



Expect the Unexpected!

By [Barbara Holmes](#) on September 15, 2011

When a journalist in Pattaya, Thailand recently found herself stuck in the elevator of her condominium, she decided to capture her experience on camera right up to the time that she was rescued by the elevator repair technician.



This story was one of several stories involving condos that were featured on the website of [Pattaya One News](#). We were somewhat flabbergasted at some of the other headlines on that website: "10-year old girl drowns at South Pattaya Condominium swimming pool" " 2-year old child's head stuck between 2 metal supports at South Pattaya Condominium" "Thai woman jumps to her death from South Pattaya 9th Floor condo". It certainly seems that condominiums in Pattaya are dangerous places!

While it is unusual to see so many condo-related stories in the news at the same time, these headlines provide just a few examples of the types of unexpected occurrences that can happen in a condominium. This emphasizes the need for condo corporations to ensure that the common elements and facilities are safe and do not pose a risk to residents or their guests. In Ontario the condominium corporation is the deemed occupier of the common elements and is therefore subject to the provisions of the [Occupiers' Liability Act](#). Under this Act the occupier is responsible for the condition of the property. If there is any inherently dangerous condition, which leads to damage or personal injury, the occupier may be liable. Thus if anyone falls as a result of ice on the sidewalk and is injured, the Corporation may have liability. If there is a pothole in the driveway, and a car is damaged by it, the Corporation may be liable.

There are a number of pro-active steps that a condo corporation can take to avoid incurring liability:

- update the Corporation's rules on a periodic basis to include rules directed at safety concerns
- ensure that the Corporation enforces compliance with the Corporation's rules
- post warning signs where there is any potential risk



Condo Reporter

Heenan Blaikie

- conduct regular safety inspections of the property, facilities and equipment, including testing of all equipment
- keep a detailed log of all inspections, maintenance, repairs and replacements
- be cognizant of and meet or exceed local industry standards regarding safety procedures
- ensure that all laws and governmental regulations are complied with.

Even if the Corporation has taken measures to prevent accidents from occurring, the Corporation should have in place an emergency response plan to ensure that if an incident happens, the Corporation's response is quick and proper. Management needs to ensure that all on-site staff are properly trained and that in an emergency situation, they know what to do, what not to do and who to call. A detailed log of all out-of-the ordinary occurrences, including date and time, name of unit owner/resident involved and details as to what happened should be kept. Staff should also be instructed not to speak to reporters or provide any statement to the press.

Having an effective preventative maintenance program and an emergency response plan in place will help a condo corporation to manage risk and hopefully avoid any negative publicity which may ensue from unexpected incidents.

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