
Strata Living

Headline: Access to a strata lot

Topics: Access to strata lot

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Dear Tony: What happens when an owner will not grant access to a strata lot? We have a reclusive owner who refuses to permit the strata corporation or its contractors to access the strata lot to conduct inspections on gas fireplaces and servicing of the sprinkler system. We have attempted on numerous occasions but the owner refuses. Our property manager has suggested we call a locksmith and advise the owner if they don't provide access we will simply enter the unit. Several of our council members feel there is something wrong about forcibly entering a person's home without an emergency. How do we do this correctly?

David J. North Vancouver

Dear David: In most circumstances of operation and access to strata lots, a strata corporation first needs to look at their bylaws. In your strata, like the Standard Bylaws of the *Strata Property Act*, you must provide at least 48 hours written notice advising of the requirement to access a strata lot, the time of access and the purpose for entering. When a strata provides notice it also has to consider the notice period set out by the Act which is 4 days for notice plus 2 days for delivery and receipt of the notice, unless you have directly handed the notice to an adult person at this address.

If the owner fails to provide access for reasonable purposes relating to inspection, and repair and maintenance of a strata lot and common property, then they are in potential violation of your bylaws. The bylaw is enforced in the same manner as every other bylaw. The strata corporation must give them written notice of a complaint. They are entitled to respond in

writing or request a hearing with council. If they refuse to cooperate, the strata may impose penalties as set out in your bylaws and may apply to the Supreme Court of BC or the Civil Resolution Tribunal to seek a decision to order the owner to comply with the bylaws. Unless there is an emergency, the strata corporation has no right to access the strata lot without complying with the bylaws of the strata corporation. Our offices receive constant complaints from owners who have discovered strata councils have master keys to buildings or pressure owners to provide keys. You do not have to provide your strata corporation with a key to your unit, but as an owner you must also comply with the bylaws and permit reasonable access to your strata lot to ensure the strata meets its obligations of maintenance, repair and servicing of the required building components.