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## Condo Smarts

Headline: Alteration Problems

Topic: Alterations

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**Dear Tony:** Our council granted permission to an owner to install a charging station and a heat pump in 2022. The owner has sold their unit and the new owner has declined the use of the charging station but has accepted the continued use and obligations for the heat pump. Our parking is limited common property so we do not have the authority to assign the charging station location to another owner, and we do not have any way of making the new owner responsible for the charging station costs. The strata corporation agreed to pay for the electrical upgrade costs on the condition the owner paid a monthly fee over 5 years to reimburse the strata. Now after one year we cannot collect future costs. Is there are any steps we can take in the future to prevent this from happening again?

*Linda G. Burnaby*

**Dear Linda:** The inability to register alteration agreements on strata lots is one of the limitations of the *Strata Property Act*. The agreements for alterations are with an owner; they are not an easement, covenant or designation that may be registered on a strata lot, or on the common or general index at the Land Title Registry. As a result, the subsequent purchaser may not be liable for the costs associated with the alterations unless they have entered into an assumption agreement with the corporation.

While the amendments to the Act under Bill 22 in May of this year prevent strata corporations from unreasonably refusing permission to install a charging station, they have also given strata corporations the ability to impose conditions for compensation relating to the installation, operations, and maintenance of charging systems.

Strata councils are often reluctant to grant permission for the installation of heat pumps, cooling systems and charging stations, because they do not want to be left

with a legacy of maintenance and repair costs after an owner leaves, but there are advanced actions that help mitigate the future costs and risks.

A well-crafted alteration agreement that applies to common property, limited common property, strata lots and the structure of the buildings is essential. A strata corporation may either have a general agreement drawn up for such uses, or as a condition of permitting an alteration the strata corporation may require the applicant pay for the legal cost of an agreement relating to their request.

Within the alteration agreement include details of the proposed alteration request, whether a licensed technician is required, if building permits are required, if there are any insurance implications, who will be responsible for the costs, including the costs of future maintenance and repairs, the cost for any legal services, and the obligation of the owner to disclose the agreement to a subsequent owner, and the requirement for an assumption agreement.

Until we have some minor amendments to the legislation that enable such agreements to be tied to the strata lots, take all necessary measures to protect your strata corporation. Maintain suite files and records and confirm all agreements are disclosed on the Form B Information Certificates when requested.