

Strata Living

Headline: Common Property Alterations

Topic: Alterations to common property

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Dear Tony: I live in a North Vancouver 8 plex. Each unit has a separate garage with a patio area between the garage and back of the unit. We have asked the strata council for permission to enclose the arbor area over the patio so our family can enjoy the area during the rainy season. The strata council have denied the request as it is an alteration to the building system and do not want to permit any alterations to the exterior. Our bylaws indicate that the strata corporation cannot unreasonably withhold permission. Now everyone is arguing over what "unreasonably" means. Could you explain how we address this situation.

Mark D.

Dear Mark: There are two separate designations of property in the standard bylaws and your bylaws that identify alterations and the requirement for permission of the strata corporation. The first is alterations to a strata lot. An owner must obtain written approval of the strata corporation before altering the strata lot that affects the structure of the building, exterior, things attached to the exterior, doors, windows, skylights on the exterior or front on to common property, fences railing or structure that enclose the patio, balcony or yard, common property located within a strata lot, or those parts of the strata lot that the strata must insure under the Strata Property Act. For this purpose the strata

must not unreasonably withhold approval, and while there is no definition to this term under the Act, the strata council generally reviews the impact of the alteration on other units, common property use and appearance and insures there is little or no impact to the corporation. The strata corporation may also require the owner to sign an alteration agreement where the owner takes responsibility for expenses relating to the alteration and the future impacts of the alteration. The separate designation is the application to alter common property. The strata corporation does not have to grant an alteration to common property. If they do, they may also as a condition request an alteration agreement; however, the strata council need to exercise caution to ensure they are not treating one owner differently than another. In your circumstance the strata have simply decided not to approve common property alterations in order to preserve the building exterior and envelope systems which are all interconnected on your property. If however the strata corporation was permitting some owners to conduct a similar alteration but not others, then it becomes a possible condition of unfairness. It is extremely difficult to define "unreasonable" as a broad term for strata corporations. What may seem reasonable in one strata corporation, may be totally impractical in another. AltWith over 27,000 strata corporations in BC, you can imagine there are at least that many opinions.

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