

Condo Smarts June 12, 2019

Accessing Roof Top Areas

Dear Tony: How does a strata corporation manage access to common areas that contain mechanical equipment or is not intended for recreational or casual use? We have a council member who is insisting he be given common area keys to the electrical rooms, the elevator shafts, the boiler rooms and our rooftop. As a 30 floor highrise, we have complicated operating systems, and the only services on our rooftop is our fresh air intake and hallway blower system. Our roof does not have guard rails and because of the wind can be extremely dangerous at times. Our building manager has access to these areas and escorts contractors and service technicians when they require access, or review access if requested by a council member. We have intentionally restricted keys and access to only the building manager and property manager to maintain security and safety. The council member is threatening court action if we don't give him keys and access. How do we handle this?
Gary M. Vancouver

Dear Gary: No council member has the exclusive right of access to the common service facilities of a highrise or apartment building. Who has access, how the areas are accessed and the procedures for access are all set by the strata council? This is a majority vote decision at a council meeting. You may want to develop your policy into a published rule the owners approve at a general meeting. This would require the policies you set would be maintained in the future. Your obligation as strata council is to act in the best interest of the strata owners and tenants and to maintain and repair common assets and common property. That schedule of maintenance includes the security of your assets. You must also ensure activities comply with fire safety regulations, building codes, local government bylaws and provincial regulations administered through Technical Safety BC and WorkSafe. Unless a council member is escorting a service technician, inspector or emergency personnel, there should be no reason to access your building systems. Either the property manager or council will be responsible to verify service reports and logs to approve invoicing and payments. Copies of these reports should be included on invoicing to support approval. Access for servicing to elevator shafts or your fire safety systems are only performed by certified technicians under contract. The same conditions should apply to roofing systems. Volunteer council members, owners and tenants are **NOT** covered by WorkSafe and in the event of an injury or fatality, the strata corporation will bear the liability of related claims. The limited coverage for such liability under your strata insurance policy is only for general volunteer maintenance. The whole point of living in a strata corporation is the collective benefits of contracting services. When you live in a multi family building, the regulatory authorities apply much higher standards of care and safety. The fireworks festival is the perfect example of why access to rooftops not intended for occupancy must be restricted. While everyone at the time is lured by the exclusive viewing of a rooftop seat, damage to roofing systems and the risk of a tragic incident is not worth the risk. The combination of an unprotected area and alcohol will never end well. It is your duty as the corporation and council to maintain the security of your building systems. Convene a council meeting and establish procedures and policies for access to operational facilities.

Tony Gioventu, Executive Director CHOA

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