

CONDO LAW FOR ALBERTANS

www.condolawalberta.ca



Condominium Boards and Requests for Information

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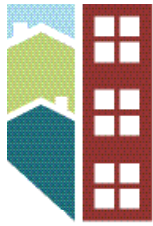


#800, 10050-112 Street
Edmonton, Alberta T5K 2J1

Phone 780.451.8764
Fax 780.451.2341
Email info@cplea.ca
Web www.cplea.ca



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Condominium Boards and Requests for Information



A condominium corporation has a legal obligation to respond to requests for certain information, depending on what is requested and who makes the request. This guide will help condo boards determine if and when they must respond to requests for information. A chart summarizing the types of document requests and fees are available at the end of this publication.



TIP

The condo corporation should record the details of any requests for information, such as the date, the person's name, and information/documents provided. It should also verify the identity of any non-owners making a request, such as buyers or mortgagees. When collecting personal information, the corporation should know its obligations under the Personal Information Protection Act (PIPA). More information on PIPA can be found on our website: www.condolawalberta.ca

ESTOPPEL CERTIFICATE REQUEST

An estoppel certificate is a statement indicating whether the unit's condo fees have been paid. Requests for an estoppel certificate should be made to the management company or to the condo board if the condo is self-managed. The following people can make a written request for an estoppel certificate:

- Owner
- Purchaser
- Mortgagee
- Lawyer of the owner, purchaser or mortgagee
- A person authorized by the owner, purchaser or mortgagee

When receiving a written request, the corporation must respond within 10 days by providing a certificate with the following information:

- The amount of the condominium contribution
- The payment schedule
- Any unpaid contributions
- The interest owing on any unpaid contributions

DOCUMENTS AND INFORMATION

Under the *Condominium Property Regulation*, there are a number of documents and information that can be requested from the condo corporation. Documents and information that can be requested are:

- An information statement that includes all of the following (also known as a “consolidated information statement”):
 - Details on:
 - Any lawsuits involving the corporation, including the amount claimed against the corporation
 - Any judgments or orders that the corporation is liable for
 - Any written demand on the corporation greater than \$5,000 that may result in a lawsuit
 - A statement outlining the amount of the capital replacement reserve fund
 - A statement setting out the dollar amount of contributions and how they are determined
 - A statement setting out any structural deficiencies known to the corporation at the time of the request
 - Loan disclosure statements for current loans (which includes documents showing the starting balance, current balance, interest rate, monthly payment, purpose of loan, amortization period and default information, if applicable)
- Details or a copy of any existing or prior management agreement
- Details or a copy of any existing recreational agreement
- Details on post tensioned cables located on or within the property as included in the condominium plan
- A copy of the corporation's budget
- A copy of the annual financial statements
- A copy of the corporation's bylaws

- For a particular fiscal year, a copy of:
 - All approved minutes (of proceedings) of all general meetings of the corporation, if available
 - If approved minutes are unavailable, then draft minutes of general meetings that occurred at least 30 days before the document request date and
 - Approved board meeting minutes
- A statement outlining the unit factors and how unit factor allocations are determined
- A copy of any lease or exclusive use agreement on the partial possession of the corporation's common or real property (including a parking stall or storage unit)
- A consolidation of all rules made by the corporation under section 32.1 of the Condominium Property Act
- A list of names and addresses for service of board members
- The text of ordinary and special resolutions voted on by the corporation and the voting results on those resolutions, other than results of a show of hands vote
- Copies of reports prepared by professionals (e.g., professional engineers). This does not include reports requested and obtained by the corporation's lawyer in relation to litigation
- Copies of insurance certificates
- Copies of insurance policies
- The current standard insurable unit description for the residential units or classes of residential units
- Copies of reserve fund plans, reserve fund reports and annual reports

The following people can make a written request for certain documents and information held by the corporation:

- Owner
- Purchaser
- Mortgagee
- Lawyer of the owner, purchaser or mortgagee
- A person authorized by the owner, purchaser or mortgagee

Upon receiving the request, the corporation has 10 days to provide the documents or information to the requestor. Requests for condominium documents should be made to the management company or to the condo board if the condo is self-managed.

**TIP**

The condominium corporation can provide the documents and information in electronic form unless the requestor specifies that they be provided in paper form.

FEES FOR DOCUMENTS

Fees may apply to document requests. The *Condominium Property Regulation* specifies how much a corporation can charge for fees. There is a maximum fee that condominium corporations can charge for certain documents, for example:

- Estoppel certificates: \$200.
- Consolidated information statement: \$100
- Any other documents:
 - If the document provided is in hard copy format and is more than 40 pages in length: \$0.25 per page
 - If the document provided is in a format other than hard copy or is not more than 40 pages in length: \$10

A “rush fee” may also apply to certain documents requested on a rush basis. For example, if a person requests the following documents to be produced and the corporation produces the document within three days of the request (excluding holidays), then the corporation may charge the following fees in addition to the applicable document fees:

- Estoppel certificate: up to \$100 rush fee
- Consolidated information statement: up to \$50 rush fee
- Any other information or document: up to \$20 rush fee

Third party providers can charge fees to deliver documents on behalf of corporations, as long as they meet certain conditions under the regulation. See section 20.53(4) of the *Condominium Property Regulation* for more information.

**TIP**

The corporation cannot charge owners for information or documents that it is required to provide (without request) under the *Condominium Property Act* or *Condominium Property Regulation* (e.g., financial statements for the AGM). It also cannot charge for information or documents that have not been requested by the person making the request.

INFORMATION/DOCUMENT REQUESTS AND FEES CHART

Type of document requested	Maximum fee	Maximum additional rush fee*
Estoppel certificate	\$200	\$100
Consolidated information statement with the following information: <ul style="list-style-type: none"> • Details on: <ul style="list-style-type: none"> ○ Any lawsuits involving the corporation, including the amount claimed against the corporation ○ Any judgments or orders that the corporation is liable for ○ Any written demand on the corporation greater than \$5,000 that may result in a lawsuit • A statement outlining the amount of the capital replacement reserve fund • A statement setting out the amount of contributions and how they are determined • A statement setting out any structural deficiencies known to the corporation at the time of the request • Loan disclosure statements for current loans (which includes documents show the starting balance, current balance, interest rate, monthly payment, purpose of loan, amortization period and default information, if applicable) 	\$100	\$50
Any other documents	Hard copy and >40 pages: \$0.25/page Non-hard copy or ≤ 40 pages: \$10	\$20

*A rush fee (on top of the maximum fee) may also apply if it is provided on a rush basis. This is when a person requests the document to be produced within three days of the request (excluding a holiday) and the corporation meets that request

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This booklet was produced for the Condo Law for Albertans project by the Centre for Public Legal Education Alberta. For further information about condominium law in Alberta, visit www.CondoLawAlberta.ca.

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