

Condo Smarts March 16, 2022

What are the maximum fees that can be charged for records?

Dear Tony: I recently requested permission to look at documents in our strata office that relate to alterations to balconies in our complex. Our strata corporation indicated we have a bylaw for this charge and the management company imposes a fee of \$100 per hour for staff to be in attendance and provide documents, which would be charged back to my strata lot. I did not request any copies, I simply wanted to review the agreements to determine what type of permission I would be required to provide to proceed with an enclosure on my balcony. I was under the impression that strata lot owners were allowed to review records and documents of the corporation and there was no charge. Where does the council get the authority to impose this condition? Is this a valid bylaw? Deliah W.

Dear Deliah: The *Strata Property Act and Regulations* set the maximum amount that may be charged for copies of records and to view records. If an owner requests copies of records the strata corporation must maintain under Section 35 of the *Act*, the strata corporation may charge a maximum of 25 cents per page per copy. The strata corporation may withhold the records until the owner pays the fee relating to the cost. A strata corporation is not permitted to charge an owner to view records that must be maintained under the *Act*. A bylaw that imposes this fee does not comply with the *Act* and is not enforceable. A strata corporation may adopt any bylaw they wish, but all bylaws and rules must comply with the *Act*, the BC Human Rights Code and every other enactment of law. The preparation of the records and time during inspections is a significant cost of time and labour to the management company. Your strata corporation may have agreed to a service fee for the management company for a rate of \$100 per hour to provide a staff person in attendance, but this cannot be charged back to an owner. Of course, all of this needs to be within reasonable expectations. If the strata corporation is not cooperative, owners may file an application with the Civil Resolution Tribunal (CRT) seeking an order for the inspection of records, but owners must be reasonable about their requests. This is not an opportunity to harass the strata corporation or manager with frivolous or excessive requests. It will become very costly and time consuming for both the strata corporation and the owners and likely end up in a Tribunal Dispute. There are several decisions on the CRT web site that relate to records access and requests. Go to: www.civilresolutionbc.ca . Under resources you will find decisions. Here you can enter any topic relating to strata disputes. Remember CRT decisions are specific to the evidence and facts relating to each specific strata corporation and dispute, and may not necessarily apply to your circumstances, but they will provide broad examples of how the Act and Bylaws are applied.

Tony Gioventu, Executive Director CHOA

Kindly note CHOA is a member-based, non-profit association. If your strata is not currently a CHOA member please consider joining – membership details are posted on our website at: <https://www.choa.bc.ca/about-choa/join-choa/>

We bring together industry experts to discuss the many issues affecting BC's strata community. Click here for a link to our archived webinars: <https://choa.bc.ca/resources/webinars/>

COVID-19: To prevent the spread of COVID-19 CHOA staff may be working remotely. During this time we are online and available by phone and email to assist with your strata questions. Please stay safe and healthy.