

## TABLE OF CONTENTS

How to Use This Book . . . . .	v
<i>Table of Contents</i> . . . . .	xxiii
<i>Table of Concordance</i> . . . . .	xxxi
<i>Table of Cases</i> . . . . .	liii
<i>Glossary of Terms</i> . . . . .	1
Introduction . . . . .	1
Checklists of Rights, Duties and Tasks Under the Act . . . . .	9

### CONDOMINIUM ACT, 1998

**Note:** Sections of the Condominium Act, 1998 are followed by relevant excerpts from the following regulations:

- O. Reg. 48/01 — General
- O. Reg. 49/01 — Description and Registration
- O. Reg. 179/17 — Condominium Authority Tribunal
- O. Reg. 181/17 — Designation of Condominium Authority
- O. Reg. 377/17 — Condominium Returns

#### Chapter 1 — The Meaning of Words and Phrases Used in the Act, Administration and Condominium Authority Tribunal

	<b>PART I — DEFINITIONS (S. 1)</b>	
1	Definitions . . . . .	65
	<b>PART I.1 — ADMINISTRATION OF THIS ACT (SS. 1.1–1.30)</b>	
	<b><i>Delegation</i></b>	
1.1	Designation of condominium authority . . . . .	75
1.2	Administrative agreement . . . . .	76
1.3	Policy directions . . . . .	76
1.4	Compliance by condominium authority . . . . .	76
1.5	Review . . . . .	76
1.6	Conflict . . . . .	77
1.7	Revocation of designation . . . . .	77
1.8	Condition precedent for exercise of certain powers . . . . .	77
	<b><i>Condominium Authority</i></b>	
1.9	Criteria and directives re board members . . . . .	78
1.10	Board appointments . . . . .	78
1.11	Change in number of directors . . . . .	78
1.12	Appointment of chair . . . . .	78
1.13	Public access to corporate by-laws . . . . .	78
1.14	Employees . . . . .	78
1.15	Not Crown agency . . . . .	79
1.16	No personal liability, Crown employee . . . . .	79
1.17	No Crown liability . . . . .	79
1.18	Indemnification of the Crown . . . . .	79
1.19	No personal liability, board members and others . . . . .	79

## Table of Contents

1.20	Not public money . . . . .	80
1.21	Audit . . . . .	80
1.22	Reports . . . . .	80
	<b><i>Powers and Duties of Condominium Authority</i></b>	
1.23	Additional powers . . . . .	81
1.24	Change to objects or purposes . . . . .	81
1.25	Right to use French . . . . .	80
1.26	Advisory councils, advisory process . . . . .	81
1.27	Duty to inform Minister . . . . .	81
1.28	Advice of condominium authority . . . . .	82
1.29	Forms and fees . . . . .	82
1.30	Assessments of corporations . . . . .	82
	<b>PART I.2 — CONDOMINIUM AUTHORITY TRIBUNAL (SS. 1.31–1.48)</b>	
	<b><i>Definitions and Administration</i></b>	
1.31	Definitions . . . . .	83
1.32	Establishment . . . . .	84
1.33	Chair, vice-chairs . . . . .	84
1.34	Termination of appointments . . . . .	84
	<b><i>Proceedings</i></b>	
1.35	Conflict . . . . .	84
1.36	Applications . . . . .	85
1.37	Combined applications . . . . .	85
1.38	Parties to a proceeding . . . . .	85
1.39	Right of affected persons . . . . .	85
1.40	Alternative dispute resolution . . . . .	85
1.41	Power to dismiss applications . . . . .	86
1.42	Jurisdiction . . . . .	86
1.43	Order during proceeding . . . . .	86
1.44	Orders at end of proceeding . . . . .	86
1.45	Payment under order for compensation, costs or a penalty . . . . .	87
1.46	Appeals . . . . .	87
1.47	Settlement . . . . .	87
1.48	Publication of orders . . . . .	88
	<b>Chapter 2 — Registration, Creation Condominium Returns and Ownership of a Condominium Corporation</b>	
	<b>PART II — REGISTRATION AND CREATION (SS. 2-9)</b>	
	<b><i>Creation</i></b>	
2	Registration . . . . .	91
3	Place of registration . . . . .	100
4	Real property Acts . . . . .	102
5	Corporation . . . . .	102
6	Types of corporations . . . . .	103
	<b><i>Declaration and Description</i></b>	
7	Requirements for declaration . . . . .	105
8	Requirements for description . . . . .	124
	<b><i>Planning Act</i></b>	
9	Subdivision control . . . . .	132
	<b>PART II.1 — CONDOMINIUM RETURNS (SS. 9.1–9.9)</b>	
9.1	Registrar . . . . .	138
9.2	Returns . . . . .	138
9.3	Notice of change . . . . .	141
9.4	No false or misleading statements . . . . .	143
9.5	No duty of Registrar . . . . .	143

