

Condo Smarts July 25, 2020

Unauthorized Alterations

Dear Tony: We purchased 2 older units next to each other in September of last year with the intention of combing them into 1 larger unit for our family. Since our purchase the strata council have done nothing but obstruct our attempts to conduct alterations and block our ability to consolidate our two strata lots and have insisted we will be required to pay higher strata fees. They have refused to grant permission for the removal of a section of wall between the units even though we have obtained a structural engineering report and a building permit for the work. The wall is not structural and does not contain any services such as plumbing or venting that could affect our 2 units or another strata lot. This was a significant investment intended to raise our family in an affordable setting and has turned into a disaster. Are there some options to forcing the strata council to cooperate with our request and resolve this? Maria and George C.

Dear Maria and George: Strata corporations are naturally reluctant to allow the removal of walls between units or above and below units. There are many buyers who often try to flip units quickly by doing quick fix alterations and changes, the next buyer comes along and after possession often discovers there are problems with mechanical services, the walls were in fact structural and supporting, the ventilation has significantly changed or the plumbing water delivery or drainage has been altered. Both the new owner, and the strata corporation are often left with damages and liability to remedy the unauthorized alterations. If an owner requests authorization to remove all or part of a wall that is a common boundary between two strata lots, they require the written approval of the strata corporation. Provided the owner complies with building regulations, any applicable municipal or regional bylaws, does not interfere with the provision of utilities or other services to any other strata lot or common property, and provides copies of any required building permits to the strata corporation when seeking its approval, the strata corporation must grant the permission. Documents and plans certified by an engineer that verify the scope the work in detail, addresses building code requirements, and coincides with the required building permits would be a minimal standard for a strata council to request. If the strata council does not act reasonably, the *Strata Property Act* provisions can be enforced with an application through the Civil Resolution Tribunal. It would be beneficial to request a hearing with the strata council which may be conducted electronically. You may wish to retain a lawyer to be present at your hearing to determine what conditions if any are not being met, or if the strata is simply refusing to comply with the Act. The unit entitlement or size of the 2 strata lots remains the same as well as the voting rights of 1 vote per strata lot. There is no increase in strata fees as the habitable area of each strata lot has not been changed. As the owner you continue to pay the same strata fee entitlement for the two strata lots. Any other changes within the strata lot such as removal of a kitchen, update or remodelling of washrooms or internal walls and rooms will all require the permission of the strata corporation and detailed drawings and plans should be provided to help the strata council make a decision. Changes to electrical systems, plumbing and ventilation may also have a significant effect on the use and enjoyment of other strata lots. During the Covid 19 restrictions, many strata corporations are encouraging owners to delay alterations to strata lots to reduce construction activity within their buildings and reduce the transiency of contractors and trades. The level of caution your strata council is exercising is prudent; however, under normal conditions, they do have an obligation to grant permission within a timely manner.

Tony Gioventu, Executive Director CHOA

Covid-19 Notice: As a precautionary measure to prevent the spread of COVID-19 CHOA staff are working remotely and our offices are temporarily closed. We understand these are challenging times for strata corporations and we are here to help. Even though CHOA advisors are working

remotely we are only a phone call or email away and able to assist you with hosting meetings and notice preparation.

Tuesday Lunch & Learn Live with CHOA: CHOA is hosting a series of webinars once a week, for the next few months. Join us each Tuesday as we bring together industry experts to discuss the many issues affecting BC's strata community. For more information visit our website at:

<https://www.choa.bc.ca/seminars/>