

Condo Smarts

Headline: Who has access to information
Topic: Access
Publication date: December 19, 2010
Publication: The Province
Written by: Tony Gioventu

Dear Condo Smarts: What happens when a buyer wants access to information regarding a condo and the strata council will not release the information? In October we were looking at a condo in Nanaimo and some questions came up about the carpets being replaced in the hallways. A strata council member, that we met in the lobby, said the strata was just upgrading the carpets as part of a long-term plan. An owner on the 2nd floor we later met, asked if we liked the new carpets, and then went on to explain the length of time it took for the insurance claim to settle. We were instantly concerned that the council were trying to withhold information from us, so we asked our agent to obtain a copy of the insurance policy and find out what the claim was about. The strata council responded that they could only release information to the owner of the strata lot and refused to supply our agent with a copy of the requested documents. After ten days we chose to let the deal collapse with none of the subjects removed. How do we get the critical information we need to make a decision?
Mrs. EC Cooke, Saskatoon

Dear Mrs Cooke: The Strata Property Act does make provisions for the supply of documents including contracts. Section 35 of the Act sets out the documents and records the strata must maintain, and section 36 details the provisions of how to obtain the records. An owner, tenant who has been assigned a landlord's rights, or person authorized in writing by the owner or authorized tenant, may request and receive the documents. In British Columbia, most sales listing agreements signed by the owner(s), authorize the listing brokerage to obtain information concerning the property from any person, corporation or

governmental authority. It also usually authorizes the listing agent to inspect or obtain the documents or records the strata corporation is required to prepare under the Act. The listing agent, if the owner was unavailable, was most likely given the authority to access the information. So buyers could contact the listing agent or have their agent make the same arrangements on their behalf. You do raise a very important issue in purchasing a strata unit though. When you buy a detached bare land or individual unit, your personal insurance history and risks will travel with you, and your personal policy will reflect your history and the construction and features of the detached/bare land home; however, when you buy into a strata you are buying into the shared history and risk of that community, including the additional common shared liability of the bare land strata. You may be purchasing into an apartment type strata that, as a result of a number of water claims over the previous years, now has a \$100,000 water escape deductible. Yes, that could mean if you overflowed your bath tub and flooded the building, you could be responsible for the \$100,000 deductible cost. It is a piece of information worth knowing, before you buy. It is also important to note that the legislation has also been modified and now permits past owners and past authorized tenants access and to request the prescribed documents for the period that they were owners and tenants. Remember strata corporations may charge 25 cents per page per copy for the requested documents.

For more information on CHOA resources and benefits visit www.choa.bc.ca
or contact the office at 1-877-353-2462 or email office@choa.bc.ca.

No part of this publication may be reproduced without the prior written permission of CHOA

This publication contains general information only and is not intended as legal advice. Use of this publication is at your own risk. CHOA will not be liable to you or any other person for any loss or damage arising from, connected with or relating to the use of this publication or any information contained herein by you or any other person.