

# ASSUMPTION OF OWNER LIABILITY Strata Lot Alteration Agreement

**BETWEEN:**

**Owner Name(s):**

**Address:**

**Unit # –**

**Strata Lot #**

**(Hereinafter called "Owner(s)")**

**AND:**

**Strata Plan**

**(Hereinafter called "The Corporation")**

WHEREAS "The Owner(s)" of the above-noted strata lot has requested permission from Strata Plan [redacted] to construct, install or place within or annexed to the above noted Strata Lot.

**Please list details of the renovations to be carried out below. (You can also attach a list).**

**Owner must provide:**

1. Details plans and a list of work to be done for any area inside the strata lot to be altered/changed.
2. Name of professional installer/contractor to being used (contractors insurance certificate required).
3. Type of flooring being used (if applicable)
4. Type of underlay FIIC/STC rating (copy of manufacturers specifications required)

("THE INSTALLATION")

AND WHEREAS the Strata Council has agreed to grant permission to the Owner(s) to effect the installation subject to the Owner(s) agreeing to comply with the requirements and to provide the undertaking, the Owner(s) releases and indemnities as hereinafter provided.

IN CONSIDERATION of the premises and the granting of permission as noted above, as the Owner(s) of the above Strata Lot, I/we covenant and agree with the Strata Corporation as follows:

1. To comply with the requirements of any and all relevant Municipal Bylaws or building codes in effecting "the installation" (both present and future) and to provide a copy of any building permit to the managing agent.
2. To comply with any rules or regulations adopted by the Strata Corporation with respect to "the installation".
3. To hire competent tradesmen or to do all work of equal quality. Any work, which may cause complaints from surrounding strata lots, must be re-done or restored to the previous condition.
4. To require that those performing such services first make appropriate enquiries of the maintenance staff or other designated representative of the Strata Corporation and, if required, of the architect, engineer or construction manager of the firm that constructed the building within which "the installation" is to be made, as to considerations to be followed in protecting the building and its utility systems from damage through the performance of such work to effect "the installation". "The Owner(s)" agrees that the architectural plans approved by the Strata Corporation may be the only ones used and that specifications contained therein will be strictly adhered to.

5. "The Owner(s)" agrees that any and all construction debris will be removed from the site and any common areas travelled on will be left in a clean condition.
6. To indemnify and save harmless forthwith upon demand the Strata Corporation and other Owners of property within the Strata Development from any and all costs, damage, loss or liability which may occur to such parties by reason of the carrying out of work related to "the installation". Without restricting the generality of the foregoing in the case of an installation requiring a shutdown of all or a portion of the water distribution services within the building, it is recognized that damages may occur as a result of the shutdown and reactivation of such system and that "The Owner(s)" specifically agrees that this agreement shall apply to any such damages.
7. The Strata Corporation and the Owners agree that any maintenance or cost in connection with "the installation" is hereby binding on "The Owner(s)", their successors and assigns.
8. If "the installation" is not done in a professional manner, the Owner(s) must have professional repairs made or must restore the area to its original condition.
9. The Owner(s) acknowledges "the installation" does not affect the unit entitlement and interest of destruction for the strata lot as registered in the Land Title Office under Strata Plan

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

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"The Owner(s)"

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"The Corporation"

Authorized Signature for the Owners of Strata Plan \_\_\_\_\_

**PLEASE READ THE STRATA BYLAWS AND THE ATTACHED GUIDELINES TO GET FAMILIAR WITH THE RENOVATION REQUIREMENTS TO AVOID ANY COMPLAINTS AND FINES!**

**PROPER UNDERLAY/SOUNDPROOFING THAT MEETS MINIMUM CONSTRUCTION STANDARDS MUST BE INSTALLED UNDER NEW HARDWOOD OR LAMINATE FLOORS TO PREVENT NOISE COMPLAINTS. SHOULD NOISE COMPLAINTS BE RECEIVED, OWNERS MAY BE REQUIRED TO REINSTALL CARPET.**

