

**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. The French version of the definitions of “actual litigation”, “actual or contemplated litigation” and “contemplated litigation” in subsection 1 (2) of Ontario Regulation 48/01 are revoked and the following substituted:**

«instance réelle» Action en justice concernant une association. («actual litigation»)

«instance réelle ou envisagée» Instance réelle ou instance envisagée. («actual or contemplated litigation»)

«instance envisagée» Affaire dont on peut raisonnablement croire qu’elle deviendra une instance réelle d’après des renseignements dont l’association a connaissance ou dont elle a le contrôle. («contemplated litigation»)

**2. (1) Subsection 11.11 (2) of the Regulation 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) of this section 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.

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

**4. Clause 12.1 (2) (a) of the Regulation is amended by striking out “in paper form” and substituting “in writing”.**

**5. Subsection 12.3 (4) of the Regulation is amended by striking out “Subsections 46.1 (2) and (3) of the Act and subsections (1), (2) and (3) of this section do not apply” at the beginning of the portion before clause (a) and substituting “Subsection 46.1 (2) of the Act does not apply”.**

**6. (1) Section 12.4 of the Regulation is amended by adding “Subject to subsection (2)” at the beginning of the portion before clause (a).**

**(2) Section 12.4 of the Regulation is amended by adding the following subsection:**

(2) If an owner described in subsection (1) notifies the corporation in writing of the owner’s name and address for service, including any change in the address for service, under clause 46.1 (3) (b) of the Act on or after the day section 6 of Ontario Regulation *[insert Reg number for this amending regulation]* comes into force, the record of the corporation required by section 46.1 of the Act is no longer deemed to contain the address for service for the owner that the record was deemed to contain under subsection (1) of this section.

**7. Subsection 12.5 (5) of the Regulation is revoked.**

**8. Section 12.6 of the Regulation is amended by adding the following subsection:**

(2) If a mortgagee described in subsection (1) gives a notice described in subclause 46.1 (3) (c) (iii) of the Act to the corporation on or after the day section 8 of Ontario Regulation *[insert Reg number for this amending regulation]* comes into force, the record of the corporation required by section 46.1 of the Act is no longer deemed to contain the address for service for the mortgagee that the record was deemed to contain under subsection (1) of this section.

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

**Record of owners and mortgagees**

**12.6.1** (1) The prescribed information for the purposes of clause 46.1 (3) (d) of the Act is as follows:

1. The electronic communication address of an owner whose name appears in the record required by section 46.1 of the Act or is required by that section to appear in that record, if,
  - i. the owner provides the corporation in writing, for any purpose, with the owner's electronic communication address, including any change in the electronic communication address,
  - ii. the board has decided that the corporation may send one or more things required to be given to an owner under the Act by that method of electronic communication, and
  - iii. after having been provided with the electronic communication address, the corporation has not received a written request from the owner that notices not be given using the address.
  
2. The electronic communication address of a mortgagee whose name appears in the record required by section 46.1 of the Act or is required by that section to appear in that record, if,
  - i. the mortgagee provides the corporation in writing, for any purpose, with the mortgagee's electronic communication address, including any change in the address,
  - ii. the board has decided that the corporation may send one or more things required to be given to a mortgagee under the Act by that method of electronic communication, and
  - iii. after having been provided with the electronic communication address, the corporation has not received a written request from the mortgagee that notices not be given using the address.

### **Transition**

(2) If, before the day section 9 of Ontario Regulation *[insert Reg number for this amending regulation]* comes into force, a corporation was provided with an electronic communication address from an owner or a mortgagee in accordance with subparagraph 1 i or 2 i of subsection (1) and did not subsequently receive a written request referred to in subparagraph 1 iii or 2 iii of subsection (1) from the owner or mortgagee, the corporation is deemed, for the purposes of subparagraph 1 i or 2 i of subsection (1), to have received the address referred to in that subparagraph on the day section 9 of Ontario Regulation *[insert Reg number for this amending regulation]* comes into force.

**10. Subsections 12.7 (1), (2) and (3) of the Regulation are revoked.**

**11. 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.

**12. Section 12.10 of the Regulation is revoked.**

**13. (1) The French version of section 13.1 of the Regulation is amended by striking out “instance en cours” wherever it appears and substituting in each case “instance réelle”.**

**(2) The French version of paragraph 5 of subsection 13.1 (1) of the Regulation is amended by striking out “instances en cours” and substituting “instances réelles”.**

**(3) Paragraphs 14 and 15 of subsection 13.1 (1) of the Regulation are revoked.**

**(4) Paragraphs 15, 16, 17 and 18 of subsection 13.1 (2) of the Regulation are revoked.**

**14. Subsection 13.3 (5) of the Regulation is amended by striking out “shall, by resolution, determine” and substituting “shall determine”.**

**15. (1) Paragraph 1 of subsection 13.11 (2) of the Regulation is revoked and the following substituted:**

1. A record of an owner’s or a mortgagee’s electronic communication address that section 46.1 of the Act requires the corporation to maintain.

**(2) Subsection 13.11 (3) of the Regulation is revoked.**

**16. The French version of clause 13.12 (3) (b) of the Regulation is amended by striking out “instances en cours” and substituting “instances réelles”.**

**17. (1) Clause 14 (0.1) (p) of the Regulation is revoked 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 at the meeting;

**(2) Clause 14 (0.1) (q) of the Regulation is amended by striking out “may, by resolution, decide” and substituting “may decide”.**

**(3) Subsection 14 (2) of the Regulation is amended by adding the following clauses:**

- (0.a) subsection 45 (7) of the Act;

(0.b) subsection 47 (6) of the Act;

**(4) Clause 14 (2) (a) of the Regulation is amended by striking out “subclause 52 (1) (b) (iii)” and substituting “subsection 52 (1.1.1)”.**

**18. Item 9 of the Table to section 16.1 of the Regulation is revoked.**

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

**20. Subsection 67 (1) of the Regulation is revoked.**

**21. 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**

**22. [Commencement]**