

# Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-011

## Condo Smarts

Headline: Approval needed for strata work

Topic: Change in common property

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Written by: Tony Gioventu

A Mission-area woman arrived home last week to discover the lovely gardens and common area next to her townhouse had been removed and fenced off, leaving a pile of construction debris from a new site next door.

These gardens, and the privacy of the end of the building, were the main reasons she had purchased her unit.

She contacted the council immediately for assistance, only to discover that her council was itself the culprit. It had, in fact, authorized the construction. The council also had an agreement with the construction site allowing them a three-year lease of the area. When the woman expressed her dismay, the council told her that they were looking for ways of raising funds for the new roofing.

The agreement and changes have had a significant effect on her home, so she has sought legal advice on how to restore the area and reverse the decision. Was the strata council in the right or the wrong?

**Strata Law:** A strata corporation may significantly alter the use or appearance of common property or land that is a common asset. It may also dispose of common property in

the form of a lease, sale, mortgage, easement or restrictive covenant. However, in this case the strata council, a group representing the corporation, did not have the authority to take action.

A significant change in common property or common assets must be approved by a three-quarter vote resolution at an annual or special general meeting. In this case, no such vote had occurred.

Issues of common property can be extremely complex and councils should seek legal advice before they proceed. Had the strata council complied with the act, the corporation might have avoided the costly dispute process that has started.

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