

Province of Alberta

CONDOMINIUM PROPERTY ACT

Revised Statutes of Alberta 2000
Chapter C-22

Current as of May 14, 2026

Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2024 c20 s1 amends ss10.1(1) and (2), 28, 32(4)(a) and (b) and 36(6); repeals and substitutes s42; amends ss73 and 81(g.1).

2025 cP-25.5 s235 amends s1(1).

Regulations

The following is a list of the regulations made under the *Condominium Property Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	*Amendments*
Condominium Property Act		
Condominium Dispute Resolution Tribunal	22/2026	*34/2026*
Condominium Property	168/2000	*23/2001, 354/2003, 108/2004, 221/2004, 151/2006, 103/2011, 139/2016, 181/2017, 148/2018, 256/2018, 81/2019, 154/2019, 85/2020, 138/2021, 218/2022, 103/2024, 125/2024, 199/2025, 213/2025, 214/2025, 23/2026 (34/2026)*
NOTE: AR 214/2025 s7 comes into force on the coming into force of s45(17) of the Health Statutes Amendment Act, 2025		
NOTE: AR 34/2026 amends 23/2026		

CONDOMINIUM PROPERTY ACT

Chapter C-22

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Interpretation and Application

Interpretation

1(1) In this Act,

(a) repealed 2014 c10 s2;

(b) "bare land unit" means a unit defined in clause (y)(ii);

(c) "board" means the board of a corporation as provided for in section 28 and, except in sections 17(2), 17.1, 28 and 29, includes an interim board;

(d) "building" means one or more buildings on the same parcel;

(e) "bylaws" means the bylaws of a corporation as amended from time to time and includes any bylaws passed in substitution for them;

(f) "common property" means so much of the parcel as is not comprised in a unit shown in a condominium plan, but does not include land shown on the condominium plan that has

been provided for the purposes of roads, public utilities and reserve land under Part 17 of the *Municipal Government Act*;

(g) "condominium plan" means a plan registered in a land titles office that complies with section 8 and includes any amendment to a condominium plan referred to in section 18 or 20, any plan or condominium plan, as the case may be, relating to development in phases referred to in section 19 or any plan or condominium plan, as the case may be, relating to redivision referred to in section 20 that is registered in the land titles office;

(g.1) "contribution" means an amount levied under section 39;

(g.2) "conversion" means a condominium plan in which is illustrated an existing building that, at any time before the registration of the condominium plan, was occupied in whole or in part by any person, including a tenant, other than

(i) a purchaser of a unit to be created by the registration of the condominium plan, or

(ii) a person occupying the building or any part of it for the sole purpose of marketing the units to be created by the registration of the condominium plan;

(g.3) "conversion unit" means a unit in a conversion;

(h) "corporation" means a body incorporated by section 25;

(i) "Court" means the Court of King's Bench;

(j) "developer" means a person who, alone or in conjunction with other persons, sells or offers for sale to the public units or proposed units that have not previously been sold to the public by means of an arm's length transaction;

(j.1) "Director" means the individual appointed by the Minister as the Director under section 78.001;

(j.2) "electronic means", in respect of attending or holding a meeting, means a method of electronic or telephonic communication that enables all persons attending the meeting to hear and communicate with each other instantaneously, including, without limitation, teleconferencing and computer network-based or internet-based communication platforms;

(k) repealed 2014 c10 s2;

(k.1) "general meeting" means an annual general meeting referred to in section 30 and a special general meeting referred to in section 30.1;

(k.2) "interim board" means the interim board of directors appointed under section 10.1;

(l) "land surveyor" means an Alberta land surveyor registered, or the holder of a permit issued, under the *Land Surveyors Act*;

(m) "landlord" means an owner of a unit that is being rented and includes a person acting on behalf of the owner;

(m.1) "managed property" means any unit or part of a unit that a corporation is required by bylaw to maintain, repair or replace, other than the real and personal property of the corporation and the common property;

(n) "management agreement" means an agreement entered into by a corporation governing the general control, management and administration of

(i) the real and personal property of the corporation,

(ii) the common property, and

(iii) managed property;

(o) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(p) "municipal authority" means

(i) a municipal authority as defined in the *Municipal Government Act*, or

(ii) in the case of a national park other than a town within a national park to which subclause (i) applies, the Minister of the Crown in right of Canada charged with the administration of the *National Parks Act* (Canada);

(q) "municipality" means the area of a city, town, village, municipal district, improvement district, special area or national park;

(r) "ordinary resolution" means a resolution

(i) passed at a properly convened meeting of a corporation by a majority of all the persons present or represented by proxy at the meeting entitled to exercise the powers of voting conferred by this Act or the bylaws, or

(ii) signed by a majority of all the persons who, at a properly convened meeting of a corporation, would be entitled to exercise the powers of voting conferred by this Act or the bylaws and representing more than 50% of the total unit factors for all the units;

(s) "owner" means a person who is registered as the owner of

(i) the fee simple estate in a unit, or

(ii) the leasehold estate in a unit when the parcel on which the unit is located is held under a lease and a certificate of title has been issued under section 5(1)(b) in respect of that lease;

(t) "parcel" means the land comprised in a condominium plan;

(t.1) "prescribed" means prescribed or otherwise provided for in the regulations;

(t.2) "professional engineer" means a professional engineer as defined in the *Engineering and Geoscience Professions Act*;

(t.3) "professional technologist" means a professional technologist as defined in section 86.4(m) of the *Engineering and Geoscience Professions Act*;

(u) "purchase agreement" means an agreement with a developer whereby a person purchases a unit or proposed unit or acquires a right to purchase a unit or proposed unit;

(u.1) "recorded mail" means a form of document delivery by mail or courier in which receipt of the document must be acknowledged in writing;

(v) "recreational agreement" means an agreement entered into by a corporation that allows

(i) persons, other than the owners, to use recreational facilities located on the common property, or

(ii) the owners to use recreational facilities not located on the common property;

(v.1) "registered architect" means a registered architect as defined in the *Architects Act*;

(v.2) "Registrar" means the Registrar of Titles appointed under the *Land Titles Act*;

(w) "residential unit" means

(i) in the case of a unit that is situated within a building, a unit that is used or intended to be used for residential purposes, and

(ii) in the case of a bare land unit, a unit that is used or intended to be used for residential purposes or that has been represented by a developer as being intended to be used for residential purposes;

(x) "special resolution" means a resolution

(i) passed at a properly convened meeting of a corporation by a majority of not less than 75% of all the persons entitled to exercise the powers of voting conferred by this Act or the bylaws and representing not less than 75% of the total unit factors for all the units, or

(ii) agreed to in writing by not less than 75% of all the persons who, at a properly convened meeting of a corporation, would be entitled to exercise the powers of voting conferred by this Act or the bylaws and representing not less than 75% of the total unit factors for all the units;

(x.1) "Tribunal" means the Condominium Dispute Resolution Tribunal established under section 68.2;

(y) "unit" means

(i) in the case of a building, a space that is situated within a building and described as a unit in a condominium plan by reference to floors, walls and ceilings within the building, and

(ii) in the case other than that of a building, land that is situated within a parcel and described as a unit in a condominium plan by reference to boundaries governed by monuments placed pursuant to the provisions of the *Surveys Act* respecting subdivision surveys;

(z) "unit factor" means the unit factor for a unit as specified or apportioned in accordance with section 8(1)(j), 20(6) or 26(1.3), as the case may be.

(2) In this Act a reference to an arm's length transaction or to a transaction being at arm's length is a reference to a transaction that is conducted in an open market between willing parties to the transaction negotiating in their own respective self interest where the consideration paid is competitive and not unreasonable having regard to open market conditions.

(3) Other expressions used in this Act and not defined in subsection (1) have the same meanings as may be assigned to them in the *Land Titles Act*.

RSA 2000 cC-22 s1;2011 c3 s33;2014 c10 s2;
2021 c3 s3;AR 217/2022;2024 c20 s1(3)

Municipal Government Act applies

2(1) Part 17 of the *Municipal Government Act* applies to any building or land that is subject to a condominium plan or a proposed condominium plan or in respect of which a condominium plan is terminated.

(2) Notwithstanding subsection (1), the provisions of Part 17 of the *Municipal Government Act* relating to the subdivision of land do not apply to the division of a building under a condominium plan if

(a) the surface boundaries of the parcel as defined in this Act on which that building is located correspond to the boundaries of a parcel of land as defined in Part 17 of the *Municipal Government Act*, and

(b) each building located on the parcel that contains a unit contains 2 or more units.

1983 c71 s3;1995 c24 s100

Subdivision and Certificate of Title

Plan of subdivision

3 For the purposes of Part 17 of the *Municipal Government Act* and the *Land Titles Act*, a condominium plan is a plan of subdivision.

1983 c71 s3;1995 c24 s100

Subdivision of buildings into units

4(1) A building or land may be designated as a unit or part of a unit or divided into 2 or more units by the registration of a condominium plan under this Act.

(2) The Registrar shall not register a condominium plan unless that condominium plan describes 2 or more units in it.

(3) For the purposes of the *Land Titles Act*, a condominium plan is deemed on registration to be embodied in the register.

(4) This Act applies only with respect to land held in fee simple, excepting from the fee simple all mines and minerals.

(5) Notwithstanding subsection (4), if land is held under lease and a certificate of title has been issued under the *Land Titles Act* in respect of the lease, this Act applies to the land described in the certificate of title, excepting from that title all mines and minerals.

RSA 1980 cC-22 s2;1983 c71 s4

Certificate of title for unit

5(1) On registering a condominium plan, the Registrar

(a) shall cancel the certificate of title to the parcel described in the plan, except as to any mines and minerals comprised in it, and

(b) shall issue a separate certificate of title for each unit described in the plan,

and any interests affecting the parcel that are noted on the certificate of title cancelled under clause (a) shall be endorsed on the certificates of title issued under clause (b).

(2) No more than one unit may be included in one certificate of title and no other land, except the owner's share in the common property, may be included in the same certificate of title with a unit.

(3) After a certificate of title to a unit is issued pursuant to subsection (1), the unit comprised in it may devolve or be transferred, leased, mortgaged or otherwise dealt with in the same manner and form as land held under the *Land Titles Act* and the provisions of that Act apply to those dealings insofar as they do not conflict with this Act or the regulations.

RSA 1980 cC-22 s3

Certificate to show share in common property

6(1) The Registrar, in issuing a certificate of title for a unit, shall certify on it the owner's share in the common property.

(2) The common property comprised in a registered condominium plan is held by the owners of all the units as tenants in common in shares proportional to the unit factors for their respective units.

(3) Except as provided in this Act, a share in the common property shall not be disposed of or become subject to a charge except as appurtenant to the unit of an owner and a disposition of or charge on a unit operates to dispose of or charge that share in the common property without express reference to it.

RSA 1980 cC-22 s4

Liability of owner

7 Except to the extent that an interest endorsed on a certificate of title relates to that particular unit, the owner of the unit is only liable in respect of that interest in proportion to the unit factor for the owner's unit.

RSA 1980 cC-22 s5

Condominium Plans

Requirements of condominium plan

8(1) Every plan presented for registration as a condominium plan shall

(a) be described in the heading of the plan as a condominium plan,

(b) delineate the external surface boundaries of the parcel and the location of the building, if any, in relation to them,

(c) except where the condominium plan is to divide a building referred to in section 2(2), delineate that portion of the land that is to be provided for the purposes of roads, public utilities and reserve land under Part 17 of the *Municipal Government Act*,

(d) bear a statement containing those particulars as may be necessary to identify the title to the parcel,

(e) include a drawing illustrating the units and distinguishing the units by numbers or other symbols,

(f) define the boundaries of each unit,

(g) where a building is to be divided into units, show the approximate floor area of each unit,

(h) where land is to be divided into bare land units, show the approximate area of each unit,

(i) where in accordance with section 50 an owner may be permitted to exercise exclusive possession in respect of an area or areas of common property, delineate to the satisfaction of the Registrar the boundaries of the area of

common property over which the owner may be permitted to exercise exclusive possession,

(j) have endorsed on it a schedule specifying in whole numbers the unit factor for each unit in the parcel,

(k) where the property for which the plan is presented for registration is to be developed into units and common property in phases, contain the information required under the regulations with respect to the development of property in phases,

(l) be signed by the owner of the property,

(l.1) delineate, illustrate and label parking spaces for visitors and persons with disabilities, if any,

(i) on common property where the condominium plan is not a plan of redivision, or

(ii) on a unit where the condominium plan is a plan of redivision,

(m) have endorsed on it the address at which documents may be served on the corporation concerned in accordance with section 71, and

(n) contain any other features prescribed by the regulations.

(2) Where, with respect to units included in a condominium plan, there are qualifications or restrictions respecting the use of a unit that are not prohibited under the law, those qualifications or restrictions may be endorsed on the condominium plan.

(3) The Registrar shall, within 28 days from the day a condominium plan is registered, mail to the municipal authority of the municipality in which the parcel is located, a copy of the registered condominium plan.

RSA 2000 cC-22 s8;2014 c10 s3

Boundaries of condominium units

9(1) Unless otherwise stipulated in the condominium plan, if

(a) a boundary of a unit is described by reference to a floor, wall or ceiling, or

(b) a wall located within a unit is a load bearing wall,

the only portion of that floor, wall or ceiling, as the case may be, that forms part of the unit is the finishing material that is in the

interior of that unit, including any lath and plaster, panelling, gypsum board, panels, flooring material or coverings or any other material that is attached, laid, glued or applied to the floor, wall or ceiling, as the case may be.

(2) Notwithstanding subsection (1) and subject to subsection (2.1),

(a) all doors and windows of a unit that are located on interior walls of the unit are part of the unit unless otherwise stipulated in the condominium plan, and

(b) all doors and windows of a unit that are located on exterior walls of the unit are part of the common property unless otherwise stipulated in the condominium plan.

(2.1) If

(a) immediately prior to September 1, 2000, the doors and windows of a unit that are located on exterior walls of the unit were part of the unit,

(b) by virtue of subsection (2), on September 1, 2000, the doors and windows referred to in clause (a) became part of the common property, and

(c) the corporation, by a special resolution, amended the condominium plan before September 1, 2002, so that the doors and windows referred to in clause (b) ceased being part of the common property and became part of the unit, the doors and windows referred to in clause (b) remain part of the unit.

(3) For the purposes of subsections (2) and (2.1), a reference

(a) to a door includes the door, the door frame and the door assembly components, if any, but does not include the door casing, trim or mouldings, and

(b) to a window includes the glazing, the window frame and the window assembly components, if any, but does not include the window casing, trim or mouldings.

(4) Notwithstanding subsections (1), (2) and (2.1), if a condominium plan was registered prior to January 1, 1979, the common boundary of any unit described in the condominium plan with another unit or with common property is, unless otherwise stipulated in the condominium plan, the centre of the floor, wall or ceiling, as the case may be.

RSA 2000 cC-22 s9;2024 c20 s1(5)

Certificates to accompany condominium plan

10(1) Every plan presented for registration as a condominium plan shall be endorsed with or accompanied with

(a) a certificate of a land surveyor stating

(i) that the boundaries of the parcel have been established or re-established in accordance with the *Surveys Act*,

(ii) that there are not any projections from other property infringing on the external boundaries of the parcel, or if there are projections from other property infringing on the external boundaries of the parcel, that an appropriate easement exists in respect of the parcel for those projections, and

(iii) where there is a building shown on the plan, that the building is within the external surface boundaries of the parcel that is the subject of the plan and, if any projections project beyond those external boundaries, that an appropriate easement has been granted as an appurtenance to the parcel,

and

(b) where there is a building shown on the plan that is to contain units,

(i) a certificate of a professional engineer, professional technologist, registered architect or land surveyor stating, with respect to that building,

(A) that the units shown in the plan are the same as those existing, and

(B) whether there are any post tensioned cables located anywhere on or within that building or the property on which that building is located,

and

(ii) a certificate of the municipal authority or of a person designated by the municipal authority stating that

(A) the proposed division of the building, as illustrated in the plan, has been approved by the municipal authority,

(B) the number of parking spaces for visitors and persons with disabilities illustrated in the plan, if any, meets the requirements of the municipal authority, and

(C) the parking spaces for visitors and persons with disabilities illustrated in the plan, if any, are located on common property or a unit labelled parking for visitors or persons with disabilities in accordance with section 8(1)(l.1).

(2) If an application is made for a certificate under subsection (1)(b)(ii), the municipal authority

(a) may, with respect to a building that was constructed prior to August 1, 1966 or for which the building permit was issued prior to August 1, 1966, prohibit the issue of the certificate if it considers it proper to do so, and

(b) shall, with respect to a building for which a building permit was issued on or after August 1, 1966, direct the issue of the certificate if it is satisfied that the building conformed to

(i) the development scheme, development control bylaw, zoning bylaw or land use bylaw, as the case may be, and

(ii) any permit issued under that scheme or bylaw,

that existed at the time the building permit was issued.

RSA 2000 cC-22 s10;2014 c10 s4

Duties of a Developer

Appointment of interim board

10.1(1) A developer shall, no later than 30 days after registration of a condominium plan, appoint an interim board of directors and file at the land titles office a notice in the prescribed form stating the names and addresses of the members of the interim board.

