

Strata Living

Headline: Who owns the records?
Topic: Record Keeping, Access to Information
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Dear Tony: Our strata corporation has a management company who maintains our records and documents as part of our contract. The strata council have recently requested copies of The Form B information certificates and any alteration agreements with owners to ensure we have an inventory of the alterations and can plan for future budgets and upgrades as necessary. We requested copies of the documents dating back to 2007, when our strata corporation originated, as we do not have a master list of the agreements or records. The management company have advised that this information is confidential and they cannot provide the copies of the agreements and the Forms as requested. What happens to the records if we fire the company and became self managed? Wouldn't they have to be returned to the strata corporation anyhow?

John K.

Dear John: The records and documents that the strata corporation must maintain are listed under Section 35 of the Strata Property Act. The Regulations under the Act set out the time periods of retention for each of the records. Section 35 specifically identifies written contracts and Form B Information Certificates. The records must be maintained by the strata corporation, and as the agent of the

corporation, the strata management company are maintaining those records on your behalf. They are the records of the strata corporation, whether self managed or managed. The strata management company is obligated to comply with lawful instructions provided to the strata corporation, so the council should pass a resolution at a council meeting, instructing the management company to provide copies of those records. Like the maintaining of records, the obligation for privacy is also that of the strata corporation, and the strata council have access to all of the records, but will still have an obligation to protect personal information and comply with the Personal Information Protection Act in BC. (PIPA). If the management company are not complying with the instructions of the strata corporation, that may be both a contractual issue and a compliance issue under the Real Estate Services Act, Regulations and Rules of the Real Estate Council. If this is the case, your strata council may wish to contact a compliance officer, 604.683.9664, at the Real Estate Council.

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