
Condo Smarts

Headline: Does a strata corporation have a right to key access to a strata lot?

Topic: Access to a strata lot, Keys

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Dear Tony: Owners in our Coquitlam building received notice that we are being forced to provide a key to access our strata lots. A bylaw is being proposed at our upcoming annual general meeting, which will require everyone (owner/landlord) to provide a key to the resident manager for the purpose of emergencies, routine inspections, and service requirements. The only service requirement we have is the routine testing of the smoke and heat detectors. This is always scheduled for the 2nd week of September and owners and tenants are always provided with at least 7 days notice for access. The notice package has indicated that if we do not provide a key, and there is an emergency access, we will be responsible for any related damages to our strata lot or other strata lots. Is a strata corporation permitted to compromise our security and safety?

Francis W.

Dear Francis: The standard bylaws of the *Strata Property Act* make a provision both for emergency access and routine access with notice for the purpose of inspections and servicing. Your home is your private strata residence. While a strata corporation may amend access requirements to strata lots, they cannot force an owner to provide a key for access or codes for alarms that in any way may compromise their personal safety, security, or risk to their personal assets and property in the strata lot.

It is the responsibility of each strata lot owner and resident to coordinate access to their strata lot when it is required for the strata corporation to perform their duties. Even if a key is provided, many emergencies occur after hours when staff are not on site or available, and the outcome is forced entry for fire, 911 calls, or floods.

When a strata corporation attempts to impose secured access conditions, they are also assuming a significant amount of liability for personal property and safety.

Even if owners and tenants volunteer keys, there is a significant duty on the strata corporation to manage the keys, security, and access. While the intent is generally for ease of access to expedite operations, strata corporations generally do not maintain an appropriate protocol to protect the interest of the owners, tenants or occupants, or to ensure the key access is secure.

If a strata corporation considers maintaining voluntary key access, it is essential they address a number of conditions:

- How are keys stored?
- Who has access to keys?
- Under what conditions may a key may be used for access?
- Is the authorized person who can access keys bonded?
- Is notice still required for access?
- What occurs when keys are lost or stolen?

In the event there is an emergency such as a fire or medical emergency, no one will be standing around waiting for a key. The unit will be forcibly entered. If there are damages that result in a claim on the strata insurance, an owner may still be responsible for the deductible amount, but that will not change whether a key has been provided or not. Before your strata corporation considers maintaining keys for strata lots, obtain a written legal opinion and advise the insurer of the corporation the intention of the bylaw. Is there is coverage in the event of unlawful access, assault, harm, or loss due to misused, lost or stolen keys?