(2) A developer shall, following a change in

(a) the membership of the interim board,

(b) the name of a member of the interim board, or

(c) the address of a member of the interim board,

promptly file at the land titles office a notice in the prescribed form stating the change.

(3) The interim board holds office until a board is elected pursuant to section 29.

(4) Every member of the interim board, in exercising the powers and performing the duties of the office of member of the interim board, shall

(a) act honestly and in good faith with a view to the best interests of the corporation, and

(b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

(5) A resolution adopted by the interim board must be recorded and is valid even if no meeting is held on the resolution.

(6) The interim board of directors shall make reasonable efforts to pursue any remedies or claims under warranties or insurance policies respecting the real and personal property of the corporation, the common property and managed property.

(7) Where a member of the interim board has a material interest in any agreement, arrangement or transaction to which the corporation is or is to become a party, that person

(a) shall declare to the interim board that person's interest in the agreement, arrangement or transaction,

(b) shall not vote in respect of any matter respecting that agreement, arrangement or transaction, and

(c) shall not be counted when determining whether a quorum exists when a vote or other action is taken in respect of the agreement, arrangement or transaction.

(8) Subsection (7) does not apply to an agreement, arrangement or transaction in which the member of the interim board has a material interest if that material interest exists only by virtue of that member of the interim board owning a unit.

(9) All acts done in good faith by an interim board are, notwithstanding that it is afterwards discovered that there was some defect in the appointment, election or continuance in office of any member of the interim board, as valid as if the member had been properly appointed, properly elected or had properly continued in office.

2014 c10 s5;2024 c20 s1(6)

Convening of meeting to elect interim board member

10.11(1) A developer shall convene a meeting of the owners within 90 days from the day when the certificates of title to units representing 25% of unit factors have been issued in the name of

the purchasers to allow the owners to elect an owner to the interim board.

(2) Notwithstanding subsection (1), if the developer does not convene a meeting of the owners within the time determined under subsection (1), the owners may convene the meeting themselves after that time.

(3) The owner elected under subsection (1) shall not have the power of voting on anything before the interim board.

(4) If the owner elected under subsection (1) ceases to be a member of the interim board, the developer shall convene a meeting of the owners to elect a new owner within 30 days of the owner ceasing to be a member.

2024 c20 s1(7)

Developer's obligation to apply for certificates, approvals and permits

10.2 Where a developer is under an obligation to apply for a certificate, approval or permit required by law that relates to the real property of a corporation, the common property or managed property, that obligation does not expire by virtue of

(a) the registration of the condominium plan,

(b) the election of a board pursuant to section 29, or

(c) the developer no longer being an owner.

2014 c10 s5

Payment of contributions

10.3(1) For the purpose of this section, "substantially completed" means when a unit is ready for use.

(2) Notwithstanding anything to the contrary in a bylaw, a developer must pay contributions at the same rate as other owners for all substantially completed units that the developer owns under a condominium plan once a unit in any building under the same condominium plan is transferred to a purchaser.

2014 c10 s5;2024 c20 s1(8)

Fair dealing

11 Every agreement to sell a unit imposes on the developer selling the unit and the purchaser of the unit a duty of fair dealing with respect to the entering into, performance and enforcement of the agreement.

1996 c12 s7

Sale of units by developers

12(1) A developer shall not sell or agree to sell a unit or a proposed unit unless the developer has delivered to the purchaser a copy of

(a) the purchase agreement;

(b) the condominium plan or proposed condominium plan;

(c) the bylaws or proposed bylaws;

(d) any management agreement or proposed management agreement;

(e) any recreational agreement or proposed recreational agreement;

(f) the lease of the parcel if the parcel on which the unit is located, or the proposed unit will be located, is held under a lease and the certificate of title to the unit or proposed unit has been or will be issued under section 5(1)(b);

(g) in respect of a mortgage that affects, or a proposed mortgage that will affect, the title to the unit or proposed unit after the certificate of title is issued in the name of the purchaser,

(i) a copy of the mortgage or proposed mortgage, or

(ii) where the purchaser is to assume the mortgage or proposed mortgage, a statement containing the information referred to in subsection (2);

(h) any mortgage or financial encumbrance registered against real property owned or to be owned by the corporation;

(i) any home warranty insurance contract under the *New Home Buyer Protection Act* under which the corporation is or will be named as the insured;

(j) if the unit is a conversion unit,

(i) the building assessment report prepared

(A) under the *New Home Buyer Protection Act* or this Act as it read immediately before July 1, 2021, or

(B) under this Act as it read immediately before the coming into force of this clause,

or

(ii) the converted property study prepared under section 21.1 on or after the coming into force of this clause;

(j.1) if the unit is a conversion unit, the reserve fund report required by the regulations;

(j.2) any technical analysis required under section 21.2;

(k) a statement prepared in accordance with the regulations setting out a fixed date or range of dates by which the purchaser may commence occupancy of the unit;

(l) the most recent budget or proposed budget of the corporation prepared in accordance with the regulations;

(m) any other information or documents prescribed by the regulations.

(2) The statement to be provided under subsection (1)(g)(ii) must contain the following information:

(a) the maximum principal amount available under the mortgage;

(b) the maximum monthly payment that may be paid under the mortgage;

(c) the amortization period;

(d) the term;

(e) the interest rate or the formula, if any, for determining the interest rate;

(f) the prepayment privileges, if any.

(3) Repealed 2024 c20 s1(9).

RSA 2000 cC-22 s12;2014 c10 s6;2024 c20 s1(9)

Developer to provide occupancy permit

12.1 Where a municipal authority issues or gives an occupancy permit or written permission in respect of a unit pursuant to the regulations under the *Safety Codes Act*, the developer shall provide to a purchaser prior to or at the time that the purchaser takes possession of the unit a copy of the occupancy permit or written permission.

2014 c10 s6

Requirements of purchase agreement

12.2 A developer who enters into a purchase agreement shall include in the purchase agreement the following:

(a) a notification in the prescribed form stating as follows:

"The purchaser may, without incurring any liability for doing so, rescind this agreement within 10 days of the later of the date the purchaser receives all of the information and documents required to be delivered to the purchaser under section 12 of the *Condominium Property Act* and the date the purchaser signs the purchase agreement. This agreement is governed by the *Condominium Property Act* and if there is a conflict between this agreement and the Act, the Act prevails.";

(b) where the units and the common property are not substantially completed at the time that the purchase agreement is entered into, a description, drawing or photograph showing

(i) where there is a building, the interior finishing of and all major improvements to the common property located within a building, and real and personal property intended to be acquired by the corporation,

(ii) all major improvements to the common property, other than those to which subclause (i) applies,

(iii) any significant utility installations, major easement areas, retaining walls and other similar significant features,

(iv) the recreational facilities, equipment and other amenities to be available for use by the persons residing in or on the residential units,

(v) the equipment to be used for the maintenance of the real and personal property of the corporation, the common property and managed property,

(vi) the location of roadways, walkways, fences, parking areas and recreational facilities,

(vii) the landscaping, and

(viii) where there is a building, the exterior finishing of the building as it will exist when the developer has fulfilled

the developer's obligations under the purchase agreement;

(c) the amount or estimated amount of the monthly unit contributions based on the budget or proposed budget referred to in section 12(1)(l);

(d) the unit factor of the unit and the basis of unit factor apportionment for all units included in the condominium plan or proposed condominium plan.

2014 c10 s6

Rescission of purchase agreement

13(1) A purchaser may rescind a purchase agreement by providing written notice to the developer within 10 days of the later of

(a) the date the purchaser receives all of the information and documents required to be delivered to the purchaser under section 12, and

(b) the date the purchaser signs the purchase agreement.

(2) If a purchase agreement is rescinded under subsection (1), the developer shall, within 15 days from the developer's receipt of a written notice of the rescission from the purchaser, return to the purchaser all of the money paid in respect of the purchase of the unit.

RSA 2000 cC-22 s13;2002 c30 s3;2014 c10 s6

Material change before purchaser takes possession

13.1(1) If at any time before a purchaser takes possession of a unit there is a material change in the information and documents provided by the developer to the purchaser under section 12, the developer shall deliver a written notice to the purchaser.

(2) The notice required under subsection (1) must clearly identify all changes that in the reasonable belief of the developer may be material changes, and summarize the particulars of them.

(3) The developer shall in accordance with the regulations deliver the notice required under subsection (1) to the purchaser within a reasonable time after the material change occurs and, in any event, before the day the purchaser takes possession of the unit.

(4) Where a material change referred to in subsection (1) occurs, the purchaser may exercise any of the remedies provided under the regulations.

2014 c10 s6

Act prevails

13.2 Any waiver or release by a purchaser of the rights, benefits or protections under this Act is void.

2014 c10 s6

Payments held in trust

14(1) For the purposes of this section,

(a) "common property" includes facilities and property that are intended for common use by the owners notwithstanding that the facilities or property may be located in or comprise a unit or any part of a unit;

(b) "cost consultant" means a person who meets the requirements of the regulations to be a cost consultant or is otherwise designated as a cost consultant pursuant to the regulations;

(c) "developer" includes any person who, on behalf of a developer, acts in respect of the sale of a unit or a proposed unit or receives money paid by or on behalf of a purchaser of a unit or a proposed unit pursuant to a purchase agreement;

(d) "financial institution" means a bank, treasury branch, credit union or trust corporation;

(e) "substantially completed" means, subject to the regulations,

(i) in the case of a unit, when the unit is ready for its intended use, and

(ii) in the case of related common property, when the related common property is ready for its intended use.

(2) A reference in this section to "related common property" is, in relation to a unit, a reference to the following:

(a) the common property or a portion of the common property that is necessarily incidental to the completion of the unit;

(b) the common property or a portion of the common property that is necessarily incidental to the intended use of the unit;

(c) in the case of a unit other than a bare land unit, the common property or a portion of the common property consisting of

(i) utilities required to service the unit and the common property,

(ii) a facility providing for reasonable access to or entrance into the unit,

(iii) a facility providing for reasonable access to highways, municipal roads or streets,

(iv) waste removal facilities or other facilities for handling waste, and

(v) any other improvements or areas

(A) designated by the regulations, or

(B) required under any other Act or regulations,

that are necessarily incidental to the intended use of the unit;

(d) in the case of a unit other than a bare land unit, in addition to the common property referred to in clauses (a) to (c), any common property or any portion of the common property that has been represented in the purchase agreement by the developer as being or as going to be available for the use of the owner of the unit and, without limiting the generality of the foregoing, may include one or more of the following:

(i) roadways, parking areas and walkways;

(ii) fences or similar structures;

(iii) landscaped areas and site lighting;

(e) in the case of a bare land unit, the common property or a portion of the common property consisting of

(i) a facility providing for reasonable access to or entrance into the unit,

(ii) a facility providing for reasonable access to highways, municipal roads or streets, and

(iii) any other improvements or areas

(A) designated by the regulations, or

(B) required under any other Act or regulations,

that are necessarily incidental to the intended use of the unit;

(f) in the case of a bare land unit, in addition to the common property referred to in clauses (a), (b) and (e), any common

property or any portion of the common property that has been represented in the purchase agreement by the developer as being or as going to be available for the use of the owner of the unit and, without limiting the generality of the foregoing, may include one or more of the following:

(i) utilities required to service the unit and the common property;

(ii) roadways, parking areas and walkways;

(iii) fences or similar structures;

(iv) landscaped areas and site lighting;

(v) waste removal facilities or other facilities for handling waste.

(3) A developer or prescribed trustee, as the case may be, shall hold in trust all money, other than rents or security deposits, paid by the purchaser of a unit up to the time that the certificate of title to the unit is issued in the name of the purchaser in accordance with the purchase agreement.

(4) Notwithstanding subsection (3), if a unit is not substantially completed, the developer or prescribed trustee, as the case may be, shall hold in trust money, other than rents or security deposits, paid by the purchaser of the unit so that the amount of money held in trust will be sufficient, when combined with the unpaid portion of the purchase price of the unit, if any, to pay for the cost of substantially completing the construction of the unit as determined by a cost consultant.

(5) Notwithstanding subsection (3), if the related common property is not substantially completed, the developer or prescribed trustee, as the case may be, shall hold in trust money, other than rents or security deposits, paid by the purchaser of the unit so that the amount of money held in trust will be sufficient, when combined with the unpaid portion of the purchase price of the unit, if any, to pay for the proportionate cost of substantially completing the construction of the related common property as determined by a cost consultant based on the unit factors of the units sharing the same related common property.

(6) A developer who receives money that is to be held in trust under this section shall, within 3 days of receiving it, exclusive of holidays and Saturdays, deposit the money into a trust account maintained in a financial institution in Alberta.

(6.1) A trust account referred to in subsection (6) must be maintained by a prescribed trustee.

(7) A developer or prescribed trustee, as the case may be, who is in possession or control of money that is to be held in trust under this section shall ensure that the money is kept on deposit in Alberta.

(7.1) A developer or prescribed trustee, as the case may be, who is in possession or control of money that is to be held in trust under this section shall comply with the requirements respecting trust accounts established by the regulations.

(8) If money is being held in trust under this section and the purchaser of the unit takes possession of or occupies the unit prior to the certificate of title being issued in the name of the purchaser, the interest earned on that money, if any, from the day that the purchaser takes possession or occupies the unit to the day that the certificate of title is issued in the name of the purchaser is to be applied against the purchase price of the unit.

(9) Subject to subsection (8), the developer is entitled to the interest earned on money held in trust under this section.

(10) Subject to subsection (11), this section does not apply in respect of money paid to a developer under a purchase agreement if that money is held, secured or otherwise dealt with under the provisions of a plan, agreement, scheme or arrangement approved by the Minister that provides for the receipt, handling and disbursing of all or a portion of that money or indemnifies against loss of all or a portion of that money or both.

(11) Where

(a) money is to be held, secured or otherwise dealt with under the provisions of a plan, agreement, scheme or arrangement referred to in subsection (10), and

(b) an amount of that money that is to be held, secured or otherwise dealt with exceeds the limits of the protection against loss provided for under the plan, agreement, scheme or arrangement,

that amount that exceeds the limits of the protection against loss under the plan, agreement, scheme or arrangement is to be held in trust under this section.

(12) Notwithstanding subsections (3) to (11),

(a) where in relation to a unit or related common property, or both, a developer is required to provide security under

another enactment for the purpose of completing construction, and

(b) that construction referred to in clause (a) is the same or substantially the same construction with respect to a unit or related common property in respect of which money is to be held in trust under this section,

the developer may, subject to the regulations, reduce the amount of money to be held in trust under this section by the amount of the security provided under the enactment referred to in clause (a).

(13) Where, with respect to a unit or related common property, or both,

(a) money is held in trust under this section or held, secured or otherwise dealt with pursuant to the provisions of a plan, agreement, scheme or arrangement approved under subsection (10), and

(b) the developer has not met the requirements under which that money is to be paid out of the trust or otherwise disbursed,

the corporation or an interested party may apply to the Court for an order for that money to be paid out for the purposes of substantially completing the unit or related common property, as the case may be, or to be used as directed by the Court.

(14) On hearing an application under subsection (13), the Court may do one or more of the following:

(a) give directions as to whom the money is to be paid;

(b) give directions as to how the money is to be used for the purposes of substantially completing the unit or related common property, or both, as the case may be;

(c) give directions as to how the money is to be used or otherwise disposed of if it is not to be used for the purposes referred to in clause (b);

(d) appoint an administrator, a receiver or a receiver and manager for the purpose of carrying out any matters dealt with pursuant to the application;

(e) give any other directions, not referred to in clauses (a) to (d), that the Court considers appropriate in the circumstances;

(f) award costs.

(15) Once the unit or the related common property, or both, as the case may be, in respect of which money is being held in trust under this section are, as determined by a cost consultant, substantially completed, any money remaining in trust may be paid to the developer.

RSA 2000 cC-22 s14;2014 c10 s7

Exemption

15 Section 14 does not apply if the purchaser does not perform the purchaser's obligations under the purchase agreement.

RSA 1980 cC-22 s12

Security deposit

16(1) If a purchaser of a residential unit, prior to receiving title to the unit, rents that unit from the developer, the developer may charge the purchaser a security deposit in respect of the unit.

(2) A developer shall not charge an amount under subsection (1) in excess of one month's rent for the unit.

RSA 2000 cC-22 s16; 2014 c10 s8

Documents required

16.1(1) The developer shall, at the meeting of the corporation convened under section 29, provide to the corporation without charge the original or a copy of the following documents:

(a) all warranties and guarantees on the real and personal property of the corporation, the common property and managed property;

(b) the

(i) structural, electrical, mechanical and architectural working drawings and specifications, and

(ii) as built drawings,

that exist for the real property of the corporation, the common property and managed property;

(c) the plans that exist showing the location of underground utility services, sewer pipes and cable television lines located on the parcel;

(d) all agreements to which the corporation is a party;

(e) all certificates, approvals and permits issued by a municipal authority, a person accredited by the Administrator under the *Safety Codes Act*, the Government or an agent of the

Government that relate to the real property of the corporation, the common property and managed property;

(f) in the case of a conversion,

(i) any building assessment report prepared

(A) under the *New Home Buyer Protection Act* or this Act as it read immediately before July 1, 2021, or

(B) under this Act as it read immediately before the coming into force of this clause,

or

(ii) any converted property study prepared under section 21.1 on or after the coming into force of this clause;

(g) any reserve fund report required by the regulations;

(g.1) any technical analysis required under section 21.2;

(h) any other prescribed document.

