



Update on Condominium Legislation in Saskatchewan

Canadian Condominium Institute
North Saskatchewan Chapter
Fall Conference
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What I will talk about?

- How are legislation and regulations created and amended?
- Consultation
- Roles of the Ministry, Corporate Registry and ISC generally
- What is on the current list for future changes?
- Recent changes
- Frequently asked questions



How are legislation and regulations created and amended?

- Legislation is approved by the legislature and the Lieutenant Governor
- Regulations are only possible if the overarching legislation allows regulations covering a particular subject area to be passed
- Regulations are approved by Cabinet and the Lieutenant Governor



Legislation and Regulations cont'd

- Getting started
- Putting together the list of issues
- Inter-jurisdictional comparisons
- Review of case law and articles
- Consultations
- Making policy choices
- Drafting
- Approvals



Consultation

■ Why consult?

- Required step for most legislative or regulatory amendments.
- Gain expertise from people outside of government.
- Determine views of interested stakeholders
- Help identify public concerns and needs
- Gauge public support for potential policy changes
- Balance needs of competing interests



More on Consultation

- Who gets consulted, generally?
 - Interested stakeholders and their associations
 - Members of the public
 - Industry professionals
 - Academics
 - Other ministries/agencies
 - Other provinces




Consultation again

- Who gets consulted on condo legislation?
 - Condo unit owners
 - Condo developers
 - Canadian Condominium Institute
 - Condominium Owners Associations
 - Lawyers
 - Surveyors
 - Property managers
 - Insurers
 - Municipalities and Saskatchewan Assessment Management Agency
 - Information Services Corporation (ISC) for land registry, surveys and corporate registry issues and concerns



How are participants chosen?

- They have written or called to the Ministry, ISC or other government agency
- Are known experts or leaders
- Have participated in previous consultations
- Nominated by their association
- How can you get involved?



How is consultation used in developing amendments?

- When developing policy
- Consultation on policy vs. specific wording
- Building consensus
- Consultation outside of government may not be required or possible on amendments related to the budget.



What is on the Condo to-do List?

■ Insurance

- Standard units
- Division of liability between condo owners and condo corporations
- Bare land units
- Should condo owners be required to have insurance?
- Is the list of major perils sufficient?
- Warranty from developer for latent construction defects

■ Bare Land Condos

- Maintenance, common expense and reserve fund issues
- Re-division of bare land units



More To-do List

■ Bylaws

- Are the bylaw-making powers sufficient? (eg. 55 and over condos, etc)
- Bylaw review by Corporations Branch
- Bylaw enforcement powers & dispute resolution

■ Corporate Governance

- Clarify the definition of special resolution
- Should the board of directors be listed at the Corporate Registry?
- Access to owners contact list
- Clarify requirements for financial records and audits
- Board v. corporation



To-Do List Gets Longer

- Common expenses and reserve fund
 - What is the board's duty to follow recommendations in reserve fund study?
 - Developer's obligation to pay fees
 - Interest rate for late payments

- Condo bonds and security
 - Should bonds be required for all condo developments including conversions?
 - Multi-use developments



Really Long To-Do List

- Parking
 - Sale of extra stalls
 - Unit factors for parking units
- Multi-use developments
 - Bonding issues?
 - Short term rental pools
- Disclosure requirements – developer and estoppel certificate



Recent Changes – June 2010

■ Titled parking

- New developments only
- Available for existing developments in future
- Same requirement for 1 parking space or parking unit for each residential unit
- Land registry to record ownership of parking units and designation to residential units



More Recent Changes

■ Sectors

- What is a sector?
- Why would sectors be created?
- How are they created?
 - By the developer
 - By the condo corporation
- How are they removed?
- Things to consider

Frequently asked questions

■ 55+ condos

- *Saskatchewan Human Rights Code* allows advertising of a dwelling for sale or rent as a 55+ unit
- *The Code* does not speak to the condo corps authority to pass a bylaw
- *The Condo Act* does not specifically allow such a bylaw
- Practical concerns – some real life examples
 - 55 year old owner/occupant marries a 35 year old
 - 65 year old owner's 40 year old son loses his job and want to move in
 - 60 year old owner's daughter dies and owner becomes guardian of grandchildren
 - 70 year old owner dies and her 50 year old daughter inherits the unit



More questions

- Are these bylaw acceptable?
 - Limit the number of occupants
 - Control smoking within units
 - Ban cooking with curry
 - Impose a fine or penalty for breach of a bylaw
 - Impose an administrative fee for late payments, NSF cheques, issuing replacement receipts, paying by credit card



Questions?

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