

Caution:

This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

CONDOMINIUM ACT, 1998

Amending O. Reg. 48/01

(GENERAL)

1. (1) Section 1 of Ontario Regulation 48/01 is amended by adding the following definitions:

“board’s response” means the response that a board gives under subsection 13.3 (6) to a request for records; (“réponse du conseil”)

“core record” means any of the following records of a corporation:

1. A copy of the declaration, by-laws and rules of the corporation.
2. An agreement mentioned in section 113 or subsection 154 (5) of the Act entered into by or on behalf of the corporation.
3. The budget for the corporation’s current fiscal year and all amendments, if any, made to that budget.
4. The most recent financial statements that the board has approved under subsection 66 (3) of the Act.
5. The most recent auditor’s report presented to the audit committee or to the board under subsection 67 (6) of the Act
6. The current plan proposed by the board under subsection 94 (8) of the Act for future funding of the reserve fund.

7. The records that the corporation is required to maintain under subsection 46.1 (3) or 83 (3) of the Act.
8. All periodic information certificates that the corporation, within the 12-month period before receiving a request for records or part of a requester's response, sent to the owners under section 26.3 of the Act or was required by that section to send to the owners.
9. The minutes of meetings of owners or meetings of the board that were held after the day section 51 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force and within the 12-month period before the corporation receives a request for records or part of a requester's response.
10. Any other record that a by-law of the corporation specifies as a core record; ("dossier essentiel")

"fee payable for the request" in connection with a request for records, means the fee described in paragraph 4 of subsection 13.3 (7); ("droits payables à l'égard de la demande")

"information certificate update" means the certificate described in subsection 11.2 (2); ("mise à jour du certificat de renseignements")

"new owner information certificate" means the certificate described in subsection 11.3 (3); ("certificat de renseignements à l'intention du nouveau propriétaire")

"periodic information certificate" means the certificate described in clause 26.3 (a) or (b) of the Act; ("certificat de renseignements périodique")

(2) The definition of "policy" in section 1 of the Regulation is revoked and the following substituted:

"policy", except in sections 11.1 and 13.1, means a policy described in paragraph 1 of subsection 20 (2); ("police")

(3) Section 1 of the Regulation is amended by adding the following definitions:

"request for records" means a request to examine or obtain copies of records under subsection 55 (3) of the Act; ("demande de dossiers")

"requester's response" means the response described in subsection 13.3 (11) that a requester returns to a corporation. ("réponse du demandeur")

(4) Section 1 of the Regulation is amended by adding the following subsection:

(2) In the Act and this Regulation,

“actual litigation” means a legal action involving a corporation; (“instance en cours”)

“actual or contemplated litigation” means actual litigation or contemplated litigation; (“instance en cours ou envisagée”)

“address for service” means an address that is in Ontario and that is capable of receiving prepaid mail; (“adresse aux fins de signification”)

“contemplated litigation” means any matter that might reasonably be expected to become actual litigation based on information that is within a corporation’s knowledge or control; (“instance envisagée”)

“electronic communication” and “electronic mail” mean a communication that,

- (a) is transmitted in digital form or in another intangible form by electronic, magnetic or optical means or by any other means that has capabilities for transmission similar to those means,
- (b) enables the recipient to view, store, retrieve and print,
 - (i) the contents of the communication,
 - (ii) the contents of any documents included in the communication, and
 - (iii) the contents of any links in the communication, including any links to external documents, and
- (c) clearly identifies,
 - (i) each document mentioned in clause (b), and
 - (ii) each separate electronic file, if any, of which the document consists. (“communication électronique” and “courrier électronique”)

2. (1) The Regulation is amended by adding the following section:

Interpretation

1.1 (1) A reference to a portion of the units in a corporation in the provisions of the Act listed in subsection (2) or the provisions of this Regulation listed in subsection (3) shall be interpreted as a reference to a portion of,

- (a) the units in the corporation in respect of which the right to vote to elect a person to or to remove a person from the board is reserved as described in subsection 51 (6) of the Act, in respect of any part of the business of a meeting that is reserved for voting by owners of those units;
 - (b) the units in the corporation that are not described in subsection 49 (3) of the Act, if not all of the units in the corporation are those described in that subsection and clause (a) does not apply; or
 - (c) all of the units in the corporation, if all of the units are those described in subsection 49 (3) of the Act and clause (a) does not apply.
- (2) Subsection (1) applies to the following provisions of the Act:
- 1. Clause 11 (8) (b), as enacted by subsection 13 (2) of Schedule 1 to the *Protecting Condominium Owners Act, 2015*.
 - 2. Clause 22 (9) (c).
 - 3. Clause 26.1 (2) (b), as enacted by section 23 of Schedule 1 to the *Protecting Condominium Owners Act, 2015*.
 - 4. Clause 26.2 (2) (b), as enacted by section 24 of Schedule 1 to the *Protecting Condominium Owners Act, 2015*.
 - 5. Subsection 33 (1).
 - 6. Clause 42 (6) (a).
 - 7. Subsection 42 (7).
 - 8. Subsection 42 (9).
 - 9. Subsection 43 (1).
 - 10. Subsection 46 (1), as it read immediately before the day section 40 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force.
 - 11. Clause 46 (1) (a), as enacted by section 40 of Schedule 1 to the *Protecting Condominium Owners Act, 2015*.
 - 12. Subsection 51 (6), as it read immediately before the day subsection 46 (2) of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force.

13. Subclause 51 (6) (b) (ii), as enacted by subsection 46 (2) of Schedule 1 to the *Protecting Condominium Owners Act, 2015*.
 14. Clause 56 (1) (c), as re-enacted by subsection 52 (4) of Schedule 1 to the *Protecting Condominium Owners Act, 2015*.
 15. Clause 56 (10) (a), as re-enacted by subsection 52 (13) of Schedule 1 to the *Protecting Condominium Owners Act, 2015*.
 16. Clause 59 (3) (a).
 17. Subsection 59 (5).
 18. Subsection 82.1 (1), as enacted by section 74 of Schedule 1 to the *Protecting Condominium Owners Act, 2015*.
 19. Subsection 97 (4), as it read immediately before the day section 88 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force.
 20. Subsection 97 (7), as re-enacted by section 88 of Schedule 1 to the *Protecting Condominium Owners Act, 2015*.
 21. Clause 122 (1) (a).
 22. Subsection 123 (7), as it read immediately before the day subsection 106 (2) of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force.
 23. Subsection 123 (7), as re-enacted by subsection 106 (2) of Schedule 1 to the *Protecting Condominium Owners Act, 2015*.
 24. Subsection 124 (2).
 25. Clause 145 (1) (e).
 26. Subsection 152 (6).
 27. Subsection 174 (5).
- (3) Subsection (1) applies to the following provisions of this Regulation:
1. Paragraphs 2 and 3 of subsection 6.1 (1).
 2. Clause 11.4 (1) (d).

3. Sub-subclause 12.8 (1) (a) (i) (A).
4. Subclause 52 (2) (d) (i).

(2) Paragraph 10 of subsection 1.1 (2) of the Regulation, as made by subsection (1), is revoked.

(3) Paragraph 12 of subsection 1.1 (2) of the Regulation, as made by subsection (1), is revoked.

(4) Paragraph 19 of subsection 1.1 (2) of the Regulation, as made by subsection (1), is revoked.

(5) Paragraph 22 of subsection 1.1 (2) of the Regulation, as made by subsection (1), is revoked.

3. Section 2 of the Regulation is revoked.

4. The Regulation is amended by adding the following section:

Deemed provisions in declaration

6.1 (1) A declaration is deemed to include the following provisions:

1. Despite anything in the declaration, as soon as reasonably possible and, in any event, by no later than the 15th day after the declarant transfers the first unit in the corporation, the declarant shall give written notice to the first board mentioned in subsection 42 (1) of the *Condominium Act, 1998* of the day that the declarant transferred that unit.
2. Despite anything in the declaration, as soon as reasonably possible and, in any event, no later than five days before the day that, according to the declarant's anticipation, is the day on which the declarant will cease to be the registered owner of the majority of the units, the declarant shall give written notice to the first board mentioned in subsection 42 (1) of the *Condominium Act, 1998* of the anticipated day.
3. Despite anything in the declaration, as soon as reasonably possible and, in any event, by no later than five days after the declarant ceases to be the registered owner of the majority of the units, the declarant shall give written notice to the first board mentioned in subsection 42 (1) of the *Condominium Act, 1998* of the day that the declarant ceased to be the registered owner of the majority of the units.

(2) No board, other than a board of the corporation described in subsection 11 (8) of the Act, may amend or repeal any of the provisions listed in subsection (1).

5. (1) The title to Part III of the Regulation is revoked and the following substituted:

**PART III
CORPORATION**

(2) Part III of the Regulation is amended by adding the following sections:

INFORMATION CERTIFICATES

Periodic information certificate

11.1 (1) In addition to the material specified in clause 26.3 (a) of the Act, a periodic information certificate of a corporation shall contain,

- (a) the name and address for service of,
 - (i) the condominium management provider or the condominium manager, if any, with whom the corporation has entered into an agreement to receive condominium management services, and
 - (ii) any other person responsible for the management of the property;
- (b) a statement of the information required to determine all methods that subclause 13.3 (4) (a) (ii) or clause 13.3 (4) (d) authorizes for the delivery of material to the corporation;
- (c) a statement of the method of electronic communication that the corporation will use for the purposes of clause 13.4 (1) (a), subclause 13.5 (1) (a) (i), clause 13.6 (1) (a) or subclause 13.7 (1) (a) (i);
- (d) a statement identifying any director of the corporation in office who,
 - (i) is a party to any legal action to which the corporation is a party,
 - (ii) was a party to any legal action that resulted in a judgment that is against the corporation and that is outstanding, or
 - (iii) has contributions to the common expenses payable for any units that the director owns in the corporation, if the contributions are in arrears for 60 days or more;
- (e) a statement of the number of units for which the corporation has received notice under section 83 of the Act that the unit was leased during the current fiscal year;

- (f) a statement of the financial implications that are described in subsections (2) and (3) for the judgments and legal actions mentioned in clause 76 (1) (h) of the Act;
- (g) if an insurance policy obtained and maintained by the corporation in accordance with the Act contains a deductible clause that limits the amount payable by the insurer, a statement that,
 - (i) describes any such deductible clause, including the portion of a loss that would be excluded from coverage,
 - (ii) clearly identifies, for any such deductible clause, the maximum amount that is to be added to the common expenses payable for an owner's unit under section 105 of the Act or as a result of a by-law passed under clause 56 (1) (i) of the Act before the repeal of that clause came into force, and
 - (iii) warns owners of their liability as described in subclause (ii);
- (h) a statement clearly identifying any insurance that the corporation has not obtained and maintained at any time during the current fiscal year if,
 - (i) the insurance is described in section 39, 99 or 102 of the Act, or
 - (ii) the corporation otherwise had or has a legal obligation to obtain and maintain the insurance;
- (i) a copy of the statements and information provided to the board during the current fiscal year in accordance with the disclosure obligation described in section 11.10;
- (j) a statement whether the corporation has passed a by-law under clause 56 (1) (h) of the Act and, if so, a statement identifying the number of the by-law;
- (k) a copy of the corporation's budget for the current fiscal year and a copy of all amendments, if any, made to that budget;
- (l) a statement whether the corporation's budget for the current fiscal year may result in a surplus or deficit and the amount of the projected surplus or deficit;
- (m) a statement setting out,
 - (i) the amount in the reserve fund,
 - (ii) the amount of the total annual contribution to be made to the reserve fund for the remainder of the current fiscal year,

- (iii) the amount of the anticipated expenditures to be made from the reserve fund for the remainder of the current fiscal year, and
- (iv) the current plans, if any, to increase the reserve fund under a plan proposed by the board under subsection 94 (8) of the Act, for future funding of the reserve fund;
- (n) a statement of the status of any outstanding claims that have been made by the corporation for payment out of the guarantee fund under section 14 of the *Ontario New Home Warranties Plan Act*;
- (o) a statement whether the corporation has contravened or failed to comply with subsection 1.30 (6) of the Act or any provision of Part II.1 of the Act during the current fiscal year and, if so, a statement of the contravention or failure to comply;
- (p) for the purpose of subsection 134.1 (9) of the Act, a copy of any order described in that subsection that has been made against the corporation or a director or officer of the corporation under section 134.1 of the Act if there is no possibility of it being replaced under subsection 134.1 (5) of the Act, unless the order was contained in a periodic information certificate that the corporation has previously sent to the owners in accordance with the Act and this Regulation; and
- (q) all other information relating to the corporation that a by-law of the corporation requires be included in the certificate.

(2) The following financial implications are required under clause (1) (f) in respect of judgments:

1. Whether the judgment requires the corporation to pay damages, compensation or costs and, if so, the amount of the damages, compensation or costs.
2. Whether any portion of the damages, compensation or costs mentioned in paragraph 1 is covered by an insurance policy of the corporation and, if so, the amount that is covered.
3. Whether the corporation has made a claim under an insurance policy of the corporation in respect of the damages, compensation or costs mentioned in paragraph 1.

(3) The following financial implications are required under clause (1) (f) in respect of legal actions:

1. The total amount of the damages, compensation or costs claimed by or against the corporation in the action.

2. Whether any portion of the damages, compensation or costs mentioned in paragraph 1 is covered by an insurance policy of the corporation and, if so, the amount that is covered.
3. Whether any portion of the legal costs and expenses incurred by the corporation in connection with the action is covered by an insurance policy of the corporation and, if so, the amount that is covered.
4. Whether the corporation has made any claims under the policy mentioned in paragraph 2 or 3 in respect of the damages, compensation or costs mentioned under the applicable paragraph.

(4) For the purpose of clause 26.3 (a) of the Act, the following time periods are prescribed as the time periods at which a corporation shall send a periodic information certificate to the owners, instead of at least once every three months:

1. Within 30 days after the last day of the first quarter of the corporation's current fiscal year if this section is in force on that last day.
2. Within 30 days after the last day of the third quarter of the corporation's current fiscal year if this section is in force on that last day.
3. The additional time periods, if any, that are set out in a by-law of the corporation passed on or after the day this section comes into force.

