their eggs, the woodpeckers come back to eat them. This has resulted in a mess for the residents. Broken eggs, debris from the damaged cladding, bird droppings and nesting materials on the balconies and swimming pool deck are making these areas unusable. Plus, the residents have had to put up with the woodpecker drilling noises.

Not surprisingly, this has negatively affected the marketability of the units in the building. In order to repair the damage already done and to prevent further drilling by the woodpeckers, the condominium is undertaking a major resurfacing of the building exterior. The existing fiberglass mesh will be replaced with a steel mesh which will deter woodpeckers as the steel mesh hurts their bills.

Unfortunately for the unit owners, the damage caused by the woodpeckers is not covered by insurance. However, in order to protect the market value of the units, the condominium had no choice but to undertake the necessary replacement of the building cladding.

What happened to this condominium illustrates that even if a condominium is well-managed, unexpected major repairs/replacements may be necessary much earlier than the expiry of the anticipated lifespan of a common element or asset. If this had happened in Ontario the condominium would be able to fund the replacement of the cladding from the reserve fund. As set out in Section 93(2) of the [Condominium Act](#), 1998 the reserve fund can only be used for the purpose of the major repair and replacement of the common elements and assets of the corporation. If the reserve fund is not sufficient to cover the costs of the unplanned work then the condominium would have to impose a special assessment on the unit owners, or alternatively borrow the necessary funds if the condominium corporation is authorized by by-law to borrow the money.