Table of Contents

9.6	Late filing fee . . . . .	143
9.7	Registrar’s database . . . . .	143
9.8	Confidentiality . . . . .	145
9.9	Certificate of Registrar . . . . .	145
<b>PART III — OWNERSHIP (SS. 10–15)</b>		
10	Type of property . . . . .	146
11	Ownership of property . . . . .	146
12	Easements . . . . .	151
13	Effect on encumbrances . . . . .	152
14	Discharge of encumbrance . . . . .	153
15	Assessment . . . . .	154

**Chapter 3 — The Condominium Corporation — Rights, Powers and Duties**

**PART IV — CORPORATION**

***General***

16	Seal . . . . .	159
17	Objects . . . . .	159
17.0.1	Agreement for management services . . . . .	163
17.1	Dealing with title to real property . . . . .	164
18	Assets . . . . .	164
19	Right of entry . . . . .	167
20	Easements described in declaration or phase . . . . .	168
21	Easements and lease of common elements . . . . .	168
21.1	[Proposed] Shared facilities agreement . . . . .	169
22	Telecommunications agreements . . . . .	170
23	Action by corporation . . . . .	174
23.1	Restriction on ability to sue . . . . .	182
23.2	Contracts valid . . . . .	184
24	Notices under the <i>Expropriations Act</i> . . . . .	184
25	Notices under the <i>Planning Act</i> . . . . .	184
26	Occupier’s liability . . . . .	184
26.1	[Proposed] No acquisition of units, etc. . . . .	184
26.2	[Proposed] Existing remedies . . . . .	185
26.3	Information certificate to owners . . . . .	185

***Directors and Officers***

27	Board of directors . . . . .	191
28	Election of directors . . . . .	193
29	Qualifications . . . . .	194
30	Consent . . . . .	202
31	Term . . . . .	203
32	Conduct of business . . . . .	203
33	Removal . . . . .	204
34	Vacancy . . . . .	205
35	Meetings of directors . . . . .	206
36	Officers . . . . .	208
37	Standard of care . . . . .	208
38	Indemnification . . . . .	214
39	Insurance . . . . .	215
39.1	[Proposed] Procurement process, etc. . . . .	215
40	Disclosure by director of interest . . . . .	215
41	Disclosure by officer of interest . . . . .	217

***Transfer of Control by Declarant***

42	First board . . . . .	218
43	Turn-over meeting . . . . .	220
44	Performance audit . . . . .	224

Table of Contents

**Chapter 4 — Owners' Meetings**

**PART IV — CORPORATION (SS. 16-71) (CONT'D)**

***Owners***

45	Meetings . . . . .	231
45.1	Procedure for board calling a meeting . . . . .	233
46	Requisition for meeting . . . . .	237
46.1	Record of owners and mortgagees . . . . .	241
47	Giving notice to owners . . . . .	246
48	Mortgagee's right to vote . . . . .	251
49	Loss of owner's right to vote . . . . .	252
50	Quorum . . . . .	253
51	Voting . . . . .	256
51.1	Consents . . . . .	258
52	Method of voting . . . . .	259
53	Majority voting . . . . .	261
54	Service on owner or mortgagee . . . . .	261
55	Records . . . . .	262

**Chapter 5 — The By-laws and Rules of the Condominium Corporation**

**PART IV — CORPORATION (CONT'D)**

***By-laws and Rules***

56	By-laws . . . . .	285
57	Occupancy standards by-law . . . . .	296
58	Rules . . . . .	297
59	Joint by-laws and rules . . . . .	303

**Chapter 6 — Auditors and Financial Statements**

**PART IV — CORPORATION (CONT'D)**

***Auditors and Financial Statements***

60	Appointment of auditor . . . . .	307
61	Qualifications . . . . .	308
62	Remuneration . . . . .	309
63	Removal . . . . .	309
64	Resignation . . . . .	310
65	Vacancy . . . . .	310
66	Financial statements . . . . .	310
67	Audit . . . . .	312
68	Audit committee . . . . .	314
69	Delivery of statements . . . . .	314
70	Right to attend meeting . . . . .	315
71	Amendment of statements . . . . .	316

