

The Condominium Property Regulations, 2001

being

[Chapter C-26.1 Reg 2](#) (effective June 25, 2001) as amended by Saskatchewan Regulations [54/2002](#), [64/2003](#), [128/2004](#), [98/2005](#), [115/2007](#) and [35/2010](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER C-26.1 REG 2
The Condominium Property Act, 1993

PART I
Title and Interpretation

Title

1 These regulations may be cited as *The Condominium Property Regulations, 2001*.

Interpretation

2(1) In these regulations:

- (a) **“Act”** means *The Condominium Property Act, 1993*;
 - (b) **“agricultural purposes”** includes the handling, storage, cleaning or drying of grain;
 - (b.1) **“bond”** means a bond that meets the requirements of section 16;
 - (c) **“form”** means a form set out in Part I of the Appendix;
 - (d) **“grain”** includes grain within the meaning of the *Canada Grain Act*;
 - (d.01) **“land titles registry”** means the land titles registry as defined in *The Land Titles Act, 2000*;
 - (d.1) **“letter of credit”** means a letter of credit that meets the requirements of section 16.1;
 - (e) **“phased development”** means a condominium developed in stages pursuant to section 16 to 20 of the Act;
 - (f) **“security”** means security delivered pursuant to section 5.2, 16 or 21 of the Act and includes a bond and a letter of credit.
- (2) For the purposes of clause 2(1)(g) of the Act, **‘improvements’** includes services units.
- (3) In the Act and these regulations, when the term **‘designate’** is used to refer to:
- (a) a parking unit, it means to electronically link a parking unit title to a unit used for residential purposes; and
 - (b) a parking space, it means to link a parking space to a unit used for residential purposes.

6 Jly 2001 c.C-26.1 Reg 2 s2, 18 Jly 2003 SR 64/
2003 s3; 16 Apr 2010 SR 35/2010 s3.

PART II
Condominium Plans

Plan to comply with Act

3(1) A plan submitted for approval as a condominium plan or a replacement plan must comply with the requirements of sections 9, 10 and 11 of the Act.

(1.1) For the purposes of clause 10(1)(b) of the Act, **“division”** includes the conversion of existing premises used for apartments, flats or tenements into units.

(2) Where subsection 11(2) of the Act applies, the developer shall include as part of the condominium plan a statement that subsection 11(2) of the Act applies.

(3) The statement in subsection (2) must accompany the plan by way of a separate sheet or endorsement attached to the plan.

6 Jly 2001 c.C-26.1 Reg 2 s3; 19 Oct 2007 SR
115/2007 s3.

Preparation of plan

4(1) A plan may be prepared and provided in a paper or electronic form as set out in *The Land Surveys Act, 2000*.

(2) A plan must consist of:

(a) a first sheet containing the particulars required by clauses 9(1)(a) and (b) of the Act; and

(b) further sheets containing:

(i) the particulars required by the following provisions of the Act:

(A) clauses 9(1)(c) and (d);

(B) subsection 9(2);

(C) subsection 9(3); and

(ii) a schedule that sets out, for each unit shown on the plan, whether the unit is:

(A) a bare land unit;

(B) a unit intended or used for agricultural purposes;

(C) a parking unit;

(D) a services unit; or

(E) a regular unit.

(2.1) For the purposes of subsection (2), a **'regular unit'** is any other unit appearing on the plan that is not a unit mentioned in paragraphs (2)(b)(ii)(A) to (D).

(3) In addition to the requirements of clause (2)(a), the first sheet of the plan must indicate clearly, in the plan heading, whether the type of development within the plan consists of one or more of the following:

(a) bare land units;

(b) units intended or used for agricultural purposes;

(c) one or more buildings;

(d) a phased development.

6 Jly 2001 c.C-26.1 Reg 2 s4; 16 Apr 2010 SR
35/2010 s4.

Attachment of documents

5 The following must accompany a plan:

- (a) any of the particulars required by the following provisions of the Act by way of a separate sheet or endorsement attached to the plan:
 - (i) clause 9(1)(e);
 - (ii) clause 9(1)(f);
 - (iii) clause 10(1)(a);
 - (iv) clause 10(1)(b);
 - (v) clause 10(1)(c);
- (b) for the purposes of section 11 of the Act:
 - (i) an endorsement that indicates that the developer has designated at least one parking unit for each unit;
 - (ii) a parking sheet that indicates that the developer has designated at least one parking space as an exclusive use area for each unit; or
 - (iii) an endorsement that indicates that pursuant to subsection 11(2) of the Act the developer does not have to designate parking for each unit.

16 Apr 2010 SR 35/2010 s5.

Encroachments

6 An encroachment agreement for the purposes of clause 10(1)(c) of the Act must be in Form A.

6 Jly 2001 c.C-26.1 Reg 2 s6.

Numbering of units

7 The units are to be numbered consecutively beginning with Unit 1 and ending with a unit numbered to correspond to the total number of units in the plan.

6 Jly 2001 c.C-26.1 Reg 2 s7.

Certificate of local authority

7.1 A certificate issued by a local authority for the purposes of subsection 10(5) of the Act must be in Form B.

19 Oct 2007 SR 115/2007 s4; 16 Apr 2010 SR 35/2010 s6.

Application of *The Planning and Development Act, 2007*

8(1) Section 133 of *The Planning and Development Act, 2007* does not apply to land that is subject to a proposed bare land condominium plan.

(2) Clause 128(1)(d) of *The Planning and Development Act, 2007* does not apply to a unit in a bare land condominium plan.

(3) Subsection (4) operates in place of section 133 of *The Planning and Development Act, 2007*.

(4) Subject to the other provisions of *The Planning and Development Act, 2007*, if an approving authority is of the opinion that compliance with a requirement of any applicable subdivision regulations made pursuant to clauses 125(1)(d) to (h), subsection 125(2) or section 126 of *The Planning and Development Act, 2007* is impractical or undesirable because the proposed plan is a bare land condominium plan rather than a plan of subdivision, the approving authority may:

- (a) relieve the applicant from compliance, in whole or in part, with the requirement; and
- (b) issue a certificate of approval for the bare land condominium plan, endorsed to indicate that the approval is granted in accordance with the subdivision regulations subject to the waiver of any provision of those regulations.

16 Apr 2010 SR 35/2010 s7.

Conversion of apartments, flats or tenements into units

8.1 For the purposes of clause 10(5)(e) of the Act, “**conversion**” includes:

- (a) the demolition of all or part of an apartment, flat or tenement that would result in any tenant receiving a notice to vacate pursuant to *The Residential Tenancies Act, 2006*;
- (b) the renovation of all or part of an apartment, flat or tenement that would result in any tenant receiving a notice to vacate pursuant to *The Residential Tenancies Act, 2006*.

19 Oct 2007 SR 115/2007 s5.

PART III

Condominium Units for Agricultural Purposes

Sale of units for agricultural purposes

9 Where a developer sells or agrees to sell a unit that is intended or used for agricultural purposes, the developer is not required to satisfy the requirements of:

- (a) clauses 26(1)(g),(i), (j), (k), (l), (n), (o) and (q) of the Act; and
- (b) clauses 28(b) and (d) of the Act.

6 Jly 2001 c.C-26.1 Reg 2 s9.

Rescinding agreement

10 A purchaser of a unit that is intended or used for agricultural purposes may not rescind the agreement pursuant to subsection 26(2) of the Act on the basis that the developer has not satisfied the requirements of the provisions mentioned in section 9.

6 Jly 2001 c.C-26.1 Reg 2 s10.

Meetings and financial statements

11 Where all of the units are intended or used for agricultural purposes:

- (a) the corporation is exempted from holding annual meetings as long as:
 - (i) the exemption is approved by a special resolution;
 - (ii) a financial statement for the most recently completed fiscal year is prepared and submitted to the meeting at which the special resolution is passed or, if the special resolution has already been passed, is attached to a written copy of that special resolution; and
 - (iii) the corporation has a general meeting of the owners at least once every three years;
- (b) the corporation is exempted from preparing and sending to the owners a financial statement for the fiscal year in which the special resolution is passed and, if approved by a special resolution, for the following two fiscal years;
- (c) the corporation is exempted from the requirement to establish a common expense fund and a reserve fund pursuant to section 55 of the Act for the fiscal year in which the special resolution is passed and, if approved by a special resolution, for the following two fiscal years; and
- (d) the corporation is exempted from the requirement to conduct a reserve fund study and to prepare a written report of the reserve fund study.

6 Jly 2001 c.C-26.1 Reg 2 s11; 16 Sep 2005
SR 98/2005 s3.

PART IV**Units, Parking Spaces and Parking Units****Unit factors**

12(1) The schedule mentioned in clause 9(1)(e) of the Act that specifies the unit factor for each unit must be in Form C.

- (2) The total of unit factors for all the units in the plan must equal 10,000.
- (3) The following information shall also be shown on Form C for each unit:
 - (a) the approximate area, in whole numbers;
 - (b) the type of unit;
 - (c) any other features that may identify the unit.

6 Jly 2001 c.C-26.1 Reg 2 s12; 16 Apr 2010
SR 35/2010 s9.

Declaration re parking

12.1 In addition to the requirements set out in *The Land Titles Act, 2000*, an application to issue title with respect to a condominium plan must be made in the manner required by the Registrar of Titles and be accompanied by:

- (a) a statement that indicates that the developer has complied with subsection 11(1) of the Act; and
- (b) a document setting out the parking unit that has been designated for each unit requiring a designation pursuant to clause 11(1)(b) of the Act.

16 Apr 2010 SR 35/2010 s10.

Approval of redesignation of parking space

13(1) An owner of a unit may approve redesignation of a parking space pursuant to clause 11(3)(a) of the Act by completing Form D.

(1.1) If applicable, the holder of a registered interest based on a mortgage of the unit who is first entitled to priority must approve the redesignation by completing Form D.

(2) An officer of the condominium corporation shall:

- (a) sign a completed Form D;
- (b) retain one copy of the signed Form D for the corporation's records; and
- (c) return one copy to the owner of the unit.

6 Jly 2001 c.C-26.1 Reg 2 s13; 31 Dec 2004 SR 128/2004 s3; 16 Apr 2010 SR 35/2010 s11.

Amendment respecting parking space

14 When provided with the information in clause 11(3)(b) of the Act, the Controller of Surveys shall amend the plan to indicate the redesignation of the parking space.

6 Jly 2001 c.C-26.1 Reg 2 s14.

Interest to be registered

15 An application to register an interest pursuant to clause 11(3)(c) of the Act must be accompanied by a copy of a parking space redesignation in Form C.

6 Jly 2001 c.C-26.1 Reg 2 s15.

Application to transfer parking unit

15.1 In addition to the requirements set out in *The Land Titles Act, 2000*, an application to transfer title to a parking unit that has been designated for a unit pursuant to clause 11(1)(b) of the Act must be made in the manner required by the Registrar of Titles and:

- (a) set out the unit number of the parking unit to be transferred;
- (b) if the parking unit to be transferred will be designated to another unit:
 - (i) set out the unit number of the new unit; and
 - (ii) include a statement that the parking unit mentioned in clause (a) is being designated for the new unit;

- (c) be accompanied by:
 - (i) an application to transfer title to another parking unit in accordance with clause 11(2.1)(b) of the Act; and
 - (ii) a statement that the parking unit mentioned in subclause (i) is being designated for the unit mentioned in clause (a).