(2) The interim board shall, at the meeting of the corporation convened under section 29, provide to the corporation without charge the original or a copy of all resolutions, minutes and other records and documents of the interim board.

2014 c10 s9;2024 c20 s1(10)

Termination of Agreements

Developer's management agreements

17(1) In this section, "developer's management agreement" means a management agreement that was entered into by a corporation at a time when its board consisted of directors who were appointed or elected when persons who were not at arm's length from the developer owned or held units representing more than 50% of the total unit factors for all the units.

(2) Subject to subsection (3), a corporation may, despite any term to the contrary in a developer's management agreement or a collateral agreement, terminate a developer's management agreement at any time after its board first consists of directors who were elected when persons who were at arm's length from the developer owned or held units representing more than 50% of the total unit factors for all the units.

(3) A developer's management agreement

(a) may not be terminated under subsection (2) without cause until one year has elapsed from the day that the agreement was entered into, except when the agreement permits termination at an earlier date, and

(b) may only be terminated under subsection (2) on the corporation giving 60 days' written notice, or any shorter notice specified in the agreement, to the other party to the agreement of its intention to terminate the agreement,

and the corporation is not liable to the other party to the agreement by reason only of the agreement being terminated under this section.

RSA 2000 cC-22 s17;2014 c10 s11

Other agreements

17.1(1) Except as otherwise provided in section 17 and the regulations, a corporation may terminate an agreement within 12 months after the time at which its board first consists of directors who were elected when persons who were at arm's length from the developer owned or held units representing more than 50% of the total unit factors for all the units.

(2) Subsection (1) applies despite any term to the contrary in the agreement to be terminated.

(3) To terminate an agreement under this section, the corporation must give written notice of the termination date to the other party to the agreement at least 60 days, or any shorter period specified in the agreement, before the termination date.

(4) Where a corporation terminates an agreement under this section, the corporation is not liable to the other party to the agreement by reason only of the termination of the agreement under this section.

2014 c10 s12

Return of Corporation Property

Return of corporation property

17.2(1) The original copies of any documents or records prepared for a corporation by a condominium manager or a member of the board, including, without limitation, the documents referred to in section 12(1) and prescribed documents, are the property of the corporation.

(2) A condominium manager shall, within 30 days after the termination of a management agreement, at no charge, return to the corporation all property belonging to the corporation, including,

without limitation, the documents and records referred to in subsection (1) and prescribed property.

(3) An individual who ceases to be a member of the board shall, within 30 days after ceasing to be a member of the board, at no charge, return to the corporation all property belonging to the corporation, including, without limitation, the documents and records referred to in subsection (1) and prescribed property.

2014 c10 s12

Amendment of Condominium Plans

Amendments

18 Notwithstanding anything in this Act, a condominium plan may, in accordance with the regulations, be amended.

1996 c12 s12;2000 c11 s6

Phased Development

Development of units in phases

19 Notwithstanding anything in this Act,

(a) any building or land that is subject to a condominium plan or a proposed condominium plan may, in accordance with the regulations, be developed in phases, and

(b) in the process of carrying out the development of a building or land in phases, additional units and additional common property may, in accordance with the regulations, be created.

1996 c12 s12;2000 c11 s6

Modification of Condominium Plans

Redivision of unit

20(1) Any owner or owners may, with the approval of the municipal authority, redivide the owner's or owners' units by registering a condominium plan relating to the unit or units so redivided in the manner provided by this Act for the registration of condominium plans.

(2) Notwithstanding subsection (1), any owner or owners may, in accordance with the regulations and without the necessity of registering a condominium plan, modify an existing condominium plan by amending that condominium plan, if the modification consists only of the consolidation of 2 or more units that have adjacent walls, ceilings, floors or boundaries between them.

(3) Except as provided in this section, the provisions of this Act relating to condominium plans apply with all necessary modifications to a redivision of units.

(4) Notwithstanding section 25, the owners of units in a condominium plan of redivision are not a corporation, but are, on the date of registration of the condominium plan of redivision, members of the corporation formed on registration of the original condominium plan.

(5) On registration of a condominium plan of redivision, units comprised in it are subject to the burden and have the benefit of any easements affecting those units in the original condominium plan that are included in the condominium plan of redivision.

(6) The schedule endorsed on a condominium plan of redivision, as required by section 8(1)(j), shall apportion among the units the unit factor or factors for the unit or units in the original condominium plan that are included in the redivision.

(7) Before registering a proposed condominium plan of redivision, the Registrar shall amend the original condominium plan in the manner prescribed by the regulations.

(8) On registration of a condominium plan of redivision, the land comprised in it shall not be dealt with by reference to units in the original condominium plan.

(9) On registration of a condominium plan of redivision, the owner of any parking space for visitors or persons with disabilities illustrated as a unit in the condominium plan shall transfer the title to the parking space to the corporation.

(10) Where the owner does not transfer the title to a parking space for visitors or persons with disabilities in accordance with subsection (9), the corporation

(a) has a first charge on the unit, and

(b) may commence an action for specific performance of the transfer.

RSA 2000 cC-22 s20;2014 c10 s13

Conversions and Technical Analysis

Application of sections

20.1 Subject to the regulations, sections 10.1 to 16.1 apply to the purchase and sale of conversion units.

2014 c10 s14

Conversion to condominium units

21(1) If premises are

(a) rented to a tenant who is not a party to a purchase agreement, and

(b) not included in a condominium plan,

a developer or a person acting on the developer's behalf shall not sell or agree to sell those premises as a conversion unit until the condominium plan that includes those premises is registered at a land titles office.

(2) Notwithstanding subsection (1), a developer or a person acting on a developer's behalf may sell premises referred to in subsection (1) prior to the registration at a land titles office of a condominium plan that includes those premises if it is a condition of the purchase agreement that the condominium plan is to be registered at the land titles office prior to the purchaser's being obliged to take possession of the conversion unit.

RSA 2000 cC-22 s21;2014 c10 s15

Preparation of converted property study

21.1(1) Subject to subsection (2), a developer shall, in respect of a conversion, arrange for the preparation of a converted property study by a professional engineer or registered architect for the real and personal property of the corporation, the common property and managed property.

(2) A converted property study referred to in subsection (1) must be prepared in accordance with the regulations.

2014 c10 s16;2024 c20 s1(12)

Preparation of technical analysis

21.2 Where a converted property study under section 21.1 is not required, a technical analysis of the units, the real and personal property of the corporation or the common property shall be prepared in accordance with the regulations.

2024 c20 s1(12)

Easements

Easements in favour of owner

22 After the registration of a condominium plan, there is implied in respect of each unit shown in it,

(a) in favour of the owner of the unit, and as appurtenant to the unit, an easement for the subjacent and lateral support of the unit by the common property and by every other unit capable of affording support,

(b) in favour of the owner of the unit, and as appurtenant to the unit, easements for the passage or provision of water,

sewerage, drainage, gas, electricity, garbage, artificially heated or cooled air and other services, including telephone, radio and television services, through or by means of any pipes, wires, cables or ducts for the time being existing in the parcel to the extent to which those pipes, wires, cables or ducts are capable of being used in connection with the enjoyment of the unit, and

(c) in the case of a unit located in a building, in favour of the owner of the unit, and as appurtenant to the unit, an easement for the shelter of the unit by the common property and by every other unit capable of affording shelter.

RSA 1980 cC-22 s17;1983 c71 s10;1996 c12 s16

Easements against owner

23(1) After the registration of a condominium plan, there is implied in respect of each unit shown in it,

(a) as against the owner of the unit, an easement, to which the unit is subject, for the subjacent and lateral support of the common property and of every other unit capable of enjoying support,

(b) as against the owner of the unit, easements, to which the unit is subject, for the passage or provision of water, sewerage, drainage, gas, electricity, garbage, artificially heated or cooled air and other services, including telephone, radio and television services, through or by means of any pipes, wires, cables or ducts for the time being existing within the unit, as appurtenant to the common property and also to every other unit capable of enjoying those easements, and

(c) in the case of a unit located in a building, as against the owner of the unit, an easement, to which the unit is subject, to provide shelter to the common property and to every other unit capable of enjoying the shelter.

(2) When an easement is implied by this section, the owner of any utility service who is providing the owner's service to the parcel, or to any unit on it, is entitled to the benefit of any of those easements that are appropriate to the proper provision of that service, but not to the exclusion of the owner of any other utility service.

RSA 1980 cC-22 s18;1983 c71 s11;1996 c12 s17

Implied easements and restrictions

24(1) Easements or restrictions implied or created by this Act or the bylaws take effect and are enforceable

(a) without any memorial or notification on that part of the register constituting titles to the dominant or servient tenements, and

(b) without any express indication of those tenements.

(2) All ancillary rights and obligations reasonably necessary to make easements effective apply in respect of easements implied by this Act, including the right of an owner of a dominant tenement to enter a servient tenement and replace, renew or restore any thing that the dominant tenement is entitled to benefit from.

RSA 2000 cC-22 s24;2016 c18 s3

Right of entry

24.1(1) Except as otherwise permitted in this section, no person may enter a unit under section 24(2) without the consent of the owner of the unit or of an adult person lawfully on the premises that comprise the unit.

(2) A person may enter a unit under section 24(2) without consent or notice if that person has reasonable grounds to believe that an emergency requires that person to enter the premises to replace, renew or restore any thing that the dominant tenement is entitled to benefit from.

(3) Subject to subsection (4), a person may enter a unit under section 24(2) without consent but after notice to the owner or person in possession of the unit to replace, renew or restore any thing that the dominant tenement is entitled to benefit from.

(4) A person is not entitled to enter a unit under subsection (3) unless

(a) the notice is served on the owner of the unit or an adult person in possession of the unit at least 24 hours before the time of entry,

(b) the entry is made on a day that is not

(i) a holiday, except that the person may enter on a Sunday if the day of religious worship of the adult person in possession of the unit is not Sunday and that adult person has provided to the person wishing to enter the unit a written notice of that adult person's day of religious worship, or

(ii) the day of religious worship of the adult person in possession of the unit if that day is not Sunday and that

person has provided to the person wishing to enter the unit a written notice of that day,

and

(c) the entry is between 8 a.m. and 8 p.m.

(5) A notice under subsection (3) must

(a) be in writing,

(b) state the reason for the entry, and

(c) name a date and time of entry that comply with subsection (4).

2016 c18 s3

Condominium Corporation

Condominium corporation

25(1) On the registration of a condominium plan, there is constituted a corporation under the name "Condominium Corporation No. ____ " and the number to be specified is the number given to the plan on registration.

(2) A corporation consists of all those persons

(a) who are owners of units in the parcel to which the condominium plan applies, or

(b) who are entitled to the parcel when the condominium arrangement is terminated pursuant to section 60.

(3) Without limiting the powers of the corporation under this or any other Act, a corporation may

(a) sue for and in respect of any damage or injury to the common property caused by any person, whether an owner or not, and

(b) be sued in respect of any matter connected with the parcel for which the owners are jointly liable.

(4) Nothing in this Act shall be construed so as to prohibit a corporation from acting by means of agents or its employees.

(5) The *Companies Act* and the *Business Corporations Act* do not apply to a corporation.

RSA 2000 cC-22 s25;2024 c20 s1(13)

Voting Rights

Voting rights

26(1) In this section,

(a) "owner vote" means a vote on the basis of one vote per owner;

(b) "unit factor vote" means a vote on the basis of the unit factors for an owner's unit or units.

(1.1) Subject to subsections (1.2), (1.3) and (1.4), voting at a general meeting shall be conducted as

(a) an owner vote or, if provided for in the bylaws, on a basis other than an owner vote, or

(b) a unit factor vote.

(1.2) In the case of an owner vote, where

(a) a unit is owned by more than one person, each owner is entitled to one vote, and

(b) a person owns more than one unit, that person is entitled to one vote and may not assign proxies to multiple persons.

(1.3) In the case of a unit factor vote, where a unit is owned by more than one person,

(a) each owner represents the portion of the unit factors for the unit equal to the portion of the unit owned by that co-owner, or

(b) if a co-owner does not attend a general meeting at which the unit factor vote is conducted, that co-owner's unit factors shall not be counted unless the co-owner assigns the co-owner's right to vote by proxy to another person attending the general meeting.

(1.4) If, at any time before the results of a vote conducted under subsection (1.1)(a) are announced, a person entitled to vote demands a unit factor vote, the vote conducted under subsection (1.1)(a) shall be nullified and a unit factor vote shall be conducted under subsection (1.1)(b).

(1.5) A corporation shall not exercise the power of voting for any unit owned by the corporation except in the case of a special resolution, in which case the corporation's vote shall be cast in accordance with the majority of the other votes cast.

(2) When an owner's interest is subject to a registered mortgage, a power of voting conferred on the owner by this Act or the bylaws may be exercised as follows:

(a) first, by the mortgagee, if any, who is first entitled in priority if that mortgagee has notified the corporation of the mortgage in writing and is present at the meeting at which the vote is being conducted;

(b) second, by the owner;

(c) third and subsequently, in order of their priority among themselves, by any other mortgagees who are subsequent in priority to the mortgagee referred to in clause (a) if the subsequent mortgagee wishing to exercise the power of voting has notified the corporation of the mortgage in writing and is present at the meeting at which the vote is conducted.

(3) Subsection (2) does not apply unless the mortgagee has given written notice of the mortgagee's mortgage to the corporation at the corporation's address for service.

(4) An owner or mortgagee, as the case may be, may exercise the owner's or mortgagee's right to vote personally or by proxy.

(5) Notwithstanding anything in this section, neither an owner nor a mortgagee is entitled to exercise the power of voting conferred on the owner by this Act or the regulations where

(a) any contribution payable in respect of the owner's unit, or

(b) any other obligation owing to the corporation in respect of the owner's unit or the common property,

is in arrears for more than 30 days prior to the day that the power of voting may be exercised.

(6) Notwithstanding that anything under this Act or the bylaws may require a meeting of the corporation to be convened for the purpose of allowing the owners or other persons permitted under this Act or the bylaws to exercise the power of voting, instead of a meeting being convened for the purpose of exercising the powers of voting,

(a) in the case of an ordinary resolution, the ordinary resolution may be passed by being signed as described in section 1(1)(r), and

(b) in the case of a special resolution, the special resolution may be passed by being agreed to in writing as described in section 1(1)(x).

RSA 2000 cC-22 s26;2024 c20 s1(14)

Voting where owner incapable

27(1) Any powers of voting conferred by this Act or the bylaws may be exercised

(a) in the case of an owner who is a minor, by the guardian or trustee of the minor's estate or a trustee of the minor's property appointed by an order under the *Minors' Property Act* or, if no guardian or trustee has been appointed, by the Public Trustee, or

(b) in the case of an owner who is for any reason unable to exercise control over the owner's property, by the person who for the time being is authorized by law to exercise control over that property.

(2) If the Court, on application by the corporation or by an owner, is satisfied that there is no person capable, willing or reasonably available to vote in respect of a unit, the Court

(a) shall, in cases when a special resolution is required by this Act, and

(b) may, in its discretion, in any other case,

appoint the Public Trustee or some other person for the purpose of exercising the powers of voting under this Act and the bylaws as the Court determines.

(3) On making an appointment under this section, the Court may make any order it considers necessary or expedient to give effect to the appointment.

RSA 2000 cC-22 s27;2004 cM-18.1 s19

Board of a Corporation

Board of directors

28(1) A corporation shall have a board of directors that is to be constituted as provided by the bylaws of the corporation.

(1.1) At least 2/3 of the membership of the board of directors of a corporation must be unit owners or mortgagees unless the bylaws provide otherwise.

(2) Every member of a board, in exercising the powers and performing the duties of the office of member of the board, shall

(a) act honestly and in good faith with a view to the best interests of the corporation, and

(b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

(3) Where a member of the board has a material interest in any agreement, arrangement or transaction to which the corporation is or is to become a party, that person

(a) shall declare to the board that person's interest in the agreement, arrangement or transaction,

(b) shall not vote in respect of any matter respecting that agreement, arrangement or transaction, and

(c) shall not be counted when determining whether a quorum exists when a vote or other action is taken in respect of the agreement, arrangement or transaction.

(4) Subsection (3) does not apply to an agreement, arrangement or transaction in which the member of the board has a material interest if that material interest exists only by virtue of that member of the board owning a unit.

(5) A corporation shall, within 30 days from the conclusion of the corporation's annual general meeting, file at the land titles office a notice in the prescribed form stating the names and addresses of the members of the board.

(6) A corporation shall, following a change in

(a) the membership of the board,

(b) the name of a member of the board, or

(c) the address for service of a member of the board,

promptly file at the land titles office a notice in the prescribed form stating the change.

(7) Repealed 2014 c10 s18.

(8) A person who

(a) is a bona fide third party dealing at arm's length with the corporation, and

(b) does not have notice of a restriction or direction referred to in section 28.2(1),

is not liable for or otherwise affected or bound by any breach of or failure to follow that restriction or direction by the corporation.

