

# Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-059

## Condo Smarts

Headline: Entry to units must be clear for owners and strata

Topic: Keys

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Recently, the strata council of a downtown Vancouver high-rise issued a notice demanding a copy of access keys to all strata lots in the building. They cited the need for quicker access in case of emergency. A penthouse owner, with a valuable art collection and intricate security system, has refused to provide the council with a key. The other owners, who complied with the request, are now wondering if their personal security has been compromised, and whether they had to provide their keys in the first place.

Our office has received complaints from owners whose strata homes have been entered by a council member or resident manager during their absence without emergencies or notice.

**Strata law:** The question everyone asks is, do owners have to provide keys to the strata council and breach their personal security? There is a substantial difference between common strata property and the individual, private strata lot. Personal security and the rights of ownership are principle tenets of real estate ownership, but the standard bylaws in the Act grant two exceptions: Reasonable access on written notice for inspection and maintenance of common property, and emergency access to prevent injury or damage. Emergency crews will not wait for keys. Their duty is to mitigate risks of loss of life or injury and then property.

**Tips:** Strata councils should schedule annual routine building inspections for decks and plumbing and heating systems so owners can plan well in advance to be available for access. The strata must provide reasonable notice. Many stratas have set up volunteer access systems with emergency family contacts and neighbours with keys, but having those keys places a great deal of liability on the strata corporation. The keys must be stored and handled with specific methods for insurance purposes. In case of a property theft from a strata lot that shows no forcible entry, which may suggest key entry, an insurance claim could be nullified. Both owners and strata corporations should be confident they are meeting the insurance obligations of the strata corporation and their personal coverage. The security is for the protection of all parties.

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