

Sonja Hodis, Barrister, Solicitor & Notary
62 Camelot Square, Barrie, Ontario, (705) 737-4403
sonja@hodislaw.com

Other areas of practice include estate administration and disputes, property law disputes and employment law issues.

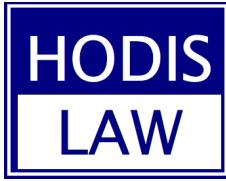
Changes to Condominium Act, 1998 – Bill 106

By Sonja Hodis

In December 2015, the changes to the Condominium Act, 1998 under Bill 106 received Royal Assent; however, the new provisions of the Act are not yet in force. Much of the details as to how things are going to change has been left to the Regulations. Since December 2015, the Ontario Government has been working on drafting the Regulations. The Regulations will be implemented in stages and the first set of Regulations are expected to be in force as of July 1, 2017.

Bill 106 addressed four areas of the current legislation that needed revision and updating. Those key areas are: i) dispute resolution, ii) consumer protection, iii) transparency and accountability with respect to condo finances and governance and iv) condo manager licensing and regulation. Condominium manager licensing and regulation has been dealt with in a separate piece of legislation called the *Condominium Management Services Act* (CMSA). I will not be addressing the CMSA or the fourth key area described above in this article. However, with respect to the first three key areas mentioned above, below is a summary of my top 20 specific changes that are going to affect condo corporations, owners, directors and others that work with condominiums once the legislation is proclaimed in force:

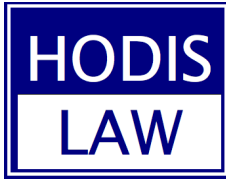
1. A Condo Tribunal will be set up to administer dispute resolution services and adjudication for certain kinds of disputes in condos.
2. The Condo Authority will administer the Condo Tribunal, provide education for condo owners and directors, maintain a condo registry for condo corporations in Ontario, develop a condo guide for condo buyers and owners and respond to inquiries from the public. Condominium corporations will be paying a fee to fund the Condo Authority, likely a monthly rate per unit.
3. Shared Facility Agreements will become mandatory between condo corporations, developers and parties who share services or land or other property.
4. Standard terms for Disclosure Statements and Declarations will be developed which developers will not be able to alter.



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5. Additional Information will be required to be disclosed in Status Certificates at the time of purchase and there will be additional ongoing disclosure requirements to be made to owners throughout the year.
6. Section 97 will be amended to address when a condo corporation can make changes to common elements without notice to owners.
7. Definitions of “repair” and “maintenance” will be clarified.
8. Purposes for which reserve funds can be used will be expanded and “adequate” will be defined.
9. Standard Unit will be defined by legislation.
10. Charge backs to owners will be clarified as to when they can occur and what can be charged back.
11. There will be a statutory prohibition on condo corporations levying “fines” against owners.
12. There will be more flexibility for where condos can invest the corporation’s funds.
13. There will be changes to how Bylaws will be passed.
14. Legislation will authorize holding of board meetings by conference call and other similar technologies which eliminates need for specific bylaw amendment to allow for this.
15. Procurement process implemented to make the procurement process more transparent.
16. Changes to how notice is given to owners regarding meetings and how owners can vote at meetings ie. votes by telephone or cast electronically.
17. Implementation of a variety of standard forms to be used by owners and corporations. ie. Requisition Meeting, Notice of Meeting, Proxy forms etc.
18. Changes to quorum requirements.



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19. Legislation will set timelines for how long records of the corporation must be kept and procedures for accessing records.
20. Mandatory director education.

A summary and draft of the first set of proposed Regulations was released in February 2017. See my article entitled “New Proposed Regulations Under the Condominium Act, 1998 – Bill 106” for more details about what the first set of proposals anticipated to be in effect on July 1, 2017 will entail.



Sonja Hodis is a litigation lawyer based in Barrie that practices condominium law in Ontario. She advises condominium boards and owners on their rights and responsibilities under the *Condominium Act, 1998* and other legislation that affects condominiums such as the Human Rights Code. She represents her clients at all levels of court, various Tribunals and in mediation/arbitration proceedings. Sonja has also gained recognition for creativity and tenacity in ground breaking human right caselaw in the condominium industry. Sonja can be reached at (705) 737-4403, sonja@hodislaw.com or you can visit her website at www.hodislaw.com or watch her videos at www.condoinmotion.com.

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