(9) All acts done in good faith by a board are, notwithstanding that it is afterwards discovered that there was some defect in the election or appointment or continuance in office of any member of the board, as valid as if the member had been properly elected or appointed or had properly continued in office.

(10) Repealed 2014 c10 s18.

RSA 2000 cC-22 s28;2014 c10 s18;2024 c20 s1(15)

Removal or vacating of office of a member of the board

28.1(1) A person ceases to be a member of the board if the member

(a) becomes a bankrupt as defined in the *Bankruptcy and Insolvency Act* (Canada),

(b) is more than 60 days in arrears in payment of any contribution required to be made by the member as an owner,

(c) is more than 60 days in default of a judgment by a court of any money owing to the corporation,

(d) is or becomes a represented adult as defined in the *Adult Guardianship and Trusteeship Act*,

(e) is convicted of an indictable offence for which the member is liable to imprisonment for a term of not less than 2 years,

(f) resigns the member's office by serving notice in writing on the corporation, or

(g) is removed under subsection (2).

(2) A corporation may by ordinary resolution remove a member of the board before the expiration of the member's term of office and appoint another individual in the member's place to hold that office for the remainder of the term.

2014 c10 s19

Exercise of powers and duties by boards

28.2(1) The powers and duties of a corporation shall, subject to any restriction imposed or direction given in an ordinary resolution, be exercised and performed by the board of the corporation.

(2) An ordinary resolution that directs or restricts the corporation, or interferes with the corporation, in its exercise of powers and performance of duties is not valid if the direction or restriction is contrary to this Act, the regulations or the bylaws.

2014 c10 s19

Education requirements for board members

28.3(1) The Director may establish education requirements for members of boards.

(2) Members of boards must comply with education requirements established under subsection (1).

(3) Each board is responsible for ensuring its members comply with education requirements established under subsection (1).

2026 c12 s2

Meetings of the Corporation

Convening of meeting to elect first board

29(1) When a developer registers a condominium plan, the developer shall within 90 days from the day that the certificates of title to units representing 50% of unit factors have been issued in the name of the purchasers convene a meeting of the corporation at which a board must be elected.

(2) Notwithstanding subsection (1), if the developer does not convene a meeting of the corporation under subsection (1) within the time period determined under subsection (1), an owner may convene the meeting.

RSA 2000 cC-22 s29;2014 c10 s20;2016 c18 s4

Annual general meetings

30(1) The first annual general meeting of the corporation must be convened by the board no later than 12 months after the registration of the condominium plan.

(2) Subsequent annual general meetings must be convened annually no later than 15 months after the immediately preceding annual general meeting.

(3) Subject to the regulations, written notice of an annual general meeting must be provided to each owner and any mortgagee who has given written notice under section 26(3) no less than 14 days prior to the day on which the meeting is to be convened.

(4) Subject to the regulations, the corporation shall

(a) prepare financial statements, in accordance with Canadian generally accepted accounting principles, for the

corporation's preceding fiscal year, an annual report on the reserve fund and an annual budget for the corporation's fiscal year that immediately follows the corporation's preceding fiscal year, and

(b) no less than 14 days prior to the day on which the annual general meeting is to be convened, provide copies of the financial statements, an annual report on the reserve fund and the annual budget to each owner and any mortgagee who has given written notice under section 26(3).

2014 c10 s21

Special general meetings

30.1(1) The board may, whenever it considers it appropriate to do so, convene a special general meeting of the corporation by providing written notice to each owner, subject to the regulations, no less than 14 days prior to the day on which the meeting is to be convened.

(2) The board shall, on the written request of owners whose units represent not less than 15% of the total unit factors for all the units, convene a special general meeting of the corporation by providing written notice to each owner no less than 14 days prior to the day on which the meeting is to be convened.

(3) A request under subsection (2) must include the nature of the business to be dealt with at the meeting.

(4) A special general meeting under subsection (2) must be convened within 30 days of receiving the request, and if the board does not convene a meeting within that time period, the owners may convene the meeting.

(5) A notice for a special general meeting must include the purpose for which the meeting is being convened, including the proposed wording of any resolution.

2014 c10 s21

Failure to give notice

30.2 Failure to give proper notice of a general meeting to a person entitled to receive notice of the meeting under this Act does not invalidate anything done at that meeting as long as a reasonable attempt to give the notice was made.

2014 c10 s21

Notice of meetings to mortgagees

30.3 On being notified by a mortgagee entitled to vote under section 26 that the mortgagee wishes to be notified of general

meetings, the board shall give to that mortgagee the same notices of a general meeting as are required to be given to an owner.

2014 c10 s21

Meetings of Board or Corporation

Manner and venue

31(1) Unless a corporation's bylaws expressly provide otherwise,

(a) a person entitled to attend a meeting of the corporation or of its board of directors may attend the meeting by electronic means,

(b) a meeting of the corporation or of its board of directors may be held entirely by electronic means,

(c) a person attending a meeting by electronic means under clause (a) or (b) who is entitled to vote at the meeting may vote by any electronic, telephonic or other method that the corporation has made available for that purpose, and

(d) a person attending a meeting by electronic means under clause (a) or (b) is deemed for all purposes under this Act to be present in person at the meeting.

(2) Meetings that are not held entirely by electronic means must be held at a location within the municipality in which the units are located, unless an ordinary resolution to hold the meetings in another location is passed at a general meeting of the corporation.

RSA 2000 cC-22 s31;2014 c10 s21;2021 c3 s3

Bylaws

Bylaws

32(1) The bylaws shall regulate the corporation and provide for the control, management and administration of the units, the real and personal property of the corporation, the common property and managed property.

(2) The owners of the units and anyone in possession of a unit are bound by the bylaws.

(3) Any bylaw may be amended, repealed or replaced by a special resolution.

(4) An amendment, repeal or replacement of a bylaw does not take effect until

(a) the corporation files a copy of it with the Registrar, and

(b) the Registrar has made a memorandum of the filing on the condominium plan.

(5) No bylaw operates to prohibit or restrict the devolution of units or any transfer, lease, mortgage or other dealing with them or to destroy or modify any easement implied or created by this Act.

(6) The bylaws bind the corporation and the owners to the same extent as if the bylaws had been signed and sealed by the corporation and by each owner and contained covenants on the part of each owner with every other owner and with the corporation to observe and perform all the provisions of the bylaws.

(7) Repealed 2014 c10 s22.

RSA 2000 cC-22 s32;2014 c10 s22

Rules

32.1(1) Subject to the regulations, the board may, by resolution, make, amend or repeal rules respecting procedures used in the administration of the corporation or the real and personal property of the corporation, the common property and managed property.

(2) The rules must be reasonable and consistent with this Act, the regulations and the bylaws.

(3) The rules must not restrict the uses of units.

(4) Subject to the regulations, the board must inform owners and tenants of any rules made, amended or repealed.

(5) If a rule or a proposed rule is inconsistent with this Act, the regulations or the bylaws, this Act, the regulations or the bylaws, as the case may be, prevail.

2014 c10 s23

Initial bylaws

33 On the registration of a condominium plan, the bylaws of the corporation are the bylaws set out in the regulations, and those bylaws remain in force in respect of that corporation until they are repealed or replaced by special resolution.

RSA 2000 cC-22 s33;2014 c10 s24

Application of initial bylaws to pre-existing corporations

34 Notwithstanding that, immediately before the coming into force of this section, a corporation was regulated by the bylaws set out in Appendix 1 or 2 of the *Condominium Property Act* as it read immediately before the coming into force of this section, that corporation is deemed on the coming into force of this section to be regulated by the bylaws set out in the regulations.

RSA 2000 cC-22 s34;2014 c10 s24

Conflict with bylaws

34.1(1) If there is a conflict between a bylaw and this Act or the regulations, this Act or the regulations, as the case may be, prevail.

(2), (3) Repealed 2024 c20 s1(17).

2014 c10 s25;2024 c20 s1(17)

Sanctions for failure to comply with bylaws

35(1) A corporation may by bylaw establish monetary or other sanctions that may be imposed on owners, tenants and occupants who fail to comply with the bylaws.

(2) A bylaw under which sanctions may be imposed must

(a) set out the sanctions that may be imposed, and

(b) in the case of monetary sanctions, set out the amount of the monetary sanctions or the range of monetary sanctions that may be imposed.

(3) A bylaw under which sanctions may be imposed may be general or specific in its application.

(4) A sanction imposed under a bylaw made under this section must be reasonable in the circumstances for which it is imposed.

(5) Where a person fails to abide by a sanction or to pay to the corporation a monetary sanction imposed under a bylaw, the corporation may proceed under section 36 to enforce the sanction.

(6) A sanction may not be imposed that has the effect of prohibiting or restricting the devolution of units or any transfer, lease, mortgage or other dealing with the units, or of destroying or modifying any easement implied or created by this Act.

(7) A monetary sanction imposed under a bylaw made under this section must not exceed the amount prescribed by the regulations.

RSA 2000 cC-22 s35;2014 c10 s26

Restriction on monetary sanctions

35.1 A corporation may impose a monetary sanction on an owner, tenant or occupant only where authorized by this Act, the regulations or the bylaws.

2014 c10 s26

Enforcement of sanctions

36(1) If a person fails to comply with a sanction or to pay a monetary sanction imposed pursuant to a bylaw, the corporation may, in respect of the contravention,

(a) take proceedings under Part 4 of the *Court of Justice Act* and the regulations under that Act to recover from the person

(i) a monetary sanction, or

(ii) damages, in the case of any other sanction,

in an amount not exceeding the amount that may be granted in damages under the *Court of Justice Act* and the regulations under that Act, or

(b) take proceedings in the Court of King's Bench to recover from the person

(i) a monetary sanction, or

(ii) damages, in the case of any other sanction.

(2) In an action under subsection (1), the corporation must establish to the satisfaction of the court hearing the matter that

(a) the bylaws relating to the matter before the court were properly enacted, and

(b) the bylaw for which the sanction was imposed was contravened by the defendant.

(3) On hearing the matter, the court may do one or more of the following:

(a) give judgment against the defendant in the amount being sued for or any lesser amount as appears appropriate in the circumstances;

(b) in the case of proceedings taken in the Court of King's Bench, grant injunctive or other relief that the Court considers appropriate in the circumstances;

(c) dismiss the action;

(d) make an award as to costs as appears appropriate in the circumstances.

(4) For the purposes of an action commenced under subsection (1)(a)(ii) or (b)(ii), once the court is satisfied that the requirements of subsection (2) have been met, damages are deemed to have been suffered by the corporation.

(5) Where a corporation takes proceedings under this section, it is entitled to claim from the defendant the corporation's legal expenses incurred in respect of the proceedings.

(6) For the purposes of subsection (2)(a), a copy of a bylaw that is certified by the Registrar as being a true copy of the bylaw filed at the land titles office is proof, in the absence of evidence to the contrary,

(a) of the contents of the bylaw, and

(b) that the bylaw was properly enacted.

(7) An action taken against a person under this section does not restrict, limit or derogate from any other remedy that an owner or the corporation may have against that person.

(8) A caveat in respect of a monetary sanction or other debt to a corporation, other than a contribution under section 39, may be registered against the certificate of title of a unit only pursuant to a writ of enforcement.

RSA 2000 cC-22 s36;2014 c10 s27;2015 c12 s7;
AR 217/2022; AR 75/2023

Powers and Duties of Corporation

Control and management

37(1) A corporation is responsible for the enforcement of its bylaws and the control, management and administration of its real and personal property, the common property and managed property.

(2) Without restricting the generality of subsection (1), the duties of a corporation include the following:

(a) to keep in a state of good and serviceable repair and properly maintain the real and personal property of the corporation, the common property and managed property;

(b) to comply with notices or orders by any municipal authority or public authority requiring repairs to or work to be done in respect of the parcel.

(3) A corporation may by a special resolution acquire or dispose of an interest in real property.

(4) A corporation may, subject to the regulations, borrow money for the purpose of carrying out the powers and duties of the corporation under this section.

(5) Money borrowed by the corporation under subsection (4) must be used only for the purpose for which it was borrowed.

RSA 2000 cC-22 s37;2014 c10 s28

Reserve fund

38(1) Subject to the regulations, a corporation shall, from funds levied under section 39(1)(a) or under section 39.1, establish and maintain a reserve fund that is reasonably sufficient to provide for major repairs and replacement of the following, where the repair or replacement is of a nature that does not normally occur annually:

(a) any real and personal property of the corporation;

(b) the common property;

(c) managed property.

(1.01) Notwithstanding subsection (1), funds from the reserve fund may be used for

(a) a reserve fund study and reserve fund report required by the regulations,

(b) any other report prepared by an expert examining the condition of the real and personal property of the corporation, the common property and managed property, and

(c) any other purpose provided for in the regulations.

(1.1) If, before the coming into force of subsection (1)(c) as enacted by section 1(2)(a) of the *Statutes Amendment Act, 2013*, a corporation was required by bylaw to repair and replace property of an owner of a bare land unit, the collection and expenditure of funds to repair and replace that property are valid if

(a) the collection and expenditure occurred on or after the date the bylaw took effect under this Act, and

(b) the collection and expenditure would have been in compliance with subsection (1) if subsection (1)(c) as enacted by section 1(2)(a) of the *Statutes Amendment Act, 2013* had been in force at the time the collection and expenditure occurred.

(2) Notwithstanding subsection (1), funds shall not be taken from a reserve fund for the purpose of making capital improvements unless

(a) the removal of funds for that purpose is authorized by a special resolution or is necessary to maintain property referred to in subsection (1) to comply with health, building and maintenance and occupancy standards as required by law, and

(b) there will be sufficient funds remaining in the reserve fund to meet the requirements of subsection (1).

(3) The money in the capital replacement reserve fund of the corporation is an asset of the corporation and no part of that money shall be refunded or distributed to any owner of a unit except where the owners and the property cease to be governed by this Act.

(4) For the purposes of this section and section 39.1, the following are not capital improvements:

(a) the replacement of existing real and personal property of the corporation, the common property or managed property with

(i) the contemporary equivalent of an obsolete property, or

(ii) a lower cost equivalent of the existing property;

(b) any other replacement prescribed by the regulations.

RSA 2000 cC-22 s38;2013 c10 s1;2014 c10 s29

Operating account

38.1 Subject to the regulations, a corporation shall, from funds levied under section 39(1)(a) or (c), establish and maintain an operating account to be used to provide sufficient funds for

(a) the control, management and administration of the real and personal property of the corporation, the common property and managed property, and

(b) the payment of any other obligation of the corporation,

that are not required to be paid out of the reserve fund.

2014 c10 s30;2024 c20 s1(19)

Contributions

39(1) A board may, by resolution, determine from time to time the following to be levied as contributions:

(a) for the purposes of the operating account and the reserve fund, amounts levied on the owners at regular intervals

(i) in proportion to the unit factors of the owners' respective units, or

(ii) subject to the regulations, and if provided for in the bylaws, on a basis other than in proportion to the unit factors of the owners' respective units;

(b) amounts levied against owners as chargebacks under section 39.01;

(c) a special levy in accordance with section 39.1.

(2) Subject to the regulations, a contribution may include reasonable and relevant administrative costs and legal fees, including expenses and interest, incurred by the corporation.

(3) A contribution shall not include

(a) any amount for the purpose of collecting from an individual owner a monetary sanction under a bylaw made under section 35(1), or

(b) any other prescribed amount.

RSA 2000 cC-22 s39;2013 cS-19.3 s3;2014 c10 s30;2024 c20 s1(20)

Chargebacks

39.01(1) Subject to subsections (2) and (3) and the regulations, and if provided for in the bylaws, a chargeback may be levied on an owner to recover the corporation's costs when an act or omission by the owner or an occupant, or a person or persons for whom the owner or occupant is responsible, requires the corporation to repair, replace, maintain or protect any unit, real and personal property of the corporation or common property affected by that act or omission, as the case may be.

(2) The amount of a chargeback levied under subsection (1) may include the actual costs and any reasonable related service costs incurred by the corporation to repair, replace, maintain or protect any affected unit, real and personal property of the corporation or common property.

(3) The amount levied under subsection (1) shall be the lesser of

(a) the amount of the actual costs and reasonable related service costs referred to in subsection (2), and

(b) the deductible limit of the insurance policy held by the corporation, regardless of whether or not an insurance claim is made in respect of the act or omission referred to in subsection (1).

(4) An owner may dispute a chargeback levied under this section in accordance with the regulations.

2024 c20 s1(20)

Special levy

39.1(1) A resolution of the board under section 39(1)(c) to approve a special levy must set out the following:

(a) the purpose of the levy;

(b) the total amount to be levied;

(c) either

(i) the method of determining each unit's proportionate share of the levy by unit factor, or

(ii) subject to the regulations, and if provided for in the bylaws, the method for determining each unit's share of the levy on a basis other than the unit factors of the owners' respective units;

(d) the date by which the levy is to be paid or, if the levy is payable in instalments, the dates by which the instalments are to be paid.

(2) A special levy may be levied to raise money

(a) for the payment of unexpected and urgent maintenance, repair or replacement of the real and personal property of the corporation, common property or managed property,

(b) to cover unexpected shortfalls in the operating account,

(c) to increase the balance of the reserve fund to meet the requirements in a reserve fund plan required under the regulations,

(d) subject to subsection (3), for the payment of a capital improvement,

(e) to satisfy a judgment against the corporation, or

(f) for any other purpose provided for in the regulations.

