

Condo Smarts

Headline: The First AGM of the Strata Corporation
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Dear Condo Smarts: Our strata corporation is three years old and we are starting the process of having the depreciation report done for our building. One of the challenges we are facing is that we have no plans or records of our building systems. Our depreciation planner has indicated that they need a copy of our prints, plans and drawings for the building. We have contacted the developer who claims to have provided them to the strata corporation at the first AGM, but no one in our strata, including the members of the first council have any recollection of any documents or records being transferred to the strata. Our building does have a resident manager's office, but there are no records in there or any other location. How do we obtain the records without going through a significant expense? *John Martins, Coquitlam*

Dear John: In summary, at the first Annual General Meeting (AGM), the owner developer must give the strata corporation copies of all of the following: (i) all plans that were required to obtain a building permit and any amendments to the building permit plans that were filed with the issuer of the building permit; (ii) any document in the owner developer's possession that indicates the actual location of a pipe, wire, cable, chute, duct or other facility for the passage or provision of systems or services, if they differ from the original filed for the building permit, (iii) all contracts entered into by or on behalf of the strata corporation; (iv) any rental disclosure statement that was filed (v) the registered strata plan from the land title office (vi) names and addresses of all contractors, subcontractors and persons who supplied labour or materials to the project, (vii) warranties, manuals, schematic drawings, operating instructions, service guides, manufacturers' documentation, and related service and maintenance requirements, and (viii) and all records required to be prepared or retained by the strata corporation under section 35 of the Act.

Essentially these are all of the operating and business documents of the strata corporation that are necessary to operate. Many owner developers engage a strata management company to act on their behalf in the initial operations of the strata corporation. It is possible that the records and documents were provided to the strata manager, in which case the strata council should contact your strata manager and establish what records were provided. Review the minutes of the first AGM to determine if there was a transfer of records and any inventory of the records that were transferred. If the owner developer failed to provide the complete documents, and the strata corporation must pay money to obtain a document required under the Act, the amount of the payment is money owing to the strata corporation by the owner developer. If your strata is relatively new, and the owner developer still owns units, this is a significant application. The strata corporation may calculate the money paid and apply it to a lien to one of the developer's unsold units. This secures the interest of the strata corporation. The strata corporation may also seek a court action to recover the payment to obtain the records if the lien option is not possible. The best practice for every strata corporation is to create a complete inventory of the types of records, documents and warranties that must be provided, and identify to the owner developer who will be the recipient of the records and documents required under Section 20 of the Act. At that point the strata's representative verifies the documents, and identifies any missing materials. Contact the owner developer in writing and request any of the missing information. The first AGM and the creation of the records are one of the most important steps in getting your strata off to the right start. Back tracking and searching for missing records will be costly and time consuming.

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