

Strata Living

Headline: Hardwood Flooring
Topic: Flooring
Publication date: Aug 10, 2012
Publication: 24 Hours
Written by: Tony Gioventu

Dear Tony: We have an owner who has made an application to alter her strata lot by installing hardwood flooring throughout her unit. We want to do this correctly and avoid problems in the future for her neighbours, and at the same time allow her to install the flooring. We do not have any bylaws that relate to flooring, so we are unsure if we can even prevent her from altering the flooring in any case. We would appreciate some advice on how to proceed.

Marilyn P. Burnaby

Dear Marilyn: If you have the Schedule of Standard Bylaws from the *Strata Property Act* still in effect for your strata corporation, it is likely that she still requires written permission. Standard bylaw 5(g) requires that an owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves "*those parts of the strata lot which the strata corporation must insure under section 149 of the Act.*" Section 149 is the part of the Act, which defines the parts of a strata lot that the strata corporation must insure, and that includes "1(d) fixtures built or installed on a strata lot, if the fixtures are built or installed by the owner developer as part of the original construction on the strata lot." The strata corporation cannot unreasonably withhold its approval under the bylaw, but may require as a condition of its

approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration. So while you may not be able to prohibit the alteration, you can require the agreed condition of the owner. There are a number of serious considerations however that should be included - I refer you to a flooring article posted in the "Public Resources" section of the CHOA website. Consider the type of flooring, type of building construction, sound proofing requirements. Also the time periods of construction, disposal requirements of the old flooring and use of elevators and access to the strata lot by the contractors. If the building is wood frame construction, there needs to be substantial sound proofing to ensure the neighbouring units are not adversely affected. Even with a bylaw that prohibits hardwood flooring, there may be special medical circumstances that require a strata council accommodate an owners' special needs.

For more information on CHOA resources and benefits visit www.choa.bc.ca
or contact the office at 1-877-353-2462 or email info@choa.bc.ca.

No part of this publication may be reproduced without the prior written permission of CHOA

This publication contains general information only and is not intended as legal advice. Use of this publication is at your own risk. CHOA will not be liable to you or any other person for any loss or damage arising from, connected with or relating to the use of this publication or any information contained herein by you or any other person.