
Strata Living

Headline: What reasonable conditions can my strata impose for alterations?

Topics: Alterations

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Dear Tony: What can an owner do when a strata corporation imposes unrealistic barriers to prevent an alteration to their strata lot? I have requested permission to install an enclosure on my 5th balcony to provide a better level of privacy to my unit which is exposed to neighbouring commercial buildings. The alteration would include the simple addition of upper level windows, and the interior removal of my sliding glass doors on the interior. The strata council have responded that they will consider the alteration, but will require me to obtain building and construction drawings approved by an engineer and the strata council will retain the right of approving the contractor and verifying whether the contractor has sufficient insurance. As a condition of the approval, they will also require me to pay for any legal costs, the cost of setting up an alteration agreement, and I will be responsible for any future costs relating to the alteration. After estimating the cost of construction and the legal costs, the alteration is likely to end up being over \$25,000, simply to install eight windows.

Margaret W. Vancouver

Dear Margaret: Every strata council is bound to the *Strata Property Act*, the Regulations, the designations of property on the strata plan, and the bylaws of their strata corporation. Your balconies and building exteriors are common property, not part of your strata lot. Under the standard bylaws and your strata amended bylaws, the alteration of common property sets a standard that permits the strata corporation to impose conditions on alterations, and does not oblige the strata corporation to permit an owner to alter common property. Building exterior/envelope alterations substantially increase the risk of property failure and damages and may ultimately cost a strata corporation unnecessary future costs and damages that

could have been avoided with sufficient management. If other strata lots have enjoyed similar alterations, your strata may want to look at those conditions that have been set to form a comparison; however, building conditions and regulations change over time and previous alteration conditions may no longer apply. Your strata council is simply looking out for the best interest of the strata corporation as a whole, and they have not denied your request, but set conditions that potentially enable your alteration but protect the risks to the strata corporation and fellow owners. Consider for a moment what would happen if the enclosure was not installed correctly and a window fell out causing damage or worse serious injury or a fatality.