16 Apr 2010 SR 35/2010 s12.

PART V Security

Bond

16(1) A bond must be:

- (a) issued by an insurer licensed pursuant to *The Saskatchewan Insurance Act* to transact guarantee insurance;
- (b) in an amount determined in accordance with subsections 17(1.1) and (1.2); and
- (c) in Form E.

(2) Notwithstanding that the Crown in right of Saskatchewan has not suffered any loss or damages, every bond delivered to the minister is to be construed as being a penal bond, and, if a bond is realized on, the amount due as a debt to the Crown in right of Saskatchewan by the person bound is to be determined as if the Crown had suffered the loss or damages that would entitle the Crown to be indemnified to the maximum amount of liability prescribed by the bond..

18 Jly 2003 SR 64/2003 s4; 16 Apr 2010 SR 35/2010 s12.

Letter of credit

16.1 A letter of credit must:

- (a) be irrevocable;
- (b) be payable to the minister;
- (c) contain the following provisions unless otherwise approved by the minister:
 - (i) provide that more than one written demand for payment may be presented, the total of which shall not exceed the face amount of the letter of credit;
 - (ii) provide that the issuing financial institution will honour each demand made in conformity with the terms of the letter of credit without recognizing any claims or defences of the developer arising from the developer's relationships with the Crown or the financial institution; and

- (iii) provide that the letter of credit will, from time to time, be deemed to be automatically extended for a specified period of not less than one year from the present or any future expiration date unless, 30 days before an expiration date, the issuing financial institution notifies the minister in writing by registered mail that the issuing financial institution elects not to consider the letter of credit extended for an additional period, at which time the minister will draw for the balance of the amount of the letter of credit;
- (d) be in an amount determined in accordance with subsections 17(1.1) and (1.2); and
- (e) be in a form satisfactory to the minister.

16 Apr 2010 SR 35/2010 s14.

Developer to provide security

17(1) If a condominium plan includes bare land units or a developer's reservation is being registered pursuant to section 16 of the Act, the developer shall deliver to the minister:

- (a) a certificate of cost certified by a registered architect, engineer, appraiser or other person acceptable to the minister in Form J or N, as the case may be; and
- (b) security in an amount determined in accordance with subsections (1.1) and (1.2).

(1.1) If the cost of completing the common property, common facilities and any additional units in the plan as set out in the certificate of cost is less than \$100,000, the amount of security required pursuant to subsection (1) is equal to that cost.

(1.2) If the cost of completing the common property, common facilities and any additional units in the plan as set out in the certificate of cost is equal to or greater than \$100,000, the amount of security required pursuant to subsection (1) is equal to the greater of:

- (a) \$100,000; and
- (b) 10% of that cost, to a maximum of \$200,000.

(2) A transferee pursuant to section 21 of the Act is required to have security in place that provides at least as much security as the transferor has provided.

(3) If a developer provides the minister with a certificate of completion pursuant to subsection 18(2), the minister may waive the requirement to obtain security if no common property, common facilities or any additional units in the plan remain to be constructed:

- (a) at the time an application is made for titles pursuant to an approved bare land condominium plan; or
- (b) at the time an interest based on a developer's reservation is being registered.

18 Jly 2003 SR 64/2003 s4.

Release of security

18(1) The security mentioned in subsection 17(1):

- (a) may be released 30 days after submission to the minister of a certificate of completion pursuant to subsection (2) showing that the common property, common facilities and any additional units as described in the declaration accompanying the developer's reservation in subsection 16(1) of the Act or the declaration pursuant to subsection 5.2(1) of the Act are completed;
 - (b) is to be released if the court orders the security to be released; or
 - (c) is to be released if:
 - (i) the condominium board is elected after a majority of the units have been sold and the developer and the condominium corporation, with approval by a unanimous resolution of the owners, have entered into an agreement for completion of common property, common facilities and any additional units and the release of the security; and
 - (ii) the minister receives a certified copy of the unanimous resolution with the agreement attached under seal of the corporation.
- (2) A certificate from an engineer, architect, appraiser or other person acceptable to the minister stating that the common property, common facilities and any additional units as described in the developer's declaration or disclosed pursuant to section 26 of the Act are 50% complete or complete is sufficient evidence to the minister of the statements in the certificate.
- (3) Subject to subsection (2), on completion of 50% of the common property, common facilities and any additional units, the minister may authorize the amount of the security to be reduced by 50%.
- (4) If the common property, common facilities and any additional units or a substantial part of the common property, common facilities and any additional units are ready for use or are being used for the purposes intended, the common property, common facilities and any additional units may be considered complete by the minister for the purposes of subsection (2).

18 Jly 2003 SR 64/2003 s4.

Certificate of completion

19 A certificate of completion mentioned in subsection 18(2) must be in:

- (a) Form F if common property and common facilities described in the declaration pursuant to section 5.2 of the Act are complete;
- (b) Form G if common property and common facilities described in the declaration pursuant to section 5.2 of the Act are 50% complete;
- (c) Form H if common property, common facilities and any additional units described in the declaration accompanying the developer's reservation pursuant to section 16 of the Act are complete; or
- (d) Form I if common property, common facilities and any additional units described in the declaration accompanying the developer's reservation pursuant to section 16 of the Act are 50% complete.

18 Jly 2003 SR 64/2003 s4; 16 Apr 2010 SR 35/2010 s15.

Realization on security

- 20(1)** The minister may realize on the security mentioned in subsection 17(1) if:
- (a) the developer's reservation has lapsed pursuant to subsection 17(2) of the Act;
 - (b) a final judgment respecting a claim arising out of a condominium plan or a replacement plan has been entered against the developer; or
 - (c) the developer commits an act of bankruptcy, whether or not proceedings have been taken pursuant to the *Bankruptcy and Insolvency Act* (Canada).
- (2) The minister may pay any money realized to any of the following on any conditions the minister considers appropriate:
- (a) the local registrar of the court in trust for any persons that may become judgment creditors of the developer respecting a claim arising out of a condominium plan or a replacement plan;
 - (b) any trustee, custodian, interim receiver, receiver or liquidator of the developer;
 - (c) any persons that the minister considers entitled to the money for a claim arising out of the condominium plan or replacement plan of the developer.
- (3) The minister shall pay any money not paid pursuant to subsection (2) to the following after the payment of any expenditures incurred by the minister in connection with the realization on the security and the determination and settlement of valid claims:
- (a) in the case of a bond, to the surety or obligor under the bond;
 - (b) in the case of a letter of credit, to the obligor under the letter of credit.
- (4) Any misrepresentation by or on behalf of a developer respecting any common property, common facilities or any additional units to be provided under a declaration of a developer is, for the purposes of this section, deemed to be a claim arising out of a condominium plan or a replacement plan.

18 Jly 2003 SR 64/2003 s4.

PART VI**Title, Security, Reservations and Amendments****Manner of application**

- 21** An application by a developer pursuant to section 5.1 of the Act must be made in the manner set out in *The Land Titles Act, 2000* and accompanied by the following information:
- (a) a schedule in Form B that specifies the unit factor for each unit;
 - (b) the plan number for the plan pursuant to which the application for titles is made;
 - (c) an address for service of the condominium corporation;
 - (d) a copy of any bylaws, if other than the bylaws required pursuant to section 45 of the Act;

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- (e) the name and address of the applicant for a condominium corporation number;
- (f) the value of each condominium unit.

6 Jly 2001 c.C-26.1 Reg 2 s21.

Declaration

22 A declaration for a bare land condominium required pursuant to subsection 5.2(1) of the Act must be in Form J.

6 Jly 2001 c.C-26.1 Reg 2 s22; 16 Apr 2010 SR 35/2010 s16.

Certificate of cost

23(1) If a condominium plan includes bare land units and the developer provides security pursuant to subsection 17(1), the security must be accompanied by a certificate of cost.

(2) The certificate of cost required pursuant to subsection (1) must be in Form K.

6 Jly 2001 c.C-26.1 Reg 2 s23; 18 Jly 2003 SR 64/2003 s5; 16 Apr 2010 SR 35/2010 s17.

Certificate of completion

24 A certificate of completion for a bare land condominium to be provided pursuant to subsection 17(3) to obtain waiver of the requirement for security must be in:

- (a) Form L where no improvements or facilities were to be provided on the common property by the developer; or
- (b) Form M where improvements or facilities to be provided on the common property by the developer are completed.

6 Jly 2001 c.C-26.1 Reg 2 s24; 18 Jly 2003 SR 64/2003 s6; 16 Apr 2010 SR 35/2010 s18.

Application to register endorsed declaration

25(1) An application to register an interest pursuant to section 5.2 of the Act must be made at the time that an application is made for titles pursuant to section 5.1 of the Act.

(2) An application mentioned in subsection (1) must be accompanied by a copy of a declaration in Form I that is endorsed with:

- (a) a certificate of acceptance granted by the minister; or
- (b) a waiver of the requirement to obtain security granted by the minister.

6 Jly 2001 c.C-26.1 Reg 2 s25.

Declaration

26 A declaration mentioned in subsection 16(3) of the Act must be in Form N.

6 Jly 2001 c.C-26.1 Reg 2 s26; 16 Apr 2010 SR 35/2010 s19.

Certificate of cost

27(1) If a condominium plan is for a phased development and the developer provides security pursuant to subsection 17(1), the security must be accompanied by a certificate of cost.

(2) The certificate of cost required pursuant to subsection (1) must be in Form O.

6 Jly 2001 c.C-26.1 Reg 2 s27; 18 Jly 2003 SR 64/2003 s7; 16 Apr 2010 SR 35/2010 s20.

Notice of amendment

28 A notice of amendment to a declaration mentioned in subclause 18(1)(c)(i) of the Act must be in Form P.

6 Jly 2001 c.C-26.1 Reg 2 s28; 16 Apr 2010 SR 35/2010 s21.

Notice of extension

29 A notice of extension mentioned in subclause 19(1)(c)(i) of the Act must be in Form Q.

16 Apr 2010 SR 35/2010 s22.

Signing requirements

30(1) Where an amendment proposes to add land to a condominium plan or amalgamate two or more condominium plans, a condominium corporation may sign the plan on behalf of the unit owners in that corporation as long as the requirements of sections 14 and 15 of the Act are satisfied.

(2) Where an amalgamation is proposed, the condominium corporations proposing to amalgamate shall sign and seal the plan.

(3) Where an amendment proposes to add land to a condominium plan, the condominium corporation shall sign and seal the plan as the condominium corporation and as the owner of the parcel being added.

6 Jly 2001 c.C-26.1 Reg 2 s30.

Amending instrument

31 An amending instrument required pursuant to section 14 of the Act must be used for all amendments other than amalgamations and must be in Form R.

6 Jly 2001 c.C-26.1 Reg 2 s31; 16 Apr 2010 SR 35/2010 s23.

Certificate of consent

32 A certificate of consent required pursuant to section 14 of the Act must be in Form S.

6 Jly 2001 c.C-26.1 Reg 2 s32; 16 Apr 2010 SR 35/2010 s24.

Notice of court application

33(1) A notice of court application mentioned in subsection 14(5) of the Act must be in Form T.

(2) An application to register an interest based on notice of an application pursuant to subsection 14(6) of the Act must be accompanied by a copy of the notice mentioned in subsection (1).

6 Jly 2001 c.C-26.1 Reg 2 s33; 16 Apr 2010 SR 35/2010 s25.

Application for issuance of titles

34 For the purposes of section 14 of the Act, an application for the issuance of titles must be accompanied by:

- (a) a copy of the approval of the Controller of Surveys in the case of a condominium plan mentioned in subclause 14(1)(b)(i) or (2)(b)(i); or
- (b) a copy of an order pursuant to subsection 42(1) of *The Land Surveys Act, 2000* in the case of a condominium plan mentioned in subclause 14(1)(b)(ii) or (2)(b)(ii).

