

Task Force on Residential Condominiums
April 11, 2013

ITEM # 3

Please find below recommendations respecting proposed amendments to the *Ontario Condominium Act, 1998*, submitted by City of Vaughan Task Force on Residential Condominiums.

Please note that this version of our submission has not been approved by Vaughan Council as required. A final submission will be provided once that approval has been received.

In May of 2012 the City of Vaughan Council established a Task Force on Residential Condominiums:
. . . to consider the variety of issues important to residents living in condominiums (including but not limited to service levels, taxation, safety, environmental sustainability, etc.); and

That the Task Force, in its report, give consideration to:

- (1) the current situation of condominium residents as well as*
- (2) issues that may arise with the increasing popularity of this form of residential intensification, and*
- (3) how the City of Vaughan may better address issues related to residential condominiums, . . .*

When the Task Force began meeting in the fall of 2012 it was determined that, as a result of the provincial review of the Condominium Act, 1998 that was underway, that the Task Force should first turn its attention to preparing comments on those issues relevant to that review.

Recommendations

Moved by _____
Seconded by _____

Board Composition and Item/Education & Knowledge for Board Members

1. Criteria beyond simple ownership of a unit should be met before an individual can sit on a condominium board. Disclosure should be required of any pending legal action by the prospective director against the condominium corporation, and of any criminal record.
2. Training in the roles and responsibilities of board members should be mandatory and completed within a reasonable period of time following election to the board. Such training should be paid by the corporation. Directors failing to complete such training within a reasonable period of time would not be allowed to continue in office. To support this training a manual should be prepared that could be utilized across the province.
3. A roster of experts in the field should be maintained by the Province. Such experts should be available to all boards on-line or in person by invitation of the board. Fees for such service should be set at a reasonable and accessible rate.
4. Property managers should be required to meet standards of qualifications and knowledge as defined by the province.
5. A template of common condominium rules, written in plain language, should be available to all boards province-wide
6. A clear, plain language guide for board members, including on-line questions and answers, should be available to all boards province-wide.

Insurance Requirements

1. Insurance brokers, agents, and underwriters must demonstrate an understanding of the definitions in the Act; of the relevant differences between the various forms of condominiums (apartments, townhouses, common-element-only condominiums); and of the different responsibilities of the corporation and individual owners regarding insurance.
2. The association of brokers/agents/underwriters should require their members to be trained in the legal requirements respecting insurance, with accreditation via certificate or diploma. All condominium boards and owners should be made aware of this requirement.

3. The association of insurance brokers should maintain a condominium insurance hotline and/or internet resource, to answer simple enquiries regarding such insurance.
4. Penalties should be in place and enforced by the Province for failure to provide the correct form of insurance to an owner or purchaser
5. The method and currency of the property value assessment should be disclosed in an insurance certificate.

Status Certificate

1. It should be required that all buyers receive, as an attachment to the property listing, a plain language summary of the key provisions of the certificate and its attachments (declaration, by-laws, rules, budgets, etc.) in point form.
2. It should be required that the buyer's lawyer or agent explain the contents of the certificate in detail to the buyer, with this requirement being met through a "sign-off" requirement in the purchase documents

Common Rules

1. Boards must be informed that their by-laws and rules must be reasonable, in conformity with the Condominium Act and the Ontario Human Rights Code, and approved by the owners in order to be considered valid.
2. A template of standard rules should be made available to all condominium corporations, dealing with typical options in respect to common issues (pets, use of balconies, etc.), from which each board may make the appropriate selections for recommendation to the owners.
3. Boards should be aware that they are at liberty to develop additional rules, appropriate to circumstances that apply to particular situations, as long as they meet the above criteria.

Powers to Enforce

1. The rules should reflect the responsibility of all owners/residents to be considerate of their neighbours.
2. The current requirement – that disputes between residents or between a resident and the corporation be referred to mediation and/or arbitration, and thence to a court of law if necessary – is costly and time-consuming when the issue is one of minor non-compliance. In the alternative, a body similar to the Landlord and Tenant Board should be established, to consider and make decisions in such regard in a timely manner and at a low cost, with recourse to the courts only if a resolution cannot be reached.
3. This alternative body should have the power to levy fines, as defined in the Condominium Act, that would go to support the adjudication process. Only defined major offences should be referred to the courts

Lifestyle Limitations

1. To improve regulations in this regard, significant annoyances and disturbances should be defined in the legislation and listed in a template adaptable to specific situations, to ensure fair and enforceable criteria. The template should provide practical examples relating to the most common issues of dispute such as pets, noise and smoking.
2. These regulations should address accommodations for those with special needs, including but not limited to the disabled, the mentally ill, and those who do not speak English fluently.

Renters and Owners

1. The requirement for owners to disclose certain information should also be required when a unit is rented. Unit owners should be responsible for this disclosure. The disclosure process should be required within a certain time frame. Failure to disclose should be subject to an enforceable penalty imposed by the corporation as required by statute.
2. To protect the interests of both the corporation and its members – the owners of units – more information should be required of unit renters; these would include background checks, personal references, and emergency contact information.
3. Consideration should be given to limiting the percentage of units that may be occupied by renters.