

**Condo Smarts**

Headline: Engineering Reports: Who has access?

Topic: Access; to Information

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Written by: Tony Gioventu

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**Dear Condo Smarts:** What type of information are buyers entitled to? We are looking at an older unit in a strata corporation that had a partial building envelope repair done in 2006. The south wall and exposed stairwells were essentially replaced and the rest of the condo looks in great condition, but we want to make sure that the strata corporation has been conducting proper maintenance and inspections since the repairs. We requested copies of the Form B Information Certificate, including the depreciation report and any engineering reports, but the strata corporation advised that since they are not required to retain them so they were not retained after 2011. The 5 year warranty expired in 2011, so even those documents were not retained. We are a bit suspicious now that no one can give us information about the remaining condition of the building exterior, and there have been no further updates. We are concerned that the strata corporation has not retained the documents from the repairs and may be hiding something from us. Is there another way of obtaining the reports or documents?

*Gerry Schneider, Burnaby*

**Dear Gerry:** There are many documents that a strata corporation is required to retain under Section 35 of the Strata Property Act, but those are different from what they must include with a Form B Information Certificate. If a buyer requests an Information Certificate, the strata corporation must attach a copy of the most recent Depreciation Report, but they are not obliged to attach any other documents such as engineering reports or warranty documents. An owner, a tenant authorized by an owner, or a person authorized by the owner, may request any or all of the documents set out in Section 35 of the Act. It includes financial and banking information, minutes of meetings, decisions of an arbitrator or judge in which the strata was a party, legal opinions obtained by the strata corporation, the legislation, bylaws and rules, the registered strata plan, the rental disclosure statement of the owner developer, any assignments of parking by the owner developer, and a registry

of owners, tenants. In December 2011, amendments to the legislation also included, depreciation reports, and any reports obtained by the strata corporation respecting repair and maintenance of major items in the strata corporation along with engineering reports, risk management reports and sanitation reports that was added. Unfortunately, the regulations that define the period of time to retain these additional documents have not yet been adopted but expect those soon. So in a quirk of timing the strata corporation is not in breach of the legislation; however, engineering reports, depreciation reports, asset management reports, service and maintenance schedules and sanitation reports are all critical documents in the long term operations of any building systems.

Maintaining the records of the strata corporation is a daunting task at the best of times. The best practice for strata councils is to look at some type of on line storage system. At least scan your records and retain them in a digital format that can be provided for back and quick access. As a buyer, you are going to have to assess the importance of the missing documents before you make your decision. If the strata knows the contractor or the engineer, they may still have access to those records, and if the documents are available the strata corporation is entitled to charge 25 cents per page per copy to an authorized party requesting those documents.

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