(5) For the purpose of subsection (4), if the current fiscal year of a corporation is a period of less than 12 months, the current fiscal year shall be deemed to have commenced on the day that is one year before the end of the current fiscal year.

(6) The material that a periodic information certificate is required to contain shall be current as of the following dates:

1. If the certificate is sent to the owners at the time period described in paragraph 1 or 2 of subsection (4), the last day of the quarter described in the applicable paragraph.
2. If the certificate is sent to the owners at the time period described in paragraph 3 of subsection (4), the day set out in the by-law.

(7) A periodic information certificate shall be in English or French and shall be in the form that is entitled "Periodic Information Certificate" in English or "Certificat de renseignements périodique" in French, as the case may be, and that is dated *, as it appears on the Government of Ontario website.

(8) A corporation that sends a periodic information certificate to the owners in accordance with this section shall be deemed to have complied with section 105.1 of the Act.

Information certificate update

11.2 (1) An information certificate update is a class of certificate mentioned in clause 26.3 (b) of the Act.

(2) An information certificate update shall contain,

- (a) a statement whether there has been any change in any of the following, and if so, information about the change:
 - (i) the address for service of the corporation,
 - (ii) the address for service of the directors or officers of the corporation,
 - (iii) the directors or officers of the corporation,
 - (iv) the name and address for service of the condominium management provider or the condominium manager, if any, with whom the corporation has entered into an agreement to receive condominium management services,
 - (v) the information required to determine all methods that subclause 13.3 (4) (a) (ii) or clause 13.3 (4) (d) authorizes for the delivery of material to the corporation,
 - (vi) the method of electronic communication that the corporation will use for the purposes of clause 13.4 (1) (a), subclause 13.5 (1) (a) (i), clause 13.6 (1) (a) or subclause 13.7 (1) (a) (i), or
 - (vii) the deductible clause or the amount described in clause 11.1 (1) (g);
- (b) a statement whether any insurance that is described in clause 11.1 (1) (h) and that the corporation obtained and maintained has been terminated and, if so, information about the termination;
- (c) if a vacancy has arisen in the board and there are not enough directors remaining in office to constitute a quorum, a statement of that fact and,
 - (i) a specification of the number of vacancies in the board, and
 - (ii) a request that each individual who intends to be a candidate for election to the board notify the board in writing, within five days after the corporation,

including any remaining directors acting on behalf of the corporation, gives the update, of the individual's intention, name and address; and

- (d) all other information relating to the corporation that a by-law of the corporation requires be included in the update.

(3) For the purpose of clause 26.3 (b) of the Act, the following time periods are prescribed as the time periods at which a corporation shall send an information certificate update to the owners:

1. If there has been any change in a matter described in subclauses (2) (a) (i) to (vi), within 15 days of the change.
2. If there has been any change in a matter described in subclause (2) (a) (vii), within 15 days of the day when the change first came to the knowledge of the corporation.
3. If the update deals with a termination described in clause (2) (b), as soon as reasonably possible after the day when the termination first came to the knowledge of the corporation and, in any event, no later than 15 days after that day.
4. If the update deals with a matter described in clause (2) (c), within 5 days of losing the quorum mentioned in that clause.
5. If the update deals with the information mentioned in clause (2) (d), within the time period set out in the by-law mentioned in that clause.

(4) An information certificate update shall be in English or French and shall be in the form that is entitled "Information Certificate Update" in English or "Mise à jour du certificat de renseignements" in French, as the case may be, and that is dated *, as it appears on the Government of Ontario website.

(5) A corporation that sends an information certificate update to the owners in accordance with this section shall be deemed to have complied with section 105.1 of the Act.

New owner information certificate

11.3 (1) A new owner information certificate is a class of certificate mentioned in clause 26.3 (b) of the Act.

(2) Despite clause 26.3 (b) of the Act, a corporation shall send a new owner information certificate only to each owner who is described in subsection 46.1 (2) of the Act and who has complied with that subsection.

(3) A new owner information certificate shall contain,

- (a) a copy of the most recent periodic information certificate, if any, that the corporation sent to the owners or was required to send to the owners under section 11.1, unless the corporation has previously sent that periodic information certificate to the owner described in subsection (2);
- (b) a copy of the most recent information certificate update, if any, that the corporation sent to the owners or was required to send to the owners under section 11.2 after the periodic information certificate described in clause (a), unless the corporation has previously sent that information certificate update to the owner described in subsection (2); and
- (c) all other information relating to the corporation that a by-law of the corporation requires be included in the certificate.

(4) A corporation shall send a new owner information certificate to each owner described in subsection (2) within 15 days after the owner has complied with subsection 46.1 (2) of the Act.

(5) For greater certainty, a corporation is not required to send a new owner information certificate to any owner if the certificate is not required to contain anything under subsection (3).

(6) A new owner information certificate shall be in English or French and shall be in the form that is entitled “New Owner Information Certificate” in English or “Certificat de renseignements à l’intention du nouveau propriétaire” in French, as the case may be, and that is dated * as it appears on the Government of Ontario website.

Exception: no information certificates to send

11.4 (1) A corporation shall not send a periodic information certificate to owners under section 11.1, an information certificate update to owners under section 11.2 or a new owner information certificate to owners under section 11.3 in a fiscal year if,

- (a) a turn-over meeting has been held for the corporation under section 43 of the Act;
- (b) if the corporation is a phased condominium corporation and a new board has been elected under subsection 152 (6) of the Act, a turn-over meeting for the corporation has been held under section 43 of the Act after that election;
- (c) the corporation consists of fewer than 25 units; and
- (d) the owners of at least 80 per cent of the units consent in writing to dispense with the requirements of the applicable section 11.1, 11.2 or 11.3 until the next fiscal year of the corporation.

(2) Subsection (1) applies only in respect of a periodic information certificate, an information certificate update or a new owner information certificate that the corporation is

required to send to owners under section 11.1, 11.2 or 11.3, as the case may be, after the consent described in clause (1) (d) is obtained and for the remainder of the fiscal year in which the consent is obtained.

(3) An owner is not entitled to consent under clause (1) (d) if any contributions to the common expenses payable for the owner's unit are in arrears for 30 days or more.

(4) An owner who, under subsection (3), is not entitled to consent may consent after the corporation receives payment of the arrears with respect to the owner's unit.

Delivery of information certificates

11.5 (1) In addition to section 54 of the Act, a periodic information certificate, an information certificate update or a new owner information certificate that a corporation sends to the owners is sufficiently served if,

- (a) the corporation posts it on a website and sends a notice of the posting that complies with subsection (2) of this section to the owners in accordance with section 54 of the Act; and
- (b) it meets the requirements specified in clauses (b) and (c) of the definition of "electronic communication" and "electronic mail" in subsection 1 (2) of this Regulation.

(2) The notice of the posting shall,

- (a) be in English or French and in the form that is entitled "Notice of On-line Posting of Information Certificate" in English or "Avis de l'affichage en ligne d'un certificat de renseignements" in French, as the case may be, and that is dated *, as it appears on the Government of Ontario website;
- (b) identify whether the posted certificate is a periodic information certificate, an information certificate update or a new owner information certificate;
- (c) state how the posting can be accessed by electronic means; and
- (d) state that if an owner wishes to obtain a copy of the posted certificate in paper form, the owner can do so by making a request under subsection 55 (3) of the Act.

(3) Section 11.5 of the Regulation, as made by subsection (2), is amended by adding the following subsection:

(3) The provisions of sections 13.3 to 13.11 that apply to a core record apply to a request described in clause (2) (d).

6. Part III of the Regulation is amended by adding the following sections:

DIRECTORS AND OFFICERS

Disclosure obligations

11.6 (1) For the purpose of clause 29 (1) (f) of the Act, a person shall provide the following statements and information in accordance with this section:

1. If the person mentioned in that clause is a party to any legal action to which the corporation is a party, a statement of that fact and a brief general description of the action.
2. If the spouse, child or parent of the person, or the child or parent of the spouse of the person, is a party to any legal action to which the corporation is a party, a statement of that fact, the name of the spouse, child or parent and a brief general description of the action.
3. If the person has been convicted of an offence under the Act or under the regulations within the preceding 10 years, a statement of that fact and a brief general description of the offence.
4. Subject to subsection (3), if the person has, directly or indirectly, an interest in a contract or transaction to which the corporation is a party, in a capacity other than as a purchaser, mortgagee, owner or occupier of a unit, a statement of that fact and a statement of the nature and extent of the interest.
5. If the contract or transaction to which paragraph 4 applies involves the purchase or sale of real or personal property by the corporation that the seller acquired within five years before the date of the contract or transaction, a statement of the cost of the property to the seller, to the extent to which that information is within the person's knowledge or control.
6. Subject to subsection (3), if the person has, directly or indirectly, an interest in a contract or transaction to which the declarant or declarant affiliate is a party, in a capacity other than as a purchaser, mortgagee, owner or occupier of a unit, a statement of that fact and a statement of the nature and extent of the interest.
7. If the person is an owner in the corporation and if the contributions to the common expenses payable for the person's unit are in arrears for 60 days or more, a statement of that fact.
8. All other information that a by-law of the corporation requires the person to disclose.

(2) In paragraph 2 of subsection (1),

“spouse” means,

- (a) a spouse as defined in section 1 of the *Family Law Act*, or
- (b) either of two persons who live together in a conjugal relationship outside marriage.

(3) Paragraphs 4 and 6 of subsection (1) do not apply to a contract or transaction unless both it and the person’s interest in it are material.

(4) The statements and information that subsection (1) requires the person to provide shall be current as of the time the person provides them.

(5) If the person provides notice to the board as described in subsection 28 (2) of the Act or subclause 11.2 (2) (c) (ii) of this Regulation with respect to a meeting of owners described in subsection (6), the person shall provide the statements and information required by subsection (1) to the board in writing at the time of providing the notice.

(6) The meeting of owners mentioned in subsection (5) or (7) is a meeting that is held 40 days or more after the day section 27 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force and for which a notice of meeting has not already been sent before that day.

(7) If the person does not provides notice to the board as described in subsection 28 (2) of the Act or subclause 11.2 (2) (c) (ii) of this Regulation but is a candidate in the election of one or more directors at a meeting of owners described in subsection (6), the person shall provide the statements and information required by subsection (1) to the corporation at the meeting.

(8) For the purpose of subsection (7), the person shall provide the statements and information,

- (a) orally or in writing if the person is present at the meeting; or
- (b) in writing if the person is not present at the meeting.

(9) If the person is a person appointed to the board as described in subsection 34 (2) of the Act, the person shall provide the statements and information required by subsection (1) of this section to the board,

- (a) at any time before being so appointed, unless the corporation has passed a by-law described in clause (b); or

(b) within such other period of time that is set out in a by-law of the corporation and that is before the appointment.

(10) The person shall provide the statements and information,

(a) orally or in writing if the person provides them at a time at the meeting when the person is appointed to the board that is before the appointment; or

(b) in writing if,

(i) the person provides the statements and information before the meeting at which the person is appointed to the board, or

(ii) a by-law of the corporation requires the person to provide the statements and information in writing.

(11) If this section requires a person to provide the statements and information required by subsection (1) in writing, the signature of the person shall be included in the statements and shall accompany the information.

Training courses required

11.7 (1) For the purpose of clause 29 (2) (e) of the Act, the prescribed training consists of the training courses that the following person or body designates:

1. The board of the condominium authority, if the authority is responsible for the administration of section 29 of the Act.
2. The Minister, if there is no condominium authority responsible for the administration of section 29 of the Act.

(2) The person or body that is authorized to designate the training courses may designate organizations that are authorized to provide the courses.

(3) If the board of the condominium authority is authorized to designate the training courses, the authority shall publish a description of the courses and the organizations, if any, that are authorized to provide them,

(a) on its website and in any other way described in its administrative agreement; and

(b) in any other format that the condominium authority considers advisable.

(4) For the purpose of clause 29 (2) (e) of the Act, a person shall complete the training courses within six months of the earlier of the day that the person is elected or appointed to the board, unless the person,

- (a) is no longer a director on the last day of those six months; or
- (b) has previously completed the courses,
 - (i) within seven years before that applicable day,
 - (ii) on or after the day this section comes into force, and
 - (iii) in accordance with this section as it read at the time the person completed the courses.

Records of training courses

11.8 (1) If the condominium authority or the Minister has designated an organization to provide a training course required under section 11.7 and a person completes such a course in accordance with that section, the authority or the Minister, as the case may be, shall ensure that the organization provides written evidence of completion to the person and to the authority or the Minister, as the case may be.

(2) The evidence of completion shall identify the name of the person and the date that the person completed the course.

(3) Within 15 days after receiving the evidence of completion, the person shall forward to each corporation in respect of which the person was a director at the time the person completed the course,

- (a) a notice identifying each such corporation;
- (b) the evidence of completion; and
- (c) written evidence of the costs, charges or expenses, if any, that the person incurred and paid for directly, and in respect of which the person has not been indemnified by a corporation.

(4) Within 30 days of receiving the material described in subsection (3), the corporation shall indemnify the person and the person's heirs, executors, administrators and estate trustees for all costs, charges and expenses that the person incurred and paid for directly in completing the course, except to the extent that another corporation indemnifies the person for those costs, charges and expenses.

(5) The condominium authority or the Minister that designated the training courses required under section 11.7 shall,

- (a) keep adequate records relating to each person who has completed the courses in accordance with that section, including a record of,
 - (i) the name of the person,
 - (ii) the name of each corporation in respect of which the person was a director at the time the person completed the courses, and
 - (iii) the date that the person completed the courses;
- (b) retain the records mentioned in clause (a) for an adequate period of time; and
- (c) upon reasonable notice and at all reasonable times and subject to section 1.29 of the Act, permit a corporation described in subclause (a) (ii), a corporation in respect of which the person is a director at the time of forwarding the material described in subsection (3) or a person authorized by any such corporation to examine or obtain copies of the records mentioned in clause (a) that relate to the person described in that clause.

Exemption from disclosure obligations and training courses

11.9 (1) A director appointed or elected to a board before the day section 27 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force is exempt from clauses 29 (1) (f) and 29 (2) (e) of the Act but ceases to be so exempt if the person is elected or appointed to the board at or after a turn-over meeting held under section 43 of the Act on or after that day.

