

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-336

Condo Smarts

Headline: Alteration Agreement

Topic: Alteration

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Dear Condo Smarts: We bought a townhouse in the fall of 2007 in Langley. There are 48 units in the complex and they are all slightly different in design and layout. Similar to several other units, our unit has two skylights, one over the living room and one over the kitchen. The one over the kitchen has failed and needs to be replaced, but the strata council has told us that we have to change it ourselves because it wasn't part of the original construction. We went back to all of our documents and double checked everything and there is no indication in the sale documents, the Form B, or the strata information that this is an alteration. Does council have the authority to make us responsible for this alleged alteration, even though it was never disclosed or included in any of the documents we requested in the sale? Karen and Dave

Dear Karen & Dave: Alterations and alteration records and documents are a complicated problem with many strata corporations. A strata corporation does have the ability to grant an owner permission to alter common property with an item like a skylight installation. Some types of alterations could be significant and require a 3/4 vote of the owners if they affect the use or appearance of common property, but normally the council grants the alteration request. At the time of the request the council does have the authority to require as a condition of the approval that the strata lot applying may be held to a number of conditions. Those may include supplying the strata council with engineering or consulting reports, building permits and inspection reports, environmental studies, plans and

drawings, to cover the costs of related services and legal agreements, and to take responsibility for the future *costs* associated with the maintenance, repair and renewal of the common area alteration, but not the conduct of the maintenance and repairs. The reason for the difference between costs and actual repairs is to ensure the strata corporation still controls, maintains and repairs the common property in the interest in all owners. If the strata corporation did not require a written alteration agreement, and they did not disclose it with the Form B when it was requested, and there is no reference to the alteration in the bylaws, the alteration likely devolved back to the responsibility of the strata corporation to maintain and repair at their cost. Strata corporations are far too casual about alteration agreements. Many councils are simply trying to cooperate with owners and support their requests, forgetting that the future may spell costly repairs for the strata. In your case we found out that the alteration was actually done three owners ago in 1994. There was no way that the previous owner could disclose the change as she was unaware of it also. Buyers need to ask the vendor and the strata corporation about changes to strata lots if they are unsure about the alterations, and strata corporations and strata managers need to maintain suite files that include alteration agreements so that they may be included with a Form B on request. The records however, are only as accurate as the records provided from the previous council or to the strata manager. When in doubt, confirm in writing.

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