

Condo Smarts

Headline: New Year's Changes to Strata Laws

Topic: Form B Information Certificate

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Dear Tony: Our strata complex is an 84 unit mixed use development in Richmond and we have had an inquiry for a new Form B that includes parking spaces allocations, but we were unaware of the changes and cannot find the new form B anywhere. Could you please advise how the changes impact strata corporations and where we could find a copy of the new Form B? Jeremy Walters

Dear Jeremy: Since the beginning of 2013 we have had a number of changes that apply to changes in Certificates of the corporation (Form B) and changes to disclosure of information that in addition to parking spaces and storage lockers also include depreciation reports and engineering reports.

The new changes now require that as of January 1, 2014, a strata corporation must disclose to a person requesting a Form B Information Certificate the following: If there are any parking stalls allocated to a strata lot, if parking is available in the absence of no allocations, and how the parking is designated.

The same conditions also apply to storage lockers. This change is valuable to buyers and sellers in that they obtain a "Certificate of the Corporation" that provides them with accurate information relating to parking allocation, designation and use for that specific strata lot. For many strata corporations this is a daunting task because they will have to start by creating an inventory of parking, develop parking plans to show how parking is being currently used, and obtain any relevant information such as registered strata plans, limited common property designations, easements granting use of parking, and owner developer licenses/leases that have designated exclusive use of parking. You may be quite surprised to discover that while certain owners believe that they have specific parking stalls allocated to their use, this may not be accurate information and either the owner developer agreements, registered limited common property,

or conditions of easements may have a significant impact on the reallocation of parking.

In addition to the parking and storage locker changes, you will also notice that the new form amended earlier, also requires a copy of the most recent depreciation report obtained by the strata corporation. This is a complete copy of the report received by the strata corporation as required by the deadline date of December 13, 2013. Remember that depreciation reports apply to all strata corporations of 5 units or more, with the exception of those strata corporations who ratify a three quarters vote annually to exempt themselves from the requirement. New strata corporations created after December 14, 2011, must comply with this requirement no later than 6 months after their second Annual General Meeting, unless they have passed a three quarters vote to exempt.

One other change that is significant is to Section 35 of the Act that relates to the strata records. The section also includes "*any depreciation reports obtained by the strata corporation*" and "*any reports obtained by the strata corporation respecting repair or maintenance of major items in the strata corporation, including engineer's reports, risk management reports, sanitation reports, and reports for any item relating to information required in a depreciation report.*" Don't forget, the strata corporation is still permitted to charge 25 cents per page per copy for these records, to offset the costs of providing records. Bulletins on the amendments and changes are posted on the CHOA website homepage @ www.choa.bc.ca .

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