**Chapter 7 — Sale and Leasing of Condominium Units**

**PART V — SALE AND LEASE OF UNITS (SS. 71.1-83)**

***Disclosure Requirements***

71.1	[Proposed] Condominium guide . . . . .	319
72	Disclosure statement . . . . .	319
72.1	[Proposed] Disclosure of budget . . . . .	332
73	Rescission of agreement . . . . .	332

Table of Contents

74	Material changes in disclosure statement . . . . .	336
75	Accountability for budget statement . . . . .	346
76	Status certificate . . . . .	347
77	Information on corporation . . . . .	355
	<b>Sale of Units</b>	
78	Implied covenants . . . . .	356
79	Duty to register declaration and description . . . . .	359
80	Interim occupancy . . . . .	361
81	Money held in trust . . . . .	365
82	Interest . . . . .	369
82.1	[Proposed] Corporation’s sale of the property . . . . .	372
82.2	[Proposed] Right of dissenters . . . . .	373
	<b>Lease of Units</b>	
83	Notification by owner . . . . .	372

**Chapter 8 — The Liability of Condominium Unit Owners for Common Elements**

**PART VI — OPERATION (SS. 83.1-119)**

**[Proposed] Annual Budget**

83.1	[Proposed] Annual budget . . . . .	377
------	------------------------------------	-----

**Common Expenses**

84	Contribution of owners . . . . .	378
85	Lien upon default . . . . .	383
86	Priority of lien . . . . .	390
87	Default with respect to leased unit . . . . .	392
88	Mortgagee’s rights . . . . .	393

**Repair and Maintenance**

89	Repair after damage . . . . .	395
90	Maintenance . . . . .	399
91	Provisions of declaration . . . . .	400
92	Work done for owner . . . . .	402
93	Reserve fund . . . . .	404
94	Reserve fund study . . . . .	406
95	Use of reserve fund . . . . .	411
96	Warranties . . . . .	411

**Changes to Common Elements and Assets**

97	Changes made by corporation . . . . .	412
98	Changes made by owners . . . . .	419

**Chapter 9 — Insurance**

**PART VI — OPERATION (SS. 83.1-119) (CONT’D)**

**Insurance**

99	Property insurance . . . . .	427
100	Proceeds . . . . .	430
101	Double coverage . . . . .	431
102	Other insurance . . . . .	431
103	Capacity to maintain insurance . . . . .	432
104	Disclosure by insurer . . . . .	432
105	Deductible . . . . .	432
105.1	Information to owners . . . . .	434
106	Act prevails . . . . .	434

Table of Contents

**Chapter 10 — Amendments, Other Agreements and Miscellaneous Operational Issues**

**PART VI — OPERATION (SS. 83.1-119) (CONT'D)**

***Amendments to the Declaration and Description***

107	Amendments with owners' consent . . . . .	437
108	Change of address for service . . . . .	441
109	Court order . . . . .	441
110	Order of Director of Titles . . . . .	445

***Termination of Agreements***

111	Management agreements . . . . .	446
112	Other agreements . . . . .	447
113	Mutual use agreements . . . . .	449
114	Insurance trust agreements . . . . .	451

***Miscellaneous***

115	Corporation's money . . . . .	451
116	Use of common elements by owners . . . . .	454
117	Dangerous activities . . . . .	455
118	Entry by canvassers . . . . .	458
119	Compliance with Act . . . . .	458

**Chapter 11 — Amalgamation and Termination of Condominium Corporations**

**PART VII — AMALGAMATION**

120	Amalgamation . . . . .	465
121	Effect of registration . . . . .	469

**PART VIII — TERMINATION (SS. 122-129)**

122	Termination with consent . . . . .	471
123	Termination upon substantial damage . . . . .	473
124	Termination upon sale of property . . . . .	476
125	Right of dissenters . . . . .	480
126	Expropriation . . . . .	482
127	Effect of registration . . . . .	483
128	Termination by court . . . . .	485
129	Distribution of assets . . . . .	487

**Chapter 12 — Enforcement/Remedies/Mediation/Arbitration**

**PART IX — ENFORCEMENT (SS. 130-137)**

130	Inspector . . . . .	491
131	Administrator . . . . .	493
132	Mediation and arbitration . . . . .	499
133	False, misleading statements . . . . .	508
134	Compliance order . . . . .	511
134.1	Compliance order of Registrar . . . . .	533
134.2	Service under s. 134.1 . . . . .	534
135	Oppression remedy . . . . .	534
135.1	[Proposed] Order for permanent removal of person . . . . .	547
135.2	[Proposed] No termination of tenancy . . . . .	547
136	Other remedies . . . . .	547
136.1	Offences, condominium authority . . . . .	548
136.2	Offences, filings and assessments . . . . .	548
137	Offences . . . . .	549