(3) If the purpose of the special levy is for the making of a capital improvement, a special resolution is required before the board may approve the special levy.

(4) As soon as possible after the passing of a resolution referred to in subsection (1), the board must inform each owner of the following:

(a) the purpose of the levy;

(b) the total amount of the levy;

(c) the method used to determine each unit's share of the levy;

(d) the amount of the owner's unit's share of the levy;

(e) the date by which the levy is to be paid or, if the levy is payable in instalments, the dates by which the instalments are to be paid.

(5) If the amount collected exceeds the amount required or for any other reason is not fully used for the purpose set out in the resolution referred to in subsection (1), the corporation must pay the money into the reserve fund.

2014 c10 s30;2024 c20 s1(21)

Payment and enforcement of contributions

39.2(1) A contribution is due and payable on the passing of a resolution by the board under section 39 in accordance with the terms of the resolution of the board.

(2) A contribution referred to in subsection (1), and any interest charged under section 40, may be recovered by an action for debt by the corporation

(a) from a person who was an owner at the time when the resolution of the board was passed, and

(b) from a person who was an owner at the time when the action was instituted,

both jointly and severally.

(3) Where a contribution, including any interest owing, is not paid by the owner, the mortgagee may pay any amount owing in respect of that contribution and add that amount to the amount owing to the mortgagee under the mortgage.

(4) Where

(a) a person other than the owner is in possession of a unit and pays rent to the owner in respect of the unit, and

(b) contributions, including any interest owing in respect of that unit, are in arrears,

the corporation may require the person in possession of the unit to pay the rent owing to the owner in respect of that unit to the corporation so that that rent can be applied against the contributions, including any interest owing, that are in arrears.

(5) Where a person in possession of a unit other than the owner pays the rent to the corporation under subsection (4), that person is deemed to have paid that rent to the owner.

(6) A corporation may file a caveat against the certificate of title to an owner's unit for the amount of a contribution levied on the owner and interest payable but unpaid by the owner.

(7) On the filing of the caveat under subsection (6), the corporation has a charge against the unit equal to the unpaid contributions and any interest owing.

(8) On and from the date of filing of the caveat, a charge under subsection (7) has the same priority as a mortgage under the *Land Titles Act* and may be enforced in the same manner as a mortgage.

(9) The *Dower Act* and Part 10 of the *Civil Enforcement Act* do not apply to proceedings under subsection (8).

(10) If a corporation has filed a caveat under this section, the corporation shall withdraw the caveat on the payment to it of the amount of the charge.

(11) Notwithstanding subsection (8), if

(a) a corporation has filed a caveat under this section,

(b) subsequent to the caveat's being filed another person gains title to the unit pursuant to

(i) a foreclosure action,

(ii) an action for specific performance, or

(iii) a tax recovery proceeding under the *Municipal Government Act,*

and

(c) an amount remains owing to the corporation with respect to the contribution and interest for which the caveat was filed,

the caveat remains registered against the certificate of title of the unit until the amount owing is paid to the corporation.

2014 c10 s30;2024 c20 s1(22)

Interest on outstanding accounts

40(1) A corporation may charge interest on any unpaid balance of a contribution owing to it by an owner.

(2) Notwithstanding subsection (1), the rate of interest charged under subsection (1) is not to be greater than the rate of interest provided for by regulation.

RSA 1980 cC-22 s32;1996 c12 s33;2000 c11 s9

41 Repealed 2014 c10 s31.

Recovery of costs

42 Where a corporation takes any steps to collect any amount owing under section 39, the corporation may

(a) recover from the person against whom the steps were taken all reasonable costs, including legal expenses and interest, incurred by the corporation in collecting the amount owing, and

(b) if a caveat is registered against the title to the unit, recover from the owner all reasonable prescribed expenses incurred by the corporation with respect to the preparation, registration, enforcement and discharge of the caveat.

RSA 2000 cC-22 s42;2014 c10 s32

Investments

43 Subject to section 37(3) and the regulations, a corporation may invest any funds not immediately required by it only in accordance with the regulations.

RSA 2000 cC-22 s43;2001 c28 s6;2006 c9 s7; 2014 c10 s33

Trust money

43.1(1) Where the corporation or any person is in receipt of money paid to or for the benefit of the corporation, that money and all the proceeds arising from that money are

(a) legally and beneficially owned by the corporation, and

(b) deemed to be held in trust for the performance of the duties and obligations in respect of which the payment was made.

(2) Where the corporation is in receipt of money referred to in subsection (1), the corporation shall

(a) except as otherwise authorized in writing pursuant to a resolution of the board,

(i) deposit all the money into a separate account at a bank, trust corporation, credit union or treasury branch within 3 days, exclusive of holidays and Saturdays, from the day that the corporation received the money, and

(ii) designate the account as a trust account registered in the name of the corporation,

and

(b) keep all trust money intact and not withdraw, convert, direct, borrow or commingle that trust money, other than pursuant to a resolution referred to in clause (a).

2014 c10 s34

Estoppel certificate

43.2(1) On the written request of an owner, purchaser or mortgagee or the solicitor of an owner, purchaser or mortgagee, or a person authorized in writing by an owner, purchaser or mortgagee, the corporation shall, within 10 days after receiving the request, provide a certificate certifying all of the following in respect of all units owned by that owner:

(a) the amount of any contribution payable by the owner;

(b) the frequency at which contributions are payable;

(c) the amount of contributions payable that is in arrears, if any;

(d) the amount of interest owing, if any, on any unpaid balance of a contribution;

(e) any other information required by the regulations.

(2) A certificate provided under subsection (1) is conclusive proof of the matters certified in it in favour of the person requesting the certificate in respect of the relevant unit or units as of the date of the certificate.

2014 c10 s34;2024 c20 s1(24)

Information and documents on request

44(1) On the written request of an owner, purchaser or mortgagee or the solicitor of an owner, purchaser or mortgagee, or a person authorized in writing by any of those persons, the corporation shall, within 10 days after receiving the request, provide to the person making the request any prescribed information or documents as requested by that person.

(2) The corporation may provide any prescribed information or documents requested under subsection (1) in electronic form unless the person requesting the information or documents specifically requests that they be provided in paper form.

RSA 2000 cC-22 s44;2008 c43 s2;2014 c10 s35

Fees for information or documents

44.1 A corporation may, where authorized by regulation, charge fees in the prescribed amount for producing and providing any prescribed information or documents requested under section 44 or otherwise required to be provided under this Act or the regulations.

2014 c10 s35

Retention of documents

44.2 A corporation shall retain any prescribed documents for at least the period of time prescribed in relation to that document.

2014 c10 s35

Inspection of records by mortgagee

45 On 10 days' written notice to a corporation, a mortgagee may inspect one or more of the following:

(a) the records pertaining to the management or administration of the corporation;

(b) the minutes of meetings of the board of directors of the corporation;

(c) the minutes of any general or similar meeting of the owners.

1996 c12 s37

46 Repealed 2014 c10 s36.

Insurance

Insurance

47(1) Subject to the regulations, a corporation

(a) where a building is divided into units, shall place and maintain insurance on the units, other than improvements made to the units by the owners, and the common property against loss resulting from destruction or damage caused by any peril prescribed by or otherwise required by the regulations to be insured against,

(b) where a parcel is divided into bare land units, shall place and maintain insurance on the common property against loss resulting from destruction or damage caused by any peril prescribed by or otherwise required by the regulations to be insured against,

(c) shall, if required to do so by bylaw, place and maintain insurance on the improvements made to the units by the owners against loss resulting from destruction or damage caused by any peril prescribed by or otherwise required by the regulations to be insured against, and

(d) may place and maintain insurance on the units and the common property, or either of them, against additional perils other than those required to be insured against under clauses (a), (b) and (c),

and for that purpose the corporation has an insurable interest in the units and the common property.

(2) Notwithstanding subsection (1)(b), a corporation is not required to place and maintain insurance against perils to which the common property is not subject.

(3) In complying with subsection (1), the corporation must place and maintain insurance for replacement cost value that provides that if

(a) the insured property is destroyed or damaged, and

(b) that property is replaced or repaired,

no deduction shall be made from the settlement for depreciation to the property.

(4) If a corporation places insurance under subsection (1)(d), it may continue that insurance unless it is prohibited from doing so by a resolution passed at a properly convened meeting of the corporation.

(5) Any payment by an insurer under a policy of insurance for the destruction of or damage to a unit or the common property must, notwithstanding the terms of the policy,

(a) be paid to the insurance trustee designated in the bylaws or, if the bylaws do not designate an insurance trustee, to the corporation, and

(b) be used forthwith, subject to sections 59 and 60, for the replacement or repair of the insured property that was destroyed or damaged.

(6) Notwithstanding the *Insurance Act* or any policy of insurance, if insurance is placed by a corporation and an owner against the loss resulting from destruction of or damage to the units or the common property,

(a) the insurance placed by the corporation is deemed to be first loss insurance, and

(b) the insurance placed by the owner of a unit in respect of the same property that is insured by the corporation is deemed to be excess insurance.

(7) In addition to placing and maintaining insurance under subsection (1), a corporation shall place and maintain insurance against the following:

(a) any liability incurred by a member of the board or an officer of the corporation arising out of any action or omission of the member or officer with respect to carrying out the functions and duties of a member or officer except as a result of a failure to comply with section 28(2);

(b) any liability incurred by the corporation arising out of any action or omission of a member of the board or an officer of the corporation with respect to carrying out the functions and duties of a member or officer;

(c) any liability incurred by the corporation arising out of a breach of duty as the occupier of the common property;

(d) any liability incurred by the corporation arising out of the ownership, use or operation of any machinery, equipment, pressure vessels and vehicles.

RSA 2000 cC-22 s47;2014 c10 s37;2024 c20 s1(25)

Notification of insurance coverage changes

48 A corporation shall, when there is a change in one or more of the following matters with respect to the corporation's insurance policy, provide each owner with written notice of the change and a copy of the insurance certificate reflecting the change within 30 days of the date the corporation receives the insurance certificate:

(a) the amount of the deductible payable in the event of a claim;

(b) the replacement value of the coverage;

(c) any addition to permitted exclusions;

(d) any other matter prescribed in the regulations.

RSA 2000 cC-22 s48;2014 c10 s38

Dispositions of Real Property of the Corporation or Common Property

Disposition of common property

49(1) By a special resolution a corporation may be directed to transfer or lease the real property of the corporation or the common property, or any part of it.

(2) When the board is satisfied that the special resolution was properly passed and the requirements of the regulations have been complied with, the corporation shall execute the appropriate transfer or lease.

(3) A transfer or lease executed in accordance with subsection (2) is valid and effective without execution by any person having an interest in the common property, and the receipt of the corporation for the purchase money, rent, premiums or other money payable to the corporation under the terms of the transfer or lease is a sufficient discharge of and exonerates the persons taking under the transfer or the lease from any responsibility for the application of the money expressed to have been so received.

(4) The Registrar shall not register a transfer or lease authorized under this section unless it has endorsed on it or is accompanied with a certificate under the seal of the corporation stating

(a) that the special resolution was properly passed,

(b) that the transfer or lease conforms with the terms of it, and

(c) that the requirements of the regulations have been complied with.

(5) The certificate referred to in subsection (4) is,

(a) in favour of a purchaser or lessee of the common property, or part of it, and

(b) in favour of the Registrar,

conclusive proof of the facts stated in the certificate.

(6) On the filing for registration of a transfer of common property, the Registrar

(a) shall, before issuing a certificate of title, amend the condominium plan by deleting from it the common property comprised in the transfer, and

(b) shall register the transfer by issuing to the transferee a certificate of title for the land transferred, but no notification of the transfer shall be made on any other certificate of title in the register.

(7) On the filing for registration of a lease of common property, the Registrar shall register the lease by noting it on the condominium plan in the manner prescribed by the regulations.

RSA 2000 cC-22 s49;2014 c10 s40

Exclusive use areas

50(1) Notwithstanding sections 37(3) and 49, a corporation may, by means of a bylaw, lease, licence or other instrument, grant an owner the right to exercise exclusive possession in respect of an area of the real property of the corporation or the common property.

(2) A grant of the right to exercise exclusive possession may be withdrawn according to the terms of the bylaw, lease, licence or other instrument referred to in subsection (1).

(3) Where the corporation grants a right to exercise exclusive possession under subsection (1), the corporation may require the owner, under the bylaw, lease, licence or other instrument, to maintain and repair the area of the real property of the corporation or the common property that is the subject of the grant.

(4) Despite subsection (3), where an owner fails to maintain or repair the area of the real property of the corporation or common property in compliance with the requirements under subsection (3), the corporation may carry out the necessary maintenance or repairs.

(5) A corporation may recover from an owner by an action in debt any reasonable costs it has incurred

(a) for the purposes of maintenance or repairs under subsection (4),

(b) pursuant to the regulations, or

(c) as required by a municipal authority or other public authority

in respect of the area of the real property of the corporation or the common property that is the subject of a grant to the owner of the right to exercise exclusive possession under subsection (1).

RSA 2000 cC-22 s50;2014 c10 s41;2020 c23 s3

Covenants benefiting parcel

51 By a special resolution a corporation may be directed to accept on behalf of the owners a grant of easement or a restrictive covenant benefiting the parcel.

RSA 1980 cC-22 s42;1996 c12 s59

Procedure for granting restrictive covenants

52(1) By a special resolution a corporation may be directed to execute on behalf of the owners a grant of easement or a restrictive covenant burdening the parcel.

(2) By a special resolution a corporation may be directed to execute on behalf of the owners a surrender of an easement or a restrictive covenant that was granted under subsection (1).

(3) When the board is satisfied that the special resolution was properly passed and the requirements of the regulations have been complied with, the corporation shall execute the appropriate instrument to grant the easement or covenant.

(4) An instrument granting an easement or covenant executed in accordance with subsection (3) is valid and effective without execution by any person having an interest in the parcel, and the receipt of the corporation is a sufficient discharge of and exonerates all persons taking under the instrument from any responsibility for the application of the money expressed to have been so received.

(5) The Registrar shall not register an instrument granting an easement or covenant authorized under this section unless it has endorsed on it or is accompanied with a certificate under the seal of the corporation stating that the special resolution was properly passed and that the requirements of the regulations have been complied with.

(6) The certificate referred to in subsection (5) is,

(a) in favour of a person dealing with the corporation under this section, and

(b) in favour of the Registrar,

conclusive proof of the facts stated in the certificate.

(7) The Registrar shall register the instrument granting the easement or covenant by noting it on the condominium plan in the manner prescribed by the regulations.

RSA 2000 cC-22 s52;2014 c10 s42

Rental of Units

Rental of units

53(1) An owner of a unit shall not rent the owner's unit until the owner has given written notice to the corporation of the owner's intention to rent the unit, setting out

(a) the address at which the owner may be served with a notice given by the corporation under section 54 or an application or order referred to in section 55 or 56, and

(b) the amount of rent to be charged for the unit.

(2) If an owner of a unit rents the owner's unit it is a condition of that tenancy, notwithstanding anything in the tenancy agreement, that any person in possession of that unit shall not

(a) cause damage to the real or personal property of the corporation or the common property, or

(b) contravene the bylaws.

(3) The corporation may require an owner who rents the owner's unit to pay to and maintain with the corporation a deposit that the corporation may use for

(a) the repair or replacement of the real and personal property of the corporation or of the common property, and

(b) the maintenance or repair of any area of the common property that is the subject of a grant to the owner of the right to exercise exclusive possession under section 50(1),

that is damaged, destroyed, lost or removed, as the case may be, by any person in possession of the rented unit.

(4) A deposit referred to in subsection (3) shall not exceed the prescribed amount and shall be held and repaid along with interest earned, if any, as prescribed.

(5) The owner of a unit shall give the corporation written notice of the name of the tenant renting the unit within 20 days from the commencement of the tenancy.

(6) Within 20 days after ceasing to rent the owner's unit, the owner shall give the corporation written notice that the owner's unit is no longer rented.

(7) A corporation shall, within 20 days after receiving a written notice under subsection (6),

(a) return the deposit and interest earned, if any, to the owner,

(b) if the corporation has made use of the deposit for one or more of the purposes referred to under subsection (3), deliver to the owner

(i) a statement of account showing the amount used and interest earned, if any, and

(ii) the balance of the deposit not used, if any and interest earned, if any,

or

(c) if the corporation is entitled to make use of the deposit but is unable to determine the amount of the deposit that it will use, deliver to the owner an estimated statement of account showing the amount it intends to use and, within 60 days after delivering to the owner the estimated statement of account, deliver to the owner

(i) a final statement of account showing the amounts used and interest earned, if any, and

(ii) the balance of the deposit not used, if any and interest earned, if any.

(8) If a deposit referred to in subsection (3) is owing by an owner to a corporation, the corporation may, in addition to any rights of recovery that it has in law, recover that amount in accordance with section 39.2 as if it were a contribution.

