

## Guide 23: Information Certificates (Form B)

### 1. **Timing**

The strata corporation is required to provide the "Information Certificate" (Form B) within one week of the request.

### 2. **Who Can Request an Information Certificate?**

An owner, purchaser or person authorized by the owner or purchaser may request a Form B.

- an owner under the Act is:
  - a registered owner of a strata lot, and includes trustees who hold title for the benefit of someone else;
  - a registered owner of a leasehold strata lot in a leasehold strata plan (who is referred to in the Act as a "leasehold tenant"), and includes trustees who hold title for the benefit of someone else;
  - a person registered on title as a holder of an agreement for sale of a strata lot, and in this case, the registered owner will not be an owner under the Act; and
  - a registered holder of a life estate (which is referred to in the Act as a "tenant for life") and in this case, the registered remainder owner will not be an owner under the Act.
- a purchaser under the Act is:
  - a person who enters into an agreement to purchase a strata lot or to acquire a strata lot lease in a leasehold strata plan, but to whom the strata lot or strata lot lease has not yet been conveyed or assigned.
  - The Act does not provide that the agreement to purchase a strata lot be unconditional or free of subjects.

*Disclaimer: the guides are periodically reviewed and updated by the Office of Housing and Construction Standards as per the date in the footer below.*

*Content that has been updated has been highlighted in **bold italic font** and will remain that way for approximately one year.*

*The guides are provided for the reader's convenience; they are not a substitute for professional advice including legal advice. Please note: the Standard Bylaws can be amended.*

### 3. **Who is Responsible for Preparing the Form B?**

The Act makes the strata corporation responsible for providing the form. However, under the Act, the strata council carries out the duties of the strata corporation.

Where a strata corporation has employed a strata manager, it is often the strata manager who has the information necessary to complete the Form B. The responsibility for directing the strata manager, however, remains with the strata council.



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**4. Information to be Disclosed on the Form B**

The Form B must disclose the following information with respect to the strata corporation and the strata lot and be current to the date of the certificate:

- the monthly strata fees payable by the owner;
- any amount that the owner owes the strata corporation (other than an amount paid into court or to the strata corporation in trust);
- any agreements by which the owner takes responsibility for expenses relating to alterations to a strata lot, the common property or the common assets;
- any amount that the owner is obligated to pay in the future for a special levy that has already been approved and the date by which the payment is to be made;
- any amount by which the expenses of the strata corporation for the current fiscal year are expected to exceed the expenses budgeted for the fiscal year;
- the amount in the contingency reserve fund minus any expenditures which have already been approved but not yet taken from the fund;
- any amendments to the bylaws that are not yet filed in the Land Title Office;
- any resolution passed by a  $\frac{3}{4}$  vote or a unanimous vote that is required to be filed in the Land Title Office but that has not yet been filed in that office;
- any notice that has been given for a resolution that has not been voted on, if the resolution requires a  $\frac{3}{4}$  vote or unanimous vote or deals with an amendment to the bylaws;
- any court proceeding or arbitration in which the strata corporation is a party and any judgments or orders against the strata corporation;
- any notices or work orders received by the strata corporation that remain outstanding for the strata lot, the common property or the common assets;
- the number of strata lots in the strata plan that are rented;
  - ***[beginning January 1, 2014] details about any parking stalls and storage lockers allocated to the strata lot and their numbers;*** and
- any other information required by the Regulations.

[Note: Although the Act indicates any other information required by Regulation, there is no Regulation at this time that requires additional information, ***except for the additional details about parking and storage that will need to be disclosed on the revised Form B, which must be used after January 1, 2014.***]

5. **Documents to be Attached**

*[Effective March 1, 2012, the new Form B lists these required attachments.]*

The following documents must be attached to the Form B:

- the rules of the strata corporation;
- the current budget of the strata corporation;
- the Owner Developer's Rental Disclosure Statement ("Form J", if one was filed);
- *the most recent depreciation report, if any;* and
- the following as may be required:
  - agreements under which the owner has taken responsibility for expenses relating to alterations to a strata lot, common property or common assets;
  - resolutions requiring a  $\frac{3}{4}$  or unanimous vote not yet voted on, or approved but not yet filed with the Land Title Office;
  - resolutions to amend the bylaws that have not yet been voted on, or bylaw amendments that are approved but not yet filed with the Land Title Office;
  - details of court proceedings or arbitrations involving the strata corporation;
  - outstanding notices or work orders for the strata lot, common property or common assets.

6. **Certificate Binding on Strata Corporation**

The information disclosed in the Form B is binding on the strata corporation in its dealings with a person who relied on the certificate and acted reasonably in doing so.

7. **Fees**

The maximum fee a strata corporation can charge for a Form B is \$35 plus the cost of photocopying up to 25 cents per page.

**References:**

Sections of the Act: 59

Sections of the Regulations: 4.4