Table of Contents

**Chapter 13 — Alternative Developments and General Provisions**

	<b>PART X — COMMON ELEMENTS CONDOMINIUM CORPORATIONS (SS. 138-144)</b>	
138	Creation . . . . .	555
139	Owners' land . . . . .	558
140	Contents of declaration . . . . .	558
141	Contents of description . . . . .	561
142	Subdivision control . . . . .	561
143	Disclosure statement . . . . .	562
144	Repair after damage and insurance . . . . .	562
	<b>PART XI — PHASED CONDOMINIUM CORPORATIONS (SS. 145–154)</b>	
145	Power to create phases . . . . .	563
146	Creation of phase . . . . .	564
147	Disclosure statement . . . . .	572
148	Status certificate . . . . .	574
149	Corporation's remedy . . . . .	574
150	Remedy of purchasers . . . . .	575
151	Easements . . . . .	576
152	Turn-over obligations . . . . .	576
153	Corporation's obligations for phase . . . . .	578
154	Termination of agreements . . . . .	578
	<b>PART XII — VACANT LAND CONDOMINIUM CORPORATIONS (SS. 155–163)</b>	
155	Creation . . . . .	580
156	Contents of declaration . . . . .	581
157	Contents of description . . . . .	584
158	Buildings on common elements . . . . .	585
159	Status of buildings in corporation . . . . .	586
160	By-laws . . . . .	586
161	Disclosure statement . . . . .	586
162	Repair and maintenance . . . . .	587
163	Substantial damage . . . . .	588
	<b>PART XIII — LEASEHOLD CONDOMINIUM CORPORATIONS (SS. 164–175)</b>	
164	Creation . . . . .	590
165	Leasehold interest of owners . . . . .	590
166	Declaration . . . . .	591
167	Description . . . . .	593
168	Leasehold estate in property . . . . .	593
169	Disclosure statement . . . . .	594
170	Status certificate . . . . .	594
171	Rent for property . . . . .	594
172	Consent of lessor for termination . . . . .	595
173	Termination by lessor . . . . .	595
174	Expiration of leasehold interests . . . . .	597
175	Effect of termination or expiration . . . . .	598
	<b>PART XIV — GENERAL (SS. 176–188)</b>	
176	Act prevails . . . . .	599
176.1	Fees . . . . .	600
177	Regulations . . . . .	600
178	Transition . . . . .	604
179	Same, turn-over . . . . .	604
180	Same, disclosure . . . . .	605
181	Same, insurance . . . . .	605
182	Same, termination of agreements . . . . .	605
183	Same, regulations . . . . .	605
184	Repeal . . . . .	605
185	Amendments to <i>Ontario New Home Warranties Plan Act</i> . . . . .	60
186	Amendments to <i>Tenant Protection Act, 1997</i> . . . . .	607

