



2019 Regulatory proposals under the Condominium Act, 1998

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Consumer Services

Submitted by: The Ontario Bar Association



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Introduction

The Ministry of Government and Consumer Services (the “**Ministry**”) has proposed delegating the administration for 19 forms under the *Condominium Act, 1998* (the “**Act**”) to the Condominium Authority of Ontario (the “**CAO**”). These 19 forms (collectively, the “**Forms**”) are some of the most frequently used forms by condominium corporations and owners. It is proposed that 17 of the forms would be delegated to the CAO effective January 1, 2020 and 2 additional forms on July 1, 2020. The OBA has had the opportunity to review the Ministry’s proposal and provides these comments for consideration.

The OBA

Established in 1907, the OBA is Ontario’s largest legal advocacy organization, representing lawyers, judges, law professors and students from across the province, on the frontlines of our justice system and in no fewer than 40 different sectors. In addition to providing legal education for its members, the OBA assists government and other decision-makers with several legislative and policy initiatives each year - both in the interest of the profession and in the interest of the public.

This submission has been prepared by the OBA’s Real Property Law Section. The Real Property Law section includes lawyers who serve as legal counsel to virtually every stakeholder in the real property industry, including lenders, purchasers and others in residential and commercial mortgage transactions, as well as condominium corporations, condominium unit owners and condominium management service providers.

Overview

The OBA was closely involved in the 2013 Condominium Act Review leading to enactment of the *Protecting Condominium Owners Act, 2015*, which ultimately led to creation of the CAO and of certain standardized forms under the Act. The OBA strongly supports the Ministry’s proposal to delegate administration of the Forms to the CAO.

The delegation of the Forms to the CAO is consistent with the vision of the 2013 Condominium Act Review Expert Panel and Working Groups that recommended the creation of the CAO in order to be a trusted source of information and to serve the needs of Ontario’s



condominium communities.¹ This proposal will further strengthen the CAO's role in the condominium communities.

The CAO is in a unique position to obtain feedback from all stakeholders and to amend the Forms as necessary in order to address stakeholder feedback as well as technological advances. There have been criticisms levelled against the Forms in their current edification, and we believe that the CAO is best positioned to seek input from the condominium community and respond to and address those criticisms in a timely and effective manner.

Further, this will have the added benefit of transferring administrative costs and resources from the Ministry to the CAO which is funded by the Forms' users, namely Ontario's condominium community.

While we support the delegation of the Forms to the CAO, we also support the remaining forms under the Act continuing under Ministry administration as they primarily relate to land registration issues.

Conclusion

The OBA appreciates the opportunity to comment on these matters. The OBA supports this proposal and the continued strengthening of the CAO. We look forward to working with the CAO on ways in which the Forms can be improved.

¹ *GROWING UP: ONTARIO'S CONDOMINIUM COMMUNITIES ENTER A NEW ERA* Condominium Act Review Stage Two Solutions Report
SEPTEMBER 2013 https://files.ontario.ca/condo_act_stage_2_solutions_report_en.pdf at page 30