RSA 2000 cC-22 s53;2009 c53 s40;2014 c10 s43

Notice to give up possession

54(1) The corporation may give a tenant renting a unit a notice to give up possession of that unit if any person in possession of the unit

(a) causes damage, other than normal wear and tear, to the real or personal property of the corporation or to the common property, or

(b) contravenes a bylaw.

(2) When the corporation gives a tenant a notice under subsection (1),

(a) the tenant shall give up possession of the unit, and

(b) notwithstanding the *Residential Tenancies Act* or anything contained in the tenancy agreement between the tenant and the tenant's landlord, the tenancy agreement terminates,

on the last day of the month immediately following the month in which the notice is served on the tenant.

(3) A notice given under subsection (1) shall be served on the tenant and the tenant's landlord.

RSA 1980 cC-22 s45;1983 c71 s15;1991 c18 s46; 1996 c12 s44

Application for order to give up possession

55(1) If a tenant is given notice under section 54(1) and does not give up possession, the corporation or the landlord may apply to the Court for an order requiring the tenant to give up possession of the unit.

(2) An application under this section shall be served on the tenant and the tenant's landlord not less than 3 days, exclusive of holidays and Saturdays, before the day scheduled for the hearing of the application.

(3) The application of the corporation shall be supported by an affidavit

(a) establishing service of the notice under section 54 to give up possession,

(b) stating the reasons for giving the tenant a notice to give up possession,

(c) stating the failure of the tenant to give up possession and the reasons given, if any, for that failure, and

(d) stating any other relevant facts.

(4) On hearing the application, the Court may order the tenant to give up possession of the unit by a date specified in the order and make any other order that it considers proper in the circumstances.

(5) If the corporation is granted an order under subsection (4), it shall serve a copy of that order on the landlord.

RSA 2000 cC-22 s55;2009 c53 s40

Application for order to give up possession

56(1) If any person in possession of a unit that is being rented

(a) has caused or is causing excessive damage to the real or personal property of the corporation or to the common property, or

(b) is a danger to or is intimidating the owners or any persons who are in possession of the other units located on the parcel,

the corporation may, notwithstanding that the tenant renting that unit has or has not been given a notice to give up possession of that unit under section 54 or by the landlord under the tenancy agreement, apply to the Court for an order requiring the tenant to give up immediate possession of that unit.

(2) An application under this section shall be served on the tenant and the tenant's landlord not less than 3 days, exclusive of holidays and Saturdays, before the day scheduled for the hearing of the application.

(3) The application of the corporation shall be supported by an affidavit

(a) setting out

(i) the damage to the real or personal property of the corporation or the common property, and

(ii) the nature of the danger to or intimidation of persons who are owners or are in possession of the other units,

or either of them, and

(b) stating any other relevant facts.

(4) On hearing the application, the Court may make an order

(a) requiring the tenant to give up possession of the rented unit if the Court is satisfied that

(i) a person who is in possession of that unit has caused or is causing excessive damage to the real or personal property of the corporation or to the common property or is a danger to or is intimidating the owners or any persons who are in possession of the other units, and

(ii) there are reasonable and probable grounds to believe that further damage may be done or that the danger or intimidation will not cease if the tenant is allowed to remain in possession of the rented unit,

and

(b) fixing the day on which the tenant is required to give up possession of the rented unit,

and make any other order that it considers proper in the circumstances.

(5) The tenancy agreement between the tenant and the landlord terminates on the day that the tenant is required to give up possession of the unit pursuant to an order made under subsection (4).

(6) The corporation shall serve a copy of an order made under subsection (4) on the landlord.

RSA 2000 cC-22 s56;2009 c53 s40

Residential Tenancies Act

57 Where a conflict arises between the operation of sections 53 to 56 of this Act and the provisions of the *Residential Tenancies Act*, sections 53 to 56 of this Act prevail.

1996 c12 s46

Administration of Corporation

Appointment of administrator

58(1) A corporation or a person having a registered interest in a unit may apply to the Court for appointment of an administrator.

(2) The Court may, on cause shown, appoint an administrator for an indefinite period or for a fixed period on any terms and conditions as to remuneration or otherwise that it thinks fit.

(3) The remuneration and expenses of an administrator appointed under this section are administrative expenses within the meaning of this Act.

(4) An administrator has, to the exclusion of the board and the corporation, those powers and duties of the corporation that the Court orders.

(5) An administrator may delegate any of the powers or duties so vested in the administrator.

(6) The Court may, on the application of an administrator or a person referred to in subsection (1), remove or replace the administrator.

RSA 2000 cC-22 s58;2008 c43 s2

Damage to Building

Settlement scheme for damage to building

59(1) If a building that is designated as a unit or part of a unit or that is divided into units is damaged but the condominium status is not terminated pursuant to section 60, an application to settle a scheme may be made to the Court by the corporation, an owner, a registered mortgagee of a unit or a vendor under an agreement for sale of a unit.

(2) On an application under this section, the Court may by order settle a scheme including provisions

(a) for the reinstatement in whole or in part of the building, or

(b) for transfer of the interests of owners of units that have been wholly or partially destroyed to the other owners in proportion to their unit factors.

(3) In the exercise of its powers under subsection (2), the Court may make those orders as it considers necessary or expedient for giving effect to the scheme, including orders

(a) directing the application of insurance money received by the corporation in respect of damage to the building,

(b) directing payment of money by the corporation or by the owners or by some one or more of them,

(c) directing an amendment of the condominium plan as the Court thinks fit, so as to include in the common property any accretion to it, and

(d) imposing any terms and conditions it thinks fit.

(4) On an application to the Court under this section, an insurer who has effected insurance on the building or any part of it, being insurance against destruction of units or damage to the building, has the right to appear in person or by agent or counsel.

RSA 2000 cC-22 s59;2024 c20 s1(26)

Termination of Condominium

Termination of condominium

60 The condominium status of a building or parcel may be terminated

(a) by an application to the Court by

(i) a corporation,

(ii) an owner,

(iii) a registered mortgagee of a unit, or

(iv) a vendor under an agreement of sale of a unit,

or

(b) by a resolution passed by all the owners unanimously.

RSA 2000 cC-22 ss60,61;2024 c20 s1(27)

Termination by Court application

61(1) On an application under section 60(a), if the Court is satisfied that, having regard to the rights and interests of the owners as a whole, it is just and equitable that the condominium status of the building or parcel should be terminated, the Court may make a declaration to that effect.

(2) When a declaration has been made under subsection (1), the Court may by order

(a) impose any conditions, and

(b) give any directions, including directions for

(i) the transfer of the building or parcel or any portion of the building or parcel,

(ii) the sale or disposition of any other assets held by the corporation,

(iii) the payment of money, and

(iv) the method of distributing any funds on the transfer of the building or parcel, or any portion of the building or parcel, referred to in subclause (i) or the sale or disposition of any other assets referred to in subclause (ii), on a unit factor basis or any other basis,

that the Court thinks fit for the purpose of adjusting as between the corporation and the owners and as among the owners themselves the effect of the declaration.

(3) On an application to the Court under section 60(a), an insurer who has effected insurance on the building or parcel, or a portion of the building or parcel, against destruction of units or damage to the building or parcel has the right to appear in person or by agent or counsel.

RSA 2000 cC-22 s61;2024 c20 s1(27)

Transfer by corporation

62(1) When a unanimous resolution is passed under section 60(b), the corporation may be directed, by a resolution passed by all the owners unanimously, in accordance with this section and the regulations, to wind up the affairs of the corporation.

(2) A unanimous resolution under subsection (1) must include directions for

(a) the transfer of the building or parcel, or any portion of the building or parcel, as applicable,

(b) the sale or disposition of any other assets held by the corporation,

(c) the payment of money, and

(d) the method of distributing any funds on the transfer of the building or parcel, or any portion of the building or parcel, referred to in clause (a), or the sale or disposition of any other assets referred to in clause (b), on a unit factor basis or any other basis.

(3) Where the unanimous resolution under subsection (1) provides that the existing owners are entitled to the building or parcel as tenants in common in shares proportional to the unit factors of the respective units of the existing owners, the corporation must send to the Registrar a copy of the unanimous resolution under subsection (1) endorsed on it, or accompanied with a certificate under, the seal of the corporation stating that the unanimous resolution was passed and that the requirements of the regulations have been complied with.

(4) On the receipt of a copy of a unanimous resolution conforming with the requirements of subsection (3), the Registrar shall

(a) cancel the certificates of title relating to the units, and

(b) issue certificates of title to the existing owners accordingly.

(5) Subject to subsection (3), when the board is satisfied that the unanimous resolution under subsection (1) was properly passed and the requirements of the regulations have been complied with, the corporation shall execute the necessary documentation to give effect to the transfer.

(6) A transfer of the building or parcel, or any portion of the building or parcel, or a sale or disposition of any other assets held by the corporation, executed under subsection (5) is valid and

effective without execution by any person having an interest in the building or parcel, or any portion of the building or parcel, or any other assets held by the corporation, and the receipt of the corporation is a sufficient discharge of and exonerates the person under the transfer, sale or disposition, from any responsibility for the application of the money expressed to have been so received.

(7) The Registrar shall not register a transfer executed under this section or in accordance with an order of the Court under section 61 unless the transfer

(a) is accompanied by the order of the Court made under section 61, or

(b) has endorsed on it or is accompanied with a certificate under the seal of the corporation stating that the unanimous resolution was passed and that the requirements of the regulations have been complied with.

(8) A certificate made under subsection (7)(b) is conclusive proof of the facts stated in the certificate

(a) in favour of a purchaser of the building or parcel, or a portion of the building or parcel, as applicable, and

(b) in favour of the Registrar.

(9) When land is transferred by a corporation in accordance with subsection (7), the Registrar shall

(a) cancel the certificates of title relating to the units, and

(b) register the transfer and issue to the transferee or transferees a certificate of title or certificates of title, as the case may be, for the land transferred.

(10) If a unanimous resolution to terminate is passed under section 60(b) but no unanimous resolution is passed under subsection (1), an application may be made to the Court, and the Court shall have the same powers as under section 61(2).

RSA 2000 cC-22 s63;2014 c10 s44;2024 c20 s1(27)

Effect of termination of condominium

63(1) Following the passage of a unanimous resolution under section 60(b) or a declaration of the Court under section 61(1), and the execution of any documentation required to give effect to any transfer, sale or disposition, directed by the Court under section 61 or by the unanimous resolution under section 62(1), the corporation shall file with the Registrar a notice of the termination in the prescribed form.

(2) On receipt of the notice referred to in subsection (1), the Registrar shall make a notification in respect of the notice on the condominium plan in the manner prescribed by the regulations.

(3) On the filing of a notice of termination with the Registrar under subsection (1), the corporation ceases to exist.

RSA 2000 cC-22 s62;2024 c20 s1(27)

Dissolution of Corporation

Dissolution of corporation

64(1) The Court on an application by a corporation, a member of the corporation, or an administrator appointed under section 58 may by order provide for the winding up of the affairs of a corporation.

(2) By the same or subsequent order the Court may declare the corporation dissolved on a date specified in the order.

RSA 1980 cC-22 s55

Liability of Corporation

Liability of corporation

65 The corporation is not liable in relation to a unit and the share in the common property assigned to the unit for any rate, charge or tax levied by the Crown, a local authority as defined in the *Municipal Government Act* or any other authority that has the power to assess and levy rates, charges or taxes on land or in respect of the ownership of land.

RSA 1980 cC-22 s59;1994 cM-26.1 s642(10); 1996 c12 s49

Application to Court

Petition to Court

66(1) Repealed 2009 c53 s40.

(2) On an application to the Court under this Act, notice shall be served on the persons the Court directs.

(3) Notwithstanding subsection (2), the Court may dispense with notice.

(4) The Court may direct the trial of an issue and may give any directions as to all matters, including filing of pleadings, that appear necessary and proper for the final hearing of the application.

RSA 2000 cC-22 s66;2009 c53 s40

Court ordered remedy

67(1) In this section,

(a) "improper conduct" means

(i) non-compliance with this Act, the regulations or the bylaws by a developer, a corporation, an employee of a corporation, a member of a board or an owner,

(ii) the conduct of the business affairs of a corporation in a manner that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of an interested party,

(iii) the exercise of the powers of the board in a manner that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of an interested party,

(iii.1) the conduct of an owner that is oppressive or unfairly prejudicial to the corporation, a member of the board or another owner,

(iv) the conduct of the business affairs of a developer in a manner that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of an interested party or a purchaser or a prospective purchaser of a unit, or

(v) the exercise of the powers of the board by a developer in a manner that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of an interested party or a purchaser or a prospective purchaser of a unit;

(b) "interested party" means an owner, a corporation, a member of the board, a registered mortgagee or any other person who has a registered interest in a unit.

(2) Where on an application by an interested party the Court is satisfied that improper conduct has taken place, the Court may do one or more of the following:

(a) direct that an investigator be appointed to review the improper conduct and report to the Court;

(b) direct that the person carrying on the improper conduct cease carrying on the improper conduct;

(c) give directions as to how matters are to be carried out so that the improper conduct will not reoccur or continue;

(d) if the applicant suffered loss due to the improper conduct, award compensation to the applicant in respect of that loss;

(e) award costs;

(f) give any other directions or make any other order that the Court considers appropriate in the circumstances.

(3) The Court may grant interim relief under subsection (2) pending the final determination of the matter by the Court.

(4) Where an action brought against a member of the board for damages caused by an act or omission of the member acting on behalf of a corporation does not result in a judgment against the member, the Court may award costs on a solicitor-and-client basis in favour of the member.

RSA 2000 cC-22 s67;2009 c53 s40;
2014 c10 s45;2024 c20 s1(30)

Variation of order

68 The Court may from time to time vary any order made by it under this Act.

RSA 1980 cC-22 s61

Condominium Dispute Resolution Tribunal

Definitions

68.1 For the purposes of sections 68.2 to 68.9,

(a) "application" means an application filed under section 68.4;

(b) "dispute" means a dispute respecting any matter related to condominiums under this Act, the regulations or bylaws;

(c) "member" means a member of the Tribunal.

2024 c20 s1(31)

Establishment of Tribunal

68.2(1) The Condominium Dispute Resolution Tribunal is established consisting of a chair and other members appointed by the Minister in accordance with the regulations.

(2) A member, including the chair of the Tribunal, must be appointed for a prescribed term.

(3) The members, including the chair of the Tribunal, shall be paid remuneration and expenses as prescribed by the regulations.

2024 c20 s1(31)

Jurisdiction of Tribunal

68.3(1) The Tribunal shall hear and resolve disputes under this Act and in accordance with the regulations.

(2) The Tribunal is not bound by the rules of evidence applicable in judicial proceedings.

2024 c20 s1(31)

Application to Tribunal

68.4(1) Any party to a dispute may file an application with the Tribunal in accordance with the regulations.

(2) No action in Court shall commence with respect to a dispute once a hearing before the Tribunal has concluded, and the proceedings of the Tribunal shall continue.

(3) If a party to a dispute commences an action in Court in respect of the dispute, no application can be filed with the Tribunal in respect of the same dispute, and the action in Court shall proceed.

2024 c20 s1(31)

Proceedings

68.5(1) The Tribunal shall conduct all proceedings and decide all applications

(a) in accordance with this Act,

(b) subject to any limitations and restrictions set out in the regulations, including

(i) alternative dispute resolution processes that the Tribunal may require the parties to a dispute to undertake,

(ii) the determination and treatment of related disputes, including multi-party applications for the same matter, and

(iii) the fees required to be paid to the Tribunal by the parties to a dispute in accordance with the regulations,

and

(c) in accordance with the rules of practice and procedure established under the regulations, including additional rules established by the chair of the Tribunal.

(1.1) The chair of the Tribunal must make the additional rules established under subsection (1)(c) publicly available.

(2) The Tribunal may publish the Tribunal's decisions and other documents of the Tribunal in accordance with the regulations.

2024 c20 s1(31);2026 c12 s2

Costs

68.51 The Tribunal may, in a decision, award costs to a party to the dispute to be payable by another party to the dispute, including costs incurred at any stage of the dispute resolution process.

2026 c12 s2

Binding nature of Tribunal's decision

68.6(1) A decision of the Tribunal is binding on the parties to the dispute.

(2) A decision of the Tribunal may be filed in the Court and, on being filed, is enforceable in the same manner as an order of the Court.

2024 c20 s1(31)

Judicial review

68.7(1) Subject to subsection (2), an application for judicial review of a decision of the Tribunal may be made in accordance with the regulations and the *Alberta Rules of Court*.

(2) An application for judicial review must be filed and served no later than 30 days after a party to a dispute receives the Tribunal's decision.

(3) An application for judicial review does not stay the Tribunal's decision with respect to a dispute unless the Court directs otherwise.

2024 c20 s1(31)

Appeal

68.8 Any party to a dispute may, no later than 30 days after receiving the Tribunal's decision, appeal to the Court in accordance with the regulations.

2024 c20 s1(31)

Fees payable by corporations

68.9 Corporations may be required to pay fees to support the operating costs of the Tribunal in accordance with the regulations.

2024 c20 s1(31)

Miscellaneous

Alternate dispute resolution

69(1) Subject to subsection (4), any dispute respecting any matter arising under this Act or in respect of the bylaws of a corporation may, with the agreement of the parties to the dispute,

(a) be dealt with by means of mediation, conciliation or similar techniques to encourage settlement of the dispute, or

(b) be arbitrated under the *Arbitration Act*.

