Condominium Documents



FOR OWNERS, MORTGAGEES AND PROSPECTIVE PURCHASERS

This publication is intended to provide general information only and is not a substitute for legal advice.

Information and Documents on Request

The condominium corporation, represented by the board, is required by the *Condominium Property Act* (the Act) and regulations to respond to requests for specified documents, if the request comes from an owner, purchaser, a mortgagee (mortgage lender), or the solicitor for any of these persons.

Beginning January 1, 2020 corporations must keep information or documents in accordance with Schedule 3 in the regulations. Documents may be stored electronically or in paper form.

Document Retention

To provide greater consistency and certainty that documents will be available when requested, a Document Retention Schedule is included in Schedule 3 of the Condominium Property Regulation, effective January 1, 2020.

If an owner, mortgagee or prospective purchaser requests information or documents created before January 1, 2020, the corporation must provide the information or documents that the corporation still possesses or is able to access at the time of the request.

From January 1, 2020 onward, corporations must retain each type of record for the period of time set out in Schedule 3.

Why and How to Make Document Requests

Documents and information are requested for a variety of reasons. Often, owners will request a package of documents if they are planning to sell their unit. Sometimes a prospective purchaser may want particular information that was not included in the package provided by an owner. Owners may also request documents to ensure they are well-informed about the operation of their corporation.

The request for a document, or documents, must be made in writing (including an email message) and the corporation must respond to the request within 10 days of receiving it. Often, the condominium manager will process the request on behalf of the corporation and board.

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The information and documents may be provided in electronic form, unless the person making the request specifically asks for the information and documents to be provided in paper form.

No Fees for Certain Documents

There are certain documents that must be prepared and provided to owners, and to mortgagees who have notified the corporation of their interest, under s. 26 of the Act. These documents (which are indicated in the list below with the * symbol) must be provided free of charge when the initial documents are distributed.



These documents are distributed at various times during each fiscal year. For example, the budget for the corporation would be sent to owners before the end of each fiscal year in order to inform owners of any increase in condominium contributions, which are based on the budget.

> Even though a copy of the annual budget was provided before the end of the previous fiscal year, the corporation may not charge a fee for providing a copy of the budget with the notice of the annual general meeting

Other documents, including the financial statements for the previous fiscal year and the annual report on the reserve fund must be provided to owners and mortgagees at the time the notice of the annual general meeting (AGM) is sent to owners. A copy of the budget, or an updated budget, must also be provided with the AGM notice.

Fees for Documents

Condominium corporations may charge fees, where authorized by the regulation, for producing and providing the information or documents that have been requested, except where documents must be provided at no cost.

The corporation may charge a fee up to $10 if an owner or mortgagee requests replacements for, or duplicates of, documents that have already been provided (for example: financial statements, the annual report on the reserve fund).

Where a document in the list below is provided in hard copy format, and the document exceeds 40 pages in length, the corporation may charge $0.25 per page.

If a document is provided in a format other than hard copy format, or does not exceed 40 pages in length, the maximum fee for the document in the list below is $10.

- ☐ details or a copy of any management agreement
- ☐ details or a copy of any recreational agreement
- ☐ details about any post tensioned cables (a construction method using steel cables embedded within concrete slabs, sometimes used in the construction of parkades and other structures) that are located on the property
- ☐ a copy of the corporation's budget*
- ☐ a copy of the annual financial statements*
- ☐ a copy of the bylaws
- ☐ a copy of the approved minutes of all general meetings of the corporation, if available
- ☐ draft minutes of general meetings, if approved minutes are not available, for meetings that occurred at least 30 days before the date of the request*
- ☐ approved minutes of board meetings
- ☐ a statement setting out the unit factors and the criteria used to determine the unit factor allocation
- ☐ a copy of any lease agreement or exclusive use agreement with an owner or another party related to a portion of the common property (for example, a parking stall or storage unit.)
- ☐ a consolidation of all the rules made by the corporation under section 32.1 of the Act
- ☐ the text of written ordinary and special resolutions voted on by the corporation and the results of the voting on those resolutions
- ☐ copies of reports prepared for the corporation by professionals, including professional engineers (Corporations are not required to provide copies

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of reports requested and obtained by the corporation's legal counsel in relation to actual or contemplated litigation.)

- ☐ copies of insurance certificates held by the corporation*
- ☐ copies of reserve fund plans*
- ☐ copies of reserve fund study reports
- ☐ copies of the annual reports on the reserve fund*

"Rush" Fees

If a person makes a request for any of the documents listed above, and that person wants the document(s) provided within three days of the request, excluding a holiday, the corporation may charge an additional fee up to $20 per document, subject to the corporation's bylaws. For example, if a person requests three $10 documents on a rush basis, that person can be charged three $20 rush fees for a total of $60.

The rush fee cannot be charged if a document was not requested on a rush basis or if the document was not provided within three days.

Information Statement

The corporation may charge up to $100 to produce an information statement if a person requests the following:

- ☐ the particulars of any legal action served on the corporation, including the amount (if any) claimed against the corporation
- ☐ the particulars of any unpaid judgement against the corporation
- ☐ details of any written demand made upon the corporation for $5,000 or more
- ☐ a statement setting out the amount of the capital reserve fund, as of the date the request was made
- ☐ a statement setting out the amount of the contributions and the basis on which that amount was determined
- ☐ information on any structural deficiencies that the corporation has knowledge of at the time of the request in any of the buildings on the condominium plan
- ☐ loan disclosure statements for current loans, including documents showing the starting balance, current balance, interest rate, monthly payment, purpose of the loan, amortization period and default information, if applicable

In addition to charging up to $100 for producing the statement, if a person requests that the information statement be produced within three days of the request (excluding holidays) and the corporation produces the requested document within that time frame, the corporation may charge up to $50 for producing and delivering the information statement within the three day timeframe.

The estoppel certificate connects to the owner, rather than to the unit or units. One estoppel certificate can cover multiple units. The maximum fee for an estoppel certificate is $200, or $300 if the certificate is provided on a rush basis.

If one owner has only a residential unit, and another owner has a residential unit and two parking units, the fee for each owners' certificate is still $200.

Estoppel Certificate

An estoppel certificate is a signed statement from the condominium corporation that certifies the following information:

- ☐ the amount of any condominium contribution payable by the owner
- ☐ the frequency for paying the condominium contribution (e.g. monthly, yearly)
- ☐ the amount of any contributions that remain unpaid (if any)
- ☐ the amount of any interest owing on any unpaid condominium contributions

The corporation may charge a fee for preparing and producing the certificate. The maximum amount of the fee is $200. If a person makes a request for this document and wants the document provided within three days of the request, excluding a holiday, the corporation may charge an additional fee up to $100, subject to the corporation's bylaws.

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Section 43.2 of the Act describes what is included in an estoppel certificate. This section does not reference estoppel certificates related to units; it allows for someone to request a certificate that outlines the contributions and arrears attributable to that owner. As such, the legislation does not make a distinction between an estoppel for a condominium's residential unit and parking unit, but rather connects the estoppel certificate to the owner. Because one estoppel certificate can cover multiple units, the maximum fee for an estoppel certificate can only be $200, or $300 if the owner requests the certificate on a rush basis.

Notification of Insurance Coverage Changes

The Act requires the corporation to provide notice of the following changes to the owners, along with a copy of the insurance certificate, if there is a change in the corporation's insurance related to:

- ☐ the deductible
- ☐ replacement value of the coverage
- ☐ additions to permitted exclusions
- ☐ the standard insurable unit description for a residential unit.

This information must be provided within 30 days of the corporation's receipt of the insurance certificate.

If the corporation receives a notice of cancellation of an insurance policy, the corporation must provide written notice of the cancellation to all unit owners as soon as possible.

The corporation may charge owners a $10 fee for replacing or duplicating insurance notification documents that have already been provided to them.

Documents Provided with Notice of Annual General Meeting

At the time a corporation sends the notice of an annual general meeting to an owner or a mortgagee the corporation must include the following documents with the notice:

- ☐ copies of the financial statements for the corporation's previous fiscal year, prepared in accordance with Canadian generally accepted accounting principles
- ☐ an annual budget for the corporation's fiscal year
- ☐ the annual report on the reserve fund



Third Party Document Providers

A party that is at arm's length from both the corporation and the condominium manager may charge a reasonable fee to provide information or documents to parties requesting documents, if the following conditions are met:

- the fee is calculated on the basis of either a charge for each document or a charge that is a percentage of the cost of the documents, but not both;
- the method for calculating the fee is set out in a contract with the party charging the fee;
- the fee is applicable to all requests from any party for any documents or information listed in this Fact Sheet;
- a mechanism is available for any party to obtain the information or documents, other than through the third party service provider.

The third party charging the fees is not allowed to share any portion of the fee with the condominium corporation, the condominium manager or an employee of the condominium corporation or the condominium manager.

If owners believe that a third party document provider's actions represent a fee that is unreasonable, or an unfair business practice under the *Consumer Protection Act*, they can file a complaint with Service Alberta's Consumer Investigations Unit.

More information on unfair practices can be found at open.alberta.ca/publications/unfair-practices-the-consumer-protection-act. Details about filing a complaint are located at. www.alberta.ca/file-consumer-complaint.aspx#jumplinks-2.

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Resource and referral information

Consumer Contact Centre

Edmonton: 780-427-4088
Toll free in Alberta: 1-877-427-4088
Email: service.alberta@gov.ab.ca

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You may purchase Acts and regulations from the website or from King's Printer Bookstore:
10611 -98 Avenue, Edmonton, Alberta T5K 2P7
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The legislation is also free for you to download in the "pdf" or "html" formats or purchase online at https://www.alberta.ca/alberta-kings-printer.aspx

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