
Strata Living

Headline: Access to a strata lot

Topics: Access; to a strata lot

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Dear Tony: My strata unlawfully accessed my strata lot while I was away on holidays. They claim a neighbour complained about the sound of constant running water, and even though there was no evidence of water damages to any strata lots below, and no one could verify the sound from the doorway, they declared it as an emergency to inspect the strata lot and went into my unit. Much to my surprise I also discovered that the strata council has a master key to everyone's strata lots, and never told us. There is nothing disclosed or approved in the bylaws, rules or minutes that would ever permit the strata to have key to strata lots. The council president said this is our right, even though the council has been unable to produce the neighbour who allegedly complained about the sound. Word has got around and owners are upset about the master keys, and several owners have since come forward with the same stories about someone obviously having been in their homes while they were on vacation. What can the strata do to stop this?

Morgan R.

Dear Morgan: A strata corporation DOES NOT have the right to demand a key or maintain a master key for strata lots in a property. There is no such provision within the *Strata Property Act*. You are the owner of your strata lot, not the strata. Your personal security and safety relies on your ability to control access to your strata lot. The standard bylaws of the *Act*, similar to most amended bylaws, require that a strata corporation must give written notice to access a strata lot at least 48 hours in advance to inspect, repair or maintain common property, limited common property or portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under their bylaws, or insure under the *Act*. A strata or person authorized by the strata, which includes emergency

personnel, may access in an emergency, without notice, to ensure safety or prevent significant loss or damage. Owners are entitled to protect their personal safety and property. Have your locks changed and consider monitored security access if you are concerned for your safety or property.

If a strata corporation is considering holding keys for owners, they should do so only with the written consent of the owners. The consent should also stipulate when the keys may be used, the purpose of use, how the keys are stored and secured, who has access to the keys, what measures are taken in the event the keys are lost or stolen, and who is liable for any damages or losses as a result of holding these keys.