

THE CONDOMINIUM ACT – SUGGESTIONS FOR IMPROVEMENT

We are continuing to receive suggestions to improve the Provincial condo act (The Act) <https://web2.gov.mb.ca/laws/statutes/2011/c03011e.php> and the associated regulations <https://web2.gov.mb.ca/laws/regs/current/164.14.pdf> and we thank you wholeheartedly for your efforts.

If you are curious about prior improvement suggestions, you can easily find them, by going to our Magazine webpage and doing a search using the text string "Improve the MB Condo Act". https://cci-manitoba.ca/cci-manitoba-magazine?text_query_article=Improve+the+MB+Condo+Act

One of our members submitted the following suggestions:

1. FEE SCHEDULE TO ACCESS TO CONDO DOCUMENTS

This suggestion pertains to the fees charged by the Condo Corporation (CC) or their agent, the Property Manager (PM), for printed or electronic copies of the various documents. The Act in multiple sections states "The corporation may charge a reasonable fee for labour and copying charges". Regularly we receive inquiries or complaints about fees and what is reasonable. This topic was discussed in our *Condo Conversation Corner* feature in the Summer 2022 newsletter.¹

Looking at Ontario, where they define core versus non-core condo documents² and have a defined process for requesting such documents³⁴, they have attempted to define "reasonable".

- For non-core records - "Condominium corporations can charge requesters a fee to access/ for copies of the requested records. This fee must represent a **reasonable estimate of the labour, photocopying/ printing (20¢ per page max), and delivery costs** the condominium corporation expects to incur when providing the records in their requested format. Note: If a requester wants an electronic copy of a record but the condominium corporation does not keep that record electronically, the condominium corporation can provide a paper copy and charge the costs associated with providing the record."
- For core records - "Condominium corporations can only charge requesters a limited fee for copies of or access to core records. **If a requester asks for a paper copy** of a core record, the

condominium corporation can **only charge a maximum of 20¢ per page. If a requester asks for an electronic copy** of a core record but the condominium corporation does not keep that record electronically, the condominium corporation can provide a paper copy but must provide the **records at no cost**. That means they cannot charge any costs, even for printing and photocopying."

Since the Condo Act is under the umbrella of consumer protection, perhaps it would be good to establish a 'reasonable' fee schedule, so that owners, buyers and sellers don't feel they are paying unreasonable fees.

2. CONDO DISPUTE MANAGEMENT

The lack of 'condo police' or a tribunal for dispute resolution has been suggested in the past and we even discussed it briefly with the Minister. While implementation here of what Ontario has with their Condominium Authority Tribunal (CAT)⁵ may be unaffordable due to the relative size of our condo market here, that doesn't mean that we shouldn't do something.

Several members commented on the need for Mandatory Director Training. Many of the members making this suggestion are current condo owners in Manitoba but have previously owned condos in other provinces, such as Ontario and British Columbia. Their perspective is very interesting in that those provinces have many more condo corporations and have a more rigorous regulatory environment. Since moving to Manitoba they have found the level of knowledge and responsibility demonstrated by the Board of their CCs to be inadequate.

I recently participated in a CCI National Zoom session with CCI and Government representatives across the country. Some of the interesting ideas that could be useful for improving our Act include:

- **Better accountability from the Developer from the start of the condo corporation**
- NFLD Condo Act clause 45⁶ requires holdbacks from unit sales to be held in trust to cover up to 10% of the published budget and any subsequent shortfalls in the first year.



- NFLD Condo Act clause 49⁷ requires the Developer to have a reserve fund study (RFS) conducted prior to the sale of the first unit for CCs of 10 units or more, and to fund the reserve fund according to the RFS. For CCs of less than 10 units, the Developer must ensure the reserve fund is funded to 100% of the annual operating budget within five years.

- **Easier access to electric vehicle charging infrastructure**

- BC passed legislation⁸ to reduce the voting threshold for CCs (aka stratas) to pass decisions related to electric vehicle charging infrastructure. As well, upcoming changes require CCs get an electrical planning report covering the current capacity and potential demand changes from increase electric vehicle ownership.
- ON has a step-by-step guide⁹ for the installation of electric vehicle chargers in condominiums.

- **Regulation of short term rentals**

- NFLD is taking a provincial rather than municipal approach to the regulation of short term rentals¹⁰, whereas most other provinces are leaving it to the municipalities to reinvent the wheel on their own.

We encourage you to submit suggestions for improving the Provincial Condo Act to us via <https://cci-manitoba.ca/resources/the-condominium-act-suggestions-for-improvement>. For reference, the Province has a useful website with a guide to the Act and links to the Act itself, and the associated regulation and various related forms. The website link is <https://www.gov.mb.ca/condo/>. The Provincial website has contact information available for your use. Recently we submitted a few email inquiries and got good results.

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¹ Condo Conversation Corner, Summer 2023, Condominium News and Views <https://cci-manitoba.ca/cci-manitoba-magazine/article/50>

² CAO Guide to Condominium Corporation Records <https://www.condoauthorityontario.ca/wp-content/uploads/2021/07/CAO-Guide-to-Condominium-Corporation-Records.pdf>

³ Records Request Process for Core Records <https://www.condoauthorityontario.ca/wp-content/uploads/2021/07/Core-Records.pdf>

⁴ Records Request Process for Non-Core Records <https://www.condoauthorityontario.ca/wp-content/uploads/2021/07/Non-Core-Records.pdf>

⁵ Ontario Condominium Authority Tribunal <https://www.condoauthorityontario.ca/tribunal/>

⁶ NFLD Condo Act clause 45 <https://assembly.nl.ca/legislation/sr/statutes/c29-1.htm#45>

⁷ NFLD Condo Act clause 49 <https://assembly.nl.ca/legislation/sr/statutes/c29-1.htm#49>

⁸ BC Condo Act legislation update <https://www2.gov.bc.ca/gov/content/housing-tenancy/strata-housing/operating-a-strata/the-environment/electric-vehicle-charging>

⁹ CAO's Step-by-Step Guide: Installing Electronic Vehicle Charging Systems <https://www.condoauthorityontario.ca/resources/electric-vehicle-charging-station-regulations/caos-step-by-step-guide-installing-electronic-vehicle-charging-systems/>

¹⁰ CBC News 2023-04-04 <https://www.cbc.ca/news/canada/newfoundland-labrador/nl-new-tourism-regulations-1.6801045>



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