

Description of Proposed Regulatory Changes under the Condominium Act, 1998 and the Condominium Management Services Act, 2015

I. Introduction

The purpose of this document is to seek feedback on proposed regulations under the Condominium Act, 1998 (Condominium Act) and the Condominium Management Services Act, 2015 (CMSA). The proposals would support the designation of two new administrative authorities, one under the Condominium Act and one under the CMSA. The proposals would also support the establishment of the Condominium Authority Tribunal under the Condominium Act, and, under the CMSA, would delegate some of the Lieutenant Governor in Council's regulation-making authority to the Minister of Government and Consumer Services.

II. Designation of authorities

A. Designation of condominium authority under the Condominium Act

The proposed regulations would designate the Condominium Authority of Ontario (CAO) as the "condominium authority" for the purposes of the Condominium Act. CAO was incorporated under the laws of the Province of Ontario by letters patent dated July 11, 2016. The Minister of Government and Consumer Services will be required to enter into an administrative agreement with CAO before it is designated.

The proposal would delegate the administration of the following provisions of the Condominium Act to CAO, when those provisions are in force:

1. Part II.1 of the Condominium Act and related regulations (addressing condominium returns)
2. Regulation made under clause 29 (2) (e) of the Condominium Act (addressing condominium director training)
3. Section 134.1 and related regulations (addressing compliance orders made by the Registrar)
4. Section 136.2 of the Condominium Act (making it an offence to contravene provisions of the Condominium Act dealing with the filing of condominium returns and the payment of assessments to the condominium authority)

Note that if CAO is designated, it would also be responsible for managing and overseeing the operations of the Condominium Authority Tribunal once the provisions of the Condominium Act dealing with the Tribunal are in force.

It is anticipated that designation would be effective in mid- to late-2017.

B. Designation of administrative authority under the CMSA

The proposed regulations would designate the Condominium Management Regulatory Authority of Ontario (CMRAO) as the “administrative authority” under the CMSA to administer most provisions of the CMSA and associated regulations. CMRAO was incorporated under the laws of the Province of Ontario by letters patent dated July 8, 2016. The Minister of Government and Consumer Services will be required to enter into an administrative agreement with the Condominium Management Regulatory Authority of Ontario before it is designated.

It is anticipated that designation would be effective in mid- to late-2017.

III. Condominium Authority Tribunal regulations

A. Scope of disputes

The proposed regulations would provide that, under ss. 1.36 (1) and (2) of the Condominium Act, corporations, owners, and mortgagees may apply to the Condominium Authority Tribunal only for the resolution of disputes regarding compliance with s. 55 of the Condominium Act and the regulations made under it. This would exclude any disputes regarding the provision of records to a condominium management provider or manager under ss. 55 (2.2) of the Condominium Act.

The proposed regulations would also provide that, pursuant to ss. 1.36 (3) of the Condominium Act, purchasers may apply to the Condominium Authority Tribunal only for the resolution of a dispute with the corporation regarding compliance with subsection 55 (3) of the Condominium Act and the related regulations.

It is anticipated that these proposed changes would come into force in fall 2017.

B. Publication of orders

The proposed regulations would provide that, under s. 1.48 of the Condominium Act, any order the Tribunal makes shall be made available to the public without charge on the Internet in a searchable database.

In making its orders public, the Tribunal would not be able to disclose the following personal information:

1. The name of an individual, unless the name identifies the individual in a business, professional or official capacity.
2. The unit number and street number from an individual's address, unless the information identifies the individual in a business, professional or official capacity.
3. Other personal information if, despite the non-disclosure in points 1 and 2 above, the information could reasonably lead to the identification of an individual, unless the information identifies the individual in a business, professional or official capacity.

It is anticipated that these changes would come into force in fall 2017.

IV. Delegation of authority for regulation-making powers under the CMSA

The CMSA authorizes the Lieutenant Governor in Council (LGIC) to delegate some or all of its regulation making powers to the Minister of Government and Consumer Services (Minister). The proposed regulations would delegate from the LGIC to the Minister the authority to make regulations relating to the matters described in paragraphs 6, 7, 9, 11, 12, 14, 15, 16, 20, 21, 23, and 25 of subsection 78 (1) of the CMSA.

It is anticipated that these changes would come into force in mid- to late-2017.