

Strata Living

Headline: Entering a strata lot

Topic: Access to Strata Lot

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Dear Tony: What is the responsibility of a strata council when an owner dies? Our strata recently had an owner suffer a medical emergency and by the time the ambulance arrived, the person had passed away. The resident caretaker assisted the emergency services, secured the unit and locked the door of the unit after they left. The strata president insisted that we had to go into the unit to ensure there were no safety issues remaining, but our caretaker did not take the keys so we had no method of entry. As a result, our council retained a lock smith and entered the unit to inspect it. I am very uncomfortable with the actions of my strata council. Is there a process we should have followed? I am concerned we have entered without permission.

SDR Port Moody

Dear SDR: The Standard Bylaws of the *Strata Property Act* and most strata bylaws set out two conditions for access: emergencies and routine notice for access. If there had been an emergency situation in the strata lot, the fire department who attended would have ensured that was addressed and notified the strata or the caretaker who was present. Routine access will require notice to the owner and their consent, or in this case contact with a family member, friend or person authorized to represent the strata lot. If there is no emergency, obviously the strata has no right to access the suite without notice and permission. This would be similar to a person who was away on vacation for 3 months. If the strata required access for

routine inspection or servicing, they would be required to give notice under the bylaws. If the owner was not available, or there was no alternate the strata option would be the enforcement of the bylaws. That could include fines or a court order for access into the strata lot. For some reason strata councils seem to believe that owners waive their rights of security or privacy because a bylaw permits entry to a strata lot. The bylaw sets out the conditions for entry and notice, but it does not override the rights of owners.

If there is a genuine emergency to address immediate risk to property or the safety of other residents, entry may be necessary by emergency services or a plumber for example to stop a water break, but that access should be documented, shown in the council minutes and reported to the owner or representative as soon as possible. If your council are entering a strata lot, confirm that you are within the limitations of the bylaws and notify all the parties.

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