(2) A director appointed or elected to the first board under section 42 of the Act is exempt from clauses 29 (1) (f) and 29 (2) (e) of the Act but ceases to be so exempt if the person is elected or appointed to the board at or after a turn-over meeting held under section 43 of the Act on or after the day section 27 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force.

(3) If the condominium authority is responsible for the administration of section 29 of the Act, clause 29 (2) (e) of the Act, as enacted by section 27 of Schedule 1 to the *Protecting Condominium Owners Act, 2015*, does not apply to any director who was elected or appointed to a board on or after the day that clause comes into force but before the earlier of,

- (a) the date that the board of the condominium authority publishes on its website, in accordance with subsection 11.7 (3) of this Regulation, a description of the courses and the organizations, if any, that are authorized to provide them; and
- (b) one year from the day that clause 29 (2) (e) comes into force.

Disqualification of directors

11.10 (1) For the purpose of clause 29 (2) (f) of the Act, the following are the prescribed disclosure obligations for a director appointed or elected to the first board under section 42 of the Act:

1. If the director has been convicted of an offence under the Act or the regulations within the preceding 10 years, a statement of that fact.
2. All other disclosure obligations set out in a by-law of the corporation passed on or after the day subsection 52 (2) of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force.

(2) For the purpose of clause 29 (2) (f) of the Act, the following are the prescribed disclosure obligations for a director appointed or elected to a board, other than the first board:

1. If the spouse, child or parent of the director or if the child or parent of the spouse of the director is a party to any legal action to which the corporation is a party, a statement of that fact, the name of the spouse, child or parent and a brief general description of the action, unless the director has already provided that statement and information in accordance with section 11.6.
2. If the director has been convicted of an offence under the Act or the regulations within the preceding 10 years, a statement of that fact and a brief general description of the offence, unless the director has already provided that statement and information in accordance with section 11.6.
3. If the director has, directly or indirectly, an interest in a contract or transaction to which the corporation is a party or in a proposed contract or transaction to which the corporation will be a party, in a capacity other than as a director or officer of the corporation or as a purchaser, mortgagee, owner or occupier of a unit, a statement of that fact and a statement of the nature and extent of the interest, unless, as at the applicable time of disclosure under clause (10) (c) or (11) (c), as the case may be, the director has already provided those statements in accordance with section 11.6.
4. If the contract or transaction or the proposed contract or transaction to which paragraph 3 applies involves the purchase or sale of real or personal property by the corporation that the seller acquired within five years before the date of the contract or transaction or the proposed contract or transaction, a statement of the cost of the property to the seller, to the extent to which that information is within the director's knowledge or control.
5. If the director has, directly or indirectly, an interest in a contract or transaction to which the declarant or a declarant affiliate is a party, in a capacity other than as a director or officer of the corporation or as a purchaser, mortgagee, owner or occupier

of a unit, a statement of that fact and a statement of the nature and extent of the interest.

6. All other disclosure obligations set out in a by-law of the corporation passed on or after the day subsection 52 (2) of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force.

(3) In paragraph 1 of subsection (2),

“spouse” means,

- (a) a spouse as defined in section 1 of the *Family Law Act*, or
- (b) either of two persons who live together in a conjugal relationship outside marriage.

(4) Paragraphs 3 and 5 of subsection (2) do not apply to a contract or transaction or a proposed contract or transaction unless both it and the director’s interest in it are material.

(5) The statements and information that subsections (1) and (2) require a director to disclose shall be current as of the time the director provides them.

(6) The director shall provide the required statements and information to the board in writing.

(7) The signature of the director shall be included in any written statement made by the director and shall accompany any written information provided by the director.

(8) A director who is appointed or elected to the first board under section 42 of the Act before the day section 27 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force shall make,

- (a) a disclosure described in paragraph 1 of subsection (1),
 - (i) within 30 days of that day, if the day of the conviction is before that day, or
 - (ii) within 30 days of the day of the conviction, if the latter day is on or after the day that section 27 comes into force; and
- (b) a disclosure described in paragraph 2 of subsection (1) within the time period, if any, set out in the by-law.

(9) A director who is appointed or elected to the first board under section 42 of the Act on or after the day section 27 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force shall make,

- (a) a disclosure described in paragraph 1 of subsection (1),
 - (i) within 30 days of the director's appointment or election to the first board, if the day of the conviction is before the day the director is appointed or elected to the first board, or
 - (ii) within 30 days of the conviction, if the day of the conviction is on or after the day the director is appointed or elected to the first board; and
- (b) a disclosure described in paragraph 2 of subsection (1) within the time period, if any, set out in the by-law.

(10) A director who is appointed or elected to a board, other than the first board, before the day section 27 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force shall make,

- (a) a disclosure described in paragraph 1 of subsection (2),
 - (i) if the director becomes aware of the information described in that paragraph before that day, by the earlier of the 30th day after that day and the day of the first meeting of the directors held after that day, or
 - (ii) if the director becomes aware of the information described in that paragraph on or after that day, by the earlier of the 30th day after the day the director becomes so aware and the day of the first meeting of the directors held after the day the director becomes so aware;
- (b) a disclosure described in paragraph 2 of subsection (2),
 - (i) within 30 days of that day, if the day of the conviction is before that day, or
 - (ii) within 30 days of the day of the conviction, if the latter day is on or after that day;
- (c) a disclosure described in paragraph 3 or 4 of subsection (2),
 - (i) subject to subclause (ii), at the earliest of,
 - (A) the meeting of the directors at which the contract or transaction or the proposed contract or transaction is first considered, if the director is, as of the date of the meeting, interested in the contract or transaction or the proposed contract or transaction,

- (B) if the director is not, as of the date of the meeting mentioned in sub-subclause (A), interested in the contract or transaction or the proposed contract or transaction, at the first meeting of the directors held after the director becomes so interested,
 - (C) if the director becomes interested in the contract or transaction after it is entered into, at the first meeting of the directors held after the director becomes so interested, and
 - (D) if the contract or transaction or the proposed contract or transaction is one that in the ordinary course of the corporation's business would not require approval by the directors or owners, at the first meeting of the directors held after the director becomes aware of the contract or transaction or the proposed contract or transaction, or
- (ii) if any of the meetings described in subclause (i) are held before the day section 27 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force, by the earlier of,
- (A) the 30th day after the day that section comes into force, and
 - (B) the first meeting of the directors held on or after the day that section comes into force;
- (d) a disclosure described in paragraph 5 of subsection (2),
- (i) if the director becomes interested in the contract or transaction before that day, by the earlier of the 30th day after that day and the day on which the first meeting of the directors is held after that day, and
 - (ii) if the director becomes interested in the contract or transaction on or after that day, by the earlier of the 30th day after the day the director becomes so interested and the day on which the first meeting of the directors is held after the director becomes so interested; and
- (e) a disclosure described in paragraph 6 of subsection (2) within the time period, if any, set out in the by-law.

(11) A director who is appointed or elected to a board, other than the first board, on or after the day section 27 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force shall make,

- (a) a disclosure described in paragraph 1 of subsection (2),

- (i) within 30 days of the director's appointment or election to the board, if the director becomes aware of the information described in that paragraph before the day the director is appointed or elected to the board, or
 - (ii) within 30 days of the day the director becomes aware of the information described in that paragraph, if the director becomes aware of the information described in that paragraph on or after the day the director is appointed or elected to the board;
- (b) a disclosure described in paragraph 2 of subsection (2),
 - (i) within 30 days of the director's appointment or election to the board, if the day of the conviction is before the day the director is appointed or elected to the board, or
 - (ii) within 30 days of the conviction, if the day of the conviction is on or after the day the director is appointed or elected to the board;
- (c) a disclosure described in paragraph 3 of subsection (2) at the first meeting of the directors that is held on or after that day and after the day on which the director becomes interested in the contract or transaction or the proposed contract or transaction;
- (d) a disclosure described in paragraph 4 of subsection (2) at the first meeting of the directors that is held on or after that day and after the day on which the director becomes aware of the contract or transaction or the proposed contract or transaction, if it is one that in the ordinary course of the corporation's business would not require approval by the directors or owners;
- (e) a disclosure described in paragraph 5 of subsection (2),
 - (i) within 30 days of the director's appointment or election to the board, if the director becomes interested in the contract or transaction before the day the director is appointed or elected to the board, or
 - (ii) within 30 days of the day the director becomes interested in the contract or transaction, if the day the director becomes so interested is on or after the day the director is appointed or elected to the board; and
- (f) a disclosure described in paragraph 6 of subsection (2) within the time period, if any, set out in the by-law.

(12) A disclosure obligation set out in this section does not apply to a person who ceases to be a director on or before the last day of the time at which this section requires the person to make the disclosure.

7. Part III of the Regulation is amended by adding the following section:

Calling a meeting to fill a vacancy on the board

11.11 (1) An owner may call a meeting under subsection 34 (5) of the Act if,

- (a) either of the following conditions is met:
 - (i) no directors remain on the board, or
 - (ii) the number of directors remaining on the board ceases to be sufficient for a quorum and the remaining directors do not call a meeting described in subsection 34 (4) of the Act within 15 days after the board loses quorum; and
- (b) the owner has not received a notice of meeting that another owner has called in accordance with subsection 34 (5) of the Act.

(2) The notice of a meeting called under subsection (1) shall be in English or French and shall be in the form that is entitled “Notice of Meeting Called Under Subsection 34 (5) of the *Condominium Act, 1998*” in English or “Avis de convocation d’une assemblée en vertu du paragraphe 34 (5) de la *Loi de 1998 sur les condominiums*” in French, as the case may be, and that is dated *, as it appears on the Government of Ontario website, and shall include,

- (a) a statement of the quorum for the transaction of business at the meeting;
- (b) a statement of who may count towards the quorum mentioned in clause (a);
- (c) a statement of the manner in which an owner may be present at the meeting and may vote at the meeting in accordance with section 52 of the Act;
- (d) a statement of the number of persons of which the board consists;
- (e) a statement of the number of positions on the board for election at the meeting;
- (f) a statement of the number of positions, if any, described in subclause (e) for which voting is reserved as described in subsection 51 (6) of the Act;
- (g) a statement of the term of each director who is to be elected at the meeting; and
- (h) a copy of the text of subsection 29 (1) of the Act and section 11.6 of this Regulation.

(3) The owner who calls a meeting under subsection (1) may serve the notice on each other owner by,

- (a) delivering it to that owner personally;
- (b) sending it by prepaid mail addressed to that owner at the address for service that appears in the record that the corporation maintains under section 46.1 of the Act and of which the owner obtains a copy under subsection 55 (3) of the Act; or
- (c) delivering it at that owner's unit or at the mail box for the unit unless the owner serving the notice has, at least 20 days before the day of the meeting, received a written request from the other owner that the notice not be given in this manner.

(4) A meeting called under subsection (1) shall not be held if more than 15 days have passed since the day that the owner calls it.

8. Part III of the Regulation is amended by adding the following section:

Meeting of directors by electronic means

11.12 (1) This section applies to a meeting of directors only if the meeting is called on or after the day section 32 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force.

(2) The other form of communication system that is prescribed for the purpose of subsection 35 (5) of the Act is any system that is transmitted in digital form or in other intangible form by electronic, magnetic or optical means or by any other means that has capabilities for transmission similar to those means.

(3) For the purpose of subsection 35 (5) of the Act, a meeting of directors must be held by a communication system that allows the directors to communicate concurrently.

9. The Regulation is amended by adding the following heading before section 12:

PERFORMANCE AUDIT

10. The Regulation is amended by adding the following section:

OWNERS

Material for meetings

12.1 (1) For the purpose of subsection 45 (5) of the Act, the prescribed material consists of,

- (a) all material that a by-law of the corporation requires;

- (b) if the meeting is an annual general meeting held on or after the day that subsection comes into force,
 - (i) the most recent periodic information certificate, if any, that the corporation sent to the owners or was required to send to the owners under section 11.1, and
 - (ii) the most recent information certificate update, if any, that the corporation sent to the owners or was required to send to the owners under section 11.2 after the periodic information certificate described in subclause (i); and
- (c) if the meeting is a meeting held on or after the day that subsection comes into force to elect one or more directors, the statements and information that a person provides in writing under subsection 11.6 (5) or (7) or orally under subsection 11.6 (7).

(2) For the purpose of subsection 45 (5) of the Act, the prescribed manner by which the board shall place the required material before a meeting of owners shall be,

- (a) making one or more copies of the materials described in clause (1) (b) available in paper form for examination at the meeting;
- (b) adding an oral presentation of the statements and information described in clause (1) (c) to the business to be presented at the meeting; or
- (c) any other manner set out in a by-law of the corporation.

11. (1) The Regulation is amended by adding the following section:

Preliminary notice of meeting of owners

12.2 (1) The date mentioned in clause 45.1 (1) (a) or (b) of the Act or clause (2) (h) of this section shall be,

- (a) at least 15 days after the board gives the preliminary notice; and
- (b) at least one day before the board gives the notice calling the meeting of owners described in subsection 45.1 (1) of the Act.

