

Strata Living

Headline: Energy Window Upgrades
Topic: Windows, Alterations to common property
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Dear Tony: We live in a modern designed townhouse complex of 12 units in Vancouver. The buildings are 15 years old, and an owner who is wanting to sell her unit asked permission to upgrade her windows. We don't want to change the appearance of the building because the windows are part of the design of the building and wrote a letter denying the request. This owner decided to go ahead and ordered new windows for installation anyhow. Our council president was fortunately at home the day the company arrived and stopped them from doing any work to our building and wrote a letter advising the owner and the company they were not authorized by the council to change/install new windows. Now the owner is threatening to sue us, because she paid \$8,000 for the new custom windows she cannot use. We would like to avoid a law suit over this issue, but we don't want to allow these windows, which significantly change the appearance and make have a greater impact on how our building envelope will function in the future.

Boyd A.

Dear Boyd: On your strata plan, and as defined in your bylaws, the exterior of the building is common property, including the doors and windows on the exterior and are the responsibility of the strata corporation. The Standard Bylaws regarding alterations to common property do not include the phrase "must not unreasonably withhold approval"; therefore, the strata corporation may be permitted to deny a request for an alteration to common property. Remember, decisions have to be tempered with consideration for special accommodation or requirements of Human Rights needs, such as an external ramp for access for special needs. Doors and windows on the exterior of strata property, that is not a bare land strata, are almost always common property. Strata corporations need to plan for their long term maintenance and renewal of their exterior building systems. Doors, windows, siding, roofing, gutters, sealants and decking should all be part of your depreciation report and your long term plan for funding and renewals. If the strata corporation is proactive in window maintenance and renewals, it will not become a problem when owners no longer want to wait for new windows.

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