

Estoppel certificate

43.2 On the written request of an owner, purchaser or mortgagee or the solicitor of an owner, purchaser or mortgagee, or a person authorized in writing by any of those persons, the corporation shall, within 10 days after receiving the request, certify

- (a) the amount of any contribution payable by the owner,
- (b) the frequency at which contributions are payable,
- (c) the amount of contributions payable that is in arrears, if any, and
- (d) the amount of interest owing, if any, on any unpaid balance of a contribution

and, in favour of a person dealing with that owner, the certificate is conclusive proof of the matters certified in it as of the date of the certificate.

2014 c10 s34

Information and documents on request

44(1) On the written request of an owner, purchaser or mortgagee or the solicitor of an owner, purchaser or mortgagee, or a person authorized in writing by any of those persons, the corporation shall, within 10 days after receiving the request, provide to the person making the request any prescribed information or documents as requested by that person.

(2) The corporation may provide any prescribed information or documents requested under subsection (1) in electronic form unless the person requesting the information or documents specifically requests that they be provided in paper form.

RSA 2000 cC-22 s44;2008 c43 s2;2014 c10 s35

Fees for information or documents

44.1 A corporation may, where authorized by regulation, charge fees in the prescribed amount for producing and providing any prescribed information or documents requested under section 44 or otherwise required to be provided under this Act or the regulations.

2014 c10 s35

Retention of documents

44.2 A corporation shall retain any prescribed documents for at least the period of time prescribed in relation to that document.

2014 c10 s35

- (2) The approved minutes or draft minutes provided under subsection (1) must include records of the votes held at the annual general meeting, recording the following information:
- (a) if an ordinary resolution was proposed, the results of the vote;
 - (b) if a special resolution was proposed,
 - (i) the number of persons entitled to exercise the power of voting who voted in favour of the resolution and the number of unit factors represented by these persons, and
 - (ii) the number of persons entitled to exercise the power of voting who did not vote in favour of the resolution and the number of unit factors represented by these persons;
 - (c) for an election of board members determined by a vote, the number of votes in favour of each candidate.

AR 154/2009 s12

Annual budget disclosure

20.51(1) In addition to complying with financial disclosure requirements under section 30(4) of the Act, a corporation shall, at least 30 days before the start of the fiscal year to which the annual budget applies, provide a copy of the annual budget to owners and to mortgagees who have given written notice under section 26(3) of the Act.

(2) If the corporation makes revisions to the budget provided under subsection (1), the corporation shall provide a copy of the revised budget to the owners and mortgagees as soon as possible.

AR 154/2009 s12

Information, documents disclosed for purposes of s44 of Act

20.52(1) Subject to subsection (2), the following information and documents are prescribed for the purposes of section 44 of the Act:

- (a) an information statement that includes all of the following:
 - (i) the particulars of
 - (A) any action commenced against the corporation in respect of which the corporation has been

- served, including the amount claimed against the corporation,
- (B) any unsatisfied judgment or order for which the corporation is liable, and
 - (C) any written demand made on the corporation for an amount in excess of \$5000 that, if not met, may result in an action being brought against the corporation;
- (ii) a statement setting out the amount of the capital replacement reserve fund;
 - (iii) a statement setting out the amount of the contributions and the basis on which that amount was determined;
 - (iv) a statement setting out any structural deficiencies that the corporation has knowledge of at the time of the request in any of the buildings that are included on the condominium plan;
 - (v) 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;
- (b) the particulars or a copy of any subsisting or prior management agreement;
 - (c) the particulars or a copy of any subsisting recreational agreement;
 - (d) the particulars respecting any post tensioned cables that are located anywhere on or within the property that is included in the condominium plan;
 - (e) a copy of the budget of the corporation;
 - (f) a copy of the annual financial statements of the corporation;
 - (g) a copy of the bylaws of the corporation;
 - (h) in respect of a particular fiscal year, a copy of
 - (i) all approved minutes of all general meetings of the corporation, if available,

