

**Condo Smarts**

Headline: Hardwood Flooring

Topic: Flooring

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**Dear Condo Smarts:** Our strata council are confused on how to apply our bylaws. We live in a very harmonious strata building in Nanaimo. Over the years, owners have been permitted to install awnings, balcony enclosures, and make changes in their strata lots. Nothing has ever been documented and no one can provide any proof of the permission; however, we all remember at some point having been on council and even I recall having given consent for an owner to change their windows. Now one owner is challenging us, because we will not give permission to allow them to change their carpets to hardwood flooring. This is the one alteration we have avoided to guarantee owners would not have excessive noise. She claims we cannot cherry pick which alterations we will and will not approve, and she may have a point. We only have the bylaws of the Act plus a rental and pet bylaw. Do we have a right to decline this owner's request for the alteration of the flooring or do we have to permit it? PS: Thank you for the columns, our strata most certainly conducts their operations in a business like manner as a result of the valuable information. Ms. H. Griffin, Nanaimo

**Dear Ms. Griffin:** The general enforcement of bylaws works well if a strata council goes by the book. The casual approach works well enough, until there is a problem, and with the constant change of ownership in buildings, you can almost guarantee a problem down the road. The owner making the application is correct about one thing, you cannot cherry pick your alterations. The bylaws are there for the regulation of the strata corporation's use and enjoyment of property, but they are also there to ensure council applies the enforcement of bylaws in

the same fair manner to all owners. In fairness, council must comply with the bylaws in the enforcement as owners have to comply with bylaws in their compliance. The bylaws require written permission, and either through a letter to the strata lot or in the minutes of the council meetings, council have an obligation to provide written permission. Unless a strata corporation has a bylaw that specifically prohibits the changes to a strata lot that prohibit or limit certain types of flooring, the council are a bound to the standards of a reasonable approval. There may also be extreme medically documented conditions of allergies to dust and particles produced from carpeted flooring that may require the owners to consider an alteration. The strata is permitted to require as a condition of the approval, that the owner take responsibility for any expenses relating to the requested alteration. If your strata wants to regulate specific types of flooring, then a bylaw would be necessary. The bylaw can also sets standards for hours of construction, types of materials, sound proofing requirements, and secondary covering in high traffic areas. As your building is wood frame built in the 1970's, changes to flooring type may result in an increase in noise unless proper sound suppression is installed. Sound proofing for hard surface floors needs to be much more superior than carpeted areas to ensure a minimal change in noise levels. A hard surface floor radiates and magnifies sound, versus carpeted fibre that absorbs sound. A piano or guitar have a wood sound board commonly made of spruce to radiate and transmit sound. Unless proper sound proofing is installed, the owner below could be living with the same effects.

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