(2) In addition to the material specified in subsection 45.1 (1) of the Act, a preliminary notice with respect to a meeting of owners shall contain,

- (a) a statement of the purpose of the notice, including a statement that the board is required to send out subsequently a notice calling the meeting of owners with information about the meeting;

- (b) a statement of the purpose of the meeting, which shall include,
 - (i) a statement of the nature of the business to be presented at the meeting if an owner has made a requisition for the meeting under section 46 of the Act, and
 - (ii) a statement of the purpose of any proposed changes to the declaration, description, by-laws, rules or agreements that are to be discussed at the meeting;
- (c) a statement of the projected date of the meeting;
- (d) a statement specifying the date mentioned in clause 45.1 (1) (a) or (b) of the Act;
- (e) a statement that, subject to subsection 12.8 (1), the board is not required to include in the notice calling the meeting any material mentioned in clause 45.1 (1) (b) or (c) of the Act;
- (f) a statement of the manner in which an individual may notify the board under clause 45.1 (1) (a) of the Act and the manner in which an owner may provide material to the board under clause 45.1 (1) (b) of the Act, which shall include,
 - (i) by sending the notice or material to any address, described in clause 7 (2) (e) or section 108 of the Act, for or of the corporation,
 - (ii) any other manner set out in a by-law of the corporation, and
 - (iii) all other methods described in subsection 13.3 (4);
- (g) if the meeting is to elect one or more directors,
 - (i) a statement of the number of persons of which the board consists,
 - (ii) a statement of the number of positions on the board for election at the meeting,
 - (iii) a statement of the number of positions, if any, described in subclause (ii) for which voting is reserved as described in subsection 51 (6) of the Act,
 - (iv) a statement of the term of each director who is to be elected at the meeting, and
 - (v) a copy of the text of subsection 29 (1) of the Act and section 11.6 of this Regulation;

- (h) if the nature of the business to be presented at the meeting includes the removal or appointment of an auditor, a statement that each owner, who intends to propose a candidate for the appointment of an auditor at the meeting, may notify the board in writing, by a date that is specified in the notice, of the name and address of the person the owner intends to so propose;
- (i) if the meeting is a meeting that an owner has requisitioned in accordance with section 46 of the Act for the purpose of considering an addition, alteration or improvement to the common elements, a change in the assets of the corporation or a change in a service that the corporation provides to the owners under subsection 97 (3) of the Act,
 - (i) a statement that describes the proposed addition, alteration, improvement or change, and
 - (ii) a statement of the estimated cost of the proposed addition, alteration, improvement or change indicating the manner in which the corporation proposes to pay the cost;
- (j) if the meeting is a meeting described in subsection 120 (2) of the Act,
 - (i) a copy of the certificate described in clause 120 (3) (c) of the Act, but not including the documents described in clauses 76 (1) (f), (g), (i) and (p) of the Act, and
 - (ii) a statement of the municipal address of each amalgamating corporation if it differs from the mailing address of the corporation; and
- (k) all other materials set out in a by-law of the corporation.

(3) The preliminary notice shall be in English or French and shall be in the form that is entitled “Preliminary Notice” in English or “Préavis” in French, as the case may be, and that is dated *, as it appears on the Government of Ontario website.

(4) Section 45.1 of the Act does not apply if the board or an owner sends out a notice to call a meeting of owners and the purpose of the meeting is solely to fill a vacancy in the board under subsection 34 (4) or (5) of the Act.

(5) This section does not apply to a notice calling a meeting of owners unless the meeting is held 40 days or more after the day section 45.1 of the Act comes into force and the board has not sent any notice with respect to the meeting before that day.

(2) Clause 12.2 (2) (i) of the Regulation, as made by subsection (1), is revoked and the following substituted:

- (i) if the meeting is a meeting that an owner has requisitioned in accordance with section 46 of the Act for the purpose of considering a modification under subsection 97 (6) of the Act,
 - (i) a statement that describes the proposed modification, and
 - (ii) a statement of the estimated cost of the proposed modification indicating the manner in which the corporation proposes to pay the cost;

12. The Regulation is amended by adding the following sections:

Identification of owner's unit

12.3 (1) For the purposes of subsection 46.1 (2) and clause 46.1 (3) (a) of the Act and subject to subsection (3) of this section, the owner's unit shall be identified by,

- (a) one of the following statements, together with the additional statement described in subsection (2):
 - (i) a statement of the unit number, together with the number or letter of the level of the unit, as described in clauses 45 (1) (a) and (b) of Ontario Regulation 49/01 (Description and Registration) made under the Act, or
 - (ii) if the unit is not described in subsection 49 (3) of the Act, a statement of the unit number that is part of the full address of the unit;
- (b) if the unit is not described in subsection 49 (3) of the Act, a statement of the full address of the unit, including, where applicable, the street number, street name, street direction, unit number, rural route number, town or city, and postal code; or
- (c) a statement of the unit's property identifier described in clause 45 (1) (e) of Ontario Regulation 49/01 (Description and Registration) made under the Act.

(2) For the purpose of clause (1) (a), the additional statement is a statement that describes or identifies the condominium plan, property or corporation of which the unit forms part and that is,

- (a) a statement of the identification of the condominium plan specified in subsection 27 (2) of Ontario Regulation 49/01 (Description and Registration) made under the Act;
- (b) a statement of any address, described in clause 7 (2) (e) or section 108 of the Act, for or of the corporation;

- (c) a statement of the name assigned to the corporation under subsection 27 (3) of Ontario Regulation 49/01 (Description and Registration) made under the Act; or
- (d) any other statement that clearly identifies the condominium plan, property or corporation described in clause (a), (b) or (c).

(3) For the purpose of subsection 46.1 (2) of the Act, the first owner of each unit in a corporation immediately following the registration of the declaration and description shall identify the owner's unit by,

- (a) a statement of the unit number, together with the number or letter of the level of the unit, as described in clauses 45 (1) (a) and (b) of Ontario Regulation 49/01 (Description and Registration) made under the Act;
- (b) if the unit is not described in subsection 49 (3) of the Act, a statement of the full address of the unit, including, where applicable, the street number, street name, street direction, unit number, rural route number, town or city, and postal code;
- (c) a statement of the unit's property identifier described in clause 45 (1) (e) of Ontario Regulation 49/01 (Description and Registration) made under the Act; and
- (d) a statement that describes or identifies the condominium plan, property and corporation of which the unit forms part and that consists of,
 - (i) a statement of the identification of the condominium plan specified in subsection 27 (2) of Ontario Regulation 49/01 (Description and Registration) made under the Act,
 - (ii) a statement of the address, described in clause 7 (2) (e) or section 108 of the Act, for or of the corporation, and
 - (iii) a statement of the name assigned to the corporation under subsection 27 (3) of Ontario Regulation 49/01 (Description and Registration) made under the Act.

(4) Subsections 46.1 (2) and (3) of the Act and subsections (1), (2) and (3) of this section do not apply to an owner who became an owner before the day section 46.1 of the Act comes into force if,

- (a) the corporation has a record described in subsection 47 (2) of the Act, as it read immediately before the day section 42 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force, with respect to the owner; and
- (b) the record mentioned in clause (a) contains the information required by this section.

(5) For the purposes of subsection 46.1 (2) and clause 46.1 (3) (a) of the Act and subject to subsection (6) of this section, the owner's common interest in a common elements condominium corporation shall be identified by,

- (a) a statement that identifies the owner's parcel of tied land to which the common interest of the owner attaches under clause 139 (2) (a) of the Act and that consists of,
 - (i) a statement of the legal description of the parcel of tied land,
 - (ii) a statement of the property identifier, if any, assigned under section 141 of the *Land Titles Act* to the parcel of tied land, or
 - (iii) a statement of the full address of the parcel of tied land, including, where applicable, the street number, street name, street direction, unit number, rural route number, town or city, and postal code; and
- (b) a statement that describes or identifies the condominium plan, property or corporation of which the common interest forms part and that consists of,
 - (i) a statement of the identification of the condominium plan specified in subsection 27 (2) of Ontario Regulation 49/01 (Description and Registration) made under the Act,
 - (ii) a statement of any address, described in clause 7 (2) (e) or section 108 of the Act, for or of the corporation,
 - (iii) a statement of the name assigned to the corporation under subsection 27 (3) of Ontario Regulation 49/01 (Description and Registration) made under the Act, or
 - (iv) any other statement that clearly identifies the condominium plan, property or corporation described in subclause (i), (ii) or (iii).

(6) For the purpose of subsection 46.1 (2), the first owner of each common interest in a common elements condominium corporation immediately following the registration of the declaration and description shall identify the owner's common interest by,

- (a) a statement that identifies the owner's parcel of tied land to which the common interest of the owner attaches under clause 139 (2) (a) of the Act and that consists of,
 - (i) a statement of the legal description of the parcel of tied land,
 - (ii) a statement of the property identifier, if any, assigned under section 141 of the *Land Titles Act* to the parcel of tied land, and

- (iii) a statement of the full address of the parcel of tied land, including, where applicable, the street number, street name, street direction, unit number, rural route number, town or city, and postal code; and
- (b) a statement that describes or identifies the condominium plan, property or corporation of which the common interest forms part and that consists of,
 - (i) a statement of the identification of the condominium plan specified in subsection 27 (2) of Ontario Regulation 49/01 (Description and Registration) made under the Act,
 - (ii) a statement of any address, described in clause 7 (2) (e) or section 108 of the Act, for or of the corporation, and
 - (iii) a statement of the name assigned to the corporation under subsection 27 (3) of Ontario Regulation 49/01 (Description and Registration) made under the Act.

(7) The information and statements described in subsection 46.1 (2), clause 46.1 (3) (a) of the Act or subsection (1), (2) or (5) of this section may be in English or French and may be in the form that is entitled “Notice Relating to Record of Owners” in English or “Avis concernant le registre des propriétaires” in French, as the case may be, and that is dated *, as it appears on the Government of Ontario website.

Owner’s address for service

12.4 If an owner became an owner in a corporation before the day section 46.1 of the Act comes into force and the corporation has a record described in subsection 47 (2) of the Act, as it read immediately before the day section 42 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force, with respect to the owner, then for the purpose of clause 46.1 (3) (b) of the Act, the owner’s address for service shall be deemed to be,

- (a) the address of the unit, if the corporation is not a common elements condominium corporation, if the address meets the requirement of the definition of “address for service” in subsection 1 (2) and if there is no other address for the owner in the record;
- (b) the address of the owner in the record, if the corporation is not a common elements condominium corporation and if the address meets the requirement of the definition of “address for service” in subsection 1 (2); or
- (c) the address of the owner’s parcel of tied land to which the common interest of the owner attaches under clause 139 (2) (a) of the Act, if the corporation is a common elements condominium corporation and if the address meets the requirement of the definition of “address for service” in subsection 1 (2).

Identification of unit subject to a mortgage

12.5 (1) For the purpose of subclause 46.1 (3) (c) (i) of the Act, the unit that is the subject of a mortgage shall be identified by,

- (a) one of the following statements, together with the additional statement described in subsection (2):
 - (i) a statement of the unit number, together with the number or letter of the level of the unit, as described in clauses 45 (1) (a) and (b) of Ontario Regulation 49/01 (Description and Registration) made under the Act, or
 - (ii) if the unit is not described in subsection 49 (3) of the Act, a statement of the unit number that is part of the full address of the unit;
- (b) if the unit is not described in subsection 49 (3) of the Act, a statement of the full address of the unit, including, where applicable, the street number, street name, street direction, unit number, rural route number, town or city, and postal code; or
- (c) a statement of the unit's property identifier described in clause 45 (1) (e) of Ontario Regulation 49/01 (Description and Registration) made under the Act.

(2) For the purpose of clause (1) (a), the additional statement is a statement that describes or identifies the condominium plan, property or corporation of which the unit forms part and that is,

- (a) a statement of the identification of the condominium plan specified in subsection 27 (2) of Ontario Regulation 49/01 (Description and Registration) made under the Act;
- (b) a statement of any address, described in clause 7 (2) (e) or section 108 of the Act, for or of the corporation; or
- (c) a statement of the name assigned to the corporation under subsection 27 (3) of Ontario Regulation 49/01 (Description and Registration) made under the Act.

(3) For the purpose of subclause 46.1 (3) (c) (i) of the Act, the common interest that is appurtenant to an owner's parcel of land mentioned in subsection 139 (1) of the Act and that is the subject of a mortgage shall be identified by,

- (a) a statement that identifies the owner's parcel of tied land to which the common interest of the owner attaches under clause 139 (2) (a) of the Act and that consists of,
 - (i) a statement of the legal description of the parcel of tied land,

- (ii) a statement of the property identifier, if any, assigned under section 141 of the *Land Titles Act* to the parcel of tied land, or
 - (iii) a statement of the full address of the parcel of tied land, including, where applicable, the street number, street name, street direction, unit number, rural route number, town or city, and postal code; and
- (b) a statement that describes or identifies the condominium plan, property or corporation of which the common interest forms part and that consists of,
- (i) a statement of the identification of the condominium plan specified in subsection 27 (2) of Ontario Regulation 49/01 (Description and Registration) made under the Act,
 - (ii) a statement of any address, described in clause 7 (2) (e) or section 108 of the Act, for or of the corporation, or
 - (iii) a statement of the name assigned to the corporation under subsection 27 (3) of Ontario Regulation 49/01 (Description and Registration) made under the Act.

(4) The information and statements described in clause 46.1 (3) (c) of the Act or subsection (1), (2) or (3) of this section may be in English or French and may be in the form that is entitled “Notice Relating to Record of Mortgagees” in English or “Avis concernant le registre des créanciers hypothécaires” in French, as the case may be, and that is dated *, as it appears on the Government of Ontario website.

(5) Clause 46.1 (3) (c) of the Act and subsections (1), (2) and (3) of this section do not apply to a mortgagee who became the mortgagee of a unit before the day section 46.1 of the Act comes into force if the corporation has a record described in subsection 47 (2) of the Act, as it read immediately before the day section 42 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force, that contains the information and statements described in clause 46.1 (3) (c) of the Act or subsection (1), (2) or (3) of this section.

Mortgagee’s address for service

12.6 If a mortgagee became a mortgagee of an unit in a corporation before the day section 46.1 of the Act comes into force and the corporation has a record described in subsection 47 (2) of the Act, as it read immediately before the day section 42 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force, with respect to the mortgagee, then for the purpose of clause 46.1 (3) (c) of the Act, the mortgagee’s address for service shall be deemed to be the address of the mortgagee in the record, if the address meets the requirement of the definition of “address for service” in subsection 1 (2) of this Regulation.

13. (1) The Regulation is amended by adding the following sections:

Means of service of notices

12.7 (1) For the purpose of clause 47 (6) (a) of the Act, an agreement described in clause 47 (4) (c) of the Act with respect to an owner or an agreement described in clause 47 (5) (c) of the Act with respect to a mortgagee shall be,

- (a) contained in one or more communications between the corporation and the owner or mortgagee, as the case may be, that set out,
 - (i) the name of the owner described in clause 46.1 (3) (a) of the Act or the name of the mortgagee described in clause 46.1 (3) (c) of the Act, as the case may be,
 - (ii) a statement of a method of electronic communication that the board has, by resolution, decided the corporation may use for the purposes of the Act and this Regulation, and
 - (iii) a statement indicating that the owner or mortgagee, as the case may be, agrees that the owner or mortgagee is sufficiently served, as described in section 54 of the Act, by the method of electronic communication described in subclause (ii); or
- (b) in English or French and in the form that is entitled “Agreement to Electronic Delivery” in English or “Convention d’envoi électronique” in French, as the case may be, and that is dated *, as it appears on the Government of Ontario website.

