

Condo Smarts April 13, 2017

Modifying My Townhouse For Access

Dear Tony: I live in a townhouse complex in the Okanagan, and each home has 3 steps leading up to the front door. My husband recently had a mild stroke and requires a walker so access has become a problem for us. We called our strata president and requested permission to remove our stairs and have a ramp installed that would give him safe access to our home but he refused citing the appearance of our community and the cost the cost to make the common property safe. Do we have any options? Without the ramp my husband cannot safely get outside to get exercise which is vital to his recovery. Marion F

Dear Marion: Alterations to common property are regulated by the bylaws of your strata corporation. A single council member does not have the authority to determine whether an alteration is permitted or not. When dealing with bylaws and your strata council, communicate in writing, include specific details and request a hearing with council if you require a written decision. A good place to start is a review of the alteration bylaw for common property and determine if there are conditions you will be required to meet to obtain permission. Strata corporations in addition to acting reasonably within the limitations of their bylaws also have a duty to accommodate residents under the BC Human Rights Code. Special accommodation because of physical limitation is a reasonable request. While the ramp may alter the common property, it is possible to have an alteration permitted that would: fit in with appearance of the strata, comply with building code requirements, cover some or all of the costs through available grants or tax credits, and enable the strata corporation to set conditions that would require the restoration of the area to its original condition when you sell your strata lot. If your strata corporation is not responding or acting reasonably you may also consider an application to the Civil Resolution Tribunal to expedite your claim and address the bylaw enforcement matter including the requirements of the Human Rights Code. There are 2 excellent programs available to owners, tenants and occupants that providing funding or tax credit for home access alterations. BC Housing hosts a grant program called HAFI (Home Adaptations for Independence) providing up to \$20,000 in financial assistance, and this year's tax return includes a new line for Home Accessibility expenses providing a tax credit for alterations up to \$10,000 of both a residence or the common property of a condo or co-op. For more info go to: www.bchousing.org and search HAFI and www.cra-arc.gc.ca and search line 398 Home Accessibility expenses.

Sincerely, Tony Gioventu, Executive Director
Condominium Home Owners' Association (CHOA)
website: www.choa.bc.ca