



# GECOSEI

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## **Legitimizes the lift installation to eliminate architectural barriers although creates uncomfortable using stairs.**

It legitimizes the lift installation to eliminate architectural barriers deliberate the assembly with the majorities in art. 2 of Law no. 13/1989 in derogation of the quorum provided for by art. 1120 cc "Ordinary" for innovations. This even if the elevator realization involves cutting of the step space and the consequent reduction of the width of the scale condominium.

In assessing whether the innovation might prejudice the use or enjoyment of the common thing, it must balance the various interests at stake and, therefore, "weigh" the hardships of condominiums compared to the normal use of the common good, with the right of persons with disabilities the elimination of architectural barriers, also in implementation of the general principle of communal solidarity.

This is, in short, the principle expressed by the Court of Cassation by ruling no. 16846 of August 5, 2015

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