**AFTER INSTALLING YOUR NEW FLOORS, PLEASE USE FELT PADS UNDER CHAIRS, AREA RUGS FOR HIGH TRAFFIC AREAS AND NEVER WEAR SHOES INSIDE THE HOME.**

**IMPORTANT:**

1. **CONSTRUCTION HOURS ARE 8 A.M. TO 8 P.M. MONDAY TO FRIDAY. SATURDAY 8 A.M. TO 6 P.M. NO WORK IS PERMITTED SUNDAYS AND HOLIDAYS**
2. **ANY COMMON AREA MESS MUST BE CLEANED UP DAILY BY THE CONTRACTOR**
3. **PARKADE / COMMON AREAS ARE NOT BE USED AS STORAGE.**
4. **GARBAGE BINS CAN NOT BE USED FOR CONSTRUCTION DISPOSAL.**
5. **ELEVATOR PADS MUST BE INSTALLED DURING CONSTRUCTION MATERIAL DELIVERY.**
6. **PLEASE FOLLOW NOISE AND RENOVATION HOUR LIMITATION BYLAWS.**

**GUIDELINES FOR INSTALLATION of HARD SURFACE FLOORS**

1. No owner, tenant or occupant is permitted to install hard surface flooring, i.e., laminate (consisting of wood composite materials or plastic), hardwood, linoleum, ceramic stone, slate or cork anywhere within a strata lot subsequent to the passage of these guidelines except in accordance with the provisions set out.
2. No hard surface flooring materials are permitted to be installed anywhere within a strata lot which do not meet current building standards set by the strata council for FIIC (Floor impact isolation coefficient). Where required, acoustical underlay must be installed beneath the hard surface flooring material in order that the combination of the underlay and the finished flooring material achieves the required FIIC/STC rating as set out in this bylaw.)
3. No hard surface flooring material or acoustical underlay is permitted to be glued to the concrete subfloor anywhere within a strata lot.
4. All hard surface flooring and underlay materials installed within a strata lot MAY be inspected during the time of installation by the strata council's duly appointed representative or, if necessary, by an authorized engineer/professional at the owner's own cost and expense.
5. An owner/resident must keep records of hard surface flooring and acoustical underlay installation that occurs within a strata lot and provide an original copy of such record to any subsequent owner on title who receives the benefit of such flooring alteration. An owner/resident may be required to produce, upon the request of council, an invoice from the floor installation company that clearly shows the details pertaining to the FIIC/STC requirements and flooring type being installed.
6. In cases where hard surface flooring has been installed within a strata lot, and where ongoing noise complaints have been received by the strata council in reference to a particular strata lot in which hard surface flooring has been installed, with or without prior written approval from the council, the council may conduct an investigation within such said strata lot to determine the FIIC or STC rating of such flooring, and if within a strata lot where hard surface flooring has been installed and subsequent to undertaking an investigation, it is determined the FIIC/STC rating of such said floor does not meet the requirements in accordance with #2, the owner will be required to:
  - (i) pay for all costs relating to such investigation to determine the FIIC/STC rating of the flooring material, and
  - ii) upon written demand notice from the council, remove or otherwise upgrade the installation of the underlay and/or hard surface flooring within such said strata lot at the owner's own cost and expense to meet the minimum FIIC/STC requirements of 65 or greater (the exception being the original slate, stone, or ceramic tile as installed by the developer and those units which are not directly located above any other unit at the strata corporation).
7. Any owner/resident residing within a strata lot in which hard surface flooring has been installed must at all times take preventative measures and action to reduce any noise transference to any other strata lot. Notwithstanding the generality of this Bylaw, an owner/resident must ensure that all furniture that is moved on a frequent basis is affixed with felt under pads or equivalent; that no hard-soled footwear is worn extensively by any person while in the strata lot, and that area rugs/carpets are placed in high traffic regions of the strata lot, including all bedrooms.
8. An owner in contravention may be subject to a fine of up to \$200.00 per complaint. Repeated complaints may also result in the removal of the flooring and reinstallation of carpet.