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CONDOMINIUM LAW AND ADMINISTRATION

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Condominium Law and Administration is an invaluable resource for those involved in conveyancing, development, condominium management or the representation of condominium corporations, whether inside or outside of Ontario.

This release features updates to Appendix A and K.

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Highlights

ONTARIO—CONDOMINIUM ACT, 1998—Section 131—“Administrator”—Generally—The power to appoint an administrator under s. 131 should only be invoked as a last resort for exceptional circumstances. The relevant inquiry is whether the Board has demonstrated an inability to manage the condominium’s affairs, and not whether the Board’s management is to the satisfaction of any individual member. The fact that the board entered into an allegedly unfair Shared Facilities Agreement with another condominium, which it is in the process of good faith negotiations on how the expenses should be shared between them did not justify the appointment of an administrator. It was reasonable to attempt to negotiate an amendment to the terms of the SFA before proceeding with the court application in order to reduce expenses. (*Ty v. Ottawa-Carleton Standard Condominium Corporation No. 1106*, 2026 CarswellOnt 7678, 2026 ONSC 2794 (Ont. S.C.J.)).

ONTARIO—CONDOMINIUM ACT, 1998—Section 135—“Oppression Remedy”—Litigation Involving a Condominium Corporation—Example Cases—Where the lot owner’s neighbours had purchased adjoining lot and began construction without required board approvals, removing vegetation from neighbouring properties and altering grading; condominium board delayed enforcement, issued halt work order only after significant work was done, and later entered settlement with neighbours, the corporation had not complied with s. 17(3) of the *Condominium Act* to take all reasonable steps to enforce the Act and the Declaration. The corporation should have ordered the work on the neighbours’ lot to stop until the approval process was complete, and it did not have the right to condone a clear breach of the Declaration. A declaration that the condominium corporation and the neighbours had acted oppressively towards the unit owner was appropriate, but no further remedy was required where the harm stemming from the oppressive conduct of the neighbours has already been adequately addressed through compliance remedies under s. 134. In addition, the corporation was ordered give due and proper regard to the lot owner’s interests in its further review and approval of the development of the neighbours’ lot. It is not sufficient for the corporation to act to mediate the interests of unit holders rather than enforcing the Declaration. (*Baig v. Thunder Bay Vacant Land Condominium Corporation No. 39*, 2026 ONCA 547, 2026 CarswellOnt 12462 (Ont. C.A.)).