

Check condo rules before installing your hot tub

BY ROBERT NOCE, EDMONTON JOURNAL APRIL 24, 2010

Dear Robert: I bought a penthouse suite in a condo highrise specifically because it had a large deck. I installed a hot tub on my deck, and the condominium corporation board has now demanded that I remove the hot tub. Do I have to get rid of my hot tub? What can I do?

A: First, you should take the time to review your bylaws and the condominium plan to determine whether you have the right to place a hot tub on your deck. Who owns the deck, you or the condo corporation? The answer to this question will have an impact on your options.

Assuming that the corporation is well within its rights to demand the removal of your hot tub, failure to do so will allow the corporation to make an application in court and obtain an order compelling you to remove the hot tub. You may then be responsible for all of the costs associated with the court application.

You should seek legal advice immediately to determine your rights and obligations, as this issue requires more information and research to properly answer your question.

Tip: If you're buying a condo and you have something particular in mind, such as installing a hot tub, you should take the time to review the bylaws and condominium plan of the corporation. You may also want to talk to a lawyer to help review the relevant documents before you buy, to avoid this situation in the future.

Dear Robert: My condo building has rules about window dressings. During an election campaign, am I allowed to put an election sign in my window?

A: The Alberta government is amending the election rules (Election Statutes Amendment Act, 2010, Bill 7) with respect to the placement of election signs in condominium projects. As a result of the proposed changes to the law with respect to election signs, if Bill 7 is passed, no condominium corporation would be able to prohibit an owner of a unit from displaying election advertising posters on the premises of his or her condo.

A corporation may, however, set reasonable conditions relating to the size or type of election advertising posters that may be displayed on the premises and may prohibit the display of election advertising posters in common areas. Keep an eye on Bill 7.

Dear Robert: I bought a condominium because I thought the common areas would be better kept than in my previous apartment building. My condo allows pets and, as a result, the hallways, elevators and common areas smell.

I do not own any pets and I do not like the smell. Is there anything I can do about it?

A: As you have indicated, your condo project allows pets. The most effective way of dealing with this issue is to raise it with the board and indicate to them that there is a concern with respect to odours in the common areas.

As well, you may want to take the time to determine whether other owners in your building feel the same way. If a significant number of people agree with you, the board should listen and react accordingly. You should also review your bylaws to determine the rules relating to pets.

As well, the condominium corporation may want to consider general procedures and regulations to govern how people act with their pets in common areas.

For example, one solution may be to require people to carry pets through common areas.

Pet-related issues are sensitive and require balance in terms of ensuring that all interests are served and protected.

Tip: If you do not like pets, then before you buy a condo unit, you should read the bylaws to ensure that pets are not permitted within the complex. Once bylaws are established, amending them requires 75-per-cent (or more) approval of the condo unit owners and unit factors.

Robert Noce, Q.C., is a partner with Miller Thomson LLP in Edmonton.

He welcomes your questions at [condos@thejournal . canwes t . com](mailto:condos@thejournal.canwest.com). Answers are not intended as legal

opinions; readers are cautioned not to act on the information provided

without seeking legal advice on their unique circumstances.

© Copyright (c) The Edmonton Journal

