

THE CSAIR: EVERYTHING YOU NEED TO KNOW ABOUT BC'S NEW PRE-SALE ASSIGNMENT REGISTRY

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In 2018, the British Columbia provincial government (the “**Government**”) published a white paper describing its proposed *Land Ownership Transparency Act* (the “**Act**”). As discussed in our [previous bulletin](#), the purpose of the Act is to end anonymous land ownership in British Columbia. On February 25, 2019, the Government took steps to achieve this purpose by establishing the Condo and Strata Assignment Integrity Register (the “**CSAIR**”). The CSAIR is a database for assignments of purchase agreements of all residential condo and strata lots in British Columbia, including both pre-sale lots and completed lots.[1]

What do you need to report?

The reporting requirements under the CSAIR include the following:

- Identity and contact information relating to the parties to an assignment agreement. The disclosure requirements for each party will depend on whether the party is an individual, corporation, trust, or partnership. Generally, the reporting requirements include, but are not limited to, the disclosure of:
 - contact information; and
 - tax identification details.[2]

Details about the assignment agreement itself. The reporting requirements for the assignment agreement include, but are not limited to, the disclosure of:

- the date of the underlying purchase agreement;
- the underlying unit number, the strata lot number and the parcel identifier (PID) of the strata lot, if ascertainable;
- the date of developer’s consent date to the assignment agreement;
- the effective date of the assignment, if it can be determined, and if different from the developer’s consent date;
- the assignment fee paid to the developer for the consent;
- the purchase price of the strata lot. The purchase price includes any amendments to the purchase agreement or subsequent assignments, including any upgrades or prior “lifts”;

- the assignment amount; and
- details regarding whether the assignment involves reimbursement of the deposit paid. This is the amount payable to the assignor for the deposit paid to the deposit trustee.[3]

It is important to note that developers are required to keep copies of every assignment they have consented to for at least 6 years after the strata plan deposit date.[4]

When do you need to report?

Developers are now required to collect and report information regarding any assignments relating to a development, on a quarterly basis. The initial reporting period is from January 1, 2019 to March 31, 2019, for which reports must be submitted by April 30, 2019.[5] If there are no assignments during a reporting period, a statement must be filed certifying so.

The initial reporting period for a developer is the quarter in which the first purchase agreement date falls.[6] Thereafter, developers are required to file a series of reports based on certain triggering events. These include:

- the deposit reporting period, which relates to the quarter in which the corresponding strata plan is filed;
- the subsequent reporting period, which relates to the period after the deposit reporting period, till December 31 of that calendar year; and
- the annual reporting period, which is each calendar year after the subsequent reporting period.[7]

The reporting period ends on the earliest of the following dates:

- the date that the developer ceases the development of the development property, or a phase of the development property, if no strata plan has been deposited in respect of the development property or phase, as applicable;
- the date that the developer disposes of the development property;
- the date that the developer transfers title to all strata lots in the development property; and
- the date that is the last day of the 6th consecutive annual reporting period.[8]

In order to achieve the purpose of the Act mentioned above, the Government shall be entitled to share the information collected in the CSAIR with other government parties, such as Canada Revenue Agency and Property Transfer Tax Office. This sharing of information is to help ensure that parties to an assignment agreement pay all taxes that are triggered and required in connection with an assignment transaction.

If you wish to obtain further particulars of the CSAIR, and its proposed implications and requirements, we recommend seeking legal advice.

by Dharam Dhillon, Douglas Zorrilla and Alex Tyzuk, Articled Student

[1] [British Columbia Condo and Strata Assignment Integrity Register \("CSAIR"\)](#)

[2] *Real Estate Development Marketing Regulation*, B.C. Reg. 505/2004, at Section 10.3(1)

[3] *Ibid* at Section 10.3(2) and [Information Collection under CSAIR](#)

[4] *Ibid* at Section 10.4

[5] *Ibid*, at Section 10.6

[6] *Ibid* at Section 10.6(1)(b)(i)(A)

[7] *Ibid* at Section 10.6(1)(b)

[8] *Ibid* at Section 10.6(3)

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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