Table of Contents

187 Commencement . . . . . 607  
 188 Short title . . . . . 607

**Chapter 14 — Condominium Forms**

**FORMS FORMERLY APPENDED TO O. REGS. 48/01 AND 49/01 AND NEW FORMS INITIALLY ISSUED NOVEMBER 1, 2017**

**FORMS FORMERLY APPENDED TO O. REG. 48/01 — GENERAL**

Previous Form No.	
1	<b>Consent (Schedule B to Declaration)</b> (Under Clause 7(2)(b) of the <i>Condominium Act, 1998</i> ) . . . . . 613
2	<b>Certificate of Architect or Engineer</b> (Schedule G to Declaration for a Standard or Leasehold Condominium Corporation) (Under Clauses 5(8)(a) or (b) of Ontario Regulation 48/01 or clause 8(1)(e) or (h) of the <i>Condominium Act, 1998</i> ) . . . . . 614
3	<b>Schedule of Appurtenant and Servient Interests</b> (Under Clauses 8(1)(g) and (h) of the <i>Condominium Act, 1998</i> or Clauses 157(1)(d) and (e) of the Act, in the case of a Vacant Land Condominium Corporation) . . . . . 616
4	<b>Certificate of Registration</b> (Under Clause 11(1)(a) of Ontario Regulation 49/01 of the <i>Condominium Act, 1998</i> ) . . . . . 617
5	<b>Surveyor’s Certificate</b> (Under Clause 11(1)(c) of Ontario Regulation 49/01 of the <i>Condominium Act, 1998</i> ) . . . . . 618
6	<b>Certificate of Declarant or of Amalgamating Corporations</b> (Under Clause 11(1)(e) or (f) or Subsection 21(2) of Ontario Regulation 49/01 of the <i>Condominium Act, 1998</i> ) . . . . . 619
7	<b>Surveyor’s Certificate Exclusive Use Common Elements</b> (Under Clause 11(3)(b) of Ontario Regulation 49/01 of the <i>Condominium Act, 1998</i> ) . . . . . 501
8	<b>Proxy for General Matters</b> (Under Subsection 52(6) of the <i>Condominium Act, 1998</i> ) [Replaced by Proxy Form, issued November 1, 2017 and subsequently updated (see below)]
9	<b>Proxy for General Matters and for the Election of Directors</b> (Under Subsection 52(6) of the <i>Condominium Act, 1998</i> ) [Replaced by Proxy Form, issued November 1, 2017 and subsequently updated (see below)]
10	<b>Proxy for General Matters and for the Removal of Directors and Election of Substitutes</b> (Under Subsection 33(2) of the <i>Condominium Act, 1998</i> ) [Replaced by Proxy Form, issued November 1, 2017 and subsequently updated (see below)]
11	<b>Certificate In Respect of a By-Law</b> (Under Subsection 38(1) of Ontario Regulation 48/01 and subsection 56(9) of the <i>Condominium Act, 1998</i> , and referred to in subsection 38(1) of Ontario Regulation 49/01) . . . . . 620
12	<b>Disclosure Statement, Table of Contents</b> (Under Subsection 72(4) of the <i>Condominium Act, 1998</i> ) . . . . . 621
13	<b>Status Certificate</b> (Under Subsection 76(1) of the <i>Condominium Act, 1998</i> ) [re-issued March 23, 2018 (effective May 1, 2018)] . . . . . 627
14	<b>Notice of Lien to Owner</b> (Under Subsection 85(4) of the <i>Condominium Act, 1998</i> ) . . . . . 636
15	<b>Notice of Future Funding of the Reserve Fund</b> (Under Subsection 94(9) of the <i>Condominium Act, 1998</i> ) . . . . . 637
16	<b>Consent to Attachment of a Common Interest</b> (Schedule B to Declaration for a Common Elements Condominium Corporation) (Under Subsection 40(3) of Ontario Regulation 48/01 and under Clause 140(c) of the <i>Condominium Act, 1998</i> ) . . . . . 640
17	<b>Certificate of Architect or Engineer</b> (Schedule G to Declaration for a Common Elements or Vacant Land Condominium Corporation) (Under Subsections 40(11)



Table of Contents

	and 56(7) of Ontario Regulation 48/01 and under Clauses 8(1)(e) and (h) or Clauses 157(1)(c) and (e) of the <i>Condominium Act, 1998</i> ) . . . . .	641
18	<b>Consent and Postponement</b> (Amendment to Schedule B to Declaration of A Phased Condominium Corporation to Create a Phase) (Under Clause 52(2)(f) of Ontario Regulation 48/01 and Clause 146(4)(a) of the <i>Condominium Act, 1998</i> ) . . . . .	643
19	<b>Amendment to Declaration and Description to Create a Phase</b> (Subsection 146(3) of the <i>Condominium Act, 1998</i> ) . . . . .	643
20	<b>Certificate of Registration of Amendment to Declaration And Description Creating A Phase</b> (Under Clause 54(3) of Ontario Regulation 48/01 of the <i>Condominium Act, 1998</i> ) . . . . .	645
21	<b>Amendment to Description for a Vacant Land Condominium Corporation</b> (Under Clause 158(3)(b) of the <i>Condominium Act, 1998</i> ) . . . . .	645
22	<b>Amendment to Declaration for a Leasehold Condominium Corporation</b> (Under Subsection 174(8) of the <i>Condominium Act, 1998</i> ) . . . . .	646
23	<b>Notice of Intention to Renew the Leasehold Interests in a Leasehold Condominium Corporation</b> (Under Clause 174(1)(a) of the <i>Condominium Act, 1998</i> ) . . . . .	647
24	<b>Notice of Intention Not To Renew the Leasehold Interests in a Leasehold Condominium Corporation</b> (Under Clause 174(1)(b) of the <i>Condominium Act, 1998</i> ) . . . . .	648
25	<b>Notice of Deemed Renewal of Leasehold Interests in a Leasehold Condominium Corporation</b> (Under Subsection 174(4) of the <i>Condominium Act, 1998</i> ) . . . . .	648
26	<b>Notice of Non-Renewal of Leasehold Interests in a Leasehold Condominium Corporation</b> (Under Subsection 174(6) of the <i>Condominium Act, 1998</i> ) . . . . .	649

