

**Condo Smarts**

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**Dear Condo Smarts:** We have been looking for a very specific townhouse or apartment that can accommodate our family needs. We have an adult son who was in a serious accident many years ago, and he requires constant care. As a result we have special access requirements and require significant modifications to a residence to ensure the ease of his care and support. In the process of looking at different homes, we have written to the strata councils requesting permission to proceed with the alterations as a condition of the sale, but the strata corporations are reluctant to respond until we have purchased the unit. It is almost impossible to solve this problem without the strata council being willing to assist us. Is there some solution that may be helpful?

*JPK, Prince George*

**Dear JPK:** This is one of the awkward problems that is created where a person has no specific legal relationship with a strata corporation. The challenge that you are facing is that the bylaws require an owner to make an application to the strata corporation to alter a strata lot or the common property, and the strata council are reluctant to be involved in the event that their information, or request for information, causes a sale to be cancelled. The strata corporation must exercise some reasonable caution as a result of the potential liabilities; however, a purchaser under the section on accommodation of the Human Rights Code does have rights that the strata corporation need to consider. Whether you are sight impaired with a guide dog and the strata corporation has a no pets bylaw, or require special needs access, the rights to accommodate are still protected. A beneficial course of action is to have the current owner, in conjunction with yourself, request permission from the strata corporation to make the necessary alterations for special access.

With respects to the strata lot, the strata corporation cannot unreasonably refuse; however, with respects to the common property, the strata corporation does not have the same restrictions. It is important for the strata council to seek advice on special needs alterations to common property for elements such as

ramps for access, changes to door width, and remote door access for people with disabilities. There may be engineering, building code or legal implications that the strata needs to consider. Maintain communications in writing and be prepared to negotiate the costs and the requirements to assume responsibility for construction and future costs associated with the alterations. BC Housing's new Home Adaptations for Independence (HAFI) program helps low-income B.C. seniors and people with disabilities make home modifications that will allow them to continue living at home. Through HAFI, homeowners and landlords with eligible tenants can apply for financial assistance of up to \$20,000 for improvements that make their home more accessible and safe.

The goal of the program is to enable people who have physical limitations to live at home longer. People's physical needs change over time – sometimes, a small improvement to a home can make the difference between being able to live independently or not.

Types of eligible projects include:

- Handrails in hallways or stairways,
- Ramps for ease of access,
- Easy-to-reach work or storage areas in the kitchen,
- Lever handles on doors,
- Walk-in showers with grab bars, and
- Bathtub grab-bars and seats.

The projects must be permanent and fixed to the home, although exceptions can be made for equipment that gives access to an existing part of the home (e.g. a bath lift). The program will not cover supportive care, portable aids such as walkers, household appliances, emergency repairs to roofs and furnaces, or maintenance work. For more information go to: [www.bchousing.org](http://www.bchousing.org)

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