6 Jly 2001 c.C-26.1 Reg 2 s34.

Amalgamation instrument

35 An amending instrument required pursuant to section 14 of the Act must be used where an amendment involves an amalgamation and must be in Form U with a schedule attached in Form V.

6 Jly 2001 c.C-26.1 Reg 2 s35; 16 Apr 2010 SR 35/2010 s26.

Application based on amalgamation

36 An application pursuant to subsection 15(5) of the Act must satisfy the requirements of section 14 and section 15 of the Act and must be accompanied by the following information:

- (a) an amending instrument in Form T;
- (b) a certificate of consent from each of the amalgamating corporations in Form R;
- (c) the plan number for the plan pursuant to which the application for titles is made;
- (d) an address for service of the condominium corporation;
- (e) a copy of any bylaws, if other than the bylaws required pursuant to section 45 of the Act.

6 Jly 2001 c.C-26.1 Reg 2 s36.

Manner of application

37 An application to amend unit factors pursuant to subsection 15.1(1) of the Act must be accompanied by:

- (a) an amending instrument in Form W; and
- (b) a certificate of consent in Form S.

16 Apr 2010 SR 35/2010 s27.

Replacement plans

38(1) An application to issue titles pursuant to an approved replacement plan, mentioned in section 23 of the Act, must be accompanied by the following information:

- (a) an authorization for issuance of titles pursuant to the replacement plan; and
 - (b) a schedule specifying the unit factors for each unit in Form V.
- (2) An authorization for issuance of titles mentioned in clause (1)(a) must be in Form X.

6 Jly 2001 c.C-26.1 Reg 2 s38; 16 Apr 2010 SR 35/2010 s28.

Redivision of units by plan amendment

39(1) Pursuant to section 25 of the Act, if the Controller of Surveys permits a redivision to occur by amendment to the existing condominium plan, the amendment must be submitted for approval.

(2) An application for approval pursuant to subsection (1) must be made in the manner required by the Controller and include:

- (a) unit factor information as required by subsection 25(3) of the Act;
- (b) redivision information as required by subsection 25(4) of the Act;
- (c) a request to amend the existing plan pursuant to section 42 of *The Land Surveys Act, 2000*; and
- (d) any other documents required by the Controller.

(3) For the purposes of this section, the unit or units created on a redivision shall not be numbered in a manner that uses numbers already assigned to units in the existing condominium plan.

(4) An application for issuance of titles pursuant to the amendment must be made in the manner required by the Registrar of Titles and include:

- (a) written consent of the owner of the unit being redivided and of any holder of an interest based on a mortgage registered against the title to the unit;
- (b) confirmation that the Controller of Surveys has approved the plan amendment;
- (c) applications for issuance of titles to the new units being created;
- (c.1) a request to designate a parking unit to each new unit if required pursuant to section 11 of the Act; and
- (d) any other application or information the Registrar may require.

(5) On receipt of an application pursuant to subsection (4), the Registrar of Titles may:

- (a) cancel the titles to each unit being redivided;
- (b) issue titles to each new unit being created, subject to all interests affecting that unit that were registered on the cancelled title or titles; and
- (c) designate a parking unit for each new title if the application includes the information described in clause (4)(c.1).

(6) After titles are issued pursuant to subsection (5), the Controller of Surveys may indicate on the condominium plan any information about the redivision that the Controller considers necessary.

Redivision of units by new plan

39.1(1) Pursuant to section 25 of the Act, if the Controller of Surveys considers it useful or necessary that a proposed redivision occur by a new plan, a new condominium plan must be submitted for approval.

(2) The application for approval pursuant to subsection (1) must be made in the manner required by the Controller and include:

- (a) unit factor information as required by subsection 25(3) of the Act;
- (b) redivision information as required by subsection 25(4) of the Act; and
- (c) any other documents or information required by the Controller.

(3) An application for issuance of titles pursuant to the new plan must be made in the manner required by the Registrar of Titles and include:

- (a) written consent of the owner of the unit being redivided and of any holder of an interest based on a mortgage registered against the title to the unit;
- (b) applications to surrender the titles to the units in the existing plan and to set up titles to the units being created by the approved plan;
- (b.1) a request to designate a parking unit to each new unit if required pursuant to section 11 of the Act;
- (c) information to update the records for the condominium corporation for the Director appointed pursuant to *The Business Corporations Act*; and
- (d) any other application or information the Registrar may require.

(4) On receipt of an application pursuant to subsection (3), the Registrar of Titles may:

- (a) cancel the titles to the existing units, including the unit being redivided;
- (b) issue titles to each new unit, subject to all interests affecting those units that were registered on the cancelled title or titles; and
- (c) designate a parking unit for each new unit title if the application includes the information described in clause (3)(b.1).

31 Dec 2004 SR 128/2004 s4; 16 Apr 2010 SR 35/2010 s30.

PART VII

Condominium Corporation Registry**Register of corporations**

40(1) The Director shall maintain a register of condominium corporations for recording information respecting every corporation that is:

- (a) incorporated pursuant to the Act; or
- (b) continued pursuant to section 58 of *The Condominium Property Amendment Act, 2000*.

(2) A corporation mentioned in clause (1)(b) may be provided with a new corporation name by the Director in any form or manner that the Director considers appropriate.

6 Jly 2001 c.C-26.1 Reg 2 s40.

Fees

40.1 Any person wishing to use the condominium corporation registry shall pay the fee set out in Table 1 of Part III of the Appendix that is appropriate for the service the person is requesting.

12 Jly 2002 SR 54/2002 s3.

Information required by Director

41 The information to be provided to the Director pursuant to section 34 of the Act shall include the following:

- (a) the number of the approved plan for which titles are sought;
- (b) an address for service of the corporation;
- (c) a copy of bylaws, including any bylaws made pursuant to subclause 47.1(1)(f)(iii) of the Act, other than the bylaws required pursuant to section 45 of the Act;
- (d) the name and address of the person applying to incorporate a condominium.

6 Jly 2001 c.C-26.1 Reg 2 s41; 16 Apr 2010 SR 35/2010 s31.

Name reservation

41.1 The Director, on receiving a request in Form Y, may reserve for 90 days a name for an intended corporation or for a corporation about to change its name.

31 Dec 2004 SR 128/2004 s5; 16 Apr 2010 SR 35/2010 s32.

Application for titles with confirmation

41.2 If a corporation is to be constituted with a name approved by the Director and reserved pursuant to section 41.1 of these regulations, an application for titles pursuant to section 5.1 or 15 of the Act must include confirmation that the name has been approved and reserved.

31 Dec 2004 SR 128/2004 s5.

Application for titles without confirmation

41.3 If the application for titles pursuant to section 5.1 or 15 of the Act does not include confirmation of a name in accordance with section 41.2 of these regulations, but is otherwise acceptable to the Registrar, the corporation will be constituted under the name "The Owners: Condominium Corporation No. (*number given by the Director*)".

31 Dec 2004 SR 128/2004 s5.

Application for change of name

41.4 A corporation may apply to the Director in Form Z to change the name of the corporation pursuant to subsection 34(2.1) of the Act.

31 Dec 2004 SR 128/2004 s5; 16 Apr 2010 SR 35/2010 s33.

Names

41.5(1) The following words must be part of the name of every corporation:

- (a) 'condominium' or 'condominiums'; and
- (b) 'Corporation'.

(2) A corporation shall set out its name in legible characters in all contracts, invoices, negotiable instruments and orders for goods or services issued or made by or on behalf of the corporation.

(3) If requested to do so by the developer or a corporation, the Director shall assign to the corporation a designating number determined by the Director as the corporation's name.

(4) No corporation shall have, carry on its activities under, identify itself by or be incorporated with a name:

- (a) that is prohibited pursuant to section 41.6; or
- (b) that is reserved for another corporation or intended corporation pursuant to section 41.1.

(5) The Director may direct a corporation to change its name if through inadvertence or otherwise:

- (a) the corporation comes into existence with a name that contravenes this section; or
- (b) on an application to change its name, the corporation is granted a name that contravenes this section.

(6) If a corporation has been directed to change its name pursuant to subsection (5) and has not within 60 days from the service of the directive to that effect changed its name to a name that complies with this Act, the Director may revoke the name of the corporation and assign to it a name and, until changed in accordance with this section, the name of the corporation is the name that the Director assigned.

31 Dec 2004 SR 128/2004 s5.

Use of names

41.6 The name of a corporation must not:

- (a) be the same as or similar to the name of any other corporation if the use of that name would be likely to confuse or mislead, unless:
 - (i) the other corporation consents in writing to the use of the name in whole or in part; and
 - (ii) if required by the Director, the other corporation undertakes to change its name to a dissimilar name within six months after receiving the direction from the Director;

- (b) suggest or imply a connection with any of the following persons, entities or groups unless consent in writing is obtained from that person, entity or group, as the case may be:
- (i) the Crown;
 - (ii) the Government of Canada;
 - (iii) the government of any municipality, province or territory of Canada;
 - (iv) any department, branch, bureau, service, or agency of the Government of Canada or the government of any municipality, province or territory;
 - (v) a political party;
 - (vi) a leader of a political party;
 - (vii) a university;
 - (viii) a professional association recognized by the laws of Canada or of a province or territory of Canada; or
- (c) be a name that is refused by the Director.

31 Dec 2004 SR 128/2004 s5.

Refusal of names

41.7(1) Unless an applicant establishes that a name has through use acquired and continues to have secondary meaning, the Director may refuse to approve the name of a corporation contained in the application if the name is not distinctive because it is:

- (a) too general; or
 - (b) primarily or only a geographic name used alone.
- (2) The Director may refuse to approve the name of a corporation if the name:
- (a) is likely to be confused with a corporation that has been dissolved;
 - (b) is likely to be confused with any known corporation, association, partnership, society, club or firm;
 - (c) contains any words or phrases that imply a co-operative venture, including 'credit union', 'co-operative' or 'co-op';
 - (d) contains the word 'Canada' or the name of any province or territory;
 - (e) contains a word or phrase that is obscene or implies an undertaking that is scandalous, obscene or immoral; or
 - (f) is, in the opinion of the Director, objectionable for any reason.

31 Dec 2004 SR 128/2004 s5.

Amalgamated corporations

41.8(1) If two or more corporations amalgamate, the amalgamated corporation may have:

- (a) the name of one of the amalgamating corporations;
- (b) a combination of the names of the amalgamating corporations; or
- (c) a distinctive new name that is not confusing.

(2) If the application for titles pursuant to section 15 of the Act does not include confirmation of a name mentioned in clauses (1)(a) to (c), but is otherwise acceptable, the amalgamated corporation will be constituted under the name 'The Owners: Condominium Corporation No. (*number given by the Director*)'.

31 Dec 2004 SR 128/2004 s5.

Right to inspect and obtain copies

42 A person may:

- (a) examine any document required by the Act or the regulations to be sent to the Director;
- (b) require a copy or extract of any document mentioned in clause (a) to be made; and
- (c) require the copy or extract made pursuant to clause (b) to be certified by the Director as a true copy.

