

Checklist: Condominium Documents for Purchasers of New Condominiums

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

The *Condominium Property Act* and regulations require a developer to provide specific documents and information to a purchaser buying a condominium unit from the developer. For additional information about the content of these documents, please see the Tipsheet “Purchasing a Condominium” available at <http://www.servicealberta.gov.ab.ca/ConsumerTipsheets.cfm#housing>.

Purchase agreement

Each purchase agreement must contain the following information:

- A notification of the purchaser’s cancellation rights on the front or first page of the purchase agreement
- If the unit or the common property is not completed when the purchase agreement is made, the agreement must include a description, drawing, or photograph of
 - the interior finishing and all major improvements to the common property
 - any significant utility installations
 - major easement areas and similar features
 - the location of roadways, walkways, fences, parking areas and recreational facilities
 - other features
- the unit factor of the unit, and a description of the basis for the allocation of unit factors for all the units in the condominium plan

- Purchase agreements signed after April 1, 2018 must contain the amount or estimated amount of monthly unit contributions (also known as condominium fees). The amount must be based on the actual or proposed budget of the corporation.
- Purchase agreements signed after April 1, 2018 may contain a statement about the occupancy date.
 - If the occupancy date is not included in the purchase agreement, the developer must provide a separate statement about the occupancy date.

Documents and information

The developer must provide the following documents and information to each purchaser before agreeing to sell a unit or proposed unit.

- The bylaws or proposed bylaws
- Any management agreement or proposed management agreement
- Any recreational agreement or proposed recreational agreement
- The lease, if the land on which the unit is located is leased
- The term, rent, renewal rights of, and parties to the lease, if the land where the unit will be located is leased land
- The condominium plan or proposed condominium plan
 - The plan must include parking for visitors and disabled persons



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- Any home warranty insurance contract under the *New Home Buyer Protection Act*
- The most recent budget or proposed budget of the corporation
 - If the unit is in a plan of redivision or in the second or subsequent phase of a phased development, the developer must provide a purchaser with estimates of the changes to the corporation's expenses that are expected to arise following the redivision or substantial completion of the phased development. Information about any mortgage or proposed mortgage that may affect the title of the unit.
 - If an annual budget has been prepared for the fiscal year by the corporation in accordance with section 30(4) of the Act, the developer must deliver the annual budget to each purchaser.
 - If no budget has been prepared under section 30(4) of the Act, the developer shall deliver a proposed budget to each purchaser.
- Any mortgage or financial encumbrance registered against property the corporation will own.

The following information may be provided as statements in a package of documents, or it may be included within the purchase agreement. To make certain that you have received all of the required information, you should carefully check both the purchase agreement and the table of contents that must be provided with the package:

- A statement setting out a fixed occupancy date, or a range of dates;
- A list of any fees, rents or other charges the corporation will have to pay to the developer or a third party for the use of any units, common property or other property of the corporation
- The amount of any occupancy fees the developer will charge prior to contributions being levied by the corporation
- A description of any other fees the developer will charge
- The name and the address for service of the developer
- If deposits are required, the name and the address for service of the trustee who will hold these deposits

- If the development is not substantially complete, and if the unit is not a bare land unit the floor plan of the unit and details of the materials to be used to finish the unit.

Documents for specific situations:

- The phased development disclosure statement if the unit is in a phased development under section 19 of the *Condominium Property Act*
- If the unit being sold is a conversion unit:
 - A description of the previous use of the building
 - A copy of the reserve fund report for the corporation
 - The Building Assessment Report summary
 - The Building Assessment Report, if you make a written request for the full report
- The developer must provide a valid certificate of title or the valid registration on the title, if no condominium plan has yet been registered
 - If the developer has no registered interest in the land on which the condominium is to be built, the developer must provide a statement to that effect
- Where there are bare land units on the parcel of land, the developer must provide:
 - a description of any roads, utilities, services or delivery and distribution systems that are to be paid for by the corporation or are required to be repaired, maintained or replaced by the corporation, including water, sewage disposal, electricity and natural gas
 - a statement as to whether the developer will seek redivision of any units in accordance with section 20 of the Act.

