Condominium Home Owners Association of British Columbia
Leadership, Education and Resources for Strata Owners Across BC
Website: www.choa.bc.ca / Toll-free: 1.877.353.2462
Bulletin: 300-1104

Condo Smarts

Headline: Access to Units for Repairs
Topic: Access
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Written by: Tony Gioventu

Dear Tony: We are a smaller building of 38 units and replacing the piping which is 30 years old. We have two owners/residents who are not cooperating with access. They are not making their units available for the construction and our contractor is delaying completion, but we are being exposed to higher costs now and if we do not complete the work, our insurer broker cannot guarantee our renewal in October. Can we recover the additional costs and any potential damages from these property owners? Are we allowed to go into the units to confirm the repairs are done?

Eliza J Richmond

Dear Eliza: The Standard Bylaws of the *Strata Property Act*, and the bylaws of your strata corporation set out the minimum requirements for notice. *"An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot (a)in an emergency, without notice, to ensure safety or prevent significant loss or damage, and (b)at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act. (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry."*

Pay attention to the term "notice". This requires the same type of notice as you would give for a general meeting and allow for the notice period which is 6 days. During major construction, routine notice is provided frequently to residents and owners to ensure access is available without disruption. The purpose of notice such as replacing windows, plumbing upgrades, fire safety systems, roofing systems, is included in the description. It may not be possible to narrow this down to a specific hour of a day, but a window for an owner or resident to schedule is very helpful.

The bylaws of the strata corporation are a substantial support if they include repercussions for failing to provide access, disrupt approved construction schedules, delays in construction schedules and cost over runs. It is valuable for strata corporations to review their bylaws to adopt provisions that apply to major construction, insurance claims, damages to the building systems, or disruptive costs caused by owners or tenants of units requiring court applications. If you cannot gain access, speak to your lawyers as it may require a court order to resolve the issue.

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