

# Attics and Crawl Spaces

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As we all know, when you're living in a condominium a little extra space for storage, or perhaps for a spare bedroom, can make all the difference. Owners of suites located on the top floor of wood frame buildings and those who own townhouses often try to make the most of their condominium by using the attic or the crawl space. Even though attics and crawl spaces are generally designated common property, they are often converted into storage space or usable living space without the knowledge or consent of the strata corporation.

A strata council in one townhouse complex recently discovered that a family converted the attic into a play area for the children. The conversion of the attic involved installing flooring, applying drywall and making electrical alterations. As a result of the work that was done, a serious moisture and mold problem occurred in the roofing. The problem occurred because the ventilation was compromised by the drywall and there was increased heat from the lights and the heater. The moisture from the lower levels was allowed to escape into the attic further contributing to the problem.

An owner who is considering making alterations to common property should consider both the legal and practical implications of doing so. The bylaws of the strata corporation should be examined to see whether the strata corporation has a particular approval process for such alterations. The strata council will want to ensure that the owner has considered and dealt with all of the practical matters. The strata council may also ask the owner to agree to increase the unit entitlement of his suite on the basis that the usable square footage of his suite has increased. If an owner fails to obtain the approval of the strata council for the alteration or properly address issues regarding the alteration serious consequences may result. The owner may be ordered by the strata corporation to remove the alteration and may be liable for damages caused as a result of the alteration. An owner who sells a suite with an unapproved alteration may also be faced with legal action by a purchaser who is then advised by the strata council that he can not have the benefit of the increased space.

There are many practical matters that an owner should review prior to commencing work on the alteration. The owner should ensure that he is aware of what city permits will be required and what the process is for obtaining them. The required permits may include a building permit, an electrical permit and a plumbing permit. Consideration should be given as to whether there are structural changes required. Will additional wiring be added or will there be other changes to the electrical system? Do any pipes need to be moved or added or do drains need to be installed? There may be additional emergency exits and sprinkler heads required. Also, air circulation and installation needs to be considered. Has proper attention been given to air vents, extraction fans and ducts and insulation requirements? The fire safety code also needs to be considered. The assistance of an engineer or architect may be required to assist with planning the alteration and obtaining the appropriate permits. Sometimes, municipalities will not grant a permit until the strata council has granted approval for the alteration.

This article contains a general discussion about some of the issues that may arise when an alteration, such as the conversion of an attic into living space, is undertaken by an owner. If you are considering making an alteration to common property, the advice of professionals, such as an engineer, an architect and a lawyer should be sought.

For additional information on alterations to crawl spaces and attics you may wish to review the following site: <http://www.cmhc-schl.gc.ca> : series on about your house. Before you make any renovations contact your strata council and your property manager for written approval.

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