

*What you need to know about: Keys and Access to Strata Lots*

**Does a strata corporation have a right to demand keys to a strata lot for general access or not?**

Many strata corporations struggle with the ongoing problem of access to strata lots either with the consent of an owner, or without the consent of an owner in the event of an emergency. The authority to demand keys is often the source of discussion and dispute with many strata corporations. Even if a strata corporation attempts to control keys to strata units, nothing prevents an owner from changing their locks or access codes on electronic assemblies so they can protect their personal security and personal property. The property rights of owners, their tenants and occupants, their personal security and the security of their personal property are all within the decision making authority of each owner and their occupants. As a result of moving into an apartment condo, townhouse, or bare land strata it is not implied that an owner has surrendered their privacy or security.

**Is an owner permitted to voluntarily give the strata corporation a key to their unit to enable access in the event of an emergency or service requirement if the owner is unavailable?**

Before a strata corporation considers holding keys to access strata lots, they must first understand the implications of holding keys and the obligations they may be assuming if they have not clearly established the purpose of the agreement. A strata corporation should also exercise a significant amount of caution when holding keys on behalf of owners. An owner may assume that in the event of an emergency or problem the strata corporation will automatically use the key to access the strata lot; however, the strata may have never been given those explicit instructions. There may be as much liability assumed by the strata corporation for holding keys as the owner who provides a key. Above all, it is essential that the strata corporation maintains a high level of security over the keys and controls access to protect the personal security and assets of owners, tenants and occupants. Always contact 911 first to report any emergencies in the building and seek instructions before entering a strata lot.

**A simple checklist often helps put the duties and liabilities into perspective when considering key storage and access to strata lots.**

- Is there a written key assignment agreement signed by each owner, setting out all of the terms and conditions of the provision of keys?
- Does the strata corporation have a safe key log system that will prevent any unauthorized person from identifying the key access?
- Has the agreement been signed?
- Has a copy been provided to each owner, tenant and occupant who signed the agreement?
- If the ownership or occupancy changes, has the new owner/occupant been advised of the key on file with the strata corporation?
- Are there restrictions on access to a strata?
- What type of notice is required for access?
- Is the strata assuming any liability for the personal property or security of the owner or occupants?
- Is this a tenancy agreement? If yes, is the tenant in agreement to provide a key to the strata?
- What notice is required under the strata bylaws before a key is used for access?
- Did the key assignment agreement limit the access to a strata lot under certain conditions?
- Are there any insurance implications for the strata corporation associated with the retention and storage of keys?
- Is the owner, tenant or occupants aware of any insurance liabilities if they provide a key to the strata corporation?
- Does any additional insurance or bonding need to be added to the strata policy?
- How will the keys be stored?
- Who will have access to the keys?
- How will a loss be reported in the event the security of the key storage is breached or there is a security risk with the keys or key access?
- What happens when the occupants of a strata lot change?

**Owner Key/Access Code Assignment Agreement**

Date: \_\_\_\_\_

Name of the Owner: \_\_\_\_\_

Strata lot/unit #: \_\_\_\_\_

Contact number: \_\_\_\_\_

Name of the Tenant: \_\_\_\_\_

Contact number: \_\_\_\_\_

Name of occupants: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Owner Signature/Tenant Signature*

**Emergency Contact Information: (optional)**

Name: \_\_\_\_\_

Phone number: \_\_\_\_\_

\_\_\_\_\_

*Signature of Authorized strata agent or employee*

**Reason the key is provided: (review bylaws)**

1. On (48) hours written notice by the strata corporation, and consent of the owner or tenant, the strata corporation is permitted to allow entry to a scheduled service provider to test or inspect a building system.

Yes \_\_\_ No \_\_\_ Owner initial \_\_\_\_\_

2. Access with the use of the key is only permitted when an owner has provided consent for access.

Yes \_\_\_ No \_\_\_ Owner initial \_\_\_\_\_

3. Access is permitted only for emergencies.

Yes \_\_\_ No \_\_\_ Owner initial \_\_\_\_\_

4. Access is permitted to inspect a strata lot in accordance with the bylaws of the strata corporation, on notice and consent.

Yes \_\_\_ No \_\_\_ Owner initial \_\_\_\_\_

5. The resident manager or agent of the strata corporation is permitted to have access and use of the keys/access codes to strata lots.

Yes \_\_\_ No \_\_\_ Owner initial \_\_\_\_\_

**An owner, tenant or occupant by providing a key/access code of the strata lot to the strata corporation for the agreed purpose hereby waives any liability for claims of damages, negligence, nuisance or loss against the strata council, the strata manager, strata employees, and the strata corporation.**

Owner initial \_\_\_\_\_

**Unless otherwise permitted in this agreement, the strata corporation must not permit a single person to access a strata lot without the attendance of at least one other council member, the resident manager, the agent of the strata corporation or emergency services personnel.**

Owner initial \_\_\_\_\_

**The strata corporation will not be liable for any losses of personal property or injury as a result of the loss of keys or access codes or failure to protect the security of the keys/access codes at all times.**

Owner initial \_\_\_\_\_

**In the event of change of key/code access or ownership or occupancy, the strata lot owner will immediately notify the strata corporation. If the key/code security system of the strata corporation is compromised, the strata corporation must immediately notify all owners and occupants in the building.**