

Description of Regulatory Proposal under the Condominium Act, 1998

1. Introduction

The Ministry of Government and Consumer Services seeks feedback on a regulatory proposal under the Condominium Act, 1998 (the “Condominium Act”) that would support amendments to the Condominium Act. The regulations would require condominium corporations to file annual and other specified returns containing information about the corporation. The returns would be filed with a Registrar appointed by the condominium authority.

The proposal would also require the Registrar to maintain a publicly accessible database of information about condominium corporations in the province. The database would include information from returns that condominium corporations would be required to file on a periodic basis. Owners, residents, and other members of the public would be able to access the database to look up basic information about individual condominium corporations.

The information returns and the database would be administered by the Condominium Registrar appointed under the Condo Act by the board of the condominium authority. A recently approved regulation will designate the Condominium Authority of Ontario as the condominium authority under the Condo Act.

It is anticipated that the regulations and related amendments in the Condominium Act relating to returns and the database of condominium corporation information would come into force in early 2018.

2. Types and timing of returns

Condo corporations would be required to file four types of informational returns with the Registrar.

1. **Initial Return:** The initial return would need to be filed after the declaration and description are registered and the condo corporation is first created. This would apply to all corporations that are registered after the returns provisions come into force.
2. **Turn-over Return:** The turn-over return would be filed after the turn-over meeting is held and the owners elect a new board under s. 43 of the Condo Act.

This would apply to all corporations that hold turn-over meetings after the returns provisions come into force.

3. **Transitional Return:** The one-time transitional return would be filed by condominium corporations created before the returns provisions come into force.
4. **Annual Return:** The annual return would be filed annually by all condo corporations in the province. It would have to be filed between January 1 and March 31 of each year.

3. Notices of change

In addition to filing returns, corporations would be required to file notices of change when certain information related to a return changes (for example, a change in the directors on the board of the corporation). All notices of change would need to be filed within 30 days of the change.

4. Information collected in the returns and notices of change

The proposed content for the returns and notices of change is summarized in the chart below. The information in the returns and notices of change would need to be current as of the date they are filed. See the draft regulation for more detail about each item.

#	Item	Type of Return				
		Initial	Turnover	Annual	Transitional	Notice of Change
1.	name of declarant	✓	✓		✓ (if no turn-over meeting has been held)	
2.	date of registration	✓	✓	✓	✓	
3.	date of turn-over meeting		✓			
4.	condo corporation name	✓	✓	✓	✓	

5.	type of condo corporation (standard, common elements, etc.)	✓	✓	✓	✓	
6.	condo corporation's address for service	✓	✓	✓	✓	✓
7.	email address (optional)	✓	✓	✓	✓	✓
8.	municipal address	✓	✓	✓	✓	✓
9.	names of directors	✓	✓	✓	✓	✓
10.	number of units *not applicable for Common Elements Condo Corporations	✓	✓	✓	✓	✓
11.	maximum number of votes that could be counted at a meeting of owners	✓	✓	✓	✓	✓
12.	name and address for service of condo manager and management firm, if any	✓	✓	✓	✓	✓
13.	start and end dates of the	✓	✓	✓	✓	

	corporation's fiscal year					
14.	date of last AGM			✓	✓	
15.	Information about court-appointed administrator, if any			✓	✓	✓
16.	Information about court-appointed inspector, if any			✓	✓	✓
17.	Termination of the condo corporation in certain cases					✓

5. Manner of filing returns and notices of change

Returns and notices of change would need to be filed with the Registrar electronically, or by another method approved by the Registrar, if the Registrar is of the opinion that delivering it electronically would cause undue hardship to the corporation.

A late filing fee is payable if a corporation files a return or notice under Part II.1 of the Condo Act after the time set out in this proposed regulation for filing the return or notice.

6. Content and maintenance of the Registrar's database

The Registrar would be required to maintain a database of condo corporations that contains all of the information in the returns and notices of change, plus the following information, if applicable:

- Information about a compliance order made against the corporation or a director or officer of the corporation under s. 134.1 of the Condo Act, relating to non-compliance with any of the provisions of Part II.1 of the

Condo Act (dealing with condo returns) and there is no possibility of it being replaced through an appeal under s. 134.1(5) of the Condo Act.

The Registrar will not be required to publish this information until the date that all transitional returns must be filed.

The Registrar would be required to establish policies regarding the removal of historical information from the database.

The Registrar would also have to take reasonable methods to protect against unauthorized access to the information in the database.

7. Publication of information in the Registrar's database

The Registrar would be required to make all current information in the database about a condominium corporation publicly available, as updated by any notices of change, except for any email address supplied by the corporation. The Registrar would also be required to make information in the database about s. 134.1 compliance orders (see part 6 above) publicly available, to the extent the non-compliance is outstanding.

The public information would be made available electronically on the Internet and in any other manner that the Registrar considers appropriate. The information would not be able to be disclosed in bulk to any person except as authorized under s. 9.8 of the Condo Act (see part 8 below). The information would be made publicly available to users for personal purposes (i.e., non-commercial purposes) only.

The Registrar would be authorized to publish summaries or analyses of the data contained in the database of condo corporations for non-commercial purposes only, without identifying individual corporations.

8. Sharing data

Under clause 9.8(c) of the Condo Act, the condominium authority would be able to communicate information obtained in the course of administering condo returns and the database (e.g. information from the database of condo corporations) to the administrative authority designated under the Condominium Management Services Act, 2015, if the purpose of the communication is consumer protection.