**NEW FORMS INITIALLY ISSUED NOVEMBER 1, 2017**

Previous Form No.		
11359E	Periodic Information Certificate . . . . .	651
11360E	Information Certificate Update . . . . .	662
11361E	New Owner Information Certificate . . . . .	665
11362E	Request for Records . . . . .	666
11363E	Board’s Response to Request for Records . . . . .	675
11364E	Preliminary Notice of Meeting of Owners . . . . .	678
11365E	Waiver by Requester of Records . . . . .	682
11366E	Notice of Meeting in Owners . . . . .	683
11367E	Notice Relating to Record of Owners . . . . .	688
11368E	Notice Relating to Record of Mortgagees . . . . .	691
11369E	Notice of Online Posting of Information Certificate . . . . .	694
11370E	Agreement to Receive Notices Electronically . . . . .	695
11371E	Submission to Include Material in the Notice of Meeting of Owners . . . . .	696
11372E	Notice of Meeting of Owners under s. 34(5) of the <i>Condominium Act</i> . . . . .	697
11373E	Proxy Form . . . . .	699

**FORMS FORMERLY APPENDED TO O. REG. 49/01 — DESCRIPTION AND REGISTRATION**

Previous Form No.		
1	<b>Amendment to Declaration or Description</b> (Under Section 107 of the <i>Condominium Act, 1998</i> ) . . . . .	704
2	<b>Notice of Change of Address</b> (Under Section 108 of the <i>Condominium Act, 1998</i> ) . . . . .	705
3	<b>Proof of Enrolment in the Ontario New Home Warranties Plan</b> (Subclause 43(5)(f)(i) of the <i>Condominium Act, 1998</i> ) . . . . .	705

Table of Contents

4	<b>Evidence of Compliance</b> (Subsection 81(6) of the <i>Condominium Act, 1998</i> ) . . . . .	706
5	<b>Summary of Lease or Renewal</b> (Clause 83(1)(b) of the <i>Condominium Act, 1998</i> ) . . . . .	707
6	<b>Certificate of Lien</b> (Under Subsection 85(2) of the <i>Condominium Act, 1998</i> ) . . . . .	708
7	<b>Discharge of Certificate of Lien</b> (Under Subsection 85(7) of the <i>Condominium Act, 1998</i> ) . . . . .	709
8	<b>Status Certificate in Amalgamation</b> (Under Clause 120(3)(c) of the <i>Condominium Act, 1998</i> ) [re-issued March 23, 2018 (effective May 1, 2018)] . . . . .	710
9	<b>Certificate of Owner in the Matter of a Common Elements Condominium Corporation</b> (Schedule I to Declaration) (Under Clause 139(1)(b) of the <i>Condominium Act, 1998</i> ) . . . . .	715
10	<b>Notice of Attachment of a Common Interest in a Common Elements Condominium Corporation</b> (Schedule J to Declaration) (Under Clause 139(2)(b) of the <i>Condominium Act, 1998</i> ) . . . . .	715
11	<b>Notice of Renewal of the Leasehold Interests in a Leasehold Condominium Corporation</b> (Under Subsection 174(7) of the <i>Condominium Act, 1998</i> ) . . . . .	716
12	<b>Notice of Non-Renewal of the Leasehold Interests in a Leasehold Condominium Corporation</b> (Under Subsection 174(7) of the <i>Condominium Act, 1998</i> ) . . . . .	717
13	<b>Notice of Termination</b> (Under Subsection 122(2) of the <i>Condominium Act, 1998</i> ) . . . . .	717
14	<b>Notice of Termination</b> (Under Subsection 123(8) of the <i>Condominium Act, 1998</i> ) . . . . .	718
15	<b>Certificate in the Matter of a Sale</b> (Under Subsection 124(3) of the <i>Condominium Act, 1998</i> ) . . . . .	720

**Chapter 15 — Condominium Management Services Act, 2015 and Regulations**

Note: Sections of the *Condominium Management Services Act, 2015* are followed by relevant excerpts from the following regulations:

