



Best Practices for Strata Record Keeping

Welcome



What will we cover today?

- ✓ What does the *Strata Property Act* require?
- ✓ What does the Regulation say?
- ✓ What do your bylaws say?
- ✓ Best practices for records storage
- ✓ What's different if you have a strata manager
- ✓ How to respond to requests for records
- ✓ Has the CRT addressed records?
- ✓ Additional resources

What does the
Strata Property Act require?

Section 35 of the *SPA* lists all
the records a strata must
prepare or keep.

- Minutes
- List of owners and tenants
- Strata plan, *SPA*
- Bylaws and rules
- Correspondence
- Copies of LCP designations
- Legal decisions and opinions

- Books of account
- Budget and financial statements
- Bank statements
- Income tax returns
- Form B's
- Depreciation reports
- CP inspection reports and more

Section 36 of the *SPA* identifies
who is entitled to see or receive
copies of those records.

- a. Owners
- b. Tenants who have been assigned the landlord's rights
- c. Any person authorized in writing by a. or b.
- d. Former owners or former tenants, but their access is restricted to records from their time in that strata
- e. Any person authorized in writing by d.

*see s.36 for details, and more on that later

What does the
Strata Property Regulation say?

Regulation 4.1 identifies **how long** each type of document must be retained.

Ranges from “permanently” to “the current copy”, for example:

- Legal opinions – permanently
- Contracts – six years
- Correspondence – two years
- Depreciation report – current copy

*The Regulations are confusing. See VISOA’s guide.

What do *your* bylaws say?

Anything?

Most stratas have not added any bylaws on this topics but if yours has, you must follow it.

How to store records



Decide:

How? Where? Who?

How to store the records

- Online
- Paper
- Computer
- USB
- A combination

Best practice: always have a backup!

Where to store the records

Many options!

- Your own website. Google drive. Private online host.
- Filing cabinet. USB drives.
- Your own personal computer. Council computer.
- Council office or kept in your home?

Who stores the records?

- All council members? Just the president?
Just the secretary? A combination?
- If electronic, who has the passwords?
- How to balance access control with access to those who need it
- Do you share a computer with others?

Requests for Records



Requests for Records

- What documents are owners entitled to?
- What are they not entitled to?
- Who else is entitled to your strata's records?
- Timelines for response to requests

How to respond to requests for records

- First, check for the **deadline** (*SPA* or your bylaw)
- Next, is it a record they are entitled to under SPA section 36?

- Is the request for a **viewing**, or a **copy**?
- Are you providing a **digital** or **paper** copy?
- Is it readily available, or will it take you some time to gather?

- You **must** provide the records within the timelines outlined in the SPA section 36
- Sooner is better, if you can manage it

- If the request seems overly broad, ask for clarification and provide estimate
- Decide whether you will charge a fee
- Fees are optional (up to 25¢ per page)
- You can request that fees be paid first

What's different with a strata manager?

- Your manager will keep most of your records for you, for a fee (and must return them within 60 days if contract ends)

- If fees are charged for **copies** of records, the fees go to the management company not to the strata
- If fees are charged for **viewing** records, the strata pays the fee, not the requestor

Points to consider

- How to ensure privacy
- How to sort and organize your files
- Where are they kept, who has access
- How often to purge

TRIBUNAL

Has the Civil Resolution Tribunal
(CRT) addressed record keeping?

Yes – many times. Search CRT Strata Decisions for the words “records” or “document request” and you will see numerous results.

civilresolutionbc.ca

Li v. EPS1069

2020 BCCRT 403

- The owner requested many records
- The strata had separate sections, each with its own property manager

Mitha v. VR2192

2019 BCCRT 1259

- The management company held the records
- The strata refused to pay for the requestor to view the records

Supreme Court case to note



The “Kayne” case:

Kayne v. Strata Plan LMS 2375

2007 BCSC 1610

The court found that a document or record not outlined in SPA s. 35 is generally not available to an owner or tenant.

The court found that an owner is entitled to receive books of account and the associated financial records, but not the underlying bills, invoices or receipts reflected in those statements.

Other best practices



- Transparency is best
- Just because you “don’t have to” provide a record, doesn’t mean you “cannot”
- Just because you can charge a fee, doesn’t mean you must!
- Correspondence can be tricky, so refer to OIPC guidelines

Resources

Visit visoa.bc.ca for links to these and more:

- ✓ *SPA* s.35-36
- ✓ *SPA* Regulation
- ✓ Document retention guidelines
- ✓ Document request form
- ✓ Privacy resources

Other resources:

- ✓ www.gov.bc.ca/strata
- ✓ www.oipc.bc.ca
- ✓ www.stratapress.com
- ✓ www.stratacommons.ca



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