

# Proposed Table of Contents for Condo Guide

## Preamble

- Statement directing reader to where or how they can access the most recent version of the guide

## Introduction – What Is a Condominium?

- Plain language description, focusing on the fact that condos always involve shared ownership and responsibility within the condo community
- Description of the different types of condos (including vacant land condos, common elements condos) and note that the Condominium Act, 1998 (Condo Act) has some different requirements for different types of condos

## Part 1 – Buying a Condominium

### 1.1 Before You Buy

- Statement advising that a purchaser should obtain legal advice (e.g., because documents are lengthy and difficult to understand)
- For pre-construction condos, a statement advising purchasers to research builders (i.e., ensuring builders are licensed) and confirm new home warranties plan coverage

### 1.2 Buying a Pre-Construction Condominium

- Things to consider (including risks, occupancy dates, interim occupancy etc.)
- Compensation for delayed occupancy under the Ontario New Homes Warranties Plan Act (ONHWPA)
- Documents to review and explanation of documents (including disclosure documents, agreement of purchase and sale, Tarion information sheet and addenda)
- Overview of deposits (including how they must be held in trust, and deposit protection under ONHWPA etc.)
- Explanation of cooling off periods
- Explanation of rescissions of agreements (including for material change)
- Overview of condo cancellations (including reasons for cancellations, early termination conditions as per the Tarion addenda, information about deposits and interest earned etc.)

### 1.3 Buying a Re-Sale Condominium

- Things to consider (including status of reserve funds, common expense fees, age of building, amenities, rules, any pending litigation, new home warranties information etc.)
- Documents to review and explanation of documents (e.g., status certificate)

## **1.4 Other Things to Consider**

- Overview of risks associated with special assessments and rising common expense fees
- Overview of considerations related to leasing units (e.g., notice to board, tenants following rules and by-laws etc.)

## **Part 2 – Moving into a Pre-Construction Condominium**

### **2.1 Interim Occupancy**

- Description of what interim occupancy is
- Description of interim occupancy fees and related requirements (including limits on how to calculate those fees)
- Reference to previously stated section on compensation for delayed occupancy under the ONHWPA

### **2.2 Establishing the Condominium Corporation**

- Description of registration process (including description of declaration and description) and declarant-controlled boards
- Explanation of turnover meeting and process to elect the first board
- Explanation of the responsibilities of the declarant after turnover (including documents to be provided, money for the reserve fund etc.)

### **2.3 Tarion and the Ontario New Home Warranties Plan Act**

- Role of Tarion and overview of coverage under the ONHWPA
- Information about builder licensing

## **Part 3 – Condominium Living**

### **3.1 Introduction to Condominium Living**

- Description of rights, responsibilities and obligations of owners
- Explanation of what is a unit and what is a common element

### **3.2 Condominium Governance**

- Description of condo board
- Description of board member election processes
- Description of the duties/roles of board members (including duty of care, responsibilities related to setting the annual budget etc.)
- Overview of director training requirements

- Description of meetings (including owners' meetings and directors' meetings), processes related to requisitioning a meeting of owners and an overview of annual general meetings
- Description of notices and periodic information certificates
- Description of records requirements and process to request or examine records

### **3.3 Condominium Corporation Governing Documents**

- Description of each of a condo's governing documents (declaration, by-laws, rules) including information about how each can be changed (e.g., by vote, amendments by owners)
- Description of chargebacks (additions by condo corporations to common expense contribution amounts) and related fees

### **3.3 Condominium Finances**

- Description of reserve fund and what it can be used for
- Description of common expense fees, how they are charged and what they go towards
  - Explanation of liens and responsibility to pay common expenses
- Description of special assessments and what they can be levied for
- Overview of condominium insurance

### **3.4 Living in Units and Using Common Elements**

- Explanation of repair and maintenance obligations between owner and corporation
- Explanation of process to make changes to units (i.e., seeking board approval) and to common elements
- Explanation of right of entry
- Overview of process to lease units (e.g., notice to board) and responsibilities of tenants
- Overview of dangerous activities

### **3.4 Condominium Management**

- Statement that condominium boards can obtain condo management services (e.g., sign contracts etc.)
- Statement that condominium managers/management providers must be licensed through the Condominium Management Regulatory Authority of Ontario (CMRAO)
- Overview of condo managers/management providers roles

## **Part 4 – Troubleshooting**

### **4.1 Condominium Authority of Ontario**

- Overview of the Condominium Authority of Ontario (CAO) and its mandate
- Overview of the Condominium Authority Tribunal (CAT) and its mandate
- Explanation of how the CAO and CAT can help

## **4.2 Condominium Management Regulatory Authority of Ontario**

- Overview of the CMRAO and its mandate
- Explanation of how the CMRAO can help

## **4.3 Raising Issues with Boards**

- Overview of steps owners can take to raise issues with the board including writing a letter, bringing up the issue at an annual general meeting, requisitioning a meeting of owners

## **4.4 Dispute Resolution and Enforcement Mechanisms**

- Explanation of dispute resolution and enforcement mechanisms under the Condo Act, including those administered by the CAO

## **Part 5 – Glossary of Key Terms**

- Explanation of key terms used in the guide, common terms in agreements of purchase and sale, disclosure documents and condo governance documents, focusing on legal and technical terms that may be difficult for purchasers to understand