

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-090

Condo Smarts

Headline: The hole truth of strata law

Topic: Air conditioning units

Publication date: August 15, 2004

Publication: The Province

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Apartment and townhouse owners rarely ever suffer the noise and effects of each other's appliances. However, with the warming of the climate and longer, hotter summer periods, more owners are installing air conditioners in their windows and wall systems.

One White Rock owner has recently asked council for permission to cut a hole in her living room wall for the air conditioning. The council has had no choice but to deny the request because the damage to the building envelope would void the building warranty. The owner is left with two options: either a window installation or a portable in-suite unit with window exhaust.

The window option is complicated because neither neighbour wants the exterior noise next to their windows, and the in suite cooling unit has a limited effect. The owner has decided on the in-suite cooling unit, but may have to find an alternate solution if it is not sufficient.

Strata Law: Owners may not alter common property, limited common property or the structure of the strata lot without the written permission of the strata corporation. Cutting a hole in the exterior walls to alter or install windows, doors or appliances is rarely a good, or permissible, idea.

Tips: Permission from the strata council for alterations may have a number of reasonable conditions applied that may either limit or restrict the alteration: location, permit and inspection requirements, engineering supervision, agreements for maintenance, repairs, future obligations and liability, construction limitations, periods of operation and aesthetic appearance. Even though the council have an obligation to act fairly on the request, they also have an obligation to consider the rights of the other owners affected and the enforcement of the bylaws.

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