

Condominium Home Owners Association

A non-profit association serving strata owners since 1976

Bulletin: 300-151

Condo Smarts

Headline: Making a "doggy door" is a major bylaw violation

Topic: Alterations

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Dear Condo Smarts: I am on council of a lovely townhouse complex on the Sunshine Coast.

We have a new homeowner with a small dog who bought in January.

Council recently became aware that this new owner has cut a hole in his living room wall to the outside back yard to create a "doggy door".

What are the proper steps the council should take to have the hole repaired and any damages remedied?

- *Shirley Walsh*

Dear Shirley: One of the greatest misconceptions that many new strata owners have is that their home is theirs to do with as they wish.

In a building-type strata such as wood frame apartments, adjoining townhouses and highrise condominiums (as opposed to bare land strata lots where homes are individual) this is not so. In most cases the building exterior is common property, and this type of alteration without the written permission of the council is prohibited.

If this were a new building, such an action could nullify warranties having to do with the structure or finishing materials of the building, potentially incurring huge costs for the strata.

This is a major bylaw violation. The strata council first must give written notice of the violation and attempt to get the owner's agreement to repair the damage to the strata's required standard. If the owner understands his error, so much the better, as this kind of misunderstanding can leave lasting resentment.

If the owner refuses to make the repair, the strata is within its rights to do the repair work on the strata lot or common property. Either way, the costs of repair are the responsibility of the owner.

Cutting holes in walls for doors, new windows or a roof for a new skylight is a drastic change to a strata building, and rarely a good idea. Even if the strata consent, the situation may be complex. They should consider how the secondary issues should be addressed, such as security, pest infestations, rodents or building risks such as fire or flooding that could be caused or exacerbated by the alteration.

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