(2) Nothing in subsection (1) shall be construed so as to prohibit a dispute from being arbitrated subsequent to an unsuccessful attempt to deal with the dispute by means of mediation, conciliation or a similar technique.

(3) If, under subsection (1),

(a) a mediation, conciliation or similar technique or arbitration is in progress, or

(b) the parties to a dispute resolve the dispute by mediation, conciliation or similar techniques or arbitration,

no application shall be filed with the Tribunal with respect to the same dispute.

(4) No mediation, conciliation or similar techniques or arbitration shall be undertaken under subsection (1) with respect to the same dispute if an application is filed with the Tribunal under section 68.4.

(5) Nothing in this section shall be construed so as to prohibit a party to the dispute from filing an application with the Tribunal under section 68.4 subsequent to an unsuccessful attempt to deal with the dispute by means of mediation, conciliation or a similar technique.

RSA 2000 cC-22 s69;2024 c20 s1(33)

Collection of information

69.1(1) The Minister may collect, and require the disclosure of, any information relating to a board, corporation, condominium plan and the owners in accordance with the regulations.

(2) A corporation must disclose information required under subsection (1) in accordance with the regulations.

(3) Repealed 2026 c12 s2.

2024 c20 s1(34);2026 c12 s2

Right of entry

70 When a municipal authority, public authority or person authorized by either of them has a statutory right to enter on any part of a parcel, the authority or person is entitled to enter on any other part of the parcel to the extent necessary or expedient to enable the authority or person to exercise the authority's or person's statutory powers.

RSA 1980 cC-22 s62;1996 c12 s60

Service

71(1) A document including any written notice or request may be served on a corporation

(a) by leaving it at or by sending it by recorded mail

(i) if a change of address for service has not been filed under section 73, to the address shown on the condominium plan, or

(ii) if a change of address for service has been filed under section 73, to the address for service shown on the latest notice filed,

or

(b) by personal service on a member of the board.

(2) For the purposes of this section, "document" includes summons, notice, tax notice, order and other legal process.

RSA 2000 cC-22 s71; 2014 c10 s48

Service on owner

71.1(1) A document, including any written notice or request, may be served by a corporation on an owner

(a) by personal service on the owner,

(b) by ordinary mail or recorded mail addressed to

(i) the owner's address as registered at a land titles office, or

(ii) an alternative address for service provided by the owner to the corporation,

or

(c) by electronic means to an electronic address that the owner has specifically provided as an address to which information may be provided by those electronic means.

(2) Service is deemed to have been effected

(a) on the date on which acknowledgment of receipt of recorded mail is signed,

(b) 7 days after the date on which the document is sent by ordinary mail, or

(c) 24 hours after the document is sent by electronic means.

2014 c10 s49

Service of notices

72(1) A corporation may serve on a landlord a notice given under section 54 or an application or order referred to in section 55 or 56

(a) by personal service, or

(b) by recorded mail sent to the address given to the corporation under section 53.

(2) A corporation may serve on a tenant a notice given under section 54 or an originating notice or order referred to in section 55 or 56

(a) by personal service, or

(b) if the tenant cannot be served personally by reason of the tenant's absence from the premises or by reason of the tenant evading service,

(i) by giving it to an adult person who apparently resides with the tenant,

(ii) by posting it in a conspicuous place on some part of the premises, or

(iii) by sending it by recorded mail to the tenant at the address where the tenant resides.

RSA 2000 cC-22 s72;2009 c53 s40; 2014 c10 s50

Change of address for service

73(1) A corporation may by resolution of the board change its address for service.

(1.1) A corporation shall promptly file a change of address for service made under subsection (1) at a land titles office.

(2) A change in the address for service under subsection (1) does not take effect until a notice of that change of address is filed in the prescribed form at the land titles office.

RSA 2000 cC-22 s73;2014 c10 s51

74 Repealed 2014 c10 s52.

Dower Act

75 For the purposes of the *Dower Act*, one unit, together with the owner's share in the common property, constitutes a homestead.

RSA 1980 cC-22 s67

Civil Enforcement Act

76 For the purposes of Part 10 of the *Civil Enforcement Act*, a unit together with the owner's share in the common property is deemed to be a house and lot.

RSA 1980 cC-22 s68;1994 cC-10.5 s118

Writ of enforcement

77 If a judgment is obtained against a corporation, a writ of enforcement in respect of it may be registered against the condominium plan.

RSA 1980 cC-22 s69;1994 cC-10.5 s118

Prompt Payment and Construction Lien Act

78(1) For the purposes of the *Prompt Payment and Construction Lien Act*,

(a) if on the request of the owner of a unit

(i) work is done in or on or in respect of that unit, or

(ii) material is furnished to be used in or on that unit,

any lien that arises under that Act in consequence of it is on the estate of the owner in that unit and the owner's share in the common property;

(b) if on the request of a corporation

(i) work is done in or on or in respect of the common property or a unit, or both, or

(ii) material is furnished to be used in or on the common property or a unit, or both,

intended for the benefit of the common property generally, any lien that arises under that Act in consequence of it is on the estates of all the owners in all the units and the common property;

(c) if on the request of a corporation

(i) work is done in or on or in respect of any unit, or

(ii) material is furnished to be used in or on any unit,

intended for the benefit of that unit, any lien that arises under that Act in consequence of it is on the estate of the owner in that unit and the owner's share in the common property.

(2) Where

(a) a lien referred to in subsection (1)(b) arises, and

(b) a statement of lien is registered against the condominium plan,

that statement of lien, on being registered against the condominium plan,

(c) is deemed to be also registered against the certificate of title for each unit, and

(d) may be enforced against the common property and each unit in the same manner as if the statement of lien were specifically registered against the estate of each owner and that owner's share in the common property.

(3) Where

(a) a lien referred to in subsection (1)(b) is registered with the Registrar, and

(b) payment is made to the holder of the lien in an amount that is sufficient to discharge the proportion of the liability that relates to the owner's unit and the owner's share in the common property,

the holder of the lien shall, on the demand of the owner, provide to the owner a discharge of the lien as it pertains to the owner's unit and the owner's share in the common property.

(4) A discharge of a lien that is provided under subsection (3) may be entered on the condominium plan.

RSA 2000 cC-22 s78;2020 c30 s28

Appointment of Director

78.001(1) The Minister may appoint an individual as Director for the purposes of this Act and the regulations.

(2) A Director appointed under subsection (1) may delegate any of the Director's powers, duties or functions under this Act.

2024 c20 s1(36)

Inspections and Investigations

Appointment and identification of inspector

78.01(1) The Director may appoint individuals as inspectors.

(2) An inspector who enters any place under the authority of this Act must, on request,

(a) produce a document that identifies the person as an inspector under this Act, and

(b) explain the purpose for which the inspector is entering the place.

2014 c10 s53;2024 c20 s1(37)

Inspection and investigation

78.02(1) Any record or document required to be created or maintained under this Act or the regulations must be available for inspection by an inspector.

(2) An inspector may, at any reasonable time, enter the business premises of a developer and inspect the operation and records and documents of the developer for the purpose of determining whether this Act or the regulations are being complied with.

(3) Where an inspector has reasonable grounds to believe that a person has committed an offence under this Act or the regulations, the inspector may, at any reasonable time, enter any premises, other than a private dwelling place, to conduct an investigation.

(4) In carrying out an inspection or investigation an inspector may, at any reasonable time,

(a) require any person to answer any relevant question and direct the person to answer the question under oath,

(b) demand the production for examination of any records or documents that are relevant to the inspection or investigation,

(c) on giving a receipt for them, remove records and documents that are relevant to the inspection or investigation for the purpose of examining them and making copies of them, and

(d) make copies or take photographs of any record or document removed under clause (c).

(5) If an inspector removes any records or documents during an inspection or investigation, the inspector

(a) shall give a receipt for the records or documents to the person from whom they were taken, and

(b) shall return any records or documents within a reasonable time after they have served the purposes for which they were taken.

(6) On request, an inspector shall provide a copy of any records or documents removed during an inspection or investigation to the person from whom they were taken.

(7) A developer and any person working in the business premises of a developer or in premises referred to in subsection (3) shall co-operate with an inspector acting under the authority of this section.

(8) A developer shall, at a location within Alberta, produce any books, records, documents or other things requested by an inspector that are relevant to determine if there is compliance with the developer's duties under this Act and the regulations.

(9) The Director may apply to the Court for

(a) an order directing any person

(i) to produce to an inspector any records or documents relevant to the inspection or investigation in the person's possession or under the person's control, and

(ii) to give up possession of any record or document described in subclause (i) to allow the inspector to take it away to examine and copy it and to return it within a reasonable time,

and

(b) an order directing any person to attend before the inspector to answer any relevant inquiries the inspector may have relating to the inspection or investigation.

(10) An application for an order under subsection (9) may be made without notice if the Court is satisfied that it is proper to make the order in the circumstances.

2014 c10 s53

Undertakings

Developer's undertakings

78.1(1) When

(a) the Director is of the opinion that a developer or the interim board has contravened this Act or the regulations, and

(b) the Director is satisfied that the developer has ceased the contravention,

the developer may enter into an undertaking with the Director in the form and containing the provisions that the Director, on negotiation with the developer, considers proper.

(2) Without limiting subsection (1), an undertaking may include any of the following specific undertakings:

(a) to stop engaging in a practice or to change a practice described in the undertaking;

(b) to provide compensation to anyone who has suffered a loss;

(c) to publicize the undertaking or the action being taken;

(d) to pay the costs of investigating the developer's activities and any costs associated with the undertaking.

(3) The Director must maintain a public record of all undertakings entered into under this section.

2014 c10 s53;2024 c20 s1(38)

Change in undertaking by Director

78.11(1) A developer who enters into an undertaking may apply to the Director to vary or cancel that undertaking.

(2) On considering the application, the Director may

(a) refuse the application, or

(b) vary or cancel the undertaking.

2014 c10 s53

Change in undertaking by Court

78.12(1) Despite section 78.11, a developer who enters into an undertaking may apply to the Court for an order to vary or cancel the undertaking.

(2) On considering an application, the Court may

(a) refuse the application, or

(b) vary or cancel the undertaking and impose whatever terms or conditions the Court considers proper.

2014 c10 s53

Effect of varying or cancelling an undertaking

78.13 When an undertaking is varied or cancelled, that variance or cancellation does not invalidate anything done under that undertaking prior to the variance or cancellation.

2014 c10 s53

Director's Orders

Director's orders

78.2(1) If, in the opinion of the Director,

(a) a developer or the interim board is contravening or has contravened this Act or the regulations, or

(b) a developer is using any form, agreement, letter or other document that is misleading or contains a term that misrepresents a provision of this Act or the regulations,

the Director may issue an order directed to the developer.

(2) An order under subsection (1) may direct the developer

(a) to stop engaging in anything that is described in the order, subject to any terms or conditions set out in the order, and

(b) to take any measures specified in the order, within the time specified in the order, to ensure that this Act and the regulations are complied with.

(3) A developer who is subject to an order under this section may appeal the order under section 78.5.

(4) The Director may reconsider or vary an order issued under subsection (1).

2014 c10 s53;2024 c20 s1(38)

Enforcement of Director's orders

78.21(1) If the Director is of the opinion that a person is not complying or has not complied with an order of the Director under section 78.2, the Director may apply to the Court for an order directing that person to comply with the order.

(2) The Director may not bring an application under this section

(a) until the time for appealing the Director's order has passed without an appeal having been made, or

(b) if an appeal has been made, until the appeal has been resolved and the Director's order either stands or has been confirmed by the appeal board.

(3) After receiving an application under subsection (1), the Court may, if it considers it necessary in the circumstances, make an interim order granting the relief that the Court considers appropriate pending the determination of the application.

(4) An interim order under subsection (3) may be made ex parte if the Court considers it appropriate in the circumstances.

(5) On hearing an application, the Court may,

(a) if it is of the opinion that there were insufficient grounds for the Director to have issued an order under section 78.2, quash the order;

(b) if it is of the opinion that the Director had sufficient grounds for issuing the order and that the person is not complying or has not complied with the Director's order, grant an order, subject to any terms and conditions the Court considers appropriate in the circumstances, doing one or more of the following:

(i) directing the person to comply with the order of the Director;

(ii) giving directions that the Court considers necessary in order to ensure that the order of the Director will be complied with;

(iii) awarding costs in respect of the matter.

2014 c10 s53

Administrative Penalties

Notice of administrative penalty

78.3(1) If the Director is of the opinion that a developer or the interim board has contravened this Act or the regulations, the Director may, by notice in writing served on the developer, require the developer to pay to the Crown an administrative penalty in the amount set out in the notice.

(2) Where a contravention or a failure to comply continues for more than one day, the amount set out in the notice of administrative penalty under subsection (1) may include a daily amount for each day or part of a day on which the contravention or non-compliance occurs or continues.

(3) The amount of an administrative penalty, including any daily amounts referred to in subsection (2), must not exceed $100 000.

(4) A notice of administrative penalty shall not be served more than 4 years after the day on which the contravention or non-compliance occurred.

(5) A developer who is the subject of an administrative penalty under this section may appeal under section 78.5.

2014 c10 s53;2024 c20 s1(38)

Right to make representations

78.31 Before imposing an administrative penalty in an amount of $500 or more, the Director shall

(a) advise the developer, in writing, of the Director's intent to impose the administrative penalty and the reasons for it, and

(b) provide the developer with an opportunity to make written representations to the Director.

2014 c10 s53

No offence where administrative penalty paid

78.32 A developer who pays an administrative penalty in respect of a contravention or a failure to comply shall not be charged under this Act with an offence in respect of the same contravention or failure to comply that is described in the notice of administrative penalty.

2014 c10 s53

Enforceability of notice of administrative penalty

78.33(1) Subject to subsection (2), where a developer fails to pay an administrative penalty in accordance with the notice of administrative penalty and the regulations, the Minister may file a copy of the notice of administrative penalty with the clerk of the Court, and on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

(2) Subsection (1) does not apply where an administrative penalty has been stayed under section 78.51(4).

2014 c10 s53

Court Actions by the Director

Court actions by the Director

78.4(1) In addition to any other remedy under this Act, the Director may bring and maintain an action in the Court against a developer if the Director is of the opinion that the developer

(a) has contravened this Act or the regulations under this Act, or

(b) has not complied with the terms of an undertaking that the developer has entered into.

(2) In an action brought under subsection (1), the Court may

(a) declare that this Act or the regulations under this Act have been contravened;

(b) grant an order requiring the developer to provide any redress the Court considers proper to those persons who suffered damage or loss arising from the contravention of this Act or the regulations;

(c) grant an order in the nature of an injunction restraining the developer from engaging in the practice that gave rise to the contravention of this Act or the regulations;

(d) if the subject of the order is an agreement, grant an order for specific performance of the agreement or grant an order for rescission of the agreement;

(e) grant an order for the restitution of property or money;

(f) award punitive or exemplary damages;

(g) grant any other relief the Court considers proper.

(3) Damages awarded under this section are a debt owing to the Crown in right of Alberta.

2014 c10 s53

Director's claim for restitution

78.41 If the Court has granted an order under section 78.4 that provides for restitution of property or money to a person who has suffered loss arising from a contravention of this Act or the regulations, the Director may, on behalf of the person or persons, do anything necessary to enforce the order against the personal or real property of the developer who is liable to pay the restitution.

2014 c10 s53

Advertisement of judicial decision

78.42(1) When the Court grants relief under section 78.4, the Court may make a further order requiring the developer to advertise to the public particulars of any order, judgment or other relief granted by the Court.

(2) In making an order under subsection (1), the Court may specify

(a) the methods of making the advertisement so that it will ensure prompt and reasonable communication to consumers;

(b) the contents or form, or both, of the advertisement;

(c) the number of times the advertisement is to be made;

(d) any other conditions the Court considers proper.

2014 c10 s53

Public record

78.43(1) The Director shall maintain a public record of undertakings, Director's orders, Court orders under section 78.21 or 78.4, administrative penalties and any other prescribed information or documents.

(2) The Director may specify the form of the public record referred to in subsection (1) and which documents must or may be included.

2014 c10 s53

Appeals

Appeal

78.5(1) A developer

(a) to whom an order under section 78.2 is directed, or

(b) on whom a notice of administrative penalty is served under section 78.3

may appeal the order or administrative penalty by serving the Minister with a notice of appeal within 30 days after being notified in writing of the order or being served with the notice of administrative penalty.

(2) A notice of appeal must contain the information and be made in the manner provided for in the *Consumer Protection Act* and the regulations under that Act, with any necessary modifications.

(3) The Minister must, within 30 days after being served with a notice of appeal under subsection (1) and payment of the fee for the appeal as established by the regulations under this Act or the *Consumer Protection Act*, refer the appeal to an appeal board appointed or designated in accordance with the *Consumer Protection Act* and the regulations under that Act, with any necessary modifications.

(4) The Minister may set the time within which an appeal board is to hear an appeal and render a decision and may extend that time.

(5) An appeal board that hears an appeal pursuant to this section may confirm, vary or quash the order or administrative penalty that is being appealed.

