

New protections for condominium owners



Jacques Robert REAL ESTATE LAW

The Protecting Condominium Owners Act, 2015 has gradually started coming into force. This Act brings about the first major changes to the Condominium Act in over 16 years. As well as amending the Condominium Act, amendments to the Ontario New Home Warranties Plan Act will be included, and the Condominium Management Services Act will come into effect.

While the provision of the Act should improve the condo ownership experience, the additional requirements imposed on property managers and condo corporations will be reflected by an increase in condo fees payable by owners. This article looks at some of the added protections that condo owners can expect.

Provisions currently in force

As of November 1, 2017, several changes came into effect.

Among these were mandatory training and new disclosure requirements for directors, mandatory licencing for property managers, and the Condo Authority Tribunal.

Directors

The amendments establish disclosure and training requirements for directors. The amendments will also make director qualifications and disqualifications consistent with other corporate statutes. Directors will now be required to disclose personal details including if they have ever been convicted of an offence under the Condominium Act, whether they are a party to a legal action, and whether they have an interest in a contract to which the condo is a party.

Directors appointed or elected after October 31, 2017 will have 6 months to complete training modules through the

Condominium Authority of Ontario (CAO). This training is done online and is available to anyone. If a director does not complete this training within the 6 month timeframe, they will be disqualified from holding the position of director.

Licensing of managers

Condo managers have until January 29, 2018 to apply for a licence through the Condominium Management Regulatory Authority of Ontario (CMRAO). Without a management licence, it will be illegal

to provide property management services for a condo in Ontario after that date. Both individual managers and management companies will need a licence. The CMRAO issues four types of licences: Limited, Transitional General, General, and Condominium Management Provider (for condo management companies). Licencing requirements vary, but for individuals, licencing will take into consideration such things as condo management work experience, education, and good character.

The Condo Authority



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Tribunal

As part of the changes brought about by the Act, the Condominium Authority of Ontario will administer the Condominium Authority Tribunal. This is an online tribunal intended to resolve disputes through case management, mediation and adjudication. The Tribunal decisions will be binding and enforceable as if they were ordered by a court, and the divisional court will hear appeals on questions of law. The types of disputes that may be heard by

the Tribunal include are currently limited to condominium records, but in time may expand to include disputes concerning enforcement of declarations, by-laws, and condo rules. Existing dispute resolution mechanisms such as mediation, arbitration, or court still apply to disputes outside the Tribunal's jurisdiction.

The Condominium Authority will set the Tribunal fees, but it is anticipated by the provincial government that the cost of resolving a dispute through the Tribunal will be substantially less than existing mechanisms while at the same time providing a faster result.

As mentioned, these are just some of the changes that are in effect. In a future article we will look at some of the changes still to be enacted under the Protecting Condominium Owners Act, 2015.

co-authored with Mark Armitage, associate lawyer

Jacques Robert is an Ottawa real estate lawyer. For more information, visit www.jacquesrobert.com

RENTAL GUIDE

Tips for a safe holiday season

BY DICKIE & LYMAN LLP
who practice landlord/tenant law
and other areas of law

Safety tips from the Ottawa Police Service

1. When shopping, make sure that you always lock your vehicle.
2. Place parcels in the trunk and/or minimize the number of bags that can be seen.
3. Keep track of your debit and credit cards. Always protect your PIN number.
4. Take note of where you parked and the door you entered from, so when you leave you are not walking around with a large number

of parcels and attracting unnecessary attention.

5. If living in a single-family rental home and going away:

- arrange for someone to clean your driveway and walkway to give the appearance of occupancy.
 - leave lights on a timer and have a neighbour or friend take in your mail and check your house daily.
6. Do not throw out your "big ticket" boxes all at once. Cut the boxes up and fold them inside out to hide the original content pictures.

Fire safety tips:

Christmas trees: If you buy

a real Christmas tree, get one that is freshly cut. Choose a tree with a rich green colour, a nice fresh smell and sticky resin on the trunk. You can test a tree's freshness by tapping the base of the tree on the ground to see if the needles remain intact.

When you get home, the Christmas tree should be placed in a stand that holds two to three litres of water. Top up the water daily. Do not set the tree up near a heat source such as a radiator, fireplace or television. Metallic ornaments can become a shock hazard if they make contact with defective wiring.

Christmas lights: Make

sure you inspect your Christmas lights for broken or frayed strings before putting them up. Ensure you are using lights that are designed for a specific environment. For instance, indoor lights should not be used outdoors because they lack weatherproof connections. Some outdoor lights can burn too hot indoors. Most importantly, turn off all tree and display lights before going to bed or leaving the house.

Candles: Do not put real candles on the tree. If you plan to use real candles elsewhere, be extremely careful about where you place them to prevent something flam-

mable (such as clothing) from coming into contact with the flame, and to prevent the candles from being knocked over.

It's best to avoid real candles altogether. Using flameless candles is a great safety alternative that will give you peace of mind this holiday season. Flameless candles are about the same price as real candles and can be purchased in a variety of sizes, colours and designs, like lanterns.

If you insist on using candles, then at least refrain from using them at parties when alcohol will be served. After a few drinks people can easily lose their balance and

knock over a candle, or brush against a candle, with disastrous results for them and for you as the occupant.

Electrical outlets: Do not overload electrical outlets by bunching up extension cords or running them under carpets or rugs.

Cooking: As at all times, be very careful when cooking with grease. Do not leave pots on the stove unattended.

Smoke detectors: Ensure that the smoke detectors on each floor are all in working order.

Stay safe, and enjoy a happy holiday season!