

## Strata Living

Headline: Unauthorized alterations  
Topic: Alterations to a strata lot  
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**Dear Tony:** We had an owner that made some changes to their strata lot. Without our knowledge she had a wall removed between 2 bedrooms to make one larger room. The contactor assured that the wall was not load bearing and that it would have no effect on the building. Since the wall removal the owners of the 2 units above identified a sagging in their floors. We approached the owner about the changes and she advised that construction was done according to code and refused access to her strata lot. How do we proceed with dealing with this owner?

*Jenny Carleson*

**Dear Jenny:** Alterations to the structure of a strata lot have the potential of significant impact on the remainder of the building. Fire stops may be removed, structural changes can occur, changes in ventilation, plumbing, drainage and electrical service can all have a significant impact on the other strata lots. This is the reason why the Standard Bylaws of the Strata Property Act and many bylaws of strata corporations have clear standards for strata lot alterations. As an owner, if in doubt, always confirm your proposed alterations with your strata council before you start. Under the standard bylaws even an alteration to an original fixture, such as flooring, requires the written permission of the corporation. Any type of changes that affect the structure or function of the strata lot should only be considered after you have received approval from the strata corporation. Acting for the corporation the strata council may identify a number of limitations or requirements that are

necessary before you are granted permission. Engineering services that cover the structure, mechanical services, or acoustic impact may all be conditions imposed by the strata council. Access to the strata lot once an owner has executed an unauthorized alteration that has an impact on the structure may be enforced under the bylaws through a fine process, legal notice and court action. If the change is affecting the building, it would be valuable to contact your local building official/inspector. Under the section 84-85 of the Strata Property Act, a strata corporation or owner who receives notice from a local authority must do the work ordered in the notice. It is helpful to get legal assistance on this process. If the strata corporation is also named in the order, they have the ability and obligation to intervene and execute the work to ensure it is complete. As a result of the order, the reimbursement of this work, may then be liened against the strata lot. This could potentially result in an order for sale application to courts of the strata lot if the owner does not pay the prescribed amount. Taking the rights steps in enforcing the order and bylaws, will make all of the difference in protecting the strata corporations interest.

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