(2) An agreement described in clause 47 (4) (c) of the Act with respect to an owner may be in a form authorized by clause 47 (6) (b) of the Act if,

- (a) the method of electronic communication that the agreement authorizes the corporation to use for the purposes of the Act and this Regulation is one that the board has, by resolution, decided the corporation may so use; and
- (b) the written communication of the agreement that the owner makes to the corporation under clause 46.1 (3) (d) of the Act contains a statement indicating,
 - (i) the name of the owner described in clause 46.1 (3) (a) of the Act, and
 - (ii) that the owner is sufficiently served, as described in section 54 of the Act, by the method of electronic communication described in clause (a) of this subsection.

(3) An agreement described in clause 47 (5) (c) of the Act with respect to a mortgagee may be in a form authorized by clause 47 (6) (b) of the Act if,

- (a) the method of electronic communication that the agreement authorizes the corporation to use for the purposes of the Act and this Regulation is one that the board has, by resolution, decided the corporation may so use; and
- (b) the written communication of the agreement that the mortgagee makes to the corporation under clause 46.1 (3) (e) of the Act contains a statement indicating,
 - (i) the name of the mortgagee described in clause 46.1 (3) (c) of the Act, and
 - (ii) that the mortgagee is sufficiently served, as described in section 54 of the Act, by the method of electronic communication described in clause (a) of this subsection.

(4) For the purposes of clause 47 (4) (d) of the Act and clause 11.11 (3) (c) of this Regulation, a notice is sufficiently delivered if it is,

- (a) sent by prepaid mail to an address for the unit or the mail box for the unit that is capable of receiving prepaid mail;
- (b) sent by courier delivery to an address for the unit or the mail box for the unit that is capable of receiving courier delivery; or
- (c) deposited in the mail box for the unit.

Notice of meeting of owners

12.8 (1) The prescribed material that subclause 47 (7) (b) (iii) of the Act requires be included in a notice of meeting of owners is,

- (a) the material, if any, contained in a submission made to the board if,
 - (i) the submission is made by those owners who, at the time the board receives the submission,
 - (A) own at least 15 per cent of the units, and
 - (B) appear in the record of the corporation required by section 46.1 of the Act or are required by that section to appear in that record,
 - (ii) the submission is in English or French and in the form that is entitled “Owners’ Submission to Include Material in the Notice of Meeting” in English or “Demande des propriétaires pour joindre des documents à l’avis de convocation d’une assemblée” in French, as the case may be, and that is dated *, as it appears on the Government of Ontario website,

- (iii) the submission is made to the board by the date described in subsection 12.2 (1) and in the manner described in clause 12.2 (2) (f), and
 - (iv) if the submission requests that an addition be made to the business to be presented at the meeting, the addition is not contrary to the Act or this Regulation;
- (b) a statement of the quorum for the transaction of business at the meeting;
- (c) a statement of who may count towards the quorum mentioned in clause (b);
- (d) a statement of the manner in which an owner may be present at the meeting and may vote at the meeting in accordance with section 52 of the Act;
- (e) if the meeting is to elect one or more directors,
 - (i) a statement of the number of persons of which the board consists,
 - (ii) a statement of the number of positions on the board for election at the meeting,
 - (iii) a statement of the number of positions, if any, described in subclause (ii) for which voting is reserved as described in subsection 51 (6) of the Act,
 - (iv) a statement of the term of each director who is to be elected at the meeting,
 - (v) the name and address of each individual who, for the purpose of subclause 11.2 (2) (c) (ii), has provided notice to the board in accordance with that subclause,
 - (vi) a copy of the statements and information provided to the board in accordance with subsection 11.6 (5), and
 - (vii) a copy of the text of subsection 29 (1) of the Act and section 11.6 of this Regulation;
- (f) if the nature of the business to be presented at the meeting includes the removal or appointment of an auditor, a statement of the name and address of each person described in clause 12.2 (2) (h), in respect of whom the board has received notice in accordance with that clause;
- (g) if the meeting is a meeting that an owner has requisitioned in accordance with section 46 of the Act for the purpose of considering an addition, alteration or improvement to

the common elements, a change in the assets of the corporation or a change in a service that the corporation provides to the owners under subsection 97 (3) of the Act,

- (i) a statement that describes the proposed addition, alteration, improvement or change, and
 - (ii) a statement of the estimated cost of the proposed addition, alteration, improvement or change indicating the manner in which the corporation proposes to pay the cost; and
- (h) all other materials set out in a by-law of the corporation.

(2) A notice of meeting of owners shall be in English or French and shall be in the form that is entitled “Notice of Meeting of Owners” in English or “Avis de convocation d’une assemblée des propriétaires” in French, as the case may be, and that is dated *, as it appears on the Government of Ontario website.

(3) Section 47 of the Act does not apply if an owner sends out a notice to call a meeting of owners and the purpose of the meeting is solely to fill a vacancy in the board under subsection 34 (5) of the Act.

(4) This section does not apply to a notice calling a meeting of owners unless the meeting is held 40 days or more after the day section 47 of the Act, as re-enacted by section 42 of Schedule 1 to the *Protecting Condominium Owners Act, 2015*, comes into force and the board has not sent any notice with respect to the meeting before that day.

(2) Clause 12.8 (1) (g) of the Regulation, as made by subsection (1), is revoked and the following substituted:

- (g) if the meeting is a meeting that an owner has requisitioned in accordance with section 46 of the Act for the purpose of considering a modification under subsection 97 (6) of the Act,
 - (i) a statement that describes the proposed modification, and
 - (ii) a statement of the estimated cost of the proposed modification indicating the manner in which the corporation proposes to pay the cost; and

14. The Regulation is amended by adding the following section:

Quorum

12.9 (1) Subject to subsection (2), the other prescribed meetings for the purposes of subsections 50 (1) and (1.1) of the Act are,

- (a) any meeting to elect one or more directors that is not a meeting mentioned in section 43 or subsection 45 (2) of the Act; and
- (b) any meeting to appoint an auditor that is not a meeting mentioned in section 43 or subsection 45 (2) of the Act.

(2) Subsection (1) does not apply to any part of the business of a meeting that concerns the removal of a director or the removal of an auditor.

(3) This section does not apply to a meeting of owners unless the meeting is held 40 days or more after the day subsection 50 (1) of the Act, as re-enacted by subsection 45 (1) of Schedule 1 to the *Protecting Condominium Owners Act, 2015*, comes into force and the board has not sent any notice with respect to the meeting before that day.

15. The Regulation is amended by adding the following section:

Method of voting

12.10 In subsection 52 (2) of the Act,

“recorded vote” means a recorded vote described in clause 52 (1) (b) of the Act.

16. Section 13 of the Regulation is amended by striking out “may” and substituting “shall”.

17. (1) The Regulation is amended by adding the following sections:

RECORDS

Records

13.1 (1) The following records of a corporation are prescribed for the purpose of paragraph 11 of subsection 55 (1) of the Act:

1. A copy of the status certificates that the corporation has issued under section 76 of the Act.
2. A record of the statements and information provided to the board or the corporation under sections 11.6 and 11.10 of this Regulation for the purposes of clauses 29 (1) (f) and 29 (2) (f) of the Act.
3. All material and records provided to or obtained by the corporation under section 11.8.

4. Records that relate to employees of the corporation and that the corporation creates or receives.
5. Records that relate to actual or contemplated litigation and that the corporation creates or receives.
6. Records that relate to claims under an insurance policy in relation to the corporation and that the corporation creates or receives, including insurance investigations involving the corporation.
7. Records that relate to specific units or owners and that the corporation creates or receives.
8. A copy of all existing and expired warranties and guarantees that the corporation receives and that relate to the property or to any real or personal property that the corporation owns or that is the subject of an agreement mentioned in section 113 or subsection 154 (5) of the Act entered into by or on behalf of the corporation.
9. All reports and opinions of an architect, engineer, or other person whose profession lends credibility to the report or opinion, that the corporation receives and that relate to physical features of the property or of any real or personal property that the corporation owns or that is the subject of an agreement mentioned in section 113 or subsection 154 (5) of the Act entered into by or on behalf of the corporation.
10. All drawings and plans that the corporation receives and that relate to physical features of the property or of any real or personal property that the corporation owns or that is the subject of an agreement mentioned in section 113 or subsection 154 (5) of the Act entered into by or on behalf of the corporation.
11. All reports and opinions of an appraiser that the corporation receives and that relate to the property or to any real or personal property that the corporation owns or that is the subject of an agreement mentioned in section 113 or subsection 154 (5) of the Act entered into by or on behalf of the corporation.
12. Records that relate to a right, title, interest, encumbrance or demand of any kind affecting land in relation to the corporation, but not including the interest of an owner in the owner's unit or common interest, and that the corporation creates or receives.
13. Records that relate to an addition, alteration or improvement to the common elements, a change in the assets of the corporation or a change in a service that the corporation provides to the owners under section 97 or 98 of the Act and that the corporation creates or receives.

14. All instruments appointing a proxy for a meeting of owners that are delivered to the corporation before the meeting if required or permitted by the by-laws.
15. A record of all recorded votes described in subclause 52 (1) (b) (iii) of the Act for a meeting of owners that are submitted at the meeting.
16. A copy of all agreements mentioned in paragraph 8 of subsection 55 (1) of the Act that have expired.
17. A copy of all insurance policies that the corporation has obtained and maintains.
18. A copy of all insurance policies that the corporation has obtained and that have expired.
19. A copy of all redacted versions of a record described in subsection 55 (1) of the Act or any of paragraphs 1 to 18 of this subsection.

(2) Subject to subsections (3) and (4), the corporation shall retain the records described in subsection 55 (1) of the Act and subsection (1) of this section for the following periods of time:

1. For a record described in paragraph 1, 3.1 or 9 of subsection 55 (1) of the Act, at least seven years from the end of the last fiscal period to which the record relates.
2. For a record described in paragraph 2, 3 or 4 to 8 of subsection 55 (1) of the Act or paragraph 10 of subsection (1) of this section, at all times.
3. For a record described in paragraph 10 of subsection 55 (1) of the Act, at least 90 days following the date of the meeting mentioned in that paragraph, unless the corporation receives written notice of actual or contemplated litigation relating to the record during the 90 days or such longer time period that the corporation retains the record.
4. For a record described in paragraph 3 in respect of which the corporation has received the written notice described in that paragraph, the period of time ending on the latest of,
 - i. the last day of the 90 days mentioned in that paragraph,
 - ii. the date of the final order of a court, an arbitrator or an administrative tribunal in respect of any actual litigation mentioned in that paragraph,
 - iii. if the order mentioned in subparagraph ii specifically requires the corporation to retain the record for a time period, the last day of that time period,

- iv. the day the corporation enters into a settlement agreement in respect of any actual litigation mentioned in that paragraph,
 - v. if the agreement mentioned in subparagraph iv specifically requires the corporation to retain the record for a time period, the last day of that time period, and
 - vi. the last day of the six-month period following delivery of written notice of contemplated litigation mentioned in that paragraph if the corporation does not receive written notice of actual litigation in respect of that contemplated litigation within that time period.
5. For a status certificate described in paragraph 1 of subsection (1), at least seven years from the date the certificate is issued.
6. For a record described in paragraph 2 of subsection (1), at least seven years from the date the record is provided to the board or the corporation as described in that paragraph.
7. For a record described in paragraph 3 of subsection (1), at least seven years from the date the record is provided to or obtained by the corporation as described in that paragraph.
8. For a record described in paragraph 4, 7, 12 or 13 of subsection (1), at least seven years from the date the corporation creates or receives the record as described in the applicable paragraph.
9. For a record relating to actual litigation that is described in paragraph 5 of subsection (1),
 - i. at least seven years from the date the litigation concluded, if the litigation has concluded, or
 - ii. at all times, if the litigation has not concluded.
10. For a record described in paragraph 6 of subsection (1), at all times, subject to paragraph 11 of this subsection.
11. For a record relating to a claim, including insurance investigations, that is described in paragraph 6 of subsection (1) and that has concluded, at least seven years from the date the claim concluded.
12. For a record relating to an existing warranty or guarantee described in paragraph 8 of subsection (1), at all times.

13. For a record relating to an expired warranty or guarantee described in paragraph 8 of subsection (1), at least seven years from the date the warranty or guarantee expired.
14. For a record described in paragraph 9 or 11 of subsection (1), at least seven years from the date the corporation receives the record as described in the applicable paragraph.
15. For a record described in paragraph 14 of subsection (1), at least 90 days following the date the record is delivered as described in that paragraph, unless the corporation receives written notice of actual or contemplated litigation relating to the record during the 90 days or such longer time period that the corporation retains the record.
16. For a record described in paragraph 15 in respect of which the corporation has received the written notice described in that paragraph, the period of time ending on the latest of,
 - i. the last day of the 90 days mentioned in that paragraph,
 - ii. the date of the final order of a court, an arbitrator or an administrative tribunal in respect of any actual litigation mentioned in that paragraph,
 - iii. if the order mentioned in subparagraph ii specifically requires the corporation to retain the record for a time period, the last day of that time period,
 - iv. the day the corporation enters into a settlement agreement in respect of any actual litigation mentioned in that paragraph,
 - v. if the agreement mentioned in subparagraph iv specifically requires the corporation to retain the record for a time period, the last day of that time period, and
 - vi. the last day of the six-month period following delivery of written notice of contemplated litigation mentioned in that paragraph if the corporation does not receive written notice of actual litigation in respect of that contemplated litigation within that time period.
17. For a record described in paragraph 15 of subsection (1), for at least 90 days following the date of the meeting mentioned in that paragraph, unless the corporation receives written notice of actual or contemplated litigation relating to the record during the 90 days or such longer time period that the corporation retains the record.

