
Strata Living

Headline: Access to a strata lot

Topics: Access

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Dear Tony: Our strata corporation has water shut off valves located in the wall cavity by the front door of each strata lot in our building. This has been one of the best features in our building as it allows owners to shut off their water if they are away on vacation, required to do work in their unit or there is an emergency. We received notice from an owner that their valve was found to be defective, and on investigation discovered there is a problem with this type of valve. As a result the strata immediately called a special general meeting for the owners to approve the contingency funds to replace all the valves. The vote was unanimous. We scheduled a date for the replacement and posted notice in the building for a 1 day water shutoff to replace all the valves. Two people refused access to their strata lots and refused to provide a key, so we have to reschedule the plumbers for those two and another shutdown. Can we charge them for the additional costs? What if they do not give access?

Lindsay M. Richmond

Dear Lindsay: Access to strata lots is a provision of the Standard Bylaws and should be a provision of every strata corporation's bylaws for the purpose of emergencies and access when notice is required. When access is required, posting a notice in a building is not sufficient, as the owner, tenant or occupant may not see the notice. When the *Strata Property Act* uses the term "notice" it implies that each strata lot is given written notice and the time periods for notice required by the Act. In the written notice, the time period in the bylaw is stipulated, usually 48 or 72 hours to give an owner, tenant or occupant a chance to make arrangements for access, and the reason for the access is identified. If access is not provided, the next step is to give notice of bylaw complaint as they are now in possible violation of the bylaws. They may respond by

granting access, in writing requesting more information or demanding a hearing to address a matter. If they do not respond then the strata is required to enforce its bylaws. This starts with fines, progresses to legal action and eventually may require a court order for an order to comply with the bylaws. Depending on your bylaws, the additional costs may be incurred by the strata lot owner for failing to comply with the bylaws.