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## Strata Living

Headline: Unlawful Access to a strata lot

Topics: Access

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**Dear Tony:** Our strata manager has insisted that our strata corporation has the right to hire a locksmith to access an owner's townhouse, if they do not provide us entry for annual inspections and service work. We are required to have our sprinkler systems inspected annually, but two owners have refused to provide us with keys for access, so the property manager had a locksmith open the doors of the owner's units while they were at work, and then sent them the bill for the cost as a bylaw violation. One owner has now filed a police complaint for breaking and entering. How can we avoid this type of mess?

Carolyn V.

The Civil Resolution Tribunal will make it easier for strata corporations to obtain orders for fines and costs, and to seek an order for owners and tenants to comply with the bylaws.

**Dear Carolyn:** Access to a strata lot is determined in a strata corporation's bylaws. The Schedule of Standard Bylaws requires that an owner, tenant or occupant must allow access for the strata corporation to perform its duties including the inspection and maintenance of the strata lot that the strata is responsible for. The strata must give 48 hours notice, and the reason and approximate time of access. If an owner does not provide access, the strata corporation is then in a position to apply and enforce their bylaws. The bylaws do not include breaking and entering into a strata lot. Bylaw enforcement may be fines, the cost of enforcement and a court application ordering access to a strata lot. The enforcement of bylaws is only a decision of the strata council by majority vote, because strata corporations are not permitted to delegate their authority to enforce bylaws and must follow the enforcement procedures set out by the *Strata Property Act*. The owner has a reasonable claim against the strata for damages and unlawful entry to the strata lot. In the event of an emergency, the bylaws grant a provision for emergency access which applies to emergency services required to mitigate immediate loss, damages or risk to property or people.