18. For a record described in paragraph 17 in respect of which the corporation has received the written notice described in that paragraph, the period of time ending on the latest of,
 - i. the last day of the 90 days mentioned in that paragraph,
 - ii. the date of the final order of a court, an arbitrator or an administrative tribunal in respect of any actual litigation mentioned in that paragraph,
 - iii. if the order mentioned in subparagraph ii specifically requires the corporation to retain the record for a time period, the last day of that time period,
 - iv. the day the corporation enters into a settlement agreement in respect of any actual litigation mentioned in that paragraph,
 - v. if the agreement mentioned in subparagraph iv specifically requires the corporation to retain the record for a time period, the last day of that time period, and
 - vi. the last day of the six-month period following delivery of written notice of contemplated litigation mentioned in that paragraph if the corporation does not receive written notice of actual litigation in respect of that contemplated litigation within that time period.
19. For an agreement described in paragraph 16 of subsection (1), at least seven years from the day the agreement expires.
20. For a policy described in paragraph 17 of subsection (1), at all times.
21. For a policy described in paragraph 18 subsection (1), at least seven years from the day the policy expires.
22. For a redacted version of a record described in paragraph 19 of subsection (1) of this section, at least the same period of time that applies to the corresponding record listed under subsection 55 (1) of the Act or subsection (1) of this section in respect of which a redacted version has been created.
23. For a record in respect of which a retention period is not specified in subsection 55 (2) of the Act or this subsection, the period of time that the board determines is necessary for the corporation to perform its objects and duties or to exercise its powers.

(3) If the corporation receives a request for records from an owner, a purchaser or a mortgagee of a unit or an agent of one of them duly authorized in writing to examine or obtain copies of a record under that subsection and if the corporation receives the request during the

period of time that the corporation retains the record or is required to retain it under subsection 55 (2) of the Act or subsection (2) of this section, the corporation shall retain the record for the period of time ending on the latest of,

- (a) the last day of the period of time that the corporation is required to retain the record under subsection 55 (2) of the Act or subsection (2) of this section;
- (b) the last day of the six-month period following delivery of the request if the corporation does not receive written notice of actual litigation in respect of a dispute with the corporation regarding compliance with subsection 55 (3) of the Act in respect of the record;
- (c) the date of the final order of a court, an arbitrator or an administrative tribunal in respect of any actual litigation mentioned in clause (b);
- (d) if the order mentioned in clause (c) specifically requires the corporation to retain the record for a time period, the last day of that time period;
- (e) the day the corporation enters into a settlement agreement in respect of any actual litigation mentioned in clause (b); and
- (f) if the agreement mentioned in clause (e) specifically requires the corporation to retain the record for a time period, the last day of that time period.

(4) If the corporation receives a request to obtain copies of a record from a condominium management provider or a condominium manager described in subsection 55 (2.2) of the Act pursuant to subsection 13.12 (2) of this Regulation and if the corporation receives the request during the period of time that the corporation retains the record or is required to retain it under subsection 55 (2) of the Act or subsection (2) of this section, the corporation shall retain the record for the period of time ending on the latest of the following times, subject to the agreement described in subsection 55 (2.2) of the Act:

1. The last day of the period of time that the corporation is required to retain the record under subsection 55 (2) of the Act or subsection (2) of this section.
2. The last day of the six-month period following delivery of the request if the corporation does not receive written notice of actual litigation in respect of a dispute with the corporation regarding compliance with subsection 55 (2.2) of the Act in respect of the record.
3. The date of the final order of a court, an arbitrator or an administrative tribunal in respect of any actual litigation mentioned in paragraph 2.

4. If the order mentioned in paragraph 3 specifically requires the corporation to retain the record for a time period, the last day of that time period.
5. The day the corporation enters into a settlement agreement in respect of any actual litigation mentioned in paragraph 2.
6. If the agreement mentioned in paragraph 5 specifically requires the corporation to retain the record for a time period, the last day of that time period.

(5) If a corporation is required, under subsection 55 (2) of the Act or subsection (2) of this section, to retain a record for two or more periods of time, the corporation shall retain the record for the longer or longest of those periods.

(6) In addition to the requirements under subsection 55 (2) of the Act and subsection (2) of this section, the corporation shall satisfy the requirements of any Act or regulation under it in respect of the retention of records by the corporation.

(7) Section 137 of the Act, as it read immediately before the day section 121 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force, applies to a contravention of subsection 55 (1) of the Act that took place before that day.

(8) Section 137 of the Act, as re-enacted by section 121 of Schedule 1 to the *Protecting Condominium Owners Act, 2015*, applies to a contravention of subsection 55 (1) of the Act that takes place on or after that section 121 comes into force.

Method of retention of records

13.2 (1) For the purpose of subsection 55 (2.1) of the Act, a corporation shall keep its records that are in paper form,

- (a) on any part of the property that the board determines is appropriate for the storage of records; or
- (b) at a location that is not part of the property and that the board determines is,
 - (i) a location that enables the corporation to carry out its duties under section 55 of the Act and this Regulation with respect to records,
 - (ii) an appropriate location for the storage of records, and
 - (iii) a location that is reasonably close to the property.

(2) For the purpose of subsection 55 (2.1) of the Act, a corporation shall keep its records that are in electronic form by entering or recording them by a system of electronic data processing or by any other information storage device, where the system or device,

- (a) is capable of reproducing any required information from the records in an accurate and intelligible form within a time that is reasonable and that complies with the requirements of section 55 of the Act and this Regulation with respect to records;
- (b) includes a password or other reasonable methods of protecting against unauthorized access; and
- (c) automatically backs up files and allows the recovery of backed-up files or otherwise provides reasonable protection against loss of, damage to and inaccessibility of information.

Examination of records

13.3 (1) The right to examine or obtain a copy of a record under subsection 55 (3) of the Act does not apply unless,

- (a) an owner, a purchaser or a mortgagee of a unit requests to examine or obtain the copy and the request is solely related to that person's interests as an owner, a purchaser or a mortgagee of a unit, as the case may be, having regard to the purposes of the Act; or
- (b) a duly authorized agent of an owner, a purchaser or a mortgagee of a unit requests to examine or obtain the copy and the request is solely related to the interests of that owner, purchaser or mortgagee of a unit, as the case may be, having regard to the purposes of the Act.

(2) Despite subsection (1), a person entitled to examine or obtain copies of records under subsection 55 (3) of the Act is not required to provide the corporation with a statement of the purpose of the request.

(3) A request to examine or obtain copies of records under subsection 55 (3) of the Act shall be in English or French and shall be in the form that is entitled "Request for Records" in English or "Demande de dossiers" in French, as the case may be, and that is dated *, as it appears on the Government of Ontario website.

(4) The request for records and any other communication between the requester and the corporation in respect of the request must be delivered to the corporation and is sufficiently delivered if it is,

- (a) sent by prepaid mail to,
 - (i) the address for service of,
 - (A) the corporation,

- (B) the condominium management provider or the condominium manager, if any, with whom the corporation has an agreement to receive condominium management services, or
 - (C) any other person responsible for the management of the property, or
 - (ii) an address that the board has, by resolution, decided is an address for receiving delivery of the request;
- (b) sent by courier delivery to an address described in clause (a) that is capable of receiving courier delivery;
 - (c) deposited in the mail box for an address described in clause (a); or
 - (d) sent by facsimile transmission, electronic mail or any other method of electronic communication if the board has, by resolution, decided that it is a method for receiving delivery of the request.

(5) If a corporation keeps a record in electronic form, the board of the corporation shall, by resolution, determine the method of electronic communication that it will use for the purposes of clause 13.4 (1) (a), subclause 13.5 (1) (a) (i), clause 13.6 (1) (a) or subclause 13.7 (1) (a) (i).

(6) When the corporation receives a request for records in accordance with this section, the board shall determine whether it will allow the requester to examine or obtain a copy of the record that the requester has requested and shall respond to the requester within 15 days in English or French, using the form that is entitled “Board’s Response to Request for Records” in English or “Réponse du conseil à une demande de dossiers” in French, as the case may be, and that is dated *, as it appears on the Government of Ontario website.

(7) The board’s response shall set out an index of the records that the requester has requested and the following with respect to each such record:

1. A description of the record.
2. An indication whether or not it is a core record.
3. A statement of the determination that the board has made under subsection (6).
4. If the board has determined that it will allow the requester to examine or obtain a copy of the record, the fee, if any, that the corporation will charge for allowing the requester to examine or obtain a copy of the record.
5. If the board has determined that it will not allow the requester to examine or obtain a copy of the record, a written statement of the board’s reason for its determination and

an indication on which provision, if any, of section 55 of the Act or this Regulation the board bases its reason.

(8) The fee payable for the request shall be calculated in accordance with the manner set out in the board's response, subject to the following conditions:

1. The fee shall be a reasonable estimate of the amount required to reimburse the corporation for the actual labour and delivery costs that the corporation incurs and the printing and photocopying charges established under paragraph 3 for making the record requested available for examination or for delivering a copy of the record.
2. The fee shall be reasonable.
3. The board shall establish a charge of no more than 20 cents per page for printing or photocopying.
4. If the request is to examine or obtain a copy of a core record, the corporation shall not charge any fee for the request if it delivers the copy to the requester in electronic form.
5. If the request is to examine a copy of a core record, the corporation shall not charge any fee for the request if it makes a copy of the record available for examination in paper form, other than a fee for the actual labour costs that the corporation incurs during the examination and the printing and photocopying charges established under paragraph 3.
6. If the request is to obtain a copy of a core record, the corporation shall not charge,
 - i. any fee for the request if it delivers the copy to the requester in paper form and if the request for records provides that the requester wishes to obtain the copy in electronic form, or
 - ii. any fee for the request, other than the printing and photocopying charges established under paragraph 3, if it delivers the copy to the requester in paper form and if the request for records does not provide that the requester wishes to obtain the copy in electronic form.

(9) Subject to subsection (8), the fee payable for the request may vary depending on the following factors:

1. Whether the record requested is a core record.
2. Whether the corporation keeps the record requested in electronic or paper form.

3. Whether the request is to examine a copy of the record requested or to obtain a copy of it.
4. Whether the board is required to redact the record requested to remove any part that it has determined that it will not allow the requester to examine or of which it will not allow the requester to obtain a copy.
5. The time that the board estimates spending on responding to the request.

(10) The board shall deliver the board's response to the requester at the address for service or alternative method of communication given in the request for records.

(11) If the board's response states that the board has determined that it will allow the requester to examine or obtain a copy of the record that the requester has requested and if the requester wishes to continue with the request, the requester shall complete the response, using the applicable portions of the form described in subsection 13.3 (6), and return it to the corporation indicating the record requested, together with payment of the fee payable for the request, if any.

Allowing examination of a core record

13.4 (1) If the request for records provides that the requester wishes to examine a core record, if the board determines under subsection 13.3 (6) that it will allow the requester to examine the record and that it is a core record and if the corporation keeps the record in electronic form, the board shall, within the time period that subsection requires the board to deliver the board's response, deliver a copy of the record in electronic form to the requester,

- (a) by electronic communication if the requester so agrees in the request; or
- (b) in any manner that the corporation and the requester agree to in writing before that time period expires.

(2) If the request for records provides that the requester wishes to examine a core record, if subsection 13.3 (11) applies to the requester and the requester has complied with it, if the corporation keeps the record in electronic form and if the requester does not agree as described in clause (1) (a) or (b), the board shall, within seven days of the corporation receiving the requester's response and payment of the fee payable for the request, make available a copy of the record in paper form for the requester to examine in person at a location described in subsection 13.2 (1).

(3) If the request for records provides that the requester wishes to examine a core record, if subsection 13.3 (11) applies to the requester and the requester has complied with it and if the corporation does not keep the record in electronic form, the board shall, within seven days of the corporation receiving the requester's response and payment of the fee payable for the request,

make available a copy of the record in paper form for the requester to examine in person at a location described in subsection 13.2 (1).

Allowing examination of a non-core record

13.5 (1) If the request for records provides that the requester wishes to examine a record that is not a core record, if subsection 13.3 (11) applies to the requester and the requester has complied with it and if the corporation keeps the record in electronic form, the board shall, within 30 days of the corporation receiving the requester's response and payment of the fee payable for the request,

- (a) deliver a copy of the record in electronic form to the requester,
 - (i) by electronic communication if the requester so agrees in the request, or
 - (ii) in any manner that the corporation and the requester agree to in writing before the expiry of the time period that subsection 13.3 (6) requires the board to deliver the board's response; or
- (b) make available a copy of the record in paper form for the requester to examine in person at a location described in subsection 13.2 (1), if the requester does not agree as described in clause (a).

(2) If the request for records provides that the requester wishes to examine a record that is not a core record, if subsection 13.3 (11) applies to the requester and the requester has complied with it and if the corporation does not keep the record in electronic form, the board shall, within 30 days of the corporation receiving the requester's response and payment of the fee payable for the request, make available a copy of the record in paper form for the requester to examine in person at a location described in subsection 13.2 (1).

Delivering a copy of a core record

13.6 (1) If the request for records provides that the requester wishes to obtain a copy of a core record, if the board determines under subsection 13.3 (6) that it will allow the requester to obtain the copy and that the record is a core record and if the corporation keeps the record in electronic form, the board shall, within the time period that subsection requires the board to deliver the board's response, deliver a copy of the record in electronic form to the requester,

- (a) by electronic communication if the requester so agrees in the request; or
- (b) in any manner that the corporation and the requester agree to in writing before that time period expires.

(2) If the request for records provides that the requester wishes to obtain a copy of a core record, if subsection 13.3 (11) applies to the requester and the requester has complied with it, if the corporation keeps the record in electronic form and if the requester does not agree as

described in clause (1) (a) or (b), the board shall deliver a copy of the record in paper form to the requester in accordance with subsection (5) within seven days of the corporation receiving the requester's response and payment of the fee payable for the request.

(3) If the request for records provides that the requester wishes to obtain a copy of a core record in electronic form, if the board determines under subsection 13.3 (6) that it will allow the requester to obtain the copy and that the record is a core record and if the corporation does not keep the record in electronic form, the board shall deliver a copy of the record in paper form to the requester in accordance with subsection (5) of this section within the time period that subsection 13.3 (6) requires the board to deliver the board's response.

