

## Strata Living

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**Dear Tony:** Our strata council have recently signed an agreement to upgrade our cable in our building to fibre optics. I had a knock on my door the other day and a technician advised he was going to require access to my strata lot to do the upgrades. We have been through this issue with the strata before on bulk cable fees and had to get a legal opinion advising them they could not contract for bulk cable services without the owner's consent. Is this not the same thing? The council said there was no cost involved this time so they could go ahead with signing the contract. Is this true?

Tai Sun

**Dear Tai:** The *Strata Property Act* sets out the obligations and authority of a strata corporation. Those are essentially the maintenance, repair and administration of the common property, common assets and the business of the strata corporation. The corporation is granted the authority to enter into contracts in respect of its powers and duties that set out under the Act; however, it does not necessarily give the strata corporation the authority to enter into exclusive cable or internet or fibre optic services that are used within a strata lot, as the cable television and internet services are for the benefit of the individual strata lot owners, not the strata corporation. A Supreme Court of BC decision in the fall of 2014, strata plan LMS2223 vs Tsubota, where an owner challenged the strata corporation on its authority to impose the fees for the exclusive cable and internet services provides a good reference. The owner refused to pay for the cable services, which were included in the strata fees, and

the strata corporation made an application to the courts for the order for payment of the common expenses for the cable services. The court determined that the Strata Corporation did not have the authority, or an enforceable bylaw to enter into a contract for bulk cable and internet services for strata lots which would bind the individual strata lot owners or to invoice the strata lot owners for those services as a common expense. Before your strata corporation considers entering into any agreements for bulk services of cable or internet, or upgrades to fiber optic systems or communications systems that impact strata lots, consult with a lawyer who has experience with the strata legislation and communications contracts. Even though there was no cost involved, access and changes to a strata lot still require consent, and your strata council should have obtained the permission of the corporation before proceeding.

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