(6) An appeal under this section is a new trial of the issues that resulted in the order or administrative penalty being appealed.

(7) An appeal under this section is to be conducted in accordance with the *Consumer Protection Act* and the regulations under that Act, with any necessary modifications.

2014 c10 s53;2017 c18 s1(23)

Effect of appeal

78.51(1) Subject to this section, an appeal under section 78.5(1)(a) does not affect the status or enforceability of the order being appealed.

(2) A developer who is appealing an order under section 78.5(1)(a) may apply to the chair of the appeal board to stay the order being appealed.

(3) On application under subsection (2) and after allowing the Director to make representations, the chair may, if the chair considers it appropriate, order a stay of the order being appealed until the appeal board renders its decision on the appeal or the appeal is withdrawn.

(4) If an appeal is commenced regarding an administrative penalty, the administrative penalty is stayed by the deposition by the developer of an irrevocable letter of credit in the amount of the administrative penalty with the President of Treasury Board and Minister of Finance within 30 days after the date on which the notice of administrative penalty referred to in section 78.3 is served on the person.

2014 c10 s53

Appeal to Court

78.52 The Director or a developer whose appeal is heard by an appeal board may appeal the decision of the appeal board by filing an application with the Court within 30 days after being notified in writing of the decision, and the Court may make any order that an appeal board may make under section 78.5(5).

2014 c10 s53

Offences and Penalties

Offences and penalties

79(1) A person who

(a) fails to comply with section 10.1(1), 12(1), 12.2, 13(2), 14(3), (4), (5), (6), (7) or (7.1), 16(2) or 21,

(b) fails to comply with an order of the Director under section 78.2 that has not been stayed,

(c) furnishes false information or misrepresents any fact or circumstance to an inspector or to the Director, or

(d) fails to comply with an undertaking under this Act

is guilty of an offence.

(2) Where a body corporate is convicted of an offence, the body corporate is liable to a fine of not more than the greater of

(a) $100 000, and

(b) 3 times the amount obtained by the body corporate as a result of the offence.

(3) Where an individual is convicted of an offence, the individual is liable to a fine of not more than the greater of

(a) $25 000, and

(b) 3 times the amount obtained by the individual as a result of the offence.

(4) Where a person is convicted of an offence in respect of section 13(2) or 14(3), (4), (5), (6) or (7), the fine provided for the offence may be imposed for each day or part of a day on which the offence occurred or continued.

(5) The total amount of a fine imposed on a person in respect of a continuing offence referred to in subsection (4) may not exceed the amount set out

(a) in subsection (2) for a body corporate, or

(b) in subsection (3) for an individual.

RSA 2000 cC-22 s79;2014 c10 s54

Liability of directors and officers

79.1(1) When a developer that is a body corporate commits an offence under this Act or the regulations, every principal, director, officer, manager, employee or agent of the developer who authorized the act or omission that constitutes the offence or who assented to, acquiesced in or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the developer has been prosecuted for the offence.

(2) When a developer that is a partnership or an owner of a sole proprietorship commits an offence under this Act or the regulations, each partner in the partnership and each manager, employee or agent of the partner or owner who authorized the act

or omission that constitutes the offence or who assented to, acquiesced in or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the partner or owner has been prosecuted for the offence.

2014 c10 s54

Vicarious liability

79.2 For the purposes of this Act, an act or omission by an employee or agent of a developer is deemed also to be an act or omission of the developer if the act or omission occurred

(a) in the course of the employee's employment with the developer, or

(b) in the course of the agent's exercising powers or performing duties on behalf of the developer under their agency relationship.

2014 c10 s54

Time limit for prosecution

79.3 A prosecution of an offence under this Act or the regulations shall not be commenced more than 4 years after the day on which the offence was alleged to have been committed.

2014 c10 s54

Government's costs

79.4(1) The Director may require a person who is investigated under this Act and who

(a) is the subject of an order of the Director under section 78.2, or

(b) has entered into an undertaking

to pay the costs that the Government incurs in the investigation or that arose in the process leading up to the issuance of the order of the Director or the entering into of the undertaking.

(2) The Director must notify a person referred to in subsection (1) of the amount of the costs, and the person has 30 days from receiving the notice to file an objection with the Director respecting the amount of the costs.

(3) On receiving an objection within the 30-day time period specified in subsection (2), the Director must submit the matter to an arbitration process approved by the Minister.

(4) A person who is required to pay costs under subsection (1) is liable to pay

(a) the amount specified in the Director's notice, if no objection is filed within the 30-day time period specified in subsection (2), or

(b) the amount specified in the decision of the arbitrator,

and the Director may collect the amount by civil action for debt.

2014 c10 s54

Publication of prosecution information

79.5 Subject to the regulations, the Director may publish particulars of a prosecution of an offence under this Act or the regulations.

2014 c10 s54

Evidence

79.6(1) The Director may administer oaths for the purposes of this Act.

(2) The Director may, by order, summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath and to produce the documents and things the Director considers requisite to the full investigation and consideration of matters within the Director's jurisdiction in the same manner as a court of record may in civil cases.

(3) The Director

(a) may accept any oral or written evidence that the Director considers proper, whether or not it would be admissible in a court of law, and

(b) is not bound by the law of evidence applicable to judicial proceedings.

2014 c10 s54

Copies

79.7 A copy of a document made during an inspection or investigation under this Act and certified to be a true copy by the person who conducted the inspection or investigation is admissible in evidence without proof of the signature or appointment of the person who signed the certificate and, in the absence of evidence to the contrary, the copy has the same probative force as the original.

2014 c10 s54

Protection from liability

79.8 No action lies against the Crown or its employees, officers, agents or delegates or a member of an appeal board under the *Consumer Protection Act* hearing an appeal under this Act for anything done or omitted to be done by any of them in good faith

while exercising their powers and performing their duties under this Act or the regulations.

2014 c10 s54;2017 c18 s1(23)

Application of Act

80(1) This Act applies notwithstanding any agreement to the contrary and any waiver or release given of the rights, benefits or protections provided by or under sections 12 to 17 is void.

(2) A remedy that a purchaser of a unit has under this Act is in addition to any other rights or remedies that the purchaser has.

(3) A purchase agreement may be enforced by a purchaser notwithstanding that the developer failed to comply with this Act.

RSA 1980 cC-22 s72;1996 c12 s58

Regulations

81 The Lieutenant Governor in Council may make regulations

(a) in respect of forms to be used for the purposes of this Act, including the form of certificates of title to units;

(b) respecting the manner of registering a condominium plan;

(c) with respect to anything that must be contained in or on, attached to or endorsed on a condominium plan or a plan presented for registration as a condominium plan,

(i) for the purposes of section 8, prescribing any other information or feature that must be contained in a condominium plan;

(ii) providing that additional pages or material attached or otherwise annexed to the condominium plan form part of the condominium plan;

(iii) providing for alternate methods or an alternate manner by which a condominium plan may contain information or material or be endorsed;

(iv) respecting information or any other material to be included in a condominium plan with respect to the amendment of a condominium plan, the development in phases of units and common property or the modification of a condominium plan;

(c.1) providing for the appointment of an interim board of directors under section 10.1;

(c.2) respecting the form and the manner of delivering the information and documents described in section 12;

(c.21) respecting a reserve fund report under this Act;

(c.3) respecting the preparation of a statement referred to in section 12(1)(k);

(c.4) respecting the preparation of a budget or proposed budget referred to in section 12(l)(l);

(c.5) respecting the consequences of a developer delivering to a purchaser a budget or proposed budget referred to in section 12(1)(l) that contains one or more misrepresentations;

(c.6) respecting occupancy of a unit, including, without limitation, the remedies available to a purchaser if there is a delay in occupancy of the unit;

(c.7) respecting material changes in the information and documents provided by a developer to a purchaser under section 12, including, without limitation, the remedies available to a purchaser under section 13.1(4);

(c.8) respecting the manner of delivering written notice under section 13.1(3);

(c.9) prescribing documents, records and other property that is the property of the corporation;

(c.91) respecting the preparation of a converted property study required by section 21.1, including but not limited to

(i) any assessments or inspections that must be completed for inclusion in the converted property study,

(ii) any information that must be included in the converted property study,

(iii) the form of the converted property study,

(iv) the qualifications of the person preparing the converted property study,

(iv.1) the persons who must not enter a contract for or prepare a converted property study, and

(v) persons to whom the converted property study must be submitted;

(c.92) respecting the preparation of a technical analysis required by section 21.2, including but not limited to

(i) any information that must be included in the technical analysis,

(ii) when the technical analysis must be prepared,

(iii) the form and contents of the technical analysis,

(iv) the qualifications of persons who must conduct the technical analysis, and

(v) the persons

(A) who must arrange for the preparation of the technical analysis,

(B) who are liable to pay for the technical analysis, and

(C) who are prohibited from conducting a technical analysis;

(d) for the purposes of section 14,

(i) providing for and governing the requirements for and the designation of persons as cost consultants;

(ii) respecting the determination as to what common property constitutes related common property;

(iii) respecting the determination as to when a unit or related common property is substantially completed;

(iv) designating improvements or areas as related common property;

(v) respecting when a unit or related common property is substantially completed;

(v.1) respecting trust accounts, including, without limitation, regulations respecting

(A) the administration of trust accounts,

(B) the records to be kept respecting trust accounts and the period of time that those records are to be maintained, and

(C) the audit of trust accounts;

(v.2) prescribing trustees and their duties in respect of trust accounts;

(vi) governing the reduction pursuant to section 14(12) of the amount of money to be held in trust;

(vii) governing the criteria to be met in order for a plan, agreement, scheme or arrangement to be approved under section 14(10);

(viii) governing when a plan, agreement, scheme or arrangement or coverage under a plan, agreement, scheme or arrangement commences to apply in respect of a unit;

(d.1) respecting the termination of agreements;

(e) governing amendments to condominium plans;

(f) governing the modification of a condominium plan under section 20(2);

(f.1) respecting the application of sections 10.1 to 16.1 to the purchase and sale of conversion units;

(f.2) respecting proxies;

(f.3) respecting the notice requirements for general meetings;

(f.4) respecting other notices required to be given with respect to a general meeting;

(f.5) respecting the convening of a special general meeting;

(f.6) - (f.63) repealed 2013 cS-19.3 s3;

(f.7) respecting rules that may be made under section 32.1, including prohibiting rules or types of rules that may be made;

(f.71) respecting the method of informing owners and tenants for the purpose of section 32.1(4);

(f.8) respecting the bylaws of the corporation to be in force for the purpose of section 33;

(f.81) respecting sanctions imposed under bylaws made under section 35;

(f.82) authorizing monetary sanctions;

(f.83) regulating the charging of fees by a corporation;

(f.84) providing for the forum for the enforcement of sanctions under section 36(1)(a);

(f.9) respecting other costs that may be paid from the reserve fund;

(f.91) respecting other replacements for the purposes of section 38(4)(b);

(f.92) respecting the borrowing of money by a corporation;

(f.93) respecting other bases for levying contributions for the purpose of section 39(1)(a)(ii);

(f.931) respecting the procedures for

(i) levying contributions under section 39(1)(a)(ii) and (2),

(ii) levying chargebacks under section 39.01(1), and

(iii) disputing chargebacks under section 39.01(4);

(f.932) respecting reasonable and relevant administrative costs and legal fees under section 39(2);

(f.933) prescribing amounts for the purpose of section 39(3)(b);

(f.94) respecting persons for whom the owner or occupant is responsible for the purpose of section 39.01(1);

(f.95) respecting other purposes for which a special levy may be levied;

(f.96) respecting other bases for determining each unit share for the purpose of section 39.1(1)(c)(ii);

(g) for the purposes of section 40, providing for the maximum rate of interest to be charged;

(g.1) prescribing reasonable expenses for the purpose of section 42(b);

(g.11) respecting other information required to be provided under section 43.2(1)(e);

(g.2) prescribing the information and documents to be provided under section 44, including, without limitation, regulations

respecting the time, form and manner of providing the information and documents;

(g.3) respecting the fees a corporation may charge for producing and providing any information or documents referred to in section 44.1;

(h) for the purposes of section 47, generally respecting the insurance obligations of a corporation and an owner, including, without limitation, regulations

(i) prescribing the perils that must be insured against,

(ii) respecting the responsibility for payment of deductibles under a policy of insurance placed by the corporation, and

(iii) respecting the responsibility of the corporation or an owner, or both, to make repairs or to replace property arising from damage to a unit or the common property;

(h.1) respecting the transfer or lease of the real property of the corporation or the common property under section 49, the grant of an easement or restrictive covenant burdening a parcel under section 52 or the transfer of a building or parcel under section 62 following the termination of the condominium status of the building or parcel;

(h.2) for the purpose of section 53(4), respecting a deposit a corporation may require, including the manner in which

(i) the deposit is held, and

(ii) the deposit, including any interest earned, is repaid;

(i) subject to sections 60 to 63, governing the termination of condominium status of real property;

(j) subject to section 64, governing the dissolution and winding-up of a corporation;

(k) providing for and governing the amalgamation of adjacent parcels;

(l) governing the development of units and common property in phases under a condominium plan, including, in respect of a development in phases, the creation of additional units and common property;

(m) governing the cancellation or the non-completion of a development of units and common property in phases under a condominium plan;

(n) in the case of the amalgamation of adjacent parcels, the development of units and common property in phases or the cancellation or non-completion of a development of units and common property in phases, providing for and governing

(i) the assignment of or the re-apportionment of unit factors to or among the units;

(ii) the amalgamation of corporations arising out of the amalgamation of adjacent parcels;

(iii) any other matter not referred to in subclauses (i) and (ii) that is necessary or expedient so that the parcels, corporations, units and common property or any one or more of them are able to function and to be administered under this Act;

(o) governing the requirements to be met by developers;

(p) governing reserve funds maintained by corporations;

(q) governing the preparation and distribution of financial statements and annual budgets under section 30(4);

(r) prescribing the fees to be paid for any procedure or function required or permitted to be done under this Act;

(s) respecting the practice and procedure governing application to the Court under this Act;

(s.1) for the purposes of sections 68.2 to 68.9,

(i) respecting the establishment of the Tribunal and the appointment of a chair and other members of the Tribunal;

(ii) prescribing terms of office for the chair and other members of the Tribunal;

(iii) prescribing the payment of remuneration and expenses to the chair and other members of the Tribunal;

(iv) specifying the matters in respect of which the Tribunal may hear a dispute;

(v) respecting applications to the Tribunal, including the form and manner of applications;

(vi) respecting the rules of practice and procedure governing proceedings before the Tribunal, including any limitations and restrictions;

(vii) respecting a code of conduct applicable to Tribunal members;

(viii) respecting the powers, functions and duties of Tribunal members, including the chair of the Tribunal;

(ix) respecting

(A) fees required to be paid to the Tribunal by the parties to a dispute, including waiver of fees, and

(B) fees required to be paid by corporations to support the operating costs of the Tribunal;

(x) respecting the service of notices, documents and decisions made with respect to a dispute heard and decided by the Tribunal;

(xi) respecting the publication of decisions and other documents of the Tribunal;

(xii) respecting judicial review of the Tribunal's decisions;

(xiii) respecting appeals to the Court of the Tribunal's decisions;

(s.2) respecting the collection, disclosure and use of information under section 69.1;

(t) authorizing an association or organization that in the opinion of the Minister represents the interests of owners, corporations, developers, condominium managers and persons other than owners who have interests in units

(i) to establish and enforce standards of conduct for corporations, managers and developers with respect to matters that come under this Act;

(ii) to provide for mediation, conciliation, arbitration or similar techniques to encourage settlement of disputes arising in respect of units, common property, management of units, of common property or of

corporations, the sale or rental of units or any other matter coming under this Act;

(iii) to carry out functions or duties under this Act that are delegated to the association or organization by the Minister;

(u) authorizing the Minister to delegate to an association or organization referred to in clause (t) the carrying out of any function or duty under this Act;

(u.1) respecting the investment of money for the purpose of section 43;

(u.2) prescribing the form and contents of notices of administrative penalties and the manner in which the notices are required to be given;

(u.3) prescribing contraventions in respect of which an administrative penalty may be imposed and prescribing the amounts, or the manner of determining the amounts, of the administrative penalties that may be imposed under section 78.3;

(u.4) respecting any other matter necessary for the administration of the system of administrative penalties;

(u.5) respecting fees for filing appeals;

(u.6) respecting any matter necessary for the administration of appeals;

(u.7) providing with respect to any provision of the regulations that its contravention constitutes an offence;

(u.8) prescribing penalties in respect of offences created under clause (u.7);

(u.9) governing the publication of particulars of a prosecution for the purpose of section 79.5, including, without limitation, the information that may be published and the times at which and the manner in which it may be published;

(u.91) respecting non-residential units, including, without limitation, regulations modifying or exempting the application of provisions of this Act or the regulations to non-residential units;

(u.92) defining any word or expression that is used but not defined in this Act;

(v) concerning all matters that by this Act are required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

RSA 2000 cC-22 s81;2001 c28 s6;2013 cS-19.3 s3;2014 c10 s55;2024 c20 s1(39);2026 c12 s2

Appendices 1 and **2** Repealed 2014 c10 s56.





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