

## Form B: Information Certificate Disclosure Requirements

### Under the *Strata Property Act*, what information do we disclose on a Form B that identifies?

*“any court proceeding, arbitration or tribunal proceeding in which the strata corporation is a party and any judgments or orders against the strata corporation?”*

Buyers may reconsider their purchase if there is a history of lawsuits, arbitrations or tribunal judgments or orders involving a strata corporation. The strata corporation’s obligation is to disclose the “details” of all active legal proceedings and all decisions and orders made against it. It is up to potential buyers to determine whether they investigate those matters further, and for them to consult their lawyers for advice.

The *Strata Property Act* as part of the Form B Information Certificate, requires strata corporations to maintain and disclose any judgements or orders against the corporation,

- Section 35 of the Act, identifies what records a strata corporation must prepare and retain.
- Section 20 of the Act identifies the Records that must be provided by the Owner Developer, and provided to the strata corporation as part of their records.
- Section 36 of the Act defines who may request documents and records and the time periods they must be provided.
- Regulation 4.2 Establishes the maximum fees that may be charged for copies at 25 cents per page.
- Regulation 4.1 Identifies the method of contacting strata council and what records must be retained for specific periods. Those are summarized on the attached bulletin.

- Section 59 of the Act sets out the obligations of information and disclosure that must be provided to the requesting party

The strata corporation must retain the following documents permanently:

35 2 (h) any decision of an arbitrator or judge in a proceeding in which the strata corporation was a party, and any legal opinions obtained by the strata corporation;

On a Form B Information Certificate the strata corporation must disclose:

59 (j) *“any court proceeding, arbitration or tribunal proceeding in which the strata corporation is a party and any judgments or orders against the strata corporation?”*

The best practice is for the strata corporation to maintain an aging list of decisions and orders made against it. This list can easily be updated with additions, and attached to the Form B Information Certificate. Minimally, it should identify the date and case citation number or jurisdiction, if any, so that the buyer can review further. For Example:

#### Previous Judgments or Orders against Strata Corporation

August 15, 1999                      *John Smith vs. The Owners, Strata Plan ABC 1234, 1999 BCSC 21 (Supreme Court)*  
March 22, 2019                      *Jane Doe vs. The Owners, Strata Plan EFG 12, BCHRT 10 (Human Rights Tribunal)*

#### Current Legal Proceedings

*Strata Plan ABC 1234 vs Sunshine Cleaning Ltd. (BC Civil Resolution Tribunal)*

For more detailed information download bulletin on 400-014 Record Keeping

