

The Condominium Concept

The word "Condominium" refers to a type of home ownership, whereby an individual acquires ownership of the interior of a unit, together with an undivided interest in the common elements of a Condominium Corporation. Condominiums are regulated under an act of the Provincial Legislature, (The Condominium Act, S.O. 1998). Each Corporation has a Declaration, By-laws and Rules and Regulations, which govern the use of the Units and the Common Elements.

This joint ownership also means sharing of costs. The cost of necessary service repairs and improvements is borne by all owners in accordance with their respective share of the Common Elements, as defined in the Declaration. For this purpose, the Board of Directors of the Condominium establish an annual budget with each owner being responsible to pay, on the first day of the month, one twelfth of the annual Common Expense Fee for their unit as stipulated in the Budget. If fees are not paid promptly, legal steps may be taken to secure the Corporation's interests and all costs, or charges resulting may also be charged to the owner in arrears.

Each Corporation has a Declaration, By-laws and Rules, which govern the use of the Units and the Common Elements. Every owner must comply with these documents and require all members of his family, residents, guests, visitors, tenants, invitees and licensees to his unit to comply with these documents and the Condominium Act.

Your Board of Directors is concerned that all owners and residents have a clear understanding of what is involved in Condominium ownership and lifestyle. In particular, it is very important that you clearly understand the Rules and Regulations that govern your mutual home. When you buy a condominium you are buying your own home with one major difference - all owners share the Common Elements and consequently they must all pay for the maintenance and repair of these elements. However, the owner may not repair or modify the common elements except where obliged to do so by the Declaration. Common elements include the property, garage, lobby, swimming pool, recreation center, etc. The balconies and patios are defined as common elements with exclusive use for the adjoining residential unit and are subject to the Rules and Regulations governing their use.

The Declaration is the document pursuant to which the Condominium Corporation is created. It is the "constitution" for The Governance of the Condominium. It defines the ownership of the property which is individually owned (the unit), and the property which is shared and jointly owned (the common elements).

The By-Laws are regulations for the Condominium Corporation to govern its own meetings and affairs. By-Laws are passed (established) by the Board of Directors of the Condominium Corporation and become effective following confirmation by owners who own not less than 51% of the units. The By-Laws must be registered at the Land Registry Office.

The Board of Directors of the Condominium Corporation develops rules. They must be reasonable and consistent with the Condominium Act, the Declaration and the By-Laws. New rules become effective thirty days after notice has been given to each owner (unless the Board is in receipt of a requisition in writing, made by owners who together own at least 15% of the units, requesting a meeting of owners to consider the changes). The rules and regulations have been developed to:

- Promote the safety, security and welfare of all owners, residents and guests
- Provide an atmosphere of quiet enjoyment for all residents and guests
- Provide for the protection of all property

Enforcement of the By-Laws and Rules is an obligation placed on the Board by the Condominium Act. However, the obligation to report infractions is the responsibility of all residents. Infractions should be reported in writing to Property Management or to a Board Member to ensure the appropriate action is taken. Any and all losses, costs or damages incurred by the Corporation by reason of a breach of any provision in the Declaration, By-Laws and/or Rules of the Corporation in force, from time to time, by any owner/tenant, must be paid for by such owner and may be recovered by the Corporation against that owner, in the same manner as Common Expenses.

Lines of Communication are important to determine the nature of your problem and/or concern and to communicate this in the appropriate manner:

- Call Property Management for any administration matter relating to the building and for any other matter regarding the condominium and/or interpretation of responsibility (i.e. maintenance fee inquiries, maintenance, insurance claims, condominium living and concerns regarding any on site contractors)
- Write to the Board of Directors for any items not receiving a suitable response, or if you wish the Board to consider changes and/or improvements to your particular unit or to the condominium itself.

Administration and Property Management

Pursuant to the terms of the Declaration and By-Laws of the Corporation, a Board of Directors is elected at the Annual General Meeting of the Corporation.

A management agreement has been entered into with a property management firm under the direction of the Board of Directors to look after the day-to-day operations and maintenance of the building and other business affairs of the Condominium Corporation.

The Board of Directors meets regularly to discuss matters relevant to the operation of the condominium and to establish policies to guide management. Official Minutes of meetings are maintained.