



## Common Area Clarification

August 19, 2007

The Governance Committee in the past three (3) Boards has clarified a multitude of misinterpretations and understanding of the Articles of Association and to the Declaration of Condominiums.

Sometime in Coral Beach's past, many important facts offered by the Articles were misinterpreted and had become matter of fact. A number of earlier clarifications in the past three years have been; our beach property line (survey), rental clarification, individual condo owner's internal responsibility (electrical, plumbing, sliding doors), insurance clarification etc.

This clarification addresses **Common Area Property**, specifically the misinterpretation of the Balcony of each unit as being Common Area.

The Governance Committee could not understand how a balcony attached to a one bedroom or studio on the third floor (or any floor) could be considered common area when there is no easy access by all shareholders. Also the Committee could not find any document which indicated that Coral Beach held legal title or was responsibility for any balcony, except for the passed down rumours by previous Boards.

### **By definition:**

**Common Area of a condominium association is owned by all members of the association. Every member of the association holds legal title to an undivided interest in the common area and has the right to use it together with the other members.**

**As per the Declaration of Condominium, specific to Coral Beach, Item 12; Common Area is; those portions of the said property which do not fall within the boundaries of an apartment unit shall be common area.**

**The Amendment to the Declaration states a few exceptions on terraces on the 7<sup>th</sup> floor of building one and two. It also indicated that certain sections of each terrace can be designated and leased to any Shareholder and not necessarily just to the unit abutting it. Presently all terraces (besides the few exceptions) are common area to all Shareholders.**



The Governance Committee has determined that the Balconies are NOT COMMON AREA, despite years of being told differently. The declaration of Condominiums / Section 8 deals with and describes the square footage of living area and assigned areas to individual units as per the plans. (Attached are the layouts a per the official plans)

In short, the floor area boundaries and assigned areas are on the official plans of each unit. The balconies & a/c -storage rooms are part of the assigned area to each unit, Not Common Area. Section 8 also describes how to calculate the square footage where walls, floors and window-doors are involved.

***The pertinent sentences in Section 8 of the Declaration Condominiums are as follow.***

***.... that each apartment unit shall have the location, shape, approximate floor area, dimensions and boundaries shown on the said plans; that each apartment unit shall have the balcony(s), terraces, patio(s), garage(s) and other structures or areas assigned to it on the said plan.....***

**To further clarify,**

- **The balconies of all units are for the “sole use and responsibility “of that Unit Owner.** That would include any caulking of doors for leak prevention to the unit below, painting, tiling and general maintenance. Any changes or renovation by the Owner must comply with the Articles /Bylaws. The Internal Structural Insurance policy of each unit, paid for by our maintenance fee, insures the balcony area against natural disasters.
- **The terraces are Common Area property, with the few exceptions as noted in the Amendment to the Declaration of Condominium.**
- **The ground floor Garden Area to each units are also common area and can only be designated exclusively to the unit it is attached to.**

In the case where an Owner has pushed out or purchased a pushed out unit to include the assigned area (Balcony) as part of the living area, this increases that Owners liability. **The Owner above can not be put in a position where his liability increases with out his permission.**



This is why in the past and presently, **that any Owner who incorporates the assigned area (the Balcony) into the living area is responsible and must address any problem for the unit above (in that balcony area) and within his own unit.**

**It must also be noted and remembered that Coral Beach's responsibility is to maintain the Common Area property. ONLY**

**The interior of a privately owned condo is the sole responsibility of the Owner.**

**The insurance** only covers the area of a unit as described in the Articles of Association section 8. Basically a typical Studio with a Balcony and typical One Bedroom with a Balcony.

As in any home the property lines must be defined. At Coral Beach those Unit boundaries are calculated as per Section 8 as follows.

**Overall length** - From the **Outside Surface** of the front door to the outer edge of the balcony.

**Walls / Ceiling** -From **the centre** of a wall to the centre of a wall, center of Floor and Ceiling.

**For the living area** – the outer surface of the front door – centre of walls, to the outer surface of the sliding glass doors

**Board of Directors 2007**