6 Jly 2001 c.C-26.1 Reg 2 s42.

Director may refuse certain documents

43(1) The Director may refuse to receive, file or register a document, where he or she is of the opinion that any document submitted to him or her:

- (a) contains matter contrary to law;
- (b) by reason of any omission or error in description, has not been duly completed;
- (c) does not comply with the requirements of the Act or the regulations;
- (d) contains any error, alteration or erasure;
- (e) is not sufficiently legible; or
- (f) is not sufficiently permanent for his or her records.

(2) The Director may request that a document refused pursuant to subsection (1) be amended or completed or resubmitted or that a new document be submitted in its place.

6 Jly 2001 c.C-26.1 Reg 2 s43.

Bylaws

44 The bylaws required pursuant to section 45 of the Act are in Part II of the Appendix.

6 Jly 2001 c.C-26.1 Reg 2 s44.

Initial bylaws re sectors

44.1 On and from the establishment of a sector within a corporation in accordance with clause 47(1)(m.1) of the Act:

- (a) the bylaws of the corporation made with respect to that sector pursuant to clause 47(1)(m.1) of the Act apply to the sector; and
- (b) the bylaws in Part II of the Appendix that do not conflict with the bylaws mentioned in clause (a) are in force for all purposes in relation to that sector, with any necessary modification, until sector bylaws are made in accordance with subclause 47.1(1)(f)(iii) of the Act.

16 Apr 2010 SR 35/2010 s34.

Notice of amendment or repeal

45(1) A notice of amendment or repeal of any of the following bylaws must be in Form AA:

- (a) bylaws of a corporation made pursuant to section 46 of the Act;
- (b) bylaws of a sector made pursuant to subclause 47.1(1)(f)(iii) of the Act.

(1.1) A notice of approval, amendment or repeal of bylaws made pursuant to clause 47(1)(m.1) of the Act, except those bylaws made pursuant to subclause 47.1(1)(f)(iii) of the Act, must be in Form BB.

(1.2) A notice of court application mentioned in subsection 47.1(6) of the Act must be in Form CC.

(2) On receipt of a notice of amendment or repeal of bylaws, the Director shall amend the records of the registry in the manner that the Director considers appropriate.

6 Jly 2001 c.C-26.1 Reg 2 s45; 16 Apr 2010 SR 35/2010 s35.

Change of address

46 A notice of a change of an address for service pursuant to section 105 of the Act must be in Form DD.

6 Jly 2001 c.C-26.1 Reg 2 s46; 16 Apr 2010 SR 35/2010 s36.

PART VIII
Contributions

Contributions for common expense fund and reserve fund

47 For the purposes of sections 57 and 58 of the Act, the corporation shall raise the amounts required for the common expenses fund or the reserve fund by levying contributions on the owners of the units:

- (a) in proportion to the unit factors of their respective units; or
- (b) if a scheme of apportionment for contributions to the fund has been established pursuant to sections 48 and 49, in accordance with that scheme.

6 Jly 2001 c.C-26.1 Reg 2 s47.

Scheme of apportionment

48(1) Subject to subsection (2), a corporation may establish a scheme of apportionment for owners' contributions to the common expenses fund or a reserve fund that is not in proportion to the unit factors by amending the bylaws of the corporation to include that scheme of apportionment and by filing those bylaws with the Director.

(2) A corporation shall not amend its bylaws to include a scheme of apportionment unless written consent to that scheme has been obtained from at least 75% of the owners.

(3) Not less than 30 days before filing with the Director an amendment to the bylaws that includes a scheme of apportionment, the corporation shall serve a copy of that amendment to the bylaws and notice, pursuant to section 50, of the right to apply to the court on:

- (a) all owners of units except those owners of units who have consented pursuant to subsection (2);
- (b) all holders of registered interests based on mortgages of units that have given written notice of their mortgages to the corporation pursuant to subsection 42(2) of the Act; and
- (c) the Saskatchewan Housing Corporation, if it has given notice to the corporation pursuant to subsection (5).

(4) At the time of filing with the Director an amendment to the bylaws that includes a scheme of apportionment mentioned in subsection (1), the corporation shall also retain for its records a certificate of the corporation under seal stating that:

- (a) copies of the amendment to the bylaws have been served as required by subsection (3); and
- (b) the consents required pursuant to subsection (2) have been obtained.

(5) Where the Saskatchewan Housing Corporation has a contract with the owner of a unit entered into pursuant to *The Saskatchewan Housing Corporation Act* to subsidize the common expenses fund or reserve fund contributions payable by the owner:

- (a) it may give written notice of the contract to the corporation; and
- (b) if it does give written notice to the corporation pursuant to this section, it shall give written notice to the corporation on the expiration or termination of the contract or if it ceases to subsidize the common expenses fund or reserve fund contributions payable by the owner.

(6) If a scheme of apportionment has been established pursuant to this section, it may be repealed, amended or replaced only in accordance with this section.

(7) The amendment to the bylaws pursuant to this section becomes effective on the filing with the Director of the amendment to the bylaws or a certified copy of a court order made pursuant to section 50.

(8) For the purposes of subsection (3), a copy of an amendment and notice may be served:

- (a) personally; or
- (b) by registered mail sent to:
 - (i) the owner at the address shown for the title to the unit at the land titles registry;
 - (ii) the holder of the registered interest at the address shown on the interest at the land titles registry; and
 - (iii) the Saskatchewan Housing Corporation at its head office.

(9) A document mentioned in subsection (3) served by registered mail is deemed to have been received on the seventh day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, the person did not receive the document or received it at a later date.

6 Jly 2001 c.C-26.1 Reg 2 s48.

Application to court

49(1) Within 30 days of being served, a person on whom a copy of the amending instrument and notice is required to be served pursuant to subsection 48(3):

- (a) may apply to the court to object to the scheme of apportionment included in the amending instrument; and
- (b) shall file with the Director a notice of the application in a form acceptable to the Director.

(2) An applicant shall serve written notice of the application on the corporation.

(3) The corporation shall serve written notice of the application in the manner provided by subsections 48(8) and (9) on:

- (a) all owners of units;
- (b) all holders of registered interests based on mortgages mentioned in clause 48(3)(b); and
- (c) the Saskatchewan Housing Corporation, if it was required to be served pursuant to clause 48(3)(c).

(4) If the corporation has received notice of an application pursuant to subsection (2), the corporation shall not amend and file bylaws to include the scheme of apportionment that is the subject of the application except in accordance with an order made pursuant to subsection (5).

(5) On an application, the court may:

- (a) accept any evidence that the court considers appropriate; and
- (b) make any order that the court considers appropriate, including an order amending the scheme of apportionment included in the amendment to the bylaws.

6 Jly 2001 c.C-26.1 Reg 2 s49.

Notice of application

50 A notice of the application mentioned in section 49 must be in Form EE.

6 Jly 2001 c.C-26.1 Reg 2 s50; 16 Apr 2010 SR 35/2010 s37.

Scheme of apportionment re bylaws respecting sectors

50.1 Sections 48 to 50 apply, with any necessary modification, to bylaws made pursuant to clause 47.1(1)(d) of the Act providing for the assessment and collection of contributions towards the common expenses in a manner that is not in proportion to the unit factors of the units contained in a sector.

16 Apr 2010 SR 35/2010 s38.

Reserve fund contributions

51 The corporation shall determine the amount required for the reserve fund by taking into account:

- (a) the anticipated repair and replacement requirements of the common property and common facilities; and
- (b) the most recent reserve fund study and report, if any.

31 Dec 2004 SR 128/2004 s6; 16 Apr 2010 SR 35/2010 s39; 16 Apr 2010 SR 35/2010 s39.

Reserve fund studies

51.1 In this section and in sections 51.2 and 51.3:

(a) **“component”** means an individual item that is included in the physical analysis portion of a reserve fund study as described in section 51.3, and includes any thing:

- (i) that is the responsibility of the corporation;
- (ii) for which major repair or replacement costs are anticipated to be incurred during its useful life; and
- (iii) for which the costs of repair or replacement will not be covered as part of the annual operating or maintenance budget;

(b) **“master reserve fund spread sheet”** means a list of the components, the cost for major repair or replacement of each component, and the normal life expectancy and remaining useful life of each component;

(c) **“projected cash flow tables”** means tables that demonstrate the effect of interest earned on investments and inflation of expenses and validate that a shortfall option will not jeopardize the funding plan;

(d) **“qualified person”** means an individual who, based on reasonable and objective criteria, is knowledgeable with respect to:

- (i) components or a particular type of component;
- (ii) the operation and maintenance of components or a particular type of component; and
- (iii) the costs of replacement of or repairs to components or a particular type of component;

and includes:

(iv) a licensed applied science technologist within the meaning of *The Saskatchewan Applied Science Technologists and Technicians Act*;

(v) a member of the Appraisal Institute of Canada holding the designation of Accredited Appraiser Canadian Institute;

(vi) a person who holds a certificate of practice within the meaning of *The Architects Act, 1996*;

(vii) a member of the Real Estate Institute of Canada holding the designation of Certified Reserve Planner; and

(viii) a licensed professional engineer within the meaning of *The Engineering and Geoscience Professions Act*.

Reserve fund study requirements

51.2 For the purposes of section 58.1 of the Act, a corporation shall ensure that a reserve fund study is conducted by a qualified person and a written report prepared by a qualified person every 10 years.

31 Dec 2004 SR 128/2004 s7; 16 Sep 2005 SR 98/2005 s5.

Contents of reserve fund study

51.3(1) A person conducting a reserve fund study shall include:

- (a) a statement of assumptions regarding inflation, interest, maintenance and affordability in the context of quality and expense that were made in making the report;
 - (b) a funding plan based on:
 - (i) a physical analysis; and
 - (ii) a financial analysis that shows the amount of the annual contribution required to be paid into the reserve fund to adequately offset expenditures for the major repair or replacement of a component; and
 - (c) the opinion of the person conducting the study that the fund should be adequate to offset the expenditures for the major repair or replacement of the components if the corporation makes contributions recommended as a result of the study.
- (2) The physical analysis mentioned in subclause (1)(b)(i) shall be based on a component assessment report containing:
- (a) the component inventory;
 - (b) the component assessment;
 - (c) the anticipated useful life of each component;
 - (d) the remaining useful life of each component, including maintenance and repairs; and
 - (e) the current replacement cost of each component.
- (3) A component that is scheduled for major repair or replacement in the year of the reserve fund study is deemed to have no remaining useful life.
- (4) The component inventory mentioned in clause (2)(a) shall be based on:
- (a) a visual site review;
 - (b) a review of the corporation's architectural, structural, mechanical, electrical, landscaping and site services plans;

- (c) a review of the condominium plan and bylaws; and
 - (d) a review of the corporation's history with respect to the maintenance, replacement and repair of its components and any planned changes to its components.
- (5) The component assessment mentioned in clause (2)(b) shall be based on:
- (a) an on-site review of the major common property and common facilities components, including consideration of aesthetics;
 - (b) a review of:
 - (i) structural and architectural plans;
 - (ii) previous inspection reports; and
 - (iii) maintenance records; and
 - (c) interviews with the directors, employees and agents of the corporation.
- (6) The financial analysis mentioned in subclause (1)(b)(ii) shall consist of an evaluation and analysis of the corporation's reserve fund income and expenses, and shall include:
- (a) the current reserve fund balance;
 - (b) the estimated interest payable on the reserve fund balance over the period of the study;
 - (c) the repair and replacement schedule, including dates and cost outlay;
 - (d) the anticipated effect of inflation on reserve fund expenses over the period of the study;
 - (e) a master reserve fund spread sheet; and
 - (f) projected cash flow tables, including:
 - (i) data indicating whether the current annual contribution is adequate, over a period of at least 25 consecutive years, to address the repair and replacement schedule; and
 - (ii) details of several possible fund accumulation scenarios covering a period of at least 25 consecutive years:
 - (A) indicating a recommended annual contribution adequate to address the repair and replacement schedule;
 - (B) demonstrating the compounding of the interest earned on the fund into the fund; and
 - (C) demonstrating the utilization of the interest as a portion of the contributions to the fund.