- Reg. 123/17 — *General*
- Reg. 177/17 — *Designation of Administrative Authority*
- Reg. 178/17 — *Delegation of Regulation-Making Authority to the Minister*
- Reg. 3/18 — *Code of Ethics and Discipline and Appeals Committee*
- Reg. 4/18 — *Complaints, Insurance and Other Requirements*

**CONDOMINIUM MANAGEMENT SERVICES ACT, 2015**

Overview . . . . .	725
<b>PART I — INTERPRETATION (S. 1)</b>	
1 Interpretation . . . . .	728
<b>PART II — ADMINISTRATION (SS. 2–33)</b>	
<b>Delegation</b>	
2 Designation of administrative authority . . . . .	730
3 Administrative agreement . . . . .	731
4 Policy directions . . . . .	731
5 Compliance by administrative authority . . . . .	731
6 Review . . . . .	731
7 Conflict . . . . .	731
8 Revocation of designation . . . . .	732
9 Condition precedent for exercise of certain powers . . . . .	732

Table of Contents

	<b>Administrative Authority</b>	
10	Criteria and directives re board members . . . . .	732
11	Board appointments . . . . .	731
12	Change in number of directors . . . . .	731
13	Appointment of chair . . . . .	73
14	Public access to corporate by-laws . . . . .	732
15	Employees . . . . .	732
16	Not Crown agency . . . . .	732
17	No personal liability, Crown employee . . . . .	732
18	No Crown liability . . . . .	732
19	Indemnification of the Crown . . . . .	732
20	No personal liability, board members and others . . . . .	732
21	Not public money . . . . .	732
22	Audit . . . . .	732
23	Reports . . . . .	733
	<b>Powers and Duties of Administrative Authority</b>	
24	Additional powers . . . . .	733
25	Change to objects or purposes . . . . .	733
26	Right to use French . . . . .	733
27	Advisory councils, advisory process . . . . .	733
28	Duty to inform Minister . . . . .	734
29	Advice of administrative authority . . . . .	734
30	Forms and fees . . . . .	734
	<b>Miscellaneous</b>	
31	Director . . . . .	734
32	Registrar . . . . .	735
33	Offences, administrative authority . . . . .	735
	<b>PART III — LICENSING (SS. 34–44)</b>	
34	Prohibition, condominium management services . . . . .	735
35	Exemptions . . . . .	736
36	Notification of licence required . . . . .	738
37	Application for licence . . . . .	738
38	Conditions of licence . . . . .	744
39	Refusal without hearing . . . . .	747
40	Refusal with a hearing . . . . .	748
41	Notice re: refusal, suspension, etc. . . . .	749
42	Continuation pending renewal . . . . .	750
43	Immediate suspension . . . . .	750
44	Further application . . . . .	751
	<b>PART IV — REGULATION OF LICENSEES (SS. 45–56)</b>	
45	Notice of changes to registrar . . . . .	751
46	Notice to registrar re corporations . . . . .	752
47	Notice of issue or transfer of shares . . . . .	752
48	Contract required . . . . .	753
49	Principal condominium manager . . . . .	754
50	Financial statements . . . . .	755
51	Restrictions on employees . . . . .	755
52	Disclosure of interest . . . . .	756
53	Prohibition re: proxy instruments . . . . .	756
54	Duty re records . . . . .	757
55	False information . . . . .	758
56	No counselling contraventions . . . . .	758
	<b>PART V — COMPLAINTS, DISCIPLINE, INSPECTIONS, INVESTIGATIONS AND ENFORCEMENT (SS. 57–71)</b>	
	<b>Complaints and Discipline</b>	
57	Complaints . . . . .	759
58	Discipline proceedings . . . . .	760

