

New Condo Act: What Changes Have Been Implemented on November First

by: Rod Escayola | November 07, 2017

On November 1st, 2017, the province “turned on” many new legislative provisions affecting the condo industry. There is no turning back now. Still, it is worth remembering that not all changes to the *Condominium Act* are in force yet. The remaining changes will be implemented in phases. In this blog, we discuss the changes which have been implemented last week.

What’s been turned on

The Province is implementing sweeping changes to the *Condominium Act* to improve how condos are governed and to strengthen transparency and accountability of condo corporations. In addition to this, the province is regulating condo management. All of these changes are being implemented in phases, over many months. Many changes were implemented on November 1st. While it would not be practical to list here each and every one of the changes having been implemented last week, the following changes are noteworthy.

New mandatory forms

With only hours to spare before the November 1st deadline, the *Ministry of Government and Consumer Services* posted and released 15 new forms required to be used under the *Condominium Act*. The new 15 forms, are intended to help standardize and facilitate communications between condo boards and owners. Most of which are mandatory. We [blogged on these new forms](#) and have also added a new tab to our menu (on top of this page) to facilitate access to the new forms.



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Clawbie Awards



Training for directors and new disclosure requirements

All directors elected or appointed after October 31, 2017 will have 6 months to complete mandatory training.

The CAO is offering free online training modules, which cover a range of topics including director responsibilities and obligations. The required training takes between 3 to 6 hours to complete. Presently, there are 21 short online modules of approximately 10 to 20 minutes each. You can complete them in any order. The training is available to anyone (whether you are a director or not). Directors wishing to complete these online modules will need to log in using their corporation's account with CAO. Corporations get their online account once they register with the CAO. Non-directors wishing to take the courses will be able to do so by creating their own online profile with the CAO. Access to this training can be done through the CAO's training page.

Any director (appointed or elected after October 31, 2017) who fails to complete the required training within 6 months will immediately and automatically cease to be a director.

We have [blogged on this](#) already.

Similarly, directors will now have to comply with new disclosure obligations. Amongst other things, they have to disclose:

- whether they (or a related person) are party to any legal action;
- whether they have been convicted of an offence under the *Condo act*;
- whether they have a material interest in a contract or transaction;
- whether they are in arrears for more than 60 days.

We have also [blogged on this already](#).

Board meetings by electronic means

Boards may now hold board meetings by teleconference or by another form of electronic communications allowing concurrent communication between directors if all directors have consented to the meeting being held that way. Corporations no longer require a by-law permitting these kinds of remote meetings.

Mandatory licensing of managers

In the morning of November 1st, the Condo Management Regulatory Authority of Ontario (the CMRAO) opened its online portal allowing condo managers to apply for their management licence. Indeed, all condo managers have until January 29, 2018 to apply for the appropriate licence. After that date, it will be illegal to provide condo management services without a licence (or without a proof that you have applied for one and are waiting for the CMRAO to treat your application).

We have already [blogged about the mandatory licensing requirement](#).

To access the licensing portal, visit the CMRAO [licensing page](#). Then click on the licence you wish to apply for. It'll lead you to the licensing portal. You will need to create a profile with the CMRAO.

The new Condo Tribunal

After having initially experienced some technical difficulties, the Condo Authority of Ontario (CAO) launched Ontario's first online tribunal! This new tribunal will help settle and decide condominium related disputes in Ontario. We have already [blogged on this new Tribunal](#).

For now, the tribunal's jurisdiction is limited to disputes related to the corporation's records. Expect this jurisdiction to expand with time.

To commence or to respond to a new tribunal case, visit the [Tribunal's portal](#). You will need to create a user profile.

Information Certificates

Corporations now have the obligation to provide owners with regular **Information Certificates**, which contains information about the condominium corporation's board, finances, insurance, reserve fund, legal proceedings and other matters about the corporation.

These certificates shall be provided to owners twice a year. They will have to be provided within 60 days after the end of the first and third quarter of the corporation's fiscal year. Such certificates will also have to be provided within

30 days of any change to be reported and to every new owner. Corporations must use the prescribed [Information certificate](#) issued by the province.

We have already [blogged on how to electronically serve documents](#) on owners.

AGMs: Advance notices of owners meeting and reduced quorum

For any and all meetings of owners (including AGMs) held on or after December 11, 2017, the Corporation will have to send an [advance notice](#) of the meeting, using the [form prescribed](#). This advance notice will advise owners, amongst other things, of the anticipated date of the meeting. It will confirm whether a director will be elected at the meeting and whether an auditor will be appointed. We have already [blogged about how to call an AGM](#) under the new Act.

Similarly, the AGM notice will also have to be in the [prescribed form](#).

The required quorum to hold an owners' meeting (including AGMs) remains at 25% but is now reduced to 15% if quorum is not met in the first two attempts.

Voting method and new proxies

Votes at owners' meeting can continue to be held by show of hand, in person or by proxy but can now also be done by telephonic or electronic means [if the corporation has a by-law permitting it](#). These new electronic voting methods can include telephone calls, fax, email, touch-tone or computer systems.

Any owner using a proxy must now use the [prescribed form](#). Corporations and owners can no longer make their own forms.

The new Condo Authority of Ontario

While this is not new, the CAO has been up and running now since September 1st, 2017. The CAO is focused on consumer protection and supporting healthy condo communities across Ontario. It provides trusted easy-to-use online information, training, dispute resolution, and other services to help improve condominium living. The [CAO website](#) is often the best place to start for anyone wishing to learn more about condo living or wishing to resolve a condo-related matter.

Keep in mind that all condominium corporations must register with the CAO and must pay the CAO Assessment fee before December 31, 2017. This is mandatory. We have [blogged already about the requirement to register](#) your condo corporation.

Next post

Again, many more changes have been implemented on November 1st, 2017. The above are only some saillant ones. We strongly recommend you consult with your legal counsel to ensure you are relying on the current provisions of the Act.

In our next post, we will discuss the changes which have NOT been implemented yet. For those of you who cannot wait for our next post, send me an email. I'll give you a sneak preview.

Be the first to know

If you have not done so already, [subscribe to our blog](#) to ensure you are the first to know. Many more changes are coming..