Reserve fund study report

51.4(1) The person conducting the reserve fund study shall complete a reserve fund study report in Form FF at the time the study is completed.

(2) The reserve fund report shall include a statement as to whether the person conducting the study and preparing the report is an owner, employee or agent of the corporation or is a property manager of or otherwise associated with the corporation.

31 Dec 2004 SR 128/2004 s7; 16 Apr 2010 SR 35/2010 s41.

Availability of reserve fund study report

51.5 The board shall ensure that a copy of the reserve fund study report is appended to the annual report with respect to the reserve fund mentioned in section 58.2 of the Act, and made available to each owner at the next annual meeting of the corporation.

31 Dec 2004 SR 128/2004 s7.

Exception

51.6 If a corporation has, as one of its objects, the management of less than 12 units, the corporation is exempted from the requirement to conduct a reserve fund study and to prepare a reserve fund study report.

31 Dec 2004 SR 128/2004 s7.

Exception

51.7(1) The corporation is exempted from conducting a reserve fund study, preparing a reserve fund study report and maintaining a reserve fund, if:

- (a) the certificate of title to each of the units included in a condominium plan is registered in the name of the same owner; and
- (b) those units are rented or offered for rent to persons as tenants who are not purchasers and are not intended to be purchasers.

(2) If the owner of units to which subsection (1) applies offers those units for sale and if, as a result of the sale of any of those units, subsection (1) would no longer apply with respect to those units, the owner shall not sell any of those units until a reserve fund study is carried out and a reserve fund study report is prepared.

(3) The reserve fund study report must be made available for inspection by any person purchasing a unit mentioned in subsection (1).

31 Dec 2004 SR 128/2004 s7.

Liens

52(1) Where a condominium corporation registers an interest based on a lien pursuant to section 63 of the Act, the lien is to indicate that the condominium corporation is claiming an interest in a unit pursuant to section 63 of the Act.

(2) The lien may be lapsed in accordance with the provisions of *The Land Titles Act, 2000*.

6 Jly 2001 c.C-26.1 Reg 2 s52.

Estoppel certificate

53 An estoppel certificate required pursuant to section 64 of the Act must be in Form GG.

6 Jly 2001 c.C-26.1 Reg 2 s53; 16 Apr 2010 SR 35/2010 s42.

PART IX
Condominium Taxation

Repealed. 31 Dec 2004 SR 128/2004 s8.

PART X
General

Corporate certificate for transfer or lease

61 A certificate by a corporation given pursuant to section 71 or 71.1 of the Act must be in Form HH.

6 Jly 2001 c.C-26.1 Reg 2 s61; 16 Apr 2010 SR 35/2010 s43.

Certificate that resolution properly passed

62 A certificate by a corporation required pursuant to section 89 of the Act must be in Form II.

6 Jly 2001 c.C-26.1 Reg 2 s62; 16 Apr 2010 SR 35/2010 s44.

Interpretation re section 65 of the Act

62.1 For the purposes of section 65 of the Act, “**major perils**” means the perils of fire, lightning, explosion or implosion, smoke, falling objects, impact by aircraft or land vehicles, riot, vandalism or malicious acts, water escape or rupture, windstorm or hail.

31 Dec 2004 SR 128/2004 s9.

Notice of termination

63 A notice of the termination of the condominium status of a building pursuant to section 87 of the Act must be in Form JJ.

6 Jly 2001 c.C-26.1 Reg 2 s63;; 16 Apr 2010 SR 35/2010 s45.

Manner of application

64(1) An application for title pursuant to section 87 of the Act may be made after the Controller of Surveys has approved a new plan for the parcel or where an existing plan supports the parcel.

(2) An application mentioned in subsection (1) must be accompanied by surrenders of all existing titles pursuant to the condominium plan and a request for title to be issued to the parcel in the manner set out in *The Land Titles Act, 2000*.

(3) Any interests registered against the titles cancelled pursuant to an application in subsection (1) shall be registered against the new title issued as long as the applicant requests the discharge and registration of the interests in the manner set out in *The Land Titles Act, 2000*.

6 Jly 2001 c.C-26.1 Reg 2 s64.

Filing of orders with registrar

65(1) An administrator appointed by the court pursuant to section 101 of the Act shall file a certified copy of the order of the court appointing him or her as administrator with the Director and the land titles registry.

(2) A corporation shall file a certified copy of an order of the court made pursuant to section 102 of the Act in the land titles registry.

(3) On receipt of a copy of an order mentioned in subsection (1) or (2), the registrar shall endorse on the relevant condominium plan:

- (a) the particulars that the registrar considers appropriate; and
- (b) his or her signature.

6 Jly 2001 c.C-26.1 Reg 2 s65; 16 Apr 2010 SR 35/2010 s46.

Cost of providing documents

66 The maximum fee that a corporation may charge for producing and providing any document that the Act requires to be produced and provided is not to exceed the cost to the corporation of producing and providing the document.

6 Jly 2001 c.C-26.1 Reg 2 s66.

Fee for certificate or approval

67 The maximum fee that a local authority may charge for producing and providing any certificate or approval that the Act requires to be produced and provided is not to exceed the cost to the local authority of producing and providing the certificate or approval, including staff resources and material costs.

31 Dec 2004 SR 128/2004 s10.

Certificate of independent legal advice

68 A certificate of independent legal advice and waiver pursuant to section 27 of the Act must be in Form KK.

6 Jly 2001 c.C-26.1 Reg 2 s68; 16 Apr 2010 SR 35/2010 s47.

Copies furnished to assessing authorities

68.1 A copy of a plan, amended plan, unit factor schedule or notice of interests that affects all the owners furnished to an assessing authority pursuant to section 92 of the Act is to be identified as an attachment to a certificate that must be in Form LL.

16 Apr 2010 SR 35/2010 s48.

PART XI
Repeal and Coming Into Force

R.R.S. c.C-26.1 Reg 1 repealed

69 *The Condominium Property Regulations* are repealed.

6 Jly 2001 c.C-26.1 Reg 2 s69.

Coming into force

70(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Condominium Property Amendment Act, 2000* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Condominium Property Amendment Act, 2000* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

6 Jly 2001 c.C-26.1 Reg 2 s70.

**Appendix
PART I
Forms**

FORM A
[Section 6]

Encroachment Agreement

BETWEEN:

(Developer)

- and -

The Crown in right of Saskatchewan,
as represented by the
Minister of Highways and Infrastructure

(Minister)

- and -

(Local Authority)

1. The developer is the registered owner in fee simple of the following land:

(provide land description)

2. A building on the land encroaches on an adjacent street or lane owned by the Crown in right of Saskatchewan but within the municipal boundaries of the Local Authority as shown on the attached real property report.
3. The developer would like the consent of the minister and the local authority to continue the encroachment.

IN CONSIDERATION of the payment of \$1 to each of the minister and the local authority, receipt of which is acknowledged, the parties agree as follows:

1. The minister and the local authority agree that the developer and his or her executor, administrator or assigns may continue the encroachment only in accordance with this agreement.
2. The developer agrees that the developer will cause no further encroachment to be made.

- 3. The developer agrees that, should the building or any portion of it be structurally altered, ordinary repairs excepted, so that its chief component parts such as foundation or footings or outside walls are altered or renewed, the alterations will be done so that the building will not encroach at all or further on the street or lane after the alterations.
- 4. The developer agrees to keep the minister and the local authority indemnified from and against any and all expenses, damages, claims, demands, actions or judgments that may arise or be brought by reason of the encroachment or any part of it.
- 5. This agreement is binding on the heirs, executors, administrators, successors and assigns of the parties.

Dated this _____ day of _____, 20____.

(Developer)

(The developer's signature must be witnessed and attested in accordance with the provisions of The Land Titles Act, 2000.)

Minister of Highways and Infrastructure

per: _____

CONSENTED TO AND APPROVED on behalf of the local authority by its proper signing officers under corporate seal this _____ day of _____, 20____.

(Mayor or Reeve)

(City Clerk or Administrator)

FORM B
[Section 7.1]

Certificate of Clerk of Local Authority

I have considered the proposed division of buildings or land, as shown on:

(describe plans, including legal land description)

and I am satisfied that:

- separate occupation of the proposed units will not contravene any development control or zoning bylaw;
- any consent or approval required pursuant to a zoning bylaw or an interim development control bylaw has been given in relation to the separate occupation of the proposed units;
- the construction of any buildings and the division of the buildings and lands into units for separate occupation will not interfere with the existing or likely future amenity of the neighbourhood, having regard to the circumstances of the case and the public interest;
- one of the following applies:
 - the requirement to designate parking spaces or parking units pursuant to section 11 of *The Condominium Property Act, 1993* has been or will be complied with; or
 - there is no requirement to designate parking spaces or parking units pursuant to section 11 of *The Condominium Property Act, 1993* as a result of the operation of subsection 11(2) of *The Condominium Property Act, 1993*;
- if the application relates to the conversion of existing premises used for apartments, flats or tenements into units:
 - the conversion will not significantly reduce the availability of rental accommodation in the area;
 - the conversion will not create significant hardship for any or all of the tenants of the existing premises; and
 - the building and the parcel have the physical characteristics considered necessary by the local authority to make the premises suitable for conversion.

Dated this _____ day of _____, 20____.

(Signature of Clerk of the Local Authority)

(affix seal here)

FORM C
[Section 12]

Schedule of Unit Factors

Unit Number	Type of Unit*	Unit Factor	Area of Unit	Other Features
Total		10,000		

*Type of Unit (*more than one may apply, in that case, please list all*):

BL = Bare Land Unit

P = Parking Unit

S = Services Unit

RES = unit intended for residential purposes

AG = unit intended or used for agricultural purposes

REG = Regular Unit

FORM D
[Section 13]

Parking Space Redesignation Form

TO: _____
(name of condominium corporation)

I, _____, being the owner of condominium unit # _____ to
which has been designated the exclusive use of parking space # _____ in the Condominium Plan
No. _____, approve the redesignation of parking space # _____ to:

(a) _____ owner of unit # _____; or
(name of other unit owner)

(b) the corporation as non-exclusive use common property.

Dated this _____ day of _____, 20____.

(Signature)

*(The owner's signature must be witnessed and
attested in accordance with The Land Titles Act, 2000.)*

Approved by _____, being the holder of a registered interest based on a mortgage
on unit # _____ who is first entitled in priority.

(Signature of mortgage holder)

*(The mortgage holder's signature must be witnessed and
attested in accordance with The Land Titles Act, 2000.)*

Received by _____ on
(name of condominium corporation)

the _____ day of _____, 20____.

(Signature of officer of the corporation)

FORM E
[Section 16]

Bond

I/we _____ (*the Principal*) as Principal and _____
(*the Surety*) as Surety are held and firmly bound to the Crown in right of Saskatchewan (*the Obligee*) in the sum of _____ dollars, to be paid to the Obligee, for which payment we jointly and severally bind ourselves, our executors, administrators, successors and assigns.

Sealed with the respective seals of the Principal and of the Surety and dated the _____
_____ day of _____, 20 ____ .

