

Condo Smarts

Headline: The necessity to rely upon official documents

Topic: Record Keeping

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Dear Tony: We have been following a number of your columns this fall on easements and have discovered our strata has an easement with a neighbouring property that requires us to maintain and repair the fence dividing our two properties on our upper elevation and maintain surface drainage to avoid property damages. We have always managed to do this, but we are hoping you would write a column about how important it is for property owners which includes strata corporations, to have complete records of all of their documents filed in the Land Title Registry. We were preparing for a battle with the neighbour over the fence costs and had spent almost \$5,000 in consulting until an owner gave us your column and suggested we search for any easements. It has been a great help and as recommended we are having our lawyer look at the terms and validity of the easement before we proceed.

Thank you, Katie Matthews

Dear Katie: Your letter is a perfect example of why every strata corporation needs to identify and print every registered document for their strata plan in the Land Title Registry. In some cases, such as a bare land strata this could also include searches on individual titles for items such as building schemes.

If you are on a strata council the most important thing you have to ask yourself: how do we make decisions on budgets, bylaws, property issues and operational issues if we don't have all of the documents that relates to our strata?

Step 1 Order all of your Land Title Documents filed on your Common Index and General Property Index. Print each document and save a digital file that can be shared with council, the property manager and posted to your strata web site. A copy of your registered strata plan, schedule of unit entitlement and schedule of voting rights or interest on destruction if they apply to your strata

corporation are essential. Print all other property instruments such as easements, covenants, right of ways and air space parcel agreements. There is a onetime cost to access the registered documents; however, think of the consequences. Decision making without reliable information! Accuracy is critical. The number of misinterpretations, misquotes or selective conversions of technical information to benefit individuals is appalling. Every week our offices assist strata corporations who are using modified or draft schedules of unit entitlement originally provided by the owner developer or because a treasurer or council president discovered they could pay lower fees if a modified or rounded up schedule was created.

Step 2 Create an operations binder/website site indexing documents. The binder/site includes all registered Land Title documents, including the strata bylaws, the ratified rules of the strata, insurance policies, minutes of meetings, contracts of all service agreements, the strata management agreement, financial statements, annual budgets, all resolutions and accounting that apply to current special levies, copies of any court, arbitration or Civil Resolution/Human Rights Tribunal orders involving the strata corporation, any orders issued by an authority in BC and a copy of your depreciation report, and your annual maintenance and service plan. If you don't have a web site, the retiring council members pass the binder on to the new members. Strata councils will find their jobs much easier if they are each provided with accurate and complete information resulting in better decisions, reduced conflicts and a proactive ability to make decisions at council meetings. For council use only, you may also include a monthly financial report and receivables report which are directly linked to bylaw enforcement, and other items that may require management under the *Personal Information Protection Act*. This is a great job for the strata secretary and fresh way to start off each year.