

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-289

Condo Smarts

Headline: BC Human Rights Code

Topic: Human Rights

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Written by: Tony Gioventu

Dear Condo Smarts: I have been on the strata council of our strata for 11 years. We have often debated about converting our front three steps into a ramp to make the front access more accessible and safer; however, our owners have always voted it down. One of our owners has suddenly been wheel chair bound for at least six months while she recovers from a serious accident. She has requested that a temporary ramp be installed so she can access her ground floor unit. Our strata council met with the owners and the vote was turned down. Only three other owners, also on the ground floor, voted in favour. As a council member I am seriously concerned that we may have a legal obligation to help this owner, but what do we do if the owners won't permit the installation of a temporary ramp?
Mrs. G Holland, Vancouver

Dear Mrs. Holland: Before your strata corporation finds itself on the wrong side of a human rights claim or law suit you need to urgently seek legal advice. Most strata owners do not realize that the BC Human Rights Code applies to strata corporations in a variety of ways. The use of property, enforcement of bylaws, election to strata council and even the purchase of property are all examples of potential human rights conflicts. Whether the matter is dealing with the certified medical needs of an owner requiring the installation of hard wood floors as in the case of *Konieczna vs Strata Plan NW2489*, or *Williams vs Strata Plan LMS 768* where the strata installed a door timer requiring owners to go to the front entry between the hours of 8 pm and 8 am, and was ordered to disconnect the timer, or the

recent decision of *Jones vs Strata Plan 1571* where the strata was ordered to pay damages because Mr. Jones as potential buyer was discriminated against due to the size of his dog who was medically necessary for safety, it is obvious that strata corporations needs to take serious notice of the BC Human Rights Code. The recent decision of *Mahoney/Holowaychuk vs Strata Plan NW 332* that resulted in the order for installation of a ramp illustrates the need for strata councils to pay attention to the Human Rights Code. Section 8 is critical: "8(1) A person must not, without a bona fide and reasonable justification, (a) deny to a person or class of persons any accommodation, service or facility customarily available to the public, or (b) discriminate against a person or class of persons regarding any accommodation, service or facility customarily available to the public because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex or sexual orientation of that person or class of persons." In similar capacity Section 9 addresses the opportunity to purchase land. Strata corporations cannot confuse "buyer beware" with the Human Rights Code. Just because an owner purchased a unit that was inaccessible by wheel chair in 1979 does not mean the same standards or rules of access will apply in 2008. Building codes have changed, standards of care have changed and the need for accommodation under the Human Rights Code has changed. For more information on the BC Human Rights Tribunal go to: www.bchrt.bc.ca or call 1-888-440-8844 toll free (in BC).

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