If the obligation is not realized on pursuant to *The Condominium Property Regulations, 2001*, the obligation is void but otherwise remains in force and is subject to being realized on as provided by *The Condominium Property Act, 1993*.

The obligation may be released in accordance with section 18 of *The Condominium Property Regulations, 2001*.

SIGNED, SEALED AND DELIVERED
in the presence of:

(*affix seal here*)

Witness

Principal

(*affix seal here*)

Witness

Surety
By Its Authorized Officer

Authorized Officer (*print name*)

FORM F
[Section 19]

Certificate of Completion
(Bare Land and Common Property Complete)

The following certification is provided with respect to _____,
(name of condominium corporation)

a Bare Land Condominium for which titles were issued pursuant to Plan No: _____, in the
Land Titles Registry and which was developed on the parcel of land formerly described as:

(state previous land description for parcel)

I _____, being an independent _____,
(engineer, architect or appraiser)

certify that the improvements (including services units), common property and common facilities,
which were disclosed pursuant to section 26 of *The Condominium Property Act, 1993* and which are
described in the attached Form J Declaration of the developer, _____
(name of developer)

dated _____ that is required pursuant to section 5.2 of *The*
Condominium Property Act, 1993 and that accompanies the endorsed declaration which is registered
against the titles issued pursuant to the above-mentioned plan, are complete.

Dated this _____ day of _____, 20 ____.

(Signature of engineer, architect or appraiser)

(affix professional seal here)

FORM G
[Section 19]

**Certificate of Completion
(Bare Land - 50% Reduction)**

The following certification is provided with respect to _____,
(name of condominium corporation)

a Bare Land Condominium, for which titles were issued pursuant to Plan No: _____, in
the Land Titles Registry and which was developed on the parcel of land formerly described as:

(state previous land description for parcel)

I _____, being an independent _____,
(engineer, architect or appraiser)

certify that the improvements (including services units), common property and common facilities,
which were disclosed pursuant to section 26 of *The Condominium Property Act, 1993* and which are
described in the attached Form J Declaration of the developer, _____
(name of developer)

dated _____ that is required pursuant to section 5.2 of *The
Condominium Property Act, 1993* and that accompanies the endorsed declaration which is registered
against the titles issued pursuant to the above-mentioned plan, are _____% complete.

The details regarding the status of the work to be completed are described in the attached letter
dated _____, 20____.

Dated this _____ day of _____, 20____.

(Signature of engineer, architect or appraiser)

(affix professional seal here)

FORM H
[Section 19]

Certificate of Completion
(Phased Units, Services Units and Common Property Complete)

The following certification is provided with respect to _____,
(name of condominium corporation)

a Phased Condominium, for which titles were issued pursuant to Plan Number _____,

in the Land Titles Registry and which was developed on the parcel of land formerly described as:

_____ *(state previous land description for parcel)*

I _____, being an independent _____,
(engineer, architect or appraiser)

certify that the additional units *(including services units)*, common property and common facilities,
which were disclosed pursuant to section 26 of *The Condominium Property Act, 1993* and which are
described in the attached Form N Declaration of the developer, _____
(name of developer)

dated _____ that is required pursuant to section 16 of *The*
Condominium Property Act, 1993 and that accompanies the developer's reservation which is
registered against the titles issued pursuant to the above-mentioned plan, are complete.

Dated this _____ day of _____, 20 ____.

(Signature of engineer, architect or appraiser)

(affix professional seal here)

FORM I
[Section 19]

**Certificate of Completion
(Phased 50% Reduction)**

The following certification is provided with respect to _____,
(name of condominium corporation)

a Phased Condominium, for which titles were issued pursuant to Plan Number _____,

in the Land Titles Registry and which was developed on the parcel of land formerly described as:

(state previous land description for parcel)

I _____, being an independent _____,
(engineer, architect or appraiser)

certify that the additional units (including services units), common property and common facilities, which were disclosed pursuant to section 26 of *The Condominium Property Act, 1993* and which are described in the attached Form N Declaration of the developer, _____
(name of developer)

dated _____ that is required pursuant to section 16 of *The Condominium Property Act, 1993* and that accompanies the developer's reservation which is registered against the titles issued pursuant to the above-mentioned plan, are _____% complete.

The details regarding the status of the work to be completed are described in the attached letter dated _____, 20____.

Dated this _____ day of _____, 20____.

(Signature of engineer, architect or appraiser)

(affix professional seal here)

FORM J
[Section 22]

Declaration of Developer Respecting Bare Land Condominiums

The developer declares:

1. That _____ is the developer of a proposed
(name of developer)
bare land condominium pursuant to Condominium Plan No. _____ and
situated in _____, to be located on the following
(name of local authority)

land:

(legal description of land)

2. That the developer undertakes to provide the following as shown on the sketch plan attached to this declaration and described as:

*(Here include a list of improvements, including services units.
Attach a separate sheet if necessary)*

- (a) _____
- (b) _____
- (c) _____
- (d) _____
- (e) _____

3. That if the developer adopts architectural controls respecting improvements on the units, the developer will apply those controls consistently.

Dated this _____ day of _____, 20____.

Signed, sealed and delivered in the presence of

(affix seal here)

(Witness)

(Signature of developer)

Certificate of Acceptance

*(to be completed by the Minister Responsible
for the administration of The Condominium Property
Act, 1993 or delegate)*

The above declaration is accepted

this ____ day of _____, 20__.

Minister Responsible for the administration of *The
Condominium Property Act, 1993* or delegate

Waiver

*(to be completed by the Minister Responsible
for the administration of The Condominium Property
Act, 1993 or delegate)*

In accordance with subsection 17(3) of *The
Condominium Property Regulations, 2001*, this
is a waiver of the requirement to obtain security
mentioned in section 17 of those regulations for
the proposed bare land condominium mentioned
above.

Dated this ____ day of _____, 20__.

Minister Responsible for the administration of *The
Condominium Property Act, 1993* or delegate

FORM K
[Section 23]

**Certificate of Cost
(Bare Land)**

RE: Cost to complete the common property and common facilities (including improvements and services units) described in a Developer's Declaration respecting a Bare Land Condominium:

I, _____, of the _____ of _____
in _____, being a registered _____,
(province) *(engineer, architect or appraiser)*

certify that the cost of completing the common property and common facilities (including improvements and services units) described in the attached Form J Declaration of the developer, dated _____, for the approved Condominium Plan No. _____ in relation to the parcel of land described as:

(here include a legal description of the parcel of land from which the bare land condominium plan is created)

is as follows:

(here include a list of improvements, (including services units), common property and common facilities and their costs, itemized as set out in Form J Developer's Declaration. Attach a separate sheet if necessary)

- (a) _____ \$ _____
- (b) _____ \$ _____
- (c) _____ \$ _____
- (d) _____ \$ _____
- (e) _____ \$ _____

Dated this _____ day of _____, 20____.

(Signature of engineer, architect or appraiser)

(affix professional seal here)

FORM L
[Section 24]

**Certificate of Completion
(Bare Land - No Improvements Promised)**

The following certification is provided with respect to the proposed Bare Land Condominium pursuant to Plan No. _____, to be developed and located on the parcel of land described as: _____

*(here include a legal description of the parcel of land
from which the condominium plan is created)*

As indicated in the attached Form J Declaration of the developer _____,
(name of the developer)
that is required pursuant to section 5.2 of *The Condominium Property Act, 1993* and that will accompany the endorsed declaration proposed to be submitted for registration in the Land Titles Registry against titles issued pursuant to the plan, there are no improvements (including services units) or facilities to be provided on common property by the developer.

THEREFORE, I _____, being an independent _____,
(engineer, architect or appraiser)

provide this certificate pursuant to subsection 17(3) of *The Condominium Property Regulations, 2001* and certify that because there are no improvements (including services units) or facilities to be provided on common property, no common property or common facilities (including improvements and services units) remain to be constructed with respect to the bare land condominium described in the attached Form J Declaration of the developer, and that the common property and common facilities (including improvements and services units) described in that declaration are complete.

Dated this _____ day of _____, 20____.

(Signature of engineer, architect or appraiser)

(affix professional seal here)

FORM M
[Section 24]

**Certificate of Completion
(Bare Land)**

The following certification is provided with respect to the proposed Bare Land Condominium pursuant to Plan No. _____ to be developed and located on the parcel of land described as:

(here include a legal description of the parcel of land from which the condominium plan is created)

I, _____, being an independent _____,
(engineer, architect or appraiser)

certify that the improvements (including services units), common property and common facilities, which were disclosed pursuant to section 26 of *The Condominium Property Act, 1993* and which are described in the attached Form J Declaration of the developer _____,
(name of developer)

dated _____, that is required pursuant to section 5.2 of the Act and that accompanies the endorsed declaration proposed to be submitted for registration in the Land Titles Registry, are completed.

Dated this _____ day of _____, 20____.

(affix professional seal here)

(Signature of engineer, architect or appraiser)

FORM N
[Section 26]

**Declaration of Developer Respecting Additional Units
and Additional Common Facilities**

The developer declares:

1. That _____ is the developer of a
(name of developer)
condominium pursuant to Condominium Plan No. _____, to be located
on the following land: _____

(legal description)

2. That the developer undertakes to provide additional units (including services units and parking units) and additional common facilities on the common property as shown on the sketch plan attached and described more fully as follows:

*(Include a list of common property, common facilities and units (including services units).
Attach a separate sheet if necessary.)*

- (a) _____
- (b) _____
- (c) _____
- (d) _____
- (e) _____

3 *(If the developer intends to register additional developer's reservations against the titles issued pursuant to the replacement plan or plans, the developer must include a statement of that fact.)*

Dated this _____ day of _____, 20____.

Signed and sealed in the presence of

(affix seal here)

(Witness)

(Signature of developer)

Certificate of Acceptance

*(to be completed by the Minister Responsible
for the administration of The Condominium Property Act, 1993 or delegate)*

The above declaration is accepted
this _____ day of _____, 20____.

Minister Responsible for the administration of *The Condominium
Property Act, 1993* or delegate

FORM O
[Section 27]

**Certificate of Cost
(Phased Development)**

RE: Cost to complete the common property, common facilities and units (including services units) described in a developer's declaration accompanying a developer's reservation:

I, _____, of the _____ of _____, in the Province of _____, being a registered _____, *(engineer, architect or appraiser)*

certify that the cost of completing the common property, common facilities and additional units (including services units) described in the attached Form N Declaration of the developer, dated _____, for Condominium Plan Number _____ in relation to the parcel of land described as:

(include a legal description of the parcel of land from which the phased plan is created)

is as follows:

(Include a list of common property, common facilities and units (including services units), and their costs, itemized as set out in Form N Declaration of the developer. Attach a separate sheet if necessary.)

- (a) _____ \$ _____
- (b) _____ \$ _____
- (c) _____ \$ _____
- (d) _____ \$ _____
- (e) _____ \$ _____

Dated this _____ day of _____, 20____.

(Signature of engineer, architect or appraiser)

(affix professional seal here)

FORM P
[Section 28]

Notice of Amendment

TAKE NOTICE that _____ has obtained an
(name of developer)

amendment to the declaration accompanying the developer's reservation registered against the titles

issued pursuant to Condominium Plan No. _____, situated in _____

_____, and that:
(Local Authority)

(a) the developer has obtained such approval by a special resolution

of _____ ; and
(name of condominium corporation)

(b) the amendment is indicated in the endorsed declaration which is attached.

Dated this _____ day of _____, 20____.

