

Strata Living

Headline: Satellite Dishes

Topic: Satellite Dishes

Publication date: March 6, 2014

Publication: 24 Hours

Written by: Tony Gioventu

Dear Tony: Are we as owners of a strata unit permitted to install satellite dishes for the use of our strata lots? We live in a townhouse complex in Burnaby and have noticed several dishes installed next to the balconies or on the roof top, so we assumed that we were allowed, so we ordered a system for installation and were told by council we could not install the dish. The council said the existing dishes were all grandfathered, although they could not say why, which we find suspicious considering the largest dish belongs to the president of council. How would you suggest we sort this out?

Doug B.

Dear Doug: The bylaws of the strata corporation regulate the installation of objects on common property and the alteration of common property. Always consult your bylaws first to determine what limitations actually exist and what permission you require for the installation of any components. Items like satellite dishes, hard wood floors, awnings, garden areas and landscaping often have specific bylaws, but any item that requires that any alteration or change in use or appearance of the common property will generally require the written permission of the strata corporation. It gets complicated when you have existing conditions where the

strata corporation attempt to grant different privileges to different owners, and do not apply the bylaws in the same manner against everyone. As a good example, your strata bylaw does not identify any type of exemption or "grandfathering". The bylaw simply reads: "satellite dishes are prohibited anywhere on the common property." So who decided that the existing dishes, which under your current bylaw are in violation, are exempt from the bylaw? More important has the strata corporation maintained an inventory of the dishes and when they were installed and when the bylaw was adopted? Strata corporations and councils seem to be under the impression that they have the authority to exempt owners, tenants and occupants from bylaws when it serves their purpose. The strata council has the same obligation to comply with application and enforcement of bylaws as every owner. There may be conditions, for example under the Human Rights Code, that will require a strata corporation to accommodate an owner, but strata councils need to establish evidence to support the accommodation in the event they are challenged by the owners. If you want to verify a matter with your strata corporation, demand a hearing with council and request written response to their decision, which must be provided to you within one week of the hearing.

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.