

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-229

Condo Smarts

Headline: Don't do work without an OK

Topic: Buying & Selling - amalgamation of a strata lot

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This is the fourth in a six-part series on buying and selling a condo.

Dear Condo Smarts: We wanted to buy two side-by-side condos on the east side, but with the subject that the strata council give us permission to renovate and amalgamate the two apartments before we completed the deal.

The strata corporation refused, saying we were not owners and the owners themselves had not made the application, therefore they had no obligation to us.

We decided to buy in any case as it was much cheaper to amalgamate two units for 700 square metres than to purchase one unit of the same size downtown.

The strata council has decided to prevent us from conducting any of the renovations we planned unless we pay for engineers, obtain building permits, and sign legal agreements to take responsibility for anything that might arise from the renovations.

We requested permission for the installation of a skylight and stairs for a roof-top deck, the removal of one wall between the units, the general upgrading and remodeling of the appliances and plumbing, and the installation of hardwood floors.

Our dream home has become a nightmare. How can we get the strata to approve the structural work, most of which we have already done?

-- Tracy & Dennis, Vancouver

Dear Tracy & Dennis: I'll say it again. In an apartment/highrise building and townhouse strata, your home is not your castle. All of that roofing, those walls, decks, balconies, piping, and original fixtures like cabinets and

flooring, are either common property or common assets that the strata must insure.

Before you remove or replace anything, you usually need the written approval of the corporation.

In turn, they can require agreements for those alterations whereby you and future owners may be responsible for the related costs of maintenance and repairs and possibly even insurance.

Building permits, engineering reports, plans and drawings, and even the approval of all the owners at a general meeting for significant alterations are all part of a prudent strata-council checklist before construction. Otherwise, these are illegal alterations and building disasters that everyone pays for.

A strata corporation is not a party to the sales agreement between a seller and buyer. Buyers frequently make offers subject to strange alteration provisions, pets that aren't allowed under the bylaws, rental exemptions, or other requests that don't conform with the bylaws.

Strata corporations are only obliged to respond to the owners or residents, or tenants or agents who have the authority to make such requests. Strata councils don't have the authority to exempt people from bylaws or make special arrangements that contravene the bylaws.

Considering you have done structural work without the written approval of the strata, you need to set up a meeting with the council and manager and work this out.

If you don't it will be very costly for you as an owner -- the possible result being the strata using its ability to force you to restore the alterations.

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