Signed and sealed in the presence of

(affix seal here)

(Witness)

(Signature of developer)

FORM Q
[Section 29]

Notice of Extension

TAKE NOTICE that _____ has
(name of developer)

obtained an extension of the time allowed for the completion of any additional units (including services units) or additional common facilities and now amends the declaration accompanying the developer's reservation registered against the titles issued pursuant to Condominium Plan No. _____, situated in _____, and that:
(Local Authority)

(a) the developer has obtained such approval by a special resolution of _____ ; and
(name of condominium corporation)

(b) the extension is indicated in the endorsed declaration which is attached.

Dated this _____ day of _____, 20____.

Signed and sealed in the presence of

(affix seal here)

(Witness)

(Signature of developer)

FORM R
[Section 31]

**Amending Instrument
(Other than for Amalgamation)**

_____ amends Condominium Plan No. _____, as follows:
(name of condominium corporation)

1. _____
(Describe the nature of the amendments being effected by this instrument)

2. Attached is a schedule showing the existing units, with accompanying unit number, unit factors and registered owners, together with the unit number and unit factors and registered interests against that title that each registered owner will own as a result of the amendment.
(attach schedule in Form V)

3. The Registrar is given authority to surrender and set up titles, register interests, designate parking spaces or parking units if necessary, and do any other thing the Registrar considers necessary to give effect to this amending instrument.

The seal of _____ was affixed on _____
(name of condominium corporation)

in the presence of _____ and _____, members of the board.

(affix seal here)

FORM S
[Section 32]

**Certificate of Consent
(Amendments)**

_____ certify that written consents to the
(name of condominium corporation)

amendment proposed in the attached amending instrument have been obtained from:

- (a) the owners of every unit in Condominium Plan No. _____ ; and
- (b) every holder of a registered interest based on a mortgage with respect to a unit and the common property that is affected by the amendment.

OR

_____ certify that:
(name of condominium corporation)

- (a) the written consents of 80% of the owners of units (including services units) in Condominium Plan No. _____ and holders of registered interests based on mortgages with respect to the units (including services units) and common property that are affected by the amendment have been obtained;
- (b) a notice of this amending instrument has been served on the following, not less than 30 days before submitting this amending instrument to the Registrar:
 - (i) all owners of units and all holders of registered interests based on mortgages with respect to the units (including services units) and the common property that are affected by the amending instrument, except those unit owners and holders of registered interests based on mortgages that provide written consents; and
 - (ii) the local authority; and
- (c) no objection has been received in the form of a notice of court application.

The seal of _____ was affixed on _____
(name of condominium corporation)

in the presence of _____ and _____,
members of the board.

(affix seal here)

FORM T
[Section 33]

**Notice of Court Application
(Oppose plan amendment)**

TAKE NOTICE that I, _____, being an owner of a unit, a holder of a registered interest based on a mortgage, or a local authority mentioned in section 14 of *The Condominium Property Act, 1993*, object to the proposed amendment to Condominium Plan No. _____, and that further, I have applied to a court and served notice of my application as required pursuant to section 14 of the Act.

Dated this _____ day of _____, 20____.

(Signature)

(The signature must be witnessed and attested in accordance with The Land Titles Act, 2000.)

FORM U
[Section 35]

**Amending Instrument
(Amalgamation)**

_____, owners of Condominium Plan No. _____,
(name of condominium corporation)

and _____, owners of Condominium Plan No. _____,
(name of condominium corporation)

are to be amalgamated as follows:

1. _____
(Describe the amalgamation being effected by this instrument)

2. Attached is a schedule showing the existing units (including services units), with accompanying unit number, unit factors and registered owners, together with the unit number and unit factors and registered interests against that title that each registered owner will own as a result of the amendment. *(attach schedule in Form V)*

3. The Registrar is also authorized to do any other thing the Registrar considers necessary to give effect to this amending instrument. *(attach required documents)*

The seal of _____ was affixed on _____
(name of condominium corporation)

in the presence of _____ and _____,
members of the board.

The seal of _____ was affixed on _____
(name of condominium corporation)

in the presence of _____ and _____,
members of the board.

(affix seal here)

FORM V
[Section 35]

Schedule of Units, Service Units and Unit Factors*

Old Unit Number	Old Unit Factor	New Unit Number	Unit Factor	Type of Unit**	Registered Owner	Registered Interests	Parking Designation
Total:	10,000	Total:	10,000				

*To be used with Forms R, U and X.

**Type of Unit (*more than one may apply, in that case, please list all*):

- BL = Bare Land Unit
- P = Parking Unit
- S = Services Unit
- RES = unit intended for residential purposes
- AG = unit intended or used for agricultural purposes
- REG = Regular Unit

FORM W
[Section 37]

**Amending Instrument
(Unit Factors)**

_____ amends the unit factors for the
(name of condominium corporation)

units pursuant to Condominium Plan No. _____, as follows:

1. _____
(Describe nature of the amendments being effected by this instrument.)
2. Attached is a schedule showing the existing units, with accompanying unit factors and registered owners, together with the units and unit factors the registered owners will own as a result of the amendment. *(attach schedule)*
3. The Registrar is given authority to amend the information in the registry and to do any other thing the Registrar considers necessary to give effect to this amending instrument.

The seal of _____ was affixed on _____
(name of condominium corporation)

in the presence of _____ and _____,
members of the board.

(affix seal here)

Schedule

Unit Number	Registered Owner	Old Unit Factor	New Unit Factor

FORM X
[Section 38]

Request for Titles Pursuant to Replacement Plan

The developer _____, being the
(name of developer)

developer of Condominium Plan No. _____ situated in _____,
(Local Authority)

requests that the Registrar undertake the following with respect to Replacement Plan No. _____
_____ :

- (a) surrender existing titles and set up and issue new titles as per the attached schedule (*in Form V*);
- (b) discharge and register interests as per the attached schedule (*in Form V*);
- (c) designate parking spaces or parking units if required (*in Form V*); and
- (d) do any other thing that the Registrar considers necessary to give effect to the approved replacement plan.

The developer also attaches a certificate indicating that the board for _____,
(name of condominium corporation)

approves or does not oppose this application to the Registrar.

Dated this _____ day of _____, 20____.

Signed and sealed in the presence of

(affix seal here)

(Witness)

(Signature of developer)

CERTIFICATE OF BOARD MEMBER

I, _____, a member of the
board of _____,
(name of condominium corporation)

approves or does not oppose the issuance of titles pursuant to Replacement Plan No. _____.

The seal of _____ was affixed on _____
(name of condominium corporation)

in the presence of _____ and _____,
members of the board.

(affix seal here)

FORM Y
[Section 41.1]

Request for Name Search and Reservation

Name and mailing address of person (or company) requesting the name search:

┌ _____
└ Contact Person

┌ _____
└ Telephone number where you may be reached from
8 a.m. to 5 p.m.

1. Condominium Plan Number, if approved, and legal land description of parcel:

2. Name(s) you would like to use *(in order of preference)*:

(Only the first available name will be searched unless you ask for all names listed to be reserved.)

- (a) _____
(b) _____
(c) _____

3. This name is to be used for:

- Incorporation Amalgamation
 Name change from:

The above name appears to be available for use and is reserved for the above person (or firm) for 90 days ending _____, 20 _____.

or

The above name is not available for the following reason(s):

Department Use Only

Searched by: _____

Completed documents, in duplicate, are to be sent to the Director of the Corporations Branch.

FORM Z
[Section 41.4]

Application for Change of Corporation Name

Corporation No. _____

1. Current name of corporation: _____

2. Requested name: _____

3. This change of name has been duly authorized pursuant to the requirements of the Act.

Date	Name	Office Held	Signature



Completed documents, in duplicate, are to be sent to the Director of the Corporations Branch.

FORM AA
[Section 45]

Amendment or Repeal of Bylaws

_____ certify that by a special resolution passed
(name of condominium corporation)

on _____, the bylaws applicable to the corporation were amended or repealed
as follows: _____

(set out terms of resolution)

The seal of _____ was
(name of condominium corporation)

affixed on _____ in the presence of _____ and _____
_____, members of the board.

(affix seal here)

FORM BB
[Subsection 45(1.1)]

**Certificate of Consent
(Creation or Dissolution of Sector)**

_____ certify that written consents to the
(name of condominium corporation)

creation or dissolution of a sector proposed in the attached bylaws have been obtained from:

- (a) the owners of every unit in _____, and
(name of condominium corporation)
- (b) every holder of a registered interest based on a mortgage with respect to a unit and the common property that is affected by the amendment.

OR

_____ certify that:
(name of condominium corporation)

- (a) the written consents of 80% of the owners of units in _____
(name of condominium corporation)

and holders of registered interests based on mortgages with respect to the units and common property that are affected by the bylaws have been obtained;

- (b) a notice of this bylaw has been served on the following, not less than 30 days before submitting this bylaw to the Director:

- (i) all owners of units, or all holders of registered interests based on mortgages with respect to the units and the common property that are affected by the bylaws, except those unit owners and holders of registered interests based on mortgages that provide written consents; and

- (ii) the local authority; and

- (c) no objection has been received in the form of a notice of court application.

The seal of _____
(name of condominium corporation)

was affixed on _____ in the presence of _____ and _____

_____, members of the board.

(affix seal here)

FORM CC
 [Subsection 45(1.2)]

Notice of Court Application
(Oppose resolution passing or approving bylaw)

TAKE NOTICE that I, _____, being an owner of a unit, object to the attached resolution with respect to a bylaw made pursuant to clause 47(1)(m.1) of the Act that was passed or approved in accordance with clause 47.1(4)(b) of the Act, and that further, I have applied to a court and served notice of my application as required pursuant to subsections 47.1(6) and (7) of the Act.

Dated this _____ day of _____, 20____.

 (Signature)

(The signature must be witnessed and attested in accordance with The Land Titles Act, 2000.)

*Attach resolution and bylaw that is the subject of the resolution.

FORM DD
[Section 46]

Change of Address for Service

TAKE NOTICE that _____ ,
(name of condominium corporation)

by resolution of the board, changes its address for service as previously filed with the Director

to: _____ , which is now the corporation's address for service.

The seal of _____ was affixed
(name of condominium corporation)

on _____ in the presence of _____ and _____
_____, members of the board.

(affix seal here)

FORM EE
[Section 50]

**Notice of Application
(Opposition to Apportionment)**

TAKE NOTICE that I, _____, being one of the persons described in subsection 48(3) of *The Condominium Property Regulations, 2001*, object to the scheme of apportionment included in the proposed amendment to the bylaws of Condominium Plan No. _____, and that further, I have applied to a court and served notice of my application as required pursuant to section 49 of the regulations.

Dated this _____ day of _____, 20____.

(Signature)

(The signature must be witnessed and attested in accordance with The Land Titles Act, 2000.)

FORM FF

Reserve Fund Study Report

[Section 51.4]

1. Section 58.1 of *The Condominium Property Act, 1993* requires the corporation to conduct periodic studies to determine whether the amount of money in the reserve fund and the amount of contributions collected by the corporation are adequate to provide for the expected costs of major repair and replacement of the common elements and assets of the corporation (including services units).

