



CASE STUDY: When it rains, it pours

Condominium managers and boards can diligently prepare for emergencies — be they a burst pipe, sewer backup or power failure, to name a few — but catastrophic failures can stretch even the best of plans to the limit.

BY KIM COULTER

These types of disasters can affect the life safety of building occupants and usually the livability of the units on a large scale. In some situations, the cause and/or full extent of the failure are not immediately known.

The role of the corporation's engineer is often key, especially when the cause of the failure is unknown or complicated by extenuating factors. Condominium corporations tend to

rely on the engineer who is familiar with their building, often from doing their reserve fund studies or other building rehabilitation services. Having immediate access to resources familiar with the building can be critical to reaching a timely resolution.

Where there is an insurable loss, condominiums typically have the opportunity to assign their preferred consultant to the file, as long as the

fees are at industry levels (i.e. hourly rates are commensurate to what insurers will pay). However, boards or property managers should confirm this with their insurer before engaging for engineering services.

This benefits the corporations if, after the insurer determines fault, the insurance coverage for engineering services ends. It means the same consultant can continue (if need be),

albeit at the corporation's expense. This way there is no discontinuity with the engineering services from when the cause of the failure is determined through to its correction.

The following case study highlights the merits of having the corporation's engineer involved wherever possible, along with the procedures that led to a successful outcome.

Flooding

A high-rise condominium corporation wanted to fix an ongoing water leak from the main roof, so the corporation hired a general contractor to replace the waterproof membrane flashings along the roof's perimeter. The corporation left it solely to the contractor to determine the best repair method and materials to use, and the contractor completed the work without incident.

However, just days after the contractor completed the work, a major rainstorm swept the GTA, and within two hours of the storm, penthouse-level residents started calling management to report flooding in their units.

Management rolled out its emergency response plan, first contacting the contractor that did the roof repairs, as well as a flood restoration contractor, to attend the site over the weekend. It soon became clear that the problem was not isolated, and by Monday, management had brought in engineers familiar with the building.

The mandate for the engineers was to:

- Identify the cause of the leak quickly;
- Arrange for a roofing contractor to perform temporary repairs;
- Conduct detailed investigations and prepare a report for the condominium corporation's insurance company;
- Prepare the design drawings and specifications for the required work;
- Obtain bids for the work; and
- Administer the contract during the rehabilitation.

Forensic report

The losses were adding up quickly, ultimately totalling several hundreds of thousands of dollars, so it was critical to gain a clear understanding of why the leak occurred. It's common for a property owner to replace leaking roofing flashings, but the engineers had questions about the method of installation and material used. At the same time, it was important to determine whether other factors contributed to the leak.

After consulting with the manufacturer of the flashing material that was installed, the engineers established that it was inappropriate for the application. The engineers then inspected the material as installed and determined that it had failed to adhere to the adjacent surfaces. Finally, the engineers inspected of the remainder of the roof and perimeter walls to rule out any other factors that could have contributed to the flood. Since the firm had done the corporation's reserve fund studies for the past several years, it had a solid understanding of the history of the common elements.

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Assigning responsibility was an important part of the engineer's assignment; so was quickly correcting the construction error. Some residents were relocated due to the water leak. Some damaged units had been sold and were about to be occupied by new owners. Temporary repairs were made, but they may not have been able to withstand another major rainstorm.

Rehabilitation

Since time was of the essence, as the engineers conducted forensic reviews, they also identified roofing contractors that could bid on and immediately undertake the rehabilitation upon project award. It was of no benefit to have a company bid and be awarded the contract, then have the corporation wait weeks for the work to commence. The corporation likely paid a premium for this, but it didn't have a choice. Under these

circumstances, a corporation should consider project incentives to complete the work early and penalties for late completion or crew no-shows.

The engineers fast-tracked the repair design/specifications and conducted a pre-bid meeting with the eligible contractors. The board awarded the contract and the project proceeded with regular work-in-progress reviews.

Throughout the process, including the restoring of the units and common areas, the board, property manager, insurer, engineer and contractors communicated constantly. Keeping the unit owners informed was particularly important.

The contractor and engineers successfully completed the work, with no leaks since. The contractor's insurer retained its own engineers in the weeks after the flood. None of those engineers successfully challenged to the conclusions of the corporation's engineers.

One of the key lessons from this case study is that engineers who are familiar with a particular building are often best-positioned to investigate the cause of emergencies such as flooding. Other lessons learned include that it's critical to have in place an after-hours emergency response program guided by the property manager, and to have contractors who are immediately available bid on a rehabilitation project as soon as possible. A final lesson is to consider incentives to ensure the timely completion of what is typically disruptive work. □

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