

Further Update on Condominium Act Review

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In a previous issue, we reported on the efforts by the Province of Ontario, facilitated through the Public Policy Forum not for profit organization to undertake a comprehensive 3 stage public consultation process to update the *Condominium Act, 1998*.

Stage 1 involved public information sessions as well as industry stakeholder group and residents' group discussions to identify specific areas of concern and for potential amendment, culminating in a Findings Report issued out in early 2013 that was made available to the public and various stakeholder groups for comment.

Stage 2 saw the Province set up five working groups made up of those involved in the condominium sector such as developers, condominium managers, lawyers, condominium board members as well as residents, to review the Stage 1 Findings Report and develop potential solutions for the main areas of concern that came out of Stage 1: consumer protection; financial management; dispute resolution, governance and management. These working groups reviewed and discussed the areas of concern and came up with potential solutions and recommendations for action in their respective reports to the Province. From there, a panel of experts from the industry, selected by the Province, reviewed the submissions of the five working groups from a policy and high level perspective. Stage 2 ends with a Solutions Report that was released in September, 2013. The Solutions Report recommends significant changes to the *Condominium Act, 1998*, particularly in the areas of increased consumer education and awareness, licencing of condominium property managers, establishing a condominium registry, dispute resolution and increased internal financial controls - all potentially to be overseen by a somewhat arm's length industry funded organization called the "Condo Office."

Stage 3 is now in play. The Province is receiving comments on the Stage 2 Solutions Report from the various stakeholder groups by November 8, 2013 from which Ministry staff is to draft an action plan proposing to implement certain recommendations. This action plan will then be

made available for public review and comment. It is anticipated that completion of Stage 3 will occur early 2014.

It is important to note here that this is a *consultation* process - a very comprehensive and transparent one, in my opinion. The Province has made great effort to provide the public with opportunity to be heard, to get involved and to keep the process organized and moving forward. That said, at the end of the day, it is the Ministry that holds the power to decide what recommendations will be implemented, so it is important for those impacted by these potential changes to stay informed, get involved and/or submit your concerns/comments either directly or through one of the stakeholder groups. The author has been actively involved in working group discussions, collecting and making recommendations both on behalf of clients as well as from the legal practice perspective and will continue to do so throughout the process. Readers are welcome to contact the writer to discuss how this initiative may impact your condominium development.