



Ted Mann  
613-722-1500

## **A/C – It’s cool to have, but where do you put it?**

**By Ted Mann**

Winter is on the way, and it’s a good time to think about how we’ll beat next year’s heat without the summer sun clouding our vision. Air conditioning is the most obvious and easiest solution, but where does one put an air conditioning unit on the exterior of one’s home? As with many other aspects of owning a home, there are legal issues with air conditioning that you should consider when installing an exterior unit.

If you are in a condominium, you must obtain the Board of Directors’ approval for the placement of your exterior unit. Everything on the outside of your home, in most condominiums, is a “common element,” and therefore owned by all of the unit owners. As a result, you generally need the consent of the condominium corporation before placing anything, including an air conditioning unit, on the exterior of your unit.

In some highrise condominiums, exterior window units are forbidden due to the damage they can cause to the outside of the building. Other highrises (as well as townhome developments) have rules about air-conditioning placement, making approval unnecessary so long as those rules are followed. If you have any doubt, you should contact your condominium management and obtain written confirmation on the rules and procedure governing the placement of your air conditioner.

What about if you are in a freehold townhouse? Two issues remain that should be of concern to you. First, there are City by-laws restricting the location of your air conditioner in relation to the lot lines. It is a good idea to check with the City on how far back from the line your air conditioning unit must be. If you put it too close, you risk having to move it if there is a complaint.

If you are in an end unit, you should also be aware of the possibility that there is a right of way along the side of your property allowing interior unit owners to access their backyards. In other situations, there may be sewer or utility easements along the side of the end unit (your survey will show you this information). In either case, you must keep the relevant area clear and ensure that the air conditioning unit does not encroach on the right of way or easement.

If you have a single family home in an older neighbourhood, you must also contend with the City by-laws setting out minimum distance of air conditioning units from the lot line. There are also concerns about encroachments. Placement of an air-conditioning unit may restrict the use of a shared driveway. This will give rise to a legitimate complaint by the neighbour who shares the driveway and a possible requirement to move it. In other instances, placing a unit on the side of your house may actually encroach on your neighbour’s property. This will of course be contrary to the City by-laws, but it may also cause problems with your neighbour, or even with a subsequent purchaser of your house who discovers the encroachment.

In short, be prudent before being cool – do your homework so that your air conditioning is only a welcome relief from the warm weather, and not a source of heat from your condominium corporation, your neighbour, or the City.

Ted Mann’s clients benefit from his extensive background and experience in all aspects of general business law, corporate and commercial law, commercial and residential real estate, wills and estates, transactions, franchise law and securities law. Ted has over 25 years of experience in the practice of law.