(4) If the request for records provides that the requester wishes to obtain a copy of a core record, but not in electronic form, if subsection 13.3 (11) applies to the requester and the requester has complied with it and if the corporation does not keep the record in electronic form, the board shall deliver a copy of the record in paper form to the requester in accordance with subsection (5) within seven days of the corporation receiving the requester's response and payment of the fee payable for the request.

(5) If subsection (2), (3) or (4) requires the board to deliver a copy of a record in paper form to a requester, the board shall,

- (a) if the requester is an owner or mortgagee of a unit, deliver the copy in accordance with subsection 47 (4) or (5) of the Act, as the case may be, or in any other manner that the corporation and the requester agree to in writing before the end of the time period for making the delivery;
- (b) if the requester is a purchaser of a unit, send the copy to the purchaser's address for service by prepaid mail or courier delivery or in any other manner that the corporation and the requester agree to in writing before the end of the time period for making the delivery;
- (c) if the request is by an agent of an owner, mortgagee or purchaser, send the copy to the agent's address for service by prepaid mail or courier delivery, unless the request for records or the requester's response requests that the record be given directly to,
 - (i) the owner or mortgagee, as the case may be, in accordance with clause (a), or
 - (ii) the purchaser in accordance with clause (b); or
- (d) make the copy available for the requester to obtain by attending in person at a location described in subsection 13.2 (1).

Delivering a copy of a non-core record

13.7 (1) If the request for records provides that the requester wishes to obtain a copy of a record that is not a core record, if subsection 13.3 (11) applies to the requester and the requester complies with it and if the corporation keeps the record in electronic form, the board shall, within 30 days of the corporation receiving the requester's response and the fee payable for the request,

- (a) deliver a copy of the record in electronic form to the requester,
 - (i) by electronic communication if the requester so agrees in the request, or
 - (ii) in any manner that the corporation and the requester agree to in writing before the expiry of the time period that subsection 13.3 (6) requires the board to deliver the board's response; or
- (b) deliver a copy of the record in paper form to the requester in accordance with subsection 13.6 (5), if the requester does not agree as described in clause (a).

(2) If the request for records or the requester's response provides that the requester wishes to obtain a copy of a record that is not a core record, if subsection 13.3 (11) applies to the requester and the requester has complied with it and if the corporation does not keep the record in electronic form, the board shall deliver a copy of the record in paper form to the requester in accordance with subsection 13.6 (5) within 30 days of the corporation receiving the requester's response and payment of the fee payable for the request.

Accompanying statements

13.8 (1) Each copy of a record that the board makes available for examination or delivers under any of sections 13.4 to 13.7 shall be accompanied by,

- (a) a separate written document that is addressed to the requester and that clearly identifies the record that is being made available or delivered, as the case may be;
- (b) if the board has determined that it will redact the record to remove any part that it has determined that it will not allow the requester to examine or of which it will not allow the requester to obtain a copy, a written statement of the board's reason for its determination and an indication on which provision of section 55 of the Act or this Regulation the board bases its reason;
- (c) a separate written document that is addressed to the requester and that indicates,
 - (i) the actual cost that the corporation has incurred for making the copy available or for delivering it, as the case may be, subject to the limits that subsections 13.3 (8) and (9) place on the fee payable for the request, and

(ii) the difference, if any, between the actual cost described in subclause (i) and the fee payable for the request; and

(d) if the actual cost described in subclause (c) (i) is less than the fee payable for the request, payment from the corporation to the requester of the amount of the difference.

(2) If the actual cost described in subclause (1) (c) (i) is more than the fee payable for the request, the requester shall pay to the corporation within 30 days after the corporation complies with subsection (1) the lesser of,

(a) the amount of the difference; and

(b) 10 per cent of the fee payable for the request.

(3) If clauses (1) (a), (b) and (c) apply to the same request, the information that the separate written documents described in those clauses is required to contain may be contained in a single written document.

Waiver of right to object

13.9 (1) Subject to subsection (4), if a person makes a request for records and the requester provides a written statement to the corporation that the requester and the board have signed and that clearly acknowledges that the board will allow the requester to examine or obtain a copy of the record, as the case may be, as the requester requests, the requester shall be deemed to have waived the right to object to any failure of the board to comply with section 55 of the Act and sections 13.3 to 13.8 of this Regulation in responding to the request.

(2) If the requester described in subsection (1) is an agent of an owner, mortgagee or purchaser, the owner, purchaser or mortgagee, as the case may be, shall be deemed to have waived the right to object to any failure of the board to comply with section 55 of the Act and sections 13.3 to 13.8 of this Regulation in responding to the request.

(3) The written statement described in subsection (1) may be in English or French and may be in the form that is entitled “Records Requester Waiver” in English or “Renonciation du demandeur de dossiers” in French, as the case may be, and that is dated *, as it appears on the Government of Ontario website.

(4) If a person makes a request for records and the board determines that it will not allow the requester to examine or obtain a copy of the record that the requester has requested or that it will redact the record to remove any part of it, the requester shall be deemed to have reserved the right to object to the determination of the board and the right to pursue any remedies with respect to that determination, unless the person provides a written statement to the corporation that is signed by the person and clearly waives that right.

Abandonment of request

13.10 (1) A request for records shall be deemed to be abandoned and it shall then have no force and effect if, within 60 days of receiving the board's response, the requester does not,

- (a) in accordance with subsection 13.3 (11), return the requester's response to the corporation and pay the fee payable for the request;
- (b) apply, in accordance with Part I.2 of the Act, to the Condominium Authority Tribunal established under that Part for resolution of the request as a matter in dispute, if the Tribunal has been established under that Part and the application may be made under that Part; or
- (c) apply to the Superior Court of Justice for resolution of the request, if the Condominium Authority Tribunal has not been established.

(2) The request shall be deemed to be abandoned and it shall then have no force and effect if, within 6 months of the requester delivering the request for records to the corporation, the requester does not,

- (a) apply, in accordance with Part I.2 of the Act, to the Condominium Authority Tribunal established under that Part for resolution of the request as a matter in dispute, if the Tribunal has been established under that Part and the application may be made under that Part; or
- (b) apply to the Superior Court of Justice for resolution of the request, if the Condominium Authority Tribunal has not been established.

Interpretation for s. 55 of the Act and exceptions

13.11 (1) For the purpose of clause 55 (4) (c) of the Act,

“records relating to specific units or owners” does not include records relating to persons in their capacity as directors or officers of a corporation.

(2) The following are prescribed records for the purpose of clause 55 (4) (d) of the Act:

1. A record of the method of electronic communication set out in an agreement described in clause 47 (4) (c) or (5) (c) of the Act.
2. A report or opinion from a lawyer or licensed paralegal to a corporation with respect to specific units in the corporation or owners, purchasers or mortgagees of a unit in the corporation.
3. Records that contain communications for the purpose of obtaining the report or opinion described in paragraph 2 or that are in respect of the report or opinion.

4. Any portion of a ballot or proxy form that identifies specific units in a corporation or owners in a corporation, unless a by-law of the corporation provides otherwise.

(3) A corporation may disclose a record described in paragraph 1 of subsection (2) if the owner or mortgagee, as the case may be, in respect of whom the record relates has provided written consent to the corporation to allow a copy of the record to be made available for examination or for delivery by the corporation for the purpose of section 55 of the Act

(4) A corporation may disclose a record described in paragraph 2 or 3 of subsection (2).

(5) The sum mentioned in subsection 55 (8) of the Act shall not exceed \$5,000.

(6) Subsections 55 (8) to (11) of the Act do not apply to a request for records if the request is made before the day subsection 51 (9) of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force.

(2) Paragraph 13 of subsection 13.1 (1) of the Regulation, as made by subsection (1), is revoked and the following substituted:

13. Records that relate to a modification under section 97 or 98 of the Act and that the corporation creates or receives.

18. (1) The Regulation is amended by adding the following section:

Providing records to condominium management provider or condominium manager

13.12 (1) A corporation described in subsection 55 (2.2) of the Act shall, subject to the requirements and conditions, if any, set out in the agreement described in that subsection, provide a copy of any of its records that the condominium management provider or condominium manager reasonably requires if,

- (a) the provider or manager is entitled to the record under the agreement; and
- (b) the provider or the manager does not require the record in order to comply with the *Condominium Management Services Act, 2015* or the regulations made under it.

(2) If a condominium management provider or condominium manager described in subsection 55 (2.2) of the Act reasonably requires a copy of any of the records of the corporation in order to comply with the *Condominium Management Services Act, 2015* or the regulations made under it, the corporation shall provide a copy of the record in accordance with the following requirements and conditions, subject to the requirements and conditions, if any, set out in the agreement described in that subsection:

1. The provider or manager or an agent of one of them duly authorized in writing must deliver a written request to the corporation that contains,
 - i. the address for service of the requester,
 - ii. a specification of the copy of the record requested,
 - iii. a statement that the provider or manager, as the case may be, requires the copy of the record in order to comply with the *Condominium Management Services Act, 2015* or the regulations made under it, as well as a brief statement of the specific purpose of the request, and
 - iv. a statement indicating whether the request is for delivery of the copy of the record in electronic form or in paper form.
2. The request is sufficiently delivered to the corporation if it is,
 - i. sent by prepaid mail or by courier to the address for service of the corporation, or
 - ii. deposited in the mail box for the address described in subparagraph i.
3. Any other communication between the requester and the corporation in respect of the request, including any delivery of records by the corporation to the requester may be made,
 - i. in accordance with subparagraph 1 i if it is a communication from the corporation to the requester,
 - ii. in accordance with paragraph 2 if it is a communication from the requester to the corporation, or
 - iii. by facsimile transmission, electronic mail, any other method of electronic communication or in any other manner, if the requester and the corporation agree in writing to that method of communication.
4. When the corporation receives a request in accordance with this subsection, the board shall determine whether it will disclose to the requester the records that the requester has requested and shall deliver a written response to the requester that sets out an index of each record that the requester has requested and the following with respect to each such record:
 - i. A description of the record.

- ii. An estimate of the cost to the corporation, calculated on the basis of the factors described in paragraph 5, to provide the copy of the record.
 - iii. If the board has determined that it will not disclose the record, a written statement of the board's reason for its determination and an indication on which provision, if any, of section 55 of the Act or this Regulation the board bases its reason.
5. The manner of calculating the cost estimate described in subparagraph 4 ii can vary depending on the following factors:
 - i. Whether the board is required to redact the record to remove any part that it has determined that it will not disclose to the requester.
 - ii. The time that the board estimates spending on responding to the request.
6. If the board's response described in paragraph 4 does not state that the board has determined that it will not disclose to the requester the records that the requester has requested and if the requester wishes to continue with the request, the requester shall return the response to the corporation indicating the records requested, together with payment of the cost estimate described in subparagraph 4 ii.
7. The board shall deliver a copy of the records to the requester within a reasonable time after the corporation receives the response and payment of the cost estimate described in subparagraph 4 ii.
8. If the corporation does not possess a record that a requester has requested under this subsection, the corporation shall, within a reasonable time, provide that information in writing to the requester, along with information regarding which other person, if any, is in possession of the record if that information is within the corporation's knowledge.
9. Each copy of a record that the corporation provides under this subsection shall be accompanied by,
 - i. a separate written document that is addressed to the requester and that indicates a clear identification of the record,
 - ii. if the board has determined that it will redact the record to remove any part that it has determined that it will not disclose to the requester, a written statement of the board's reason for its determination and an indication on which provision of section 55 of the Act or this Regulation the board bases its reason,

- iii. a separate written document that is addressed to the requester and that indicates,
 - A. the actual cost incurred by the corporation, in accordance with this subsection, to provide the record, and
 - B. the difference, if any, between the actual cost described in sub-subparagraph A and the cost estimate described in subparagraph 4 ii in respect of the request, and
 - iv. if the actual cost described in sub-subparagraph A of subparagraph iii is less than the payment that the corporation has received under paragraph 6 in respect of the record, payment from the corporation to the requester for the amount of the difference.
10. If the actual cost described in sub-subparagraph A of subparagraph 9 iii is more than the payment that the corporation has received under paragraph 6 in respect of the record, the requester shall pay to the corporation within a reasonable time after the corporation complies with paragraph 9 the lesser of,
- i. the amount of the difference, and
 - ii. 10 per cent of the cost estimate described in subparagraph 4 ii in respect of the request.
11. Subject to paragraph 13, if the requester provides a written statement to the corporation that is signed by the requester and the board and that clearly acknowledges that the board will, in accordance with paragraph 7, deliver a copy of the record to the requester as the requester requests, the requester shall be deemed to have waived the right to object to any failure of the board to comply with this subsection in responding to the request.
12. If the requester described in paragraph 11 is an agent of a condominium management provider or condominium manager, the provider or manager, as the case may be, shall be deemed to have waived the right to object to any failure of the board to comply with this subsection in responding to the request.
13. If the board determines that it will not disclose to a requester a copy of the record that the requester has requested or that it will redact the record to remove any part of it, the requester shall be deemed to have reserved the right to object to the determination of the board and the right to pursue any remedies with respect to that determination, unless the person provides a written statement to the corporation that is signed by the person and clearly waives that right.

14. A request shall be deemed to be abandoned and it shall then have no force and effect if, within 60 days of receiving the written response described in paragraph 4 in respect of the request, the requester does not,
 - i. in accordance with paragraph 6, return the response to the corporation and make the payment required by that paragraph, or
 - ii. submit the request as a matter in dispute to one or both of mediation and arbitration for resolution.

15. The request shall be deemed to be abandoned and it shall then have no force and effect if, within 6 months of the requester delivering the written request described in paragraph 1 in respect of the request to the corporation, the requester does not submit the request as a matter in dispute to one or both of mediation and arbitration for resolution.

