



Instruction Guide 21

What to Know about Record Keeping

Important Notice: This Instruction Guide has been prepared by the Superintendent of Real Estate to provide information about the *Strata Property Act* (the “Act”). This is only a guide to certain parts of the Act and Regulations. Please consult the Act and Regulations to determine the complete and precise requirements of the Act and Regulations. In addition, please remember when reviewing statements about the Standard Bylaws that they may not apply until January 1, 2002, and even when they do apply, they may have been amended or removed if the strata corporation has filed bylaw amendments in the Land Title Office. Please check all filed bylaw amendments to determine whether and how the Standard Bylaws may have been amended.

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1. Strata Corporation Records

Records to be Kept Current:

The records that must be kept current and up to date by the strata corporation are:

- a list of strata council members, including either a phone number or other method by which the council member may be contacted at short notice (as long as the method is not prohibited in the bylaws);
- a list of owners, with their strata lot addresses, mailing addresses if different, strata lot numbers as shown on the strata plan, parking stall numbers, if any, and unit entitlements;
- the names and addresses of mortgagees who have filed a “Mortgagee's Request for Notification” (Form C);
- the names of tenants, and any assignments of voting or other rights by landlords to tenants; and

- the Act, Regulations, bylaws and rules.

Records to be Kept for Two Years:

The only record that must be kept for at least two years by the strata corporation is:

- correspondence sent or received by the strata corporation and strata council.

Records to be Kept for Six Years:

The records that must be kept for at least six years by the strata corporation are:

- minutes of annual and special general meetings and strata council meetings, including the results of any votes;
- books of account showing money received and spent and the reason for the receipt or expenditure;
- any waivers of general meetings and consents of resolutions;
- the budget and financial statement for the current year and for previous years;
- income tax returns, if any;
- bank statements, cancelled cheques and certificates of deposit;
- any Information Certificates issued; and
- financial records obtained from the Owner Developer.

Records to be Kept Permanently:

The records that must be kept permanently by the strata corporation are:

- any resolutions that deal with changes to common property, including the designation of limited common property;
- any decision of an arbitrator or judge in a proceeding in which the strata corporation was a party;
- any legal opinions obtained by the strata corporation.

Records Obtained from Owner Developer to be Kept Permanently:

The records that must be delivered to the strata corporation by the Owner Developer at the first annual general meeting and kept permanently by the strata corporation are:

- the registered strata plan and any strata plan amendments registered at the Land Title Office;

- plans required to obtain building permits and any amendments to the building permit plans;
- Disclosure Statements and amendments, if any;
- the Rental Disclosure Statement, if any;
- the names and addresses of all contractors, subcontractors and persons who primarily supplied labour or materials to major components of the project;
- the name and address of the project manager, if any;
- the names and addresses of technical consultants, including any building envelope specialists, if any; and
- any document that indicates the actual location of a pipe, wire, cable, chute, duct or other facility for the passage or provision of systems or services, if the Owner Developer believes they are not shown on the plan submitted to obtain the building permit.

Records to be Obtained from Owner Developer to be Kept for Other Limited Periods:

The records that the Owner Developer must deliver to the strata corporation at the first annual general meeting which strata corporation must keep are:

- contracts to which the strata corporation is a party, including insurance policies for at least six years after the contract or policy ends;
- all manuals, schematic drawings, operating instructions, service guides, manufacturers' documentation respecting the construction, installation, operation, maintenance, repair and servicing of any common property or common assets for as long as the strata corporation retains the common property or common asset to which they relate; and
- all warranties for as long as the strata corporation retains the common property or common asset to which they relate or until the warranty expires (whichever comes first).

[Note: The Owner Developer may be required to deliver other documents to the strata corporation at the first annual general meeting, which are not described above. For more information please see Instruction Guide 2, "The Role and Responsibilities of Owner Developers".]

2. **Keeping Records**

The strata council:

- is responsible for keeping records on behalf of the strata corporation; but

- may delegate record keeping to a strata manager.

A strata manager:

- must keep records in accordance with the Act, Regulations and his or her contract;
- must return all strata corporation records that are in his or her possession or control within four weeks of the strata management contract ending; and
- who fails to return all records to the strata corporation within the required time must pay to the strata corporation \$1,000. This fine may be enforced through the courts.

The Owner Developer:

- must keep records in the same manner as the strata corporation when acting for the strata corporation;
- must provide the strata corporation with certain records (described above) at the first annual general meeting of the strata corporation, and if the Owner Developer fails to provide the documents, and the strata corporation must pay money to obtain any missing documents, the Owner Developer will owe that sum of money to the strata corporation. This sum can be collected by the strata corporation registering a lien against **one** of the Owner Developer's strata lots, if the Owner Developer still owns one or more strata lots;
- must keep all financial records, which relate to the strata corporation's finances while he or she acted for the strata corporation, for two years following the transfer of control of the strata corporation to the owners, and during this two year period must:
 - make these records available for inspection, free of charge to the strata corporation; and
 - allow the strata corporation to copy or audit the records at the expense of the strata corporation.

3. **Obtaining and Inspecting Records**

The following parties can inspect, at no charge or request copies of strata corporation records:

- strata lot owners;
- tenants who have been assigned an owner's rights to the records;
- tenants who are family members, as defined in the Regulations;

- tenants who have leases of three years or greater; and
- persons authorized in writing by a strata lot owner or tenant to access the records.

Tenants other than the tenants noted above, cannot have access to strata corporation records, except the bylaws and rules.

Parties must be permitted to inspect or receive any requested copies of:

- the bylaws and rules within one week of the request; and
- all other records within two weeks of the request.

The costs that apply for copies of the strata corporation's records are up to 25 cents per page.

References:

Sections of the Act: 5, 22, 23, 35-37

Regulations: 4.1 - 4.3