



## About Us

At Witten LLP, our Condominium Law practice group has provided legal expertise to condominium boards all across the province. We specialize in working closely with condominium boards and their managers to prepare tailored condominium bylaws to address the needs and concerns unique to each condominium.

# CONDOMINIUM LEGISLATION UPDATE

## THE UPDATED CONDOMINIUM REGULATIONS HAVE FINALLY ARRIVED!

On November 26, 2019, the Alberta Government released the newly-revised amendments to the Condominium Property Regulation, and proclaimed certain amendments to the Condominium Property Act, all of which came into force on January 1, 2020.

The updated regulations are substantially similar to those put forward by the previous government, with several important changes, including the following:

- Removing the requirement to provide 60 days preliminary notice of an annual general meeting (AGM) and accept owner submissions for the agenda. *Note that the statutory bylaws in Schedule 4 still contain these requirements, so any condominium governed by the statutory bylaws will have to provide the AGM preliminary notice and submission of agenda items.*
- Boards no longer have to provide copies of all board meetings in the AGM packages for owners.
- The deadline to circulate draft AGM minutes to owners has been increased from 30 days to 60 days after the AGM (see Regulation section 20.5(1)).
- The maximum fees condominiums can charge for providing documents have increased. The maximum fee for an estoppel certificate is \$200 (or \$300 if rushed), for a disclosure statement the fee is \$100 (or \$150 if rushed). They have also modified the fees for all other documents from a \$10 flat fee to \$0.25 per page, or \$10, whichever is more (see Regulation section 20.53).
- The borrowing provisions have been modified to allow condominiums to borrow up to 15% of their annual revenue as the default limit but also allow that limit to be changed through their bylaws (see Regulation section 31.7).
- The maximum amounts for monetary sanctions that can be imposed for a bylaw violation have been increased to \$500 for the first offence and \$1000 for the second and all subsequent offences (subject to any lower thresholds that may exist in your bylaws) (see Regulation section 73.8).
- The maximum deposit a board can collect from owners who rent out their unit is now \$1,000 or one month's rent, whichever is higher (see Regulation section 74.2).



## Contact Us

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- There are also modifications to the details required to be included in the Standard Insurable Unit descriptions (see Regulation section 61.1).

### WHAT ARE THE NEXT STEPS?

With the new legislation now in place, below are a few important next steps to consider.

#### 1. Update your Condominium Bylaws

Now is the time to update your condominium's bylaws to get in compliance with the revised legislation. There is a 1-year grace period until January 1, 2021 for condominiums to update their bylaws by an ordinary resolution (meaning 50% of all owners representing at least 50% of all unit factors vote in favour). Such grace period only applies to bylaw modifications necessary to ensure current bylaws are brought into compliance with the new legislation.

If your bylaws are out of date or are otherwise lacking, you may also consider replacing them with an updated set of bylaws or making changes above and beyond those needed to meet the legislative changes. There are numerous items not addressed in the legislative amendments that your condo may want to update including pets, smoking/cannabis, electrical vehicle charging, requiring owners obtain deductible insurance, just to name a few.

For any questions about updating your bylaws please contact our office and we will happily explain the process and provide a quote.

#### 2. Circulate current Rules to keep them effective

Previously adopted Rules cease to be effective unless notice of the Rules is provided to all owners and tenants by March 31, 2020 (see Regulation section 79.1(10) – (11)). Therefore, you should ensure any existing Rules are circulated to the owners and tenants prior to this deadline, or they will cease to be enforceable.

#### 3. Update Manager and Board Bonding and Insurance Policies

Ensure that the condominium's insurance and bonding policies meet the requirements of section 62.5 of the Regulations, in particular for covering fraudulent or dishonest acts by board members and managers.

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*The foregoing information provides an overview only and is for general guidance. It does not contain an exhaustive list of the amendments and you should consult the legislation for more details. It does not constitute legal advice and you should seek out specific legal advice as necessary.*