- (ii) 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, and
 - (iii) approved minutes of board meetings;
 - (i) a statement setting out the unit factors and the criteria used to determine unit factor allocation;
 - (j) a copy of any lease agreement or other exclusive possession agreement with respect to the possession of a portion of the common property or real property of the corporation, including a parking stall or storage unit;
 - (k) a consolidation of all the rules made by the corporation under section 32.1 of the Act;
 - (l) the text of written ordinary and special resolutions voted on by the corporation and the results of the voting on those resolutions, other than the results of a vote conducted by a show of hands;
 - (m) copies of reports prepared for the corporation by professionals, including professional engineers but excluding reports requested and obtained by the corporation's legal counsel in relation to actual or contemplated litigation;
 - (n) copies of insurance certificates held by the corporation;
 - (o) copies of insurance policies held by the corporation;
 - (p) the current standard insurable unit description for the residential units or classes of residential units;
 - (q) copies of reserve fund plans, reserve fund reports and annual reports.
- (2)** Subsection (1) applies
- (a) to information or documents to which section 20.55(2) applies, only for the applicable retention period determined under section 20.55(1), or
 - (b) to information or documents created before January 1, 2020, only if the corporation possesses or has access to the information or documents.

(3) An owner is not precluded from making copies of any information or documents provided under section 44 of the Act and providing copies of this information or these documents to other persons.

AR 154/2019 s12

Fees

20.53(1) A corporation or any person providing documents on behalf of a corporation may charge fees not exceeding the following amounts, subject to subsections (2) and (3), for the provision, in the ordinary course, of the following classes of information or documents:

- (a) a certificate provided under section 43.2 of the Act, \$200;
- (b) an information statement that includes all the information listed in section 20.52(1)(a), \$100;
- (c) a document other than one referred to in clause (a) or (b),
 - (i) \$0.25 per page, where the document is provided in hard copy format and exceeds 40 pages in length, or
 - (ii) \$10, where the document is provided in a format other than hard copy format or does not exceed 40 pages in length.

(2) If a corporation or a person acting on behalf of the corporation produces, as requested, information or a document listed in section 20.52(1) within 3 days of the request, excluding a holiday as defined in the *Interpretation Act*, the corporation may, subject to the bylaws, charge the following fee in addition to the applicable fee under subsection (1):

- (a) up to \$100 for a certificate provided under section 43.2 of the Act;
- (b) up to \$50 for particulars or an information statement listed in section 20.52(1)(a);
- (c) up to \$20 for any other information or document.

(3) Subject to subsection (4), 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 listed in section 20.52(1) to parties requesting the information or documents.

- (4) A party that is at arm's length from both the corporation and the condominium manager may charge a fee under subsection (3) only if all of the following conditions are met:
- (a) the fee is calculated on the basis of either a charge for each document or a charge representing a percentage of the cost of the documents, but not both;
 - (b) the method by which the fee is to be calculated has been set out in a contract with the party charging the fee;
 - (c) the fee is applicable to all requests from any party for any documents or information listed in section 20.52(1);
 - (d) a mechanism is available for any party to obtain the information or documents, other than through the party at arm's length from the corporation and condominium manager.
- (5) A party charging a fee under subsection (3) shall not provide any portion of the fee to the corporation, condominium manager or an employee of the corporation or condominium manager.

AR 154/2019 s12

Information, documents provided at no charge

20.54 A corporation shall not charge for providing information or documents to a person making a request under section 44 of the Act if

- (a) the information or document provided had not been requested by the person making the request, or
- (b) under the Act, the regulations under the Act or the bylaws, the person making the request is entitled to receive the requested information or document without making a request, but has not yet received that information or document at the time of the request.

AR 154/2019 s12

Retention periods for information and documents

20.55(1) A corporation shall retain the information and documents described or set out in the first column of Schedule 3 for the corresponding time period set out in the 2nd column of Schedule 3, or the time period set out in the bylaws, whichever period is longer.

(2) A corporation may retain information or a document referred to in subsection (1) in an electronic format if the information or document