

Strata Living

Headline: Privacy of records

Topics: Record Keeping

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Dear Tony: I have been trying to obtain some documents from our strata corporation for several months with no success. We had a major construction project last year with a number of changes made to the building that supposedly cost an additional \$35,000 and no one has been able to provide any evidence of the changes or the invoices and payments that were associated with the work orders. We did receive a final report on the project that showed the additional \$35,000 paid out, but have become suspicious of the transaction because the president of council told us it was a confidential agreement. The property manager has refused to release information quoting the *Privacy Act* and advising only the president could release the information. Several council members have since resigned and we are late in calling our AGM. How do we get these documents if no one will release them?

Jenna A. Cloverdale

Dear Jenna: The strata must provide copies of cancelled cheques, and books of deposit, correspondence sent or received by the strata corporation and written contracts to which the strata is a party on the request of an owner, tenant, or a former owner or former tenant during their period of residence or ownership, within 2 weeks of a request. The *Personal Information Protection Act (PIPA)* is not for the purpose of providing a shield for strata corporations unwilling to disclose information. *PIPA* sets out the requirements for how personal information is managed by corporations and institutions, specifically in your case by a strata corporation, and what personal information must be protected. *PIPA* does not override the *Strata Property Act* where the act requires the specific disclosure of records and documents. When in doubt follow the money. Request copies of the

cancelled cheques, the contracts and the specific change orders made to the contracts, which become part of that contract. The best remedy to solve many problems in a strata corporation is for the owners to take control of the business of the strata. Get involved and get on council. The president of council has no special authority allowing them to block information. Those decisions are made by a majority of council, and if the president of council is not responding and acting in consort with the property manager, it is probably time to change your council roles and perhaps your property manager as well. Informality is the undoing of many strata corporations. Insist that your strata council make the decisions collectively at council meetings, minute those decisions and report them to the owners. The Privacy Commissioner has posted an updated Information Guide for strata corporations go to: <https://www.oipc.bc.ca/announcements/1806>