(3) This section and the right of a condominium management provider or condominium manager who no longer has an agreement described in subsection 55 (2.2) of the Act with a corporation and the right of an agent of one of them duly authorized in writing to receive a copy of a record of the corporation under that subsection do not apply to,

- (a) records relating to employees of the corporation, except for contracts of employment between any of the employees and the corporation;
- (b) records relating to actual or contemplated litigation or insurance investigations involving the corporation;
- (c) records relating to specific units or owners;
- (d) a report or opinion from a lawyer or licensed paralegal to the corporation with respect to,
 - (i) an agreement described in that subsection, or
 - (ii) the provision of condominium management services by the provider or manager to the corporation;
- (e) records that contain communications for the purpose of obtaining the report or opinion described in clause (d) or that are in respect of the report or opinion; and
- (f) records relating to other condominium management providers or condominium managers.

(4) Despite subsection (3), a corporation may disclose a record described in clauses (3) (b), (d), (e) and (f) but shall not disclose a record described in clauses (3) (a) and (c).

(5) The condominium management provider, condominium manager, agent of any of them as applicable, and the corporation shall be deemed to have agreed in writing to submit a disagreement between the parties with respect to subsection 55 (2.2) of the Act or subsection (2) of this section to mediation and arbitration in accordance with clauses 132 (1) (a) and (b) of the Act respectively, as those clauses read immediately before subsection 114 (2) of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force.

(2) Subsection 13.12 (5) of the Regulation, as made by subsection (1), is revoked.

19. (1) The Regulation is amended by adding the following heading before section 14:

BY-LAWS

(2) Section 14 of the Regulation is amended by adding the following subsection:

By-laws

(0.1) For the purpose of clause 56 (1) (q) of the Act, the other prescribed purposes are,

- (a) to specify a record for the purpose of paragraph 10 of the definition of “core record” in section 1;
- (b) to govern information to be included in a periodic information certificate, an information certificate update or a new owner information certificate in addition to the information required by sections 11.1, 11.2 or 11.3 respectively;
- (c) to specify a time period for the purposes of paragraph 3 of subsection 11.1 (4) of this Regulation and clause 26.3 (a) of the Act;
- (d) to specify a time period for the purposes of paragraph 5 of subsection 11.2 (3) of this Regulation and clause 26.3 (b) of the Act;
- (e) to specify information that a person is required to disclose for the purposes of paragraph 8 of subsection 11.6 (1) of this Regulation and clause 29 (1) (f) of the Act;
- (f) to specify a time period for the purposes of clause 11.6 (9) (b) of this Regulation and clause 29 (1) (f) of the Act;
- (g) to require, for the purpose of subclause 11.6 (10) (b) (ii), that a person who is required by subsection 11.6 (1) to provide statements and information must provide them in writing;

- (h) to specify information that a person is required to disclose for the purposes of paragraph 2 of subsection 11.10 (1) of this Regulation and clause 29 (2) (f) of the Act;
- (i) to specify information that a person is required to disclose for the purposes of paragraph 6 of subsection 11.10 (2) of this Regulation and clause 29 (2) (f) of the Act;
- (j) to specify a time period for the purposes of clauses 11.10 (8) (b), (9) (b), (10) (e) and (11) (f) of this Regulation and clause 29 (2) (f) of the Act;
- (k) to specify, for the purposes of clause 12.1 (1) (a) of this Regulation and subsection 45 (5) of the Act, material that the board shall place before a meeting of owners;
- (l) to specify, for the purposes of subsection 12.1 (2) of this Regulation and subsection 45 (5) of the Act, the manner by which the board shall place the required material before a meeting of owners;
- (m) to specify, for the purpose of subclause 12.2 (2) (f) (ii) of this Regulation, the manner in which an individual may notify the board under clause 45.1 (1) (a) of the Act and the manner in which an owner may provide material to the board under clause 45.1 (1) (b) of the Act;
- (n) to specify materials to be included in a preliminary notice with respect to a meeting of owners for the purposes of clause 12.2 (2) (k) and clause 45.1 (1) (c) of the Act;
- (o) to specify materials to be included in a notice of meeting of owners for the purposes of clause 12.8 (1) (h) of this Regulation and subclause 47 (7) (b) (iii) of the Act;
- (p) to govern the manner in which an owner or a mortgagee may be present at a meeting of owners or represented by proxy;
- (q) to specify the method of electronic communication that the board may, by resolution, decide the corporation may use for the purposes of the Act and this Regulation; and
- (r) to specify, for the purpose of paragraph 4 of subsection 13.11 (2) of this Regulation, what portion of a ballot or proxy form described in that subsection does not constitute a prescribed record for the purpose of clause 55 (4) (d) of the Act.

(3) Section 14 of the Regulation is amended by adding the following subsection:

(2) The other number of owners that is prescribed for the purpose of clause 56 (10) (a) of the Act is the majority of owners present or represented by proxy at a meeting of owners to which that clause applies if the by-law is described in,

- (a) subclause 52 (1) (b) (iii) of the Act;
- (b) paragraph 12 of subsection 55 (1) of the Act;
- (c) paragraph 3 of subsection 55 (2) of the Act; or
- (d) subsection 14 (0.1) of this Regulation.

20. The Regulation is amended by adding the following section:

Deemed provision of by-law

14.1 (1) A by-law is deemed to include the following provision:

1. Despite anything in the declaration or a by-law, there is no requirement that the person who casts a vote in a manner described in clause 52 (1) (b) of the *Condominium Act, 1998* or that the unit in respect of which the vote was cast identify the person's name or the unit.

(2) No board, other than a board of the corporation described in subsection 11 (8) of the Act, may amend or repeal the deemed provision set out in subsection (1).

21. Section 15 of the Regulation is revoked.

22. The Regulation is amended by adding the following heading before section 16:

FINANCIAL STATEMENTS

23. (1) The Regulation is amended by adding the following heading before section 17:

**PART III.1
SALE AND LEASE OF UNITS**

(2) Subsection 17 (3) of the Regulation is revoked and the following substituted:

(3) The table of contents in the disclosure statement mentioned in subsection 72 (4) of the Act shall be in English or French and shall be in the form that is entitled "Disclosure Statement, Table of Contents" in English or "Sommaire de l'état de divulgation" in French, as the case may be, and dated September 1, 2011, as it appears on the Government of Ontario website.

24. Subsection 18 (1) of the Regulation is revoked and the following substituted:

Status certificate

(1) A status certificate shall be in English or French and shall be in the form that is entitled “Status Certificate” in English or “Certificat d’information” in French, as the case may be, and dated September 1, 2011, as it appears on the Government of Ontario website.

25. The Regulation is amended by adding the following headings before section 24:

**PART IV
OPERATION**

GENERAL

26. Section 26 of the Regulation is revoked.

27. (1) The heading before section 27 of the Regulation is revoked and the following substituted:

RESERVE FUND STUDIES

(2) Section 27 of the Regulation is amended by striking out the portion before the definition of “component inventory” and substituting the following:

Definition

27. In sections 28 to 33,

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28. The French version of clause 29 (5) (d) of the Regulation is amended by striking out “le financement futur” and substituting “la capitalisation future”.

29. Clause 32 (2) (c) of the Regulation is revoked and the following substituted:

- (c) be the spouse or child of a director or officer of the corporation or the child of the spouse of a director or officer of the corporation;

30. (1) Subsection 33 (3) of the Regulation is revoked and the following substituted:

(3) The notice that the board is required to send under subsection 94 (9) of the Act shall be in English or French and shall be in the form that is entitled “Notice of Future Funding of the Reserve Fund” in English or “Avis concernant le financement futur du fonds de réserve” in French, as the case may be, and dated September 1, 2011, as the form appears on the Government of Ontario website.

(2) Subsection 33 (3) of the Regulation, as remade by subsection (1), is revoked and the following substituted:

(3) The notice that the board is required to send under subsection 94 (9) of the Act shall be in English or French and shall be in the form that is entitled “Notice of Future Funding of the Reserve Fund” in English and dated September 1, 2011 or that is entitled “Avis concernant la capitalisation future du fonds de réserve” in French and dated *, as the case may be, as the form appears on the Government of Ontario website.

31. Clause 34 (1) (d) of the Regulation is amended by striking out “Part IV” and substituting “sections 27 to 33”.

32. The Regulation is amended by adding the following section:

**PART V.1
TERMINATION**

Termination

38.1 Sections 122 and 123 of the Act do not apply to a corporation if the total of the proportions, expressed in percentages, of the common interests, as specified in the registered declaration, is not equal to 100 per cent.

33. The Regulation is amended by adding the following section:

Service of notice to owners

43.1 In the case of a common elements condominium corporation, references to a unit in clause 47 (4) (d) of the Act and in clause 11.11 (3) (c) and subsection 12.7 (4) of this Regulation shall be deemed to be references to the parcel of tied land to which the common interest of the owner attaches under clause 139 (2) (a) of the Act.

34. Subsection 54 (1) of the Regulation is revoked and the following substituted:

Forms for amendments creating phase

(1) Amendments to the declaration and description creating a phase shall be in English or French and shall be in the form that is entitled “Amendment to Declaration and Description to Create a Phase” in English or “Modification d’une déclaration et d’une description créant une étape” in French, as the case may be, and dated September 1, 2011, as it appears on the Government of Ontario website.

35. The Regulation is amended by adding the following section:

Termination of telecommunications agreement

63. Subsections 22 (9.1) and (9.2) of the Act do not apply to a consent given to the termination of an agreement if the board has approved the termination by a resolution made under clause 22 (9) (b) of the Act before the day those subsections come into force.

36. Section 65 of the Regulation is revoked and the following substituted:

Notice of candidates for board

65. Subsection 28 (2) of the Act, as re-enacted by subsection 26 (1) of Schedule 1 to the *Protecting Condominium Owners Act, 2015*, does not apply to a notice of meeting unless the meeting is held 40 days or more after that subsection 28 (2) comes into force and no notice of the meeting has been sent to the owners before that date.

37. Section 66 of the Regulation is revoked and the following substituted:

Meeting of directors held by teleconference

66. Subsection 35 (5) of the Act, as re-enacted by section 32 of Schedule 1 to the *Protecting Condominium Owners Act, 2015*, applies to a meeting of directors that is called in accordance with section 35 of the Act on or after that subsection 35 (5) comes into force.

38. (1) Subsections (2) and (3) apply only if section 42 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force on or before the day section 40 of Schedule 1 to the *Protecting Condominium Owners Act, 2015* comes into force.

(2) The Regulation is amended by adding the following section:

Requisition for meeting of owners

67. (1) The reference in subsection 46 (1) of the Act to a record maintained by the corporation under subsection 47 (2) of the Act shall be read as a reference to a record of the corporation required by section 46.1 of the Act.

(2) In the case of a meeting of owners requisitioned under section 46 of the Act, the reference to 20 days in clause 47 (1) (c) of the Act shall be read as a reference to 15 days.

(3) Section 67 of the Regulation, as made by subsection (2), is revoked.

39. The Regulation is amended by adding the following section:

When by-law effective

68. Clause 56 (10) (a) of the Act, as re-enacted by subsection 52 (13) of Schedule 1 to the *Protecting Condominium Owners Act, 2015*, does not apply to a vote in favour of confirming the by-law unless the vote is taken at a meeting held 40 days or more after that clause comes into force and no notice of the meeting has been sent to the owners before that date.

40. The Regulation is amended by adding the following section:

Rules

69. (1) Clause 58 (6) (d) of the Act does not apply to a notice of a rule unless the notice is given to the owners on or after that clause comes into force.

(2) Subsection 58 (7) of the Act, as re-enacted by subsection 54 (3) of Schedule 1 to the *Protecting Condominium Owners Act, 2015*, does not apply to a rule unless a notice of the rule is given to the owners on or after that subsection 58 (7) comes into force.

41. The Regulation is amended by adding the following section:

Loss of owner's right to consent to dispense with audit

70. Subsections 60 (6) and (7) of the Act do not apply to a consent that is described in clause 60 (5) (c) of the Act and given in respect of the first annual general meeting of a corporation if any part of the meeting is held before the day those subsections come into force.

42. The Regulation is amended by adding the following section:

Financial statements

71. Clauses 66 (2) (a), (b) and (c) of the Act, as re-enacted by subsection 59 (3) of Schedule 1 to the *Protecting Condominium Owners Act, 2015*, do not apply to financial statements unless the board approves them under subsection 66 (3) of the Act on or after the day those clauses come into force.

43. The Regulation is amended by adding the following section:

Auditor's report

72. Subsections 67 (3) and (4) of the Act, as re-enacted by section 60 of Schedule 1 to the *Protecting Condominium Owners Act, 2015*, do not apply to an auditor's report unless the auditor presents it under subsection 67 (6) of the Act on or after the day those subsections come into force.

44. The Regulation is amended by adding the following section:

Duty to register declaration and description

73. Subsections 79 (1) and (2) of the Act, as re-enacted by section 70 of Schedule 1 to the *Protecting Condominium Owners Act, 2015*, do not apply unless the declarant or a person acting on behalf of or for the benefit of the declarant has entered into the agreement of purchase and sale mentioned in that subsection 79 (1) on or after the day those subsections come into force.

45. The Regulation is amended by adding the following section:

Interest on money paid on account of purchase price

74. Subsections 82 (1) and (3), clause 82 (4) (b) and subsection 82 (6) of the Act, as amended by section 73 of Schedule 1 to the *Protecting Condominium Owners Act, 2015*, does not apply to any money unless, on or after that section 73 comes into force, a person pays the money on account of the purchase price of a proposed unit or the declarant credits the money to the purchase price of a proposed unit.

46. The Regulation is amended by adding the following section:

Owners' consent to amendments to the declaration and description

75. Subsections 107 (4.1) and (4.2) of the Act do not apply to a consent that an owner gives to a resolution described in clause 107 (2) (a) of the Act before the day those subsections come into force.

47. The Regulation is amended by adding the following section:

Owners' consent to amalgamation

76. Subsections 120 (3.1) and (3.2) of the Act do not apply to a consent that an owner gives under clause 120 (1) (b) of the Act in respect of a meeting if any part of the meeting is held on or before the day those subsections come into force.

48. The Regulation is amended by adding the following section:

Owners' consent to termination

77. Subsection 124 (2.1) and (2.2) of the Act do not apply to a consent that an owner gives under clause 124 (2) (a) of the Act in respect of a vote if any part of the meeting, at which the vote is to be held, is held on or before the day those subsections come into force.

Commencement

49. [Commencement].