

**Condo Smarts**

Headline: When does council need consent from owners to enter a strata lot?

Topic: Keys

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**Dear Tony:** My name is Marjorie and I live in a 171 unit high rise building in metro Vancouver. I was on holiday for 10 days, and my sister stopped by to check my home and water plants while I was away. My strata also knew I was away, and one afternoon while my sister stopped in to check on plants the door was open. There were 2 council members in my unit and they had keys which I had not provided. There was a rather explosive confrontation with my sister. In turn she called the police who showed up and a B&E was reported. When I returned I discovered 2 family heirlooms missing and we are now trying to piece together the access to my strata lot. I am absolutely furious and refuse to drop this issue. My council have advised they have the authority to enter into a strata lot at any time when they deem there is reasonable cause; however, they have still be unable to prove how they obtained keys to my unit but insist we have an obligation to provide keys to our units. I posted a note in the lobby about this issue and we have had 21 calls from other owners complaining about mysterious items missing. We are involved with the police who have been very cooperative. There seems to be a fair amount of confusion over the issue as to whether we must give keys to the council and how the council can gain access to our units? Please, any insight in solving this issue would be helpful.

*Marjorie*

**Dear Marjorie:** The first place to start in sorting this issue out is to look at the bylaws of your strata and the application of the *Strata Property Act* and Regulations. Your strata bylaws are the same as the bylaws in the *Act* and they set out a condition of notice as being a reasonable time of 48 hours notice for the purpose of inspection, repair, or maintenance of common property, common assets or any portions of the strata lot that the strata has to maintain or repair. This could relate to heating systems, fire safety systems, or common building electrical, mechanical or plumbing located in a strata lot. Emergency access, to ensure safety or prevent significant loss or damage does not require keys as it usually involves the police or fire department and an insurable claim that follows.

The strata has a duty to give you written notice for access, and in the event you fail to comply with the notice the next step is for the strata to enforce the bylaw. Bylaw enforcement may be fines or a court application for access to the strata lot. Failing to grant access does not give the strata the ability to automatically enter your strata lot. Your strata lot is your home. You are entitled to the safety and security of your front door and the control over the keys and locks. Your strata is relatively new, so it is likely the council were given a master key from the developer, which is a dangerous breach of security, obviously resulting in the unlawful access to owners' strata lots in your building. Owners may consensually provide keys to the strata corporation for ease of access, provided advanced notice is given of entry; however, consider the terms and conditions of the use, storage and access to the keys. How will the keys be stored? Will they be secured in such a manner that guarantees owners' personal safety and property security are not compromised? Who will have access to the keys? What circumstances may apply for a key to be used? Will it require the key access use involve more than one council member or employee at a time? Could keys be given to a trades or service person without supervision of council? Has the strata corporation conducted criminal record checks on persons who have access to keys? Would you give a key to your home to a stranger without knowing their personal history? Continue to work with the police and your insurance providers to sort this out. With the likely hood of at least one master key on the loose, owners may want to consider changing their locks until this matter is resolved. If your strata voluntarily retains keys for strata lot owners and tenants, they should seek professional advice on the application of an agreement to protect both safety and interest of the strata corporation and the owners.

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