



## Instruction Guide 23

# Information Certificates

**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. **Timing**

The strata corporation is required to provide the "Information Certificate" (Form B) within one week of the request.

### 2. **Who is Permitted to Request a Certificate?**

An owner, purchaser or person authorized by the owner or purchaser may request a Form B.

- an owner under the Act is:
  - a registered owner of a strata lot, and includes trustees who hold title for the benefit of someone else;
  - a registered owner of a leasehold strata lot in a leasehold strata plan (who is referred to in the Act as a "leasehold tenant"), and includes trustees who hold title for the benefit of someone else;

- a person registered on title as a holder of an agreement for sale of a strata lot, and in this case, the registered owner will not be an owner under the Act; and
- a registered holder of a life estate (which is referred to in the Act as a "tenant for life") and in this case, the registered remainder owner will not be an owner under the Act.
- a purchaser under the Act is:
  - a person who enters into an agreement to purchase a strata lot or to acquire a strata lot lease in a leasehold strata plan, but to whom the strata lot or strata lot lease has not yet been conveyed or assigned.

The Act does not provide that the agreement to purchase a strata lot be unconditional or free of subjects.

### 3. **Who is Responsible for Preparing the Form B?**

The Act makes the strata corporation responsible for providing the form. However, under the Act, the strata council carries out the duties of the strata corporation.

Where a strata corporation has employed a strata manager, it is often the strata manager who has the information necessary to complete the Form B. The responsibility for directing the strata manager, however, remains with the strata council.

### 4. **Information to be Disclosed**

The Form B must disclose the following information in respect of the strata corporation and the strata lot as of the date of the certificate:

- the monthly strata fees payable by the owner;
- any amount that the owner owes the strata corporation (other than an amount paid into court or to the strata corporation in trust);
- any agreements by which the owner takes responsibility for expenses relating to alterations to a strata lot, the common property or the common assets;
- any amount that the owner is obligated to pay in the future for a special levy that has already been approved and the date by which the payment is to be made;
- any amount by which the expenses of the strata corporation for the current fiscal year are expected to exceed the expenses budgeted for the fiscal year;

- the amount in the contingency reserve fund minus any expenditures which have already been approved but not yet taken from the fund;
- any amendments to the bylaws that are not yet filed in the Land Title Office;
- any resolution passed by a  $\frac{3}{4}$  vote or a unanimous vote that is required to be filed in the Land Title Office but that has not yet been filed in that office;
- any notice that has been given for a resolution that has not been voted on, if the resolution requires a  $\frac{3}{4}$  vote or unanimous vote or deals with an amendment to the bylaws;
- any court proceeding or arbitration in which the strata corporation is a party and any judgments or orders against the strata corporation;
- any notices or work orders received by the strata corporation that remain outstanding for the strata lot, the common property or the common assets;
- the number of strata lots in the strata plan that are rented; and
- any other information required by the Regulations.

[Note: Although the Act indicates any other information required by Regulation, there is no Regulation at this time that requires additional information.]

#### 5. **Documents to be Attached**

The following documents must be attached to the Form B:

- the rules of the strata corporation;
- the current budget of the strata corporation;
- the Owner Developer's Rental Disclosure Statement (if one was filed); and
- the following as may be required:
  - agreements under which the owner has taken responsibility for expenses relating to alterations to a strata lot, common property or common assets;
  - resolutions requiring a  $\frac{3}{4}$  or unanimous vote not yet voted on, or approved but not yet filed with the Land Title Office;
  - resolutions to amend the bylaws that have not yet been voted on, or bylaw amendments that are approved but not yet filed with the Land Title Office;
  - details of court proceedings or arbitrations involving the strata corporation;
  - outstanding notices or work orders for the strata lot, common property or common assets.

6. **Certificate Binding on Strata Corporation**

The information disclosed in the Form B is binding on the strata corporation in its dealings with a person who relied on the certificate and acted reasonably in doing so.

7. **Fees**

The maximum fee a strata corporation can charge for a Form B is \$35 plus the cost of photocopying up to 25 cents per page.

**References:**

Sections of the Act: 59

Sections of the Regulations: 4.4