

*Draft Proposed Permanent Changes to Enable Digital and Virtual  
Processes under the Condominium Act, 1998*

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**Caution:**

*This consultation draft is intended to facilitate dialogue concerning its contents. Note that it will not become law unless a bill is passed by the Legislative Assembly. Should the decision be made to introduce a bill in the Legislative Assembly, the comments received during consultation will be considered during the preparation of the bill. The content, structure, form and wording of both language versions 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.*

**Proposed Bill****Condominium Amendment Act -- A Consultation Draft****1. Subsection 1 (1) of the *Condominium Act, 1998* is amended by adding the following definition:**

“telephonic or electronic means” means any means that uses the telephone or any other electronic or other technological means to transmit information or data, including telephone calls, fax, e-mail, automated touch-tone telephone system, computer or computer networks; (“moyen de communication téléphonique ou électronique”)

**2. (1) Subsection 35 (3) of the Act is repealed and the following substituted:****Content of notice**

(3) The notice shall state the following:

1. The time of the meeting.
2. If the directors may attend the meeting in person, the place of the meeting.
3. If the directors may attend the meeting by telephonic or electronic means, instructions for attending and participating in the meeting by telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.
4. The general nature of the business to be discussed at the meeting.

**(2) Subsection 35 (5) of the Act is repealed and the following substituted:****Meeting of directors by telephonic or electronic means**

(5) Unless the by-laws specify otherwise, a meeting of the directors may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means, provided that all persons participating in the meeting are able to communicate with each other simultaneously and instantaneously.

**Same**

(6) A person who participates in a meeting of directors by telephonic or electronic means is deemed for the purposes of this Act to be present at the meeting.

**3. Section 45 of the Act is amended by adding the following subsections:****Meeting of owners by telephonic or electronic means**

(6) Unless the by-laws specify otherwise, a meeting of owners may be held entirely by one or more telephonic or electronic means or by any combination of in-person attendance and by one or more telephonic or electronic means, provided that all persons attending the meeting are able to reasonably participate.

**Same**

(7) A person who, through telephonic or electronic means, votes at or attends a meeting of owners is deemed for the purposes of this Act to be present at the meeting.

**4. (1) The English version of clause 47 (7) (a) of the Act is amended by striking out “the hour” and substituting “the time”.**

**(2) Section 47 of the Act is amended by adding the following subsection:****When notice need not specify place of meeting**

(7.1) Despite clause (7) (a), a notice of meeting of owners need not specify a place of the meeting if the meeting is to be held entirely by one or more telephonic or electronic means.

**5. (1) Clause 52 (1) (b) of the Act is amended,**

- (a) by adding “or” at the end of subclause (i);
- (b) by striking out “or” at the end of subclause (ii); and
- (c) by repealing subclause (iii).

**(2) Subsection 52 (1.1) of the Act is repealed and the following substituted:****Same**

(1.1) Unless the by-laws specify otherwise, a vote by a show of hands or by a recorded vote may be conducted entirely by one or more telephonic or electronic means or by a combination of one or more telephonic or electronic means and in person.

**6. Clause 56 (1) (c.1) of the Act is amended by adding “or not permitted” after “permitted”.**

**7. Subsection 177 (2) of the Act is amended by adding the following paragraph:**

11. governing transitional matters as the Minister considers necessary or advisable to facilitate the implementation of *[reference to Act amendments]*.

**Commencement**

8. [Commencement]

**Short title**

9. [Short Title]

**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) Subsection 11.11 (2) of Ontario Regulation 48/01 is amended by adding the following clause:**

- (c.1) a statement of the place, the date and the time of the meeting, as well as the nature of the business to be presented at the meeting;

**(2) Section 11.11 of the Regulation is amended by adding the following subsections:**

(5) If the owners may attend a meeting called under subsection 34 (5) of the Act by telephonic or electronic means, the statement required under clause (2) (c) shall include instructions for attending and participating in the meeting by telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

(6) Despite clause (2) (c.1), a notice of meeting of owners need not specify a place of the meeting if the meeting is to be held entirely by one or more telephonic or electronic means.

**2. Section 11.12 of the Regulation is revoked.**

**3. Section 12.8 of the Regulation is amended by adding the following subsection:**

(5) If the owners may attend a meeting of owners by telephonic or electronic means, the statement required under clause (1) (d) shall include instructions for attending and participating in the meeting by telephonic or electronic means that will be made available for the meeting, including, if applicable, instructions for voting by such means at the meeting.

**4. (1) Paragraph 15 of subsection 13.1 (1) of the Regulation is revoked.**

**(2) Paragraphs 17 and 18 of subsection 13.1 (2) of the Regulation are revoked.**

**5. (1) Clause 14 (0.1) (p) of the Regulation is repealed and the following substituted:**

(p) to govern the manner in which an owner or a mortgagee may be present at a meeting of owners or represented by proxy, including to specify that a meeting of owners may not be held by either or both of the methods described in subsection 45 (6) of the Act;

**(2) Clause 14 (2) (a) of the Regulation is amended by striking out “subclause 52 (1) (b) (iii)” and substituting “subsection 52 (1.1)”.**

**6. Section 66 of the Regulation is revoked.**

**7. The Regulation is amended by adding the following section:**

**Transition, notices of meetings**

**78.** For clarity, the provisions of the Act and this Regulation that apply with respect to any notice of a meeting of owners or a notice of a meeting of directors, as they read immediately before the day this section comes into force, continue to apply to such notices that were given before that day in respect of a meeting to be held on or after that day.

**Commencement**

**8. [Commencement]**