

Strata Living

Headline: Charging extra fees

Topic: Contracts, Access to Information

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Written by: Tony Gioventu

Dear Tony: We requested a meeting with our council or the strata manager to view various documents of our strata corporation. What we want to see is a copy of the signed contract our strata claims to have in place for landscaping and snow removal. The contractor is an owner who has been in conflict with a number of neighbours over the years. Other than the total amount paid for services each year no one knows the details of the contract and now we are getting all kinds of push back from council members about confidentiality and contract commitments. We have already had our first snow and nothing was done to salt the sidewalks or hills. The manager and the strata told us we will have to pay \$50/hr to see the contract but we cannot seem to find anything in the Act that permits them to bill us.

JHL Kelowna

Dear JHL: Neither the management company nor the strata corporation is permitted to charge you any fees to inspect records. If the management company has required such a fee you may want to consider filing a complaint with the Real Estate Council of BC at 1.877.683.9664 or www.recbc.ca. On the website there is a bar to select "file a complaint".

The management company does not have the authority to charge an owner an inspection fee. Fees are charged to the strata corporation within the terms of their agreement with the strata manager and, in turn, the strata is not permitted to charge a back fee to the owner to inspect the records. This includes any other types of administration or user fees being imposed by the management company, including fees for collections. When a fee is being charged or authorized through the management company, that fee will be stipulated in the strata management agreement and it

is the manager acting as the agent, charging the fee on behalf of a strata corporation if the fee is permitted.

My recommendation to owners is pay the 25 cent fee, request copies of either specific or all service agreements and contracts between the strata and suppliers, including insurance and managers. This will give you evidence of the transaction as the Act requires the document must be provided within 14 days.

A better solution that eases the burden on managers and strata corporations, plus ensures a corporations history of transactions, is for the strata corporation to create a web site for the storage of records. They ensure security, create a password for the site, permit documents to be uploaded but not downloaded and allows owners access to only view records. It's a simple solution and solves a lot of problems. By requesting a copy of the records, you have a definite time line for response and a valid reason to file a complaint with the Civil Resolution Tribunal if the strata corporation fails to provide the records.