
Condo Smarts

Headline: Before you sell your unit!

Topic: Buying and Selling

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Written by: Tony Gioventu

Dear Tony: I was in the process of adding my son to my title for estate purposes and contacted our property manager for a Form F which is required for the transfer and title change. The property manager advised this is only requested by the lawyers and they would not provide me with a Form F. How will an owner identify if there are any outstanding fees or penalties due, if they are not permitted to request and receive a payment certificate for their unit? It would be unfair to hold the form until the last minute and would prevent an owner from demanding details of any claimed debts owed or disputing these claims.

Jo S, Ladysmith

Dear Jo: Within one week of the request of an owner or purchaser, or a person authorized by an owner or purchaser which is frequently the sales agent or lawyer of the parties, the strata corporation must give the person making the request the form if the owner does not owe any money to the corporation. If the owner owes money, but the amount claimed has been paid into court or to the strata corporation in trust, or arrangements for the have been made for the money owing, which is usually an undertaking from a lawyer or notary, the form must still be provided.

The Form F Certificate of Payment is required for a sale or transaction of a strata lot, such as an additional title holder. The form is valid for 60 days from the period of the request, and the corporation may charge \$15 for the provision of the form.

When completing the form, the strata corporation may include money owing such as strata fees, special levies, interested permitted on fees and levies, work orders, bylaw fines and the cost of remedying the contravention of a bylaw or rule, work orders by an authority, or a strata lot's share of a judgement. A Form F must not

include claims of damages against an owner or insurance deductible, that have not been determined by a court, arbitration, or the Civil Resolution Tribunal.

Before an owner sells, I encourage them to obtain a Form F at least 30 days in advance of the sale. This gives the owner an opportunity to determine if there are any claimed fees owing, obtain details of the claims, file a claim in the courts or the tribunal if necessary, and pay the amount into trust pending the result of the dispute.

Most sellers simply leave the request of forms to the buyer or their agents, and the lawyer or notary who is conducting the transaction to request the forms without scrutinizing any claims of debts owing. If there is an amount claimed in disagreement, the seller has no time left to dispute the claim if the forms are requested within a week of the transaction. This could have a substantial impact if there are sufficient bylaw fines or penalties charged to the unit. The other impact is the cost of the Form. It is only \$15 if the form is requested a week before the purchase or longer, but if you or your representative requests the form in less than 7 days, a rush fee may be imposed and that is often a cost of several hundred dollars you cannot dispute.