

<https://www.condolawalberta.ca>

*Please refer to the website for more detailed and additional Information*

## What is a Condominium?

Legally, a condominium refers to a type of property ownership. Condominium ownership is unique because it is shared property ownership. When you buy a condominium, you get:

- Full ownership of the [condominium unit](#) (also known as freehold interest)
- Shared ownership of the [common property](#) (also known as tenants in common co-ownership)

**Condominium units** come in all shapes and sizes. They can be apartment-style residences in high-rise buildings, townhouses, lofts, or even detached houses. [Condominium bylaws](#) may state who is responsible for maintaining, repairing, and renovating anything within the boundaries of a condominium unit.

**Common property** can include landscaping, elevators, swimming pools, fitness centres, lobbies, plumbing, wiring, sprinkler systems, and furnaces. Common property is anything not contained within the boundaries of a condominium unit. Everyone who owns a condominium unit also owns a share of the complex's common property and must pay condominium contributions (fees) to the [condominium corporation](#) to help maintain and repair the common property.

### A Condominium is Managed by the Owners

In Alberta, when a condominium development is registered with the government, it becomes a condominium corporation. The condominium corporation consists of everyone who owns a unit in the development. Owners then elect a [board of directors](#) to manage the condominium corporation. Anyone who owns a unit in the complex can run for a position on the board of directors. Board members are all volunteers. They are responsible for many things including preparing financial documents, enforcing bylaws, and maintaining common property.

Want to know more? [Visit condominium governance and operations.](#)

### Condominiums Come in Many Styles

Condominiums come in all shapes and styles from high-rise residential towers to converted loft warehouses to luxury detached housing developments. Read more about condominium styles: [Choosing a Condominium.](#)

### The Condominium Lifestyle

Many people like the high-amenity, low-maintenance lifestyle that comes with condominium living. Owners may have access to on-site amenities like fitness centres and swimming pools, and they don't have to worry about mowing the lawn or shoveling snow. However, the condominium lifestyle may not suit everyone's needs. Learn more about whether a condominium is the right option for you.

Further Resources: [A Guide to Commonly Used Condo Terms](#)

## Bylaws & Rules

Condominium [bylaws](#) govern how the [condominium corporation](#) is run. They often address matters such as the election and practices of the [board of directors](#), the collection of contributions, and how rules are passed. Rules often supplement the bylaws. The rules focus on the day-to-day concerns of condo living to help ensure it is a pleasant and attractive place to live or work.

Condominium bylaws also govern the condominium complex and every condominium is legally required to have a set of bylaws and to enforce them. Bylaws apply to all owners in a condominium, as well as anyone renting or visiting the condominium.

Bylaws can cover a wide variety of issues, including but not limited to:

- Pets: whether they're allowed, how many and types are allowed, whether board approval is required, etc.
- Age Restrictions: whether there is a minimum age to live in the building, whether children are allowed, etc.
- Aesthetic restrictions: colour of window coverings, whether planters are allowed on balconies, etc.
- Renovation guidelines: installation of hardwood flooring may require extra soundproofing, etc.
- Parking restrictions: types of vehicles that can be parked, visitor parking rules, etc.
- Use of amenities: hours of operation, maintenance standards, visitor policies, etc.
- Condo governance: electing board members, meeting schedule, voting procedures, bylaw amendments, etc.
- Bylaw enforcement: penalties for not following the condo bylaws.

### **Potential purchasers: Why it is important to review the bylaws before you buy**

You should carefully review the condo bylaws and rules to ensure they suit your lifestyle and needs. For example, if you want to get a pet in the future, you should check the bylaws to see what the condo corporation's policies are regarding pets. If you do not follow the condominium's bylaws, you can face a financial penalty and/or a potential lawsuit. There may also be supplementary rules that you have to follow – for example, rules that specify what type of pets are allowed and how big they can be.

### **How can bylaws be changed?**

It can be difficult to change the bylaws of a condominium, which is why it is so important to review the bylaws prior to purchasing a condominium. A bylaw can only be changed, withdrawn, or replaced by a special resolution, which requires approval of 75% of the people entitled to vote and 75% of the total unit factors.

### **What happens if an owner doesn't follow the bylaws?**

**The Condominium Property Act requires the condominium board to enforce the bylaws.** The board therefore has the authority to impose penalties on anyone who is not following the bylaws.

However, a penalty can only be imposed if the bylaw specifically states that a penalty can be imposed and indicates what the penalty is. If there is a financial penalty, the bylaw must state the amount of money or range of money that could be charged for failing to obey the bylaw.

To enforce a penalty, a condominium corporation can make an application in court to recover the unpaid financial penalty and/or for damages due to an owner, tenant, or visitor's failure to comply with the penalty imposed. However, a corporation can only take court action if the bylaw(s) in question were filed with the Land Titles Office.

If you are wondering whether a bylaw is legally enforceable, check the condominium additional plan sheet (CAD). Any additions or changes to the bylaws will be noted on the CAD if they were properly filed.

*The Condominium Property Amendment Act and its regulations will put greater restrictions on financial penalties. Updated information will be posted on this website once the legislation comes into force.*

## **Differences between rules and bylaws**

A condominium corporation may impose rules in addition to bylaws. Rules often supplement the bylaws. For example, the bylaws may state that unit owners require approval of the condominium board for their pets. Supplementary rules may outline what type of pets that are allowed, how big they can be, how many each owner can have, etc.

Condo rules are intended to allow condominium boards to quickly respond to the changing needs of the community. They are easier to create and change than condo bylaws so boards can develop rules when needed. Presently, rules are not addressed in the Condominium Property Act or its regulations, which means each board can decide how to create them and change them. However, this also means that condo rules are not enforceable in court.

*Rules will be explicitly addressed under the Condominium Property Amendment Act and its regulations.*

## **What is the board of directors?**

A board of directors (also known as the board) is a group of individuals that run a condominium corporation. Board members are usually elected each year by the unit owners. Anyone who owns a unit is generally eligible to run for a position on the board of directors. At least 2/3 of board members must be unit owners or mortgagees (mortgage lenders).

Always check your condo's registered bylaws as they can have different rules on board matters such as:

- Nominations
- Eligibility requirements for board members
- The number of members who must be owners
- Whether non-members can serve and if so, their eligibility
- Term of service
- Whether board members can serve consecutive terms
- Qualifications of board members
- Duties and responsibilities of board members
- Procedures for electing board members and appointing officers
- Procedures for removing board members
- Other criteria for choosing board members

## **Is a Condo Right for You?**

There are a number of factors to think about when deciding whether condominium ownership is the right for you. Condominium ownership is different from traditional home ownership because it involves shared ownership of common property. Shared ownership means there are more rules and restrictions in place for owners – which can be seen as a benefit or disadvantage depending on your lifestyle.

- Bylaws & Rules
- Parking
- Pets
- Repairs and Maintenance
- Condominium Contributions (Fees)
- Amenities
- Security
- Renting
- Further Resources