

Strata Living

Headline: Special Needs Alterations

Topic: Alterations

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Dear Condo Smarts: Our strata council has received an application from an owner to make alterations to her strata lot to accommodate her husband who is now limited to a wheel chair. We live in an older building, and while we are fortunate to have an elevator that is sufficient to accommodate the motorized chair, their unit has a very narrow doorway and turn inside that makes it almost impossible for them to access their suite. They would also like to have some modifications to the inside of the suite that would require changing some of the counters and refitting the tub. The strata council is agreeing to the requested amendments, but the neighbour across the hall has said she will take us to court if we allow them to install a larger door. We are concerned that the owners could be making a decision that could result in a hardship for the owners and not accommodating their special needs. The applicants have agreed to make the alterations appear identical to the existing hallway doors, and only the door will be 6 inches wider. At what point does an alteration to common property require a three quarters vote of the owners at a general meeting?

Colin W, Campbell River

Dear Colin: The Strata Property Act sets out a condition that the strata corporation is required to vote by three quarters vote, on alterations that are a significant change in the use or appearance of common property or a common asset. It is essentially the decision of the strata council to determine whether this is a significant change in the use or appearance. If you are in doubt it is advisable to always err on the side of the caution and have the owners vote; however, many circumstances are not that simple. This

example will require that the strata corporation accommodate a special needs requirements for a person with physical limitations. It is in the interest of the strata corporation to make every reasonable attempt to find a solution. To ensure that the strata corporation is also acting in the best interest of the strata corporation they may also require as a condition of the approval that the applicants will be responsible for any costs or related services required by the alteration and that any future costs to the alteration will also be the responsibility of the applicant. While individual owners do not have the right to approve or reject any such applications they still retain the right to take the matter to the courts. If this is a potential problem it would be well worth the advanced investment to seek legal advice on the application of the requested alteration, the impact on the strata corporation and owners, and the potential results if the strata corporation either approves the request, or rejects the application.

For owners who require alterations to their strata lots, BC Housing has a great new program that helps to fund alterations both for tenants and home owners. The Home Adaptations for Independence program provides financial assistance to help eligible low-income seniors and people with disabilities in BC to continue to live in the comfort of their home. For more information go to: bchousing.org enter HAFI into the search box or link directly to the site at www.choa.bc.ca

For more information on CHOA resources and benefits visit www.choa.bc.ca
or contact the office at 1-877-353-2462 or email info@choa.bc.ca.

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