Table of Contents

	<b><i>Inspections and Investigations</i></b>	
59	Inspectors . . . . .	764
60	Inspections without warrant . . . . .	764
61	Appointment of investigators . . . . .	765
62	Investigations with warrant . . . . .	765
63	Seizure of things not specified . . . . .	766
64	Searches in exigent circumstances . . . . .	766
	<b><i>Orders</i></b>	
65	Freeze order . . . . .	767
66	Freeze orders, non-licensees . . . . .	768
67	Compliance orders . . . . .	769
	<b><i>Offences</i></b>	
68	Offence . . . . .	769
69	Orders for compensation, restitution . . . . .	769
70	Default in payment of fines . . . . .	769
71	Liens and charges . . . . .	769
	<b>PART VI — GENERAL (SS. 72–76)</b>	
72	Confidentiality . . . . .	770
73	Service . . . . .	770
74	Fees . . . . .	770
75	Certificate as evidence . . . . .	771
76	Information concerning licensees . . . . .	771
	<b>PART VII — REGULATIONS (SS. 77, 78)</b>	
77	Minister’s regulations . . . . .	773
78	Lieutenant Governor in Council regulations . . . . .	775
	<b>PART VIII — [PROPOSED] AMENDMENTS TO THIS ACT (S. 79)</b>	
79	[Proposed] Amendments to this Act . . . . .	778
	<b>PART IX — COMPLEMENTARY AMENDMENTS (SS. 80–82)</b>	
80	Condominium Act, 1998 . . . . .	778
81	Licence Appeal Tribunal Act, 1999 . . . . .	780
82	Protecting Condominium Owners Act, 2015 . . . . .	780
	<b>PART X — COMMENCEMENT AND SHORT TITLE (SS. 83, 84)</b>	
83	Commencement . . . . .	780
84	Short title . . . . .	780

**Chapter 16 — Ontario New Home Warranties Plan Act and Regulations**

**ONTARIO NEW HOME WARRANTIES PLAN ACT AND REGULATIONS**

Note: Sections of the *Ontario New Home Warranties Plan Act* are followed by relevant excerpts from the following regulations:

- Reg. 892 — *Administration of the Plan*
- Reg. 894 — *Terms and Conditions of Registration of Builders and Vendors*
- Reg. 273/04 — *Designation of Corporation*
- Reg. 165/08 — *Warranty for Delayed Closing or Delayed Occupancy*
- Reg. 520/17 — *Residential Condominium Conversion Projects — Initial Period and Holding Pre-Existing Elements Fund*
- Reg. 522/17 — *Residential Condominium Conversion Projects — General*

Overview . . . . .	783
--------------------	-----

**DEFINITIONS AND ADMINISTRATION**

1	Definitions . . . . .	785
2	Designation of Corporation . . . . .	793

Table of Contents

3	Registrar . . . . .	795
4	Revenues and expenses . . . . .	795
5	Annual report . . . . .	795
5.1	Administrator . . . . .	79
5.2	Status of board during administrator's tenure . . . . .	796
5.3	Oversight fees . . . . .	797
5.4	Auditor General . . . . .	797
	<b>REGISTRATION OF VENDORS AND BUILDERS</b>	
6	Registration required . . . . .	797
7	Registration of vendors and builders . . . . .	798
8	Refusal to register . . . . .	808
9	Notice of proposal to refuse or revoke . . . . .	809
10	Further applications . . . . .	810
	<b>ONTARIO NEW HOME WARRANTIES PLAN</b>	
11	Ontario New Home Warranties Plan . . . . .	810
12	Notice of commencing construction . . . . .	811
13	Warranties . . . . .	812
14	Compensation . . . . .	825
15	Condominiums . . . . .	845
15.1	Liability of vendor . . . . .	845
16	Notice of decision under s. 14 . . . . .	846
17	Conciliation of disputes . . . . .	847
	<b>RESIDENTIAL CONDOMINIUM CONVERSION PROJECTS</b>	
17.1	Interpretation . . . . .	848
17.2	Application of this Act . . . . .	852
17.3	Conditions precedent: enrolment, sale of units . . . . .	852
17.4	Confirmation of registration and enrolment . . . . .	856
17.5	Pre-existing elements fund . . . . .	856
	<b>ENFORCEMENT</b>	
18	Inspectors . . . . .	859
19	Restraining order . . . . .	860
	<b>GENERAL</b>	
20	Service of notice . . . . .	861
21	Certificate of evidence . . . . .	861
22	Offences . . . . .	861
22.1	Regulations . . . . .	863
23	By-laws . . . . .	864

**TARION WARRANTY CORPORATION FORMS/ADDENDA REFERENCED BY O. REG. 165/08**

ADDCF-2008 Condominium Form (Firm Occupancy Date) — 2008 . . . . .	869
ADDCT-2008 Condominium Form (Tentative Occupancy Date) — 2008 . . . . .	883
ADDCF-2009 Condominium Form (Firm Occupancy Date) — 2009 Economic Conditions . . . . .	897
ADDCT-2009 Condominium Form (Tentative Occupancy Date) — 2009 Economic Conditions . . . . .	911
CONDO FIRM-2012 Condominium Form (Firm Occupancy Date) — 2012 . . . . .	925
CONDO TENTATIVE- 2012 Condominium Form (Tentative Occupancy Date) — 2012 . . . . .	946
<i>Index</i> . . . . .	967