2. The following is a report of the _____ reserve fund study,
(name of condominium corporation)
dated _____, prepared by _____
(name of person conducting the reserve fund study)

3. The qualifications of the person who conducted the reserve fund study are:

(describe qualifications)

4. The person who conducted the study and prepared this report is not (or is) an owner, employee or agent of the corporation, a property manager of or otherwise associated with the corporation. *(If applicable, describe relationship of the person who conducted the study to the corporation.)*

5. The repair, maintenance and replacement recommendations arising from the reserve fund study are:

(summarize the recommendations)

6. The estimated expenditures from the reserve fund for the repair and replacement of common property are set out in the CASH FLOW TABLE. In this report, the term 'annual contribution' means the total amount to be contributed each year to the reserve fund. The recommended total annual contribution for _____ (Set out the fiscal year following the year in which the study is completed, unless the contribution is to be increased in the current year; then set out the current fiscal year) is \$ _____, based on the estimated expenditures and the following:

Opening Balance of the Reserve Fund: \$ _____

Minimum Reserve Fund Balance during the projected period: \$ _____

Assumed Annual Inflation Rate for Reserve Fund Expenditures: _____ %

Assumed Annual Interest Rate for interest earned on the Reserve Fund: _____ %

7. Cash Flow Table

Year <i>(show each of 25 consecutive years, beginning with the current fiscal year)</i>	Opening Balance	Recommended Annual Contribution	Estimated Inflation Adjusted Expenditures	Estimated Interest Earned	Percentage Increase in Recommended Annual Contribution	Closing Balance

8. The total annual contribution recommended for the current fiscal year is \$ _____, (check applicable box)

which is the same amount that has already been budgeted.

or

which represents an increase of _____ % over the amount already budgeted.

9. At the present time the average contribution per unit per month to the reserve fund is \$ _____.

If the recommendations arising from the reserve fund study are followed, the average increase in contribution per unit per month will be \$ _____. *(State the amount of the increase for each of the three fiscal years following the year in which the reserve fund study is completed. If the contribution is to be increased in the fiscal year in which the reserve fund study is completed, also state the amount of that increase.)*

10. In my opinion, the reserve fund should be adequate to offset the expenditures for the major repair or replacement of the components if the corporation makes contributions recommended as a result of the study.

(date)

(Signature of person who conducted reserve fund study)

FORM GG
[Section 53]

Estoppel Certificate

_____ (the "corporation")
(name of condominium corporation)

DATE: _____

TO: _____

RE: UNIT NO. _____ (the Unit)

CERTIFICATE

The corporation certifies that, as of the above date:

1. (Provide the following information:
 - (a) the amount of the common expense contribution levied respecting the Unit;
 - (b) the amount of the reserve fund contribution levied respecting the Unit;
 - (c) the extent to which the contributions have been paid respecting the Unit;
 - (d) the amount of any unpaid contributions or arrears in contributions respecting the Unit;
 - (e) the manner in which the contributions are payable [for example, by annual or monthly instalments];
 - (f) the amount of any extraordinary contribution levied on the Unit and the extent to which it has been paid;
 - (g) the corporation has bylaws creating sectors and the unit is included in a sector.

2. The corporation is not aware of any default by the present owner of the Unit in fulfilling any of the owner's obligations arising from membership in the corporation and ownership of the Unit, except as specified above or noted below:

3. The corporation holds insurance policies as required by *The Condominium Property Act, 1993*, and its bylaws and the policies are in good standing. (Describe particulars of insurance, including the carrier, the agent, the amount, the date of renewal, additional endorsements and the deductible, or attach a certificate of insurance that includes these particulars.)

4. The corporation has not been served with a notice of any unsatisfied judgments against the corporation, any existing orders or actions, suits or proceedings pending against or affecting the corporation before or issued by any court or any public authority having jurisdiction except as listed below: (include particulars about any matter listed)

5. Since the date of the last audited financial statements of the corporation there has been no material adverse change in the assets or liabilities of the corporation except as follows:

6. The corporation has not taken any action nor has it received notice of any pending proceedings:

(a) for the transfer or leasing of the common property or services units of the corporation or any part of it, except to the extent permitted under its bylaws in relation to the assignment of parking spaces and privacy areas to individual units;

(b) to authorize any substantial change in or addition to the common facilities, services units or any other substantial change in the assets of the corporation;

(c) to amend the condominium plan relating to the corporation as presently approved and filed;

(d) to amend the bylaws of the corporation as constituted pursuant to *The Condominium Property Act, 1993* or as presently filed;

(e) to amend the bylaws of the corporation to create or dissolve sectors within the corporation;

(f) for the appointment of an administrator for the corporation;

(g) to terminate the condominium status of the land and buildings comprising the condominium property of the corporation;

(h) to amend the scheme of apportionment of property taxes pursuant to *The Condominium Property Act, 1993* and the regulations made pursuant to that Act; or

(i) to appeal the assessment of the rates, charges or taxes on the units and common property of the corporation levied by any assessing authority, or to apply for approval of a new scheme of apportionment for assessment purposes.

7. There has been no scheme of apportionment of property taxes ordered by the Saskatchewan Municipal board pursuant to *The Condominium Property Act, 1993* and the regulations made pursuant to that Act.

OR

7. There has been a scheme of apportionment of property taxes ordered by the Saskatchewan Municipal Board pursuant to *The Condominium Property Act, 1993* and the regulations made pursuant to that Act, described as follows: _____

8. There has been no reapportionment of common expense or reserve fund contributions pursuant to *The Condominium Property Regulations, 2001*.

OR

8. There has been a reapportionment of common expense or reserve fund contributions pursuant to *The Condominium Property Regulations, 2001* described as follows: _____

9. The amount of the reserve fund is: _____

10. There are no contracts extending beyond one year except as follows: _____

11. The corporation states that the unit factors among the units included in the condominium plan have been apportioned as follows: _____

12. A reserve fund study report is available on request:

Yes Date of report: _____

No Why not? _____

13. The qualifications of the person who conducted the reserve fund study are:

14. The corporation states that the person who conducted the reserve fund study is not an owner, employee or agent of the corporation, nor is he or she a property manager of or otherwise associated with the corporation:

Yes

No If no, indicate relationship of person who did the study to the corporation.

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15. The corporation has adopted a funding plan in conformity with the recommendations in the reserve fund study report:

Yes

No Why not, or in what way is the funding plan not consistent with the recommendations in the report?

The corporation also advises for your information only, BUT DOES NOT CERTIFY, that, as of the above date:

The names and addresses of the members of the board of directors of the corporation are:

(name of condominium corporation)

by: _____
(Signature of officer of the corporation - include title)

If requested, copies of the following documents will be provided on payment of the fee noted opposite each document:

- | | | |
|--|----|-------|
| 1. latest financial statements for the corporation | \$ | _____ |
| 2. current budget for the corporation | | _____ |
| 3. current policy of insurance | | _____ |
| 4. current bylaws of the corporation | | _____ |
| 5. any current management agreement | | _____ |

If the corporation wishes to, it may disclose the following:

1. The particulars of the parking or any exclusive use area, including any special rules regarding those areas.
2. The date of the last annual meeting and the date of the next annual meeting, if known.

FORM HH
[Section 61]

**Certificate of Corporation
(Lease or Transfer of Common Property)**

_____ certify that:
(name of condominium corporation)

- (a) a unanimous resolution respecting the transfer or lease of common property was properly passed;
- (b) the transfer or lease conforms with the terms of the unanimous resolution;
- (c) all necessary consents were obtained; and
- (d) in the case of a transfer, the Registrar is authorized to surrender and set up titles, discharge and register interests, designate parking spaces and parking units, and do any other thing the Registrar considers necessary to enable the transfer.

The particulars of the lease or transfer are as follows: _____

The seal of _____ was affixed
(name of condominium corporation)

on _____ in the presence of _____ and _____
_____, members of the board.

(affix seal here)

FORM II
[Section 62]

**Certificate of Corporation
(Transfer after Termination)**

_____ certify that
(name of condominium corporation)

a unanimous resolution authorizing the attached transfer was properly passed and that all necessary consents were obtained.

The Registrar is also authorized to surrender and set up titles, discharge and register interests, and do any other thing the Registrar considers necessary to enable the transfer.

The particulars of the transfer are as follows: _____

The seal of _____ was affixed
(name of condominium corporation)

on _____ in the presence of _____ and _____
_____, members of the board.

(affix seal here)

FORM JJ
[Section 63]

Notice of Termination of Condominium Status

_____ certifies
(name of condominium corporation)

that the condominium status of the building or land illustrated in Condominium Plan No. _____
_____ has been terminated.

Annexed is a certified copy of the unanimous resolution of the owners pursuant to section 83 of *The Condominium Property Act, 1993*.

OR

Annexed is a certified copy of the order made by the court pursuant to section 84 of *The Condominium Property Act, 1993*.

The seal of _____ was affixed
(name of condominium corporation)

on _____ in the presence of _____ and _____
_____, members of the board.

(affix seal here)

FORM KK
[Section 68]

Certificate of Independent Legal Advice

I, _____, being a lawyer legally entitled to practise law in _____, certify that I have explained the purpose and effect of the attached waiver to _____, the person/persons named in the attached waiver, separate and apart from the developer or any employee or agent of the developer and that _____ understands the purpose and effect of the waiver.

I further certify that I have not, nor has my employer, partner or clerk, prepared the attached waiver and that I am not, nor is my employer, partner or clerk, otherwise interested in the transaction involved.

(Lawyer)

Waiver of Right to Rescind a Condominium Purchase Agreement

I, _____, waive the right to rescind the purchase agreement that I have entered respecting the following property within 10 days after the day on which the purchase agreement was signed:

(legal description of property)

Dated this _____ day of _____, 20____.

(Signature of purchaser)

FORM LL
[Section 68.1]

Certificate Verifying Copies of Condominium Documents

The Owners: Condominium Corporation No. _____ certify that the attached plans marked as _____ and _____ are copies of a condominium plan, or an amendment to a condominium plan approved by and filed with the Controller of Surveys on _____, and that the attached unit factor schedule is a copy of a schedule filed with the Controller of Surveys on _____.

The seal of the Owners: Condominium Corporation No. _____ was affixed on _____ in the presence of _____ and _____, members of the board

(affix seal here)



Completed documents, in duplicate, are to be sent to the Director of the Corporations Branch”.

Bylaws

CONDOMINIUM BYLAWS

[Section 44]

I Interpretation

Interpretation

1(1) In these bylaws:

- (a) **“Act”** means *The Condominium Property Act, 1993*;
 - (b) **“annual meeting”** means an annual general meeting of the corporation;
 - (c) **“common property”** means common property or common facilities and includes exclusive use areas;
 - (d) **“general meeting”** means a general meeting of the corporation other than the annual meeting;
 - (e) **“mortgagee”** means the mortgage holder of a unit, the common property and the corporation.
- (2) Words or expressions defined in section 2 of the Act have the same meaning in these bylaws.
- (3) The rights and obligations given or imposed on the corporation or the owners pursuant to these bylaws are in addition to any rights or obligations given or imposed on the corporation or the owners pursuant to the Act.
- (4) If there is any conflict between these bylaws and the Act, the Act prevails.

II Duties of the Owner

Owner's duties

2 An owner shall:

- (a) permit the corporation and its agents, at all reasonable times with notice, except in case of emergency when no notice is required, to enter in or on his or her unit for the purposes of:
 - (i) inspecting the unit;
 - (ii) maintaining, repairing or replacing pipes, wires, cables and ducts existing in or on the unit and used or capable of being used in connection with the enjoyment of any other unit or common property;
 - (iii) maintaining, repairing or replacing common property; or
 - (iv) ensuring that the bylaws are being observed;
- (b) promptly carry out all work that may be required pursuant to these bylaws or as required by a local authority or other public authority respecting his or her unit, other than any work for the benefit of the building or parcