

# How to Find Strata Documents and Records

*This guide explains the different types of strata documents and records you may need.*



## How to use this guide

Refer to this guide when you want to learn about a strata document or record. It explains what the document or record should contain, and where to find a copy.

We recommend you email, save or print this guide now so you can easily refer to it during your exploration, and if you apply for CRT dispute resolution.



## Correspondence, agreements, financial records, court or arbitration decisions, and other documents

The strata is required to keep certain records and documents for specific periods of time identified in the *Strata Property Act* and Strata Property Regulation.

It is also governed by privacy legislation. The strata might no longer have the records, and may also be required to remove others' personal information in accordance with British Columbia's *Personal Information Protection Act*.



### Where to get them

- Your strata (free to inspect; fees may apply for copies; they must give you this document within 2 weeks of request)
- Land Title Registry (fees apply)





## Strata documents and records

Some documents and records in this list are available to the public. Some are only available from your strata.

You can ask for documents or records if you are:

- A strata lot owner
- A tenant assigned an owner's rights under the *Strata Property Act*
- A person authorized in writing by an owner or tenant who has been assigned an owner's rights under the *Strata Property Act*
- A former owner or former tenant or authorized person (but the documents or records must relate to the time when you were an owner or tenant)

The strata must provide copies or let you inspect documents and records **within 2 weeks of your request** (or **within 1 week if you request bylaws or rules**).

The strata can't charge you a fee to inspect the documents, but it can charge up to \$0.25 per page for copies. It can also withhold the copies until you've paid.

There might also be fees to search for and access documents found in other places, like the Land Title Registry.



## Strata Property Act, Strata Property Regulation, and Schedule of Standard Bylaws

These three documents are provincial legislation.

All strata corporations in British Columbia, including strata corporations on some First Nations territory (currently Nisga'a and Sechelt nations) must comply with the *Strata Property Act* and Strata Property Regulation.

The Schedule of Standard Bylaws apply to every strata, except for amendments filed by an owner developer or the strata in the Land Title Registry.





### **Where to get them**

- Your strata (fees may apply; they must give you this legislation within 2 weeks of your request)
- Queen's Printer (official copy; fees apply)
- BC Government websites, such as BC Laws



## **Strata bylaws**

Every strata must have bylaws. They provide for the control, management, maintenance, use and enjoyment of the strata lots, common property and common assets, and strata administration.

The Schedule of Standard Bylaws apply to all stratas, unless different bylaws have been adopted. You might need professional advice to understand which bylaws apply to your situation.

If you're facing a strata issue, read your strata bylaws. They can help you understand or resolve your dispute. Make sure you have the most current bylaws, including the ones in force at the time of your dispute.



### **Where to get them**

- Your strata (free to inspect; fees may apply for copies; they must give you all current bylaws within 1 week of your request)
- Land Title Registry (fees apply; sometimes only amendments are filed here, not the complete bylaws)



## **Strata rules**

Strata rules are adopted by council. Rules govern the use, safety, and condition of common property and common assets (not strata lots).



The strata must inform owners and tenants of any new rules as soon as feasible. Once a rule is adopted, it must be ratified by a majority vote of the owners at the next Annual General Meeting. If the rule isn't ratified this way, it ceases to have effect.

If you're facing a strata issue, read your strata rules. They can help you understand or resolve your dispute. Make sure you have the most current rules, including the ones in force at the time of your dispute.



### **Where to get them**

- Your strata (free to inspect; fees may apply for copies; they must give you copies of rules within 1 week of your request)
- Must be attached to an Information Certificate (Form B) issued by your strata (fees apply; the rules must be attached)



## **Minutes of strata council and general meetings**

If the strata council makes a decision about something at a council meeting, or if the owners make a decision about something at a general meeting, then that decision must be recorded in the meeting's minutes.

Subject to the strata bylaws, the council must notify all owners within 2 weeks of a meeting that the minutes are available. The strata must keep meeting minutes for at least 6 years.

General meeting minutes may not include the exact wording of a resolution, and may refer to the resolution contained in the general meeting notice package. If you need the exact wording, ask for the meeting notice package.



### **Where to get them**

- Your strata (free to inspect; fees may apply for copies; they must give you minutes and notice packages within 2 weeks of request)





## Registered strata plans

A strata is created by filing a strata plan at the Land Title Registry. The registered strata plan identifies boundaries of common property, strata lots, and designated areas of limited common property.

The strata plan can be amended by a unanimous resolution of the strata which must also be filed at the Land Title Registry.

In a new development, a preliminary strata plan is attached to a disclosure statement that usually changes by the time development is complete.

It's important to get a copy of the strata plan registered at the Land Title Registry, along with any amendments approved by unanimous resolution of your strata.



### **Where to get them**

- Your strata (free to inspect; fees may apply for copies; they must give you this document within 2 weeks of request)
- Land Title Registry (fees apply)



## Schedule of Unit Entitlement, Schedule of Voting Rights, and Schedule of Interest on Destruction

### **Schedule of Unit Entitlement**

The Schedule of Unit Entitlement establishes the formula that is used to determine how common expenses are divided among strata lots.

The strata must use the Schedule of Unit Entitlement when calculating common expenses, unless the formula was amended by unanimous vote of the strata filed at the Land Title Registry, or has been corrected by the Registrar of Land Titles if there was a material error in the filing.

The Schedule of Unit Entitlement is filed as part of the strata plan, or as a separate document (Form V – Schedule of Unit Entitlement) in the Land Title Registry.



The strata's General Index (explained below) shown in the Land Title Registry will show if it's filed as a separate document.

### ***Schedule of Voting Rights***

The Schedule of Voting Rights determines the number of votes allocated to each strata lot. Residential strata lots are usually given 1 vote each. But there can be variations on the registered schedule.

Non-residential strata lots are generally given voting rights based on the proportional size of their lot. For example, a residential strata lot of 92 square metres (1000 sqft) has 1 vote; a non-residential strata lot of 230 square metres (2500 sqft) may have 2.5 votes.

It's critical to have a copy of the Schedule of Voting Rights to ensure votes have been counted correctly.

The Schedule of Voting Rights is filed as part of the strata plan or as a separate document (Form W – Schedule of Voting Rights) in the Land Title Registry. The strata's General Index (explained below) shown in the Land Title Registry will show if it's filed as a separate document.

### ***Schedule of Interest on Destruction***

The Schedule of Interest on Destruction was included on strata plans filed before the Strata Property Act came into effect (July 1, 2000).

If the Schedule of Interest on Destruction applies to your strata, and the entire strata is sold or wound up for any reason, the proceeds are reimbursed to each strata lot based on the schedule.

For stratas created under the *Strata Property Act*, the Schedule of Unit Entitlement, including any amendments filed in the Land Title Registry, says how the strata proceeds are reimbursed to each strata lot after it has been sold or wound up.



### **Where to get them**

- Your strata (free to inspect; fees may apply for copies; they must give you this document within 2 weeks of request)
- Land Title Registry (fees apply)



## **General Index and Common Property Record**

### **General Index**

The General Index is a listing of filing dates and document descriptions filed with the Land Title Registry.

Documents that must be filed and included in the General Index are: bylaw amendments, changes to mailing addresses, Schedules of Unit Entitlement and Voting Rights, and resolutions such as a designation of limited common property.

### **Common Property Record**

The Common Property Record is a listing of easements, rights of way, or covenants that are registered with the Land Title Registry against the common property of the strata. It includes items such as air space parcel agreements.

Building schemes for bare land stratas are generally filed against the title of each affected strata lot.

The Land Title Registry is a filing office only. It doesn't review or approve documents filed on the General Index or the Common Property Record. It's critical to get both these documents so you can identify all the documents that were filed.



### **Where to get them**

- Land Title Registry (fees apply)





## Disclosure Statement and Rental Disclosure Statement

### ***Disclosure Statement / Prospectus***

For strata lots of 5 units or more, the owner developer must give a Disclosure Statement (previously called a Prospectus) to all prospective buyers.

A Disclosure Statement describes what the owner developer intends to build, and what the buyer will get when purchasing a strata lot. It also identifies any agreements, financial costs, projected budgets and strata fees, and conditions that will apply to the strata and strata lot.

It can be amended by the owner developer before the strata is completed.

### ***Rental Disclosure Statement (Form J)***

If the owner-developer rents (or intends to rent) 1 or more residential strata lots, a Rental Disclosure Statement (Form J) must also be provided to all prospective buyers. It establishes whether an owner may be exempt from a strata rental bylaw.

For Rental Disclosure Statements filed before January 1, 2010, the exemption applies to the first owner of a strata lot and ends when the strata lot is sold or conveyed (or when specified in the statement).

For Rental Disclosure Statements filed on or after January 1, 2010, the exemption applies to the strata lot for the period specified in the statement. You might need professional advice on whether you're exempt from a rental restriction bylaw.

If an owner developer filed a Rental Disclosure Statement, it will be included with the Disclosure Statement or an amendment to the Disclosure Statement.



### ***Where to get them***

- Your strata (free to inspect; fees may apply for copies; they must give you these documents within 2 weeks of your request)
- Superintendent of Real Estate (fees apply; make sure to ask for any amendments)







## Easement agreements

Easement agreements deal with the use, access, financial obligations, and other conditions for a strata or a strata lot.

For example, 3 different strata corporations share a swimming pool. An easement agreement would say who's responsible for maintenance and repair, who can use the pool, and how costs are shared.



### **Where to get them**

- Your strata (free to inspect; fees may apply for copies; they must give you this document within 2 weeks of request)
- Land Title Registry (fees apply)



## Air space parcel agreements

The air space above a piece of land can be subdivided, the same way a large piece of land can be subdivided into smaller pieces of land.

For example, when different property types are stacked on top of each other, like a hotel with commercial strata below and a residential strata above, the properties above ground (in this case the hotel and residential strata) are air space parcels.

Air space parcel agreements (also known as reciprocal easement agreements) determine how the different properties interrelate.

This agreement is a lengthy, complex document that sets out rights of access and use of property, as well as obligations for maintenance, repairs, inspections, insurance and servicing for shared property or assets. Costs associated with the duties and obligations of the strata under the agreement are reflected in the strata's annual budget.

Air space parcel agreements are filed in the Land Title Registry against each of the affected properties. They may also be identified on the General Index or Common Property Record of your strata.





### **Where to get them**

- Your strata (free to inspect; fees may apply for copies; they must give you this document within 2 weeks of request)
- Land Title Registry (fees apply)



## **Building schemes for bare land stratas**

The owner developer may file a building scheme that sets limits or conditions on property use or structures that can be developed on a bare land strata lot.

The building scheme must be included in the Disclosure Statement / Prospectus or any amendments, and filed with the Superintendent of Real Estate. The owner developer might have included it when they filed bylaw amendments with the strata.

A building scheme document can be filed at the Land Title Registry against the common property of the strata, or against the title of each affected strata lot.

A building scheme may limit or restrict property use or the type of structures built on your strata lot in addition to the strata bylaws. Review the building scheme (if one applies) before making changes to your strata lot or any building located on your strata lot. Also review it before constructing any new buildings on your lot.



### **Where to get them**

- Your strata (free to inspect; fees may apply for copies; they must give you this document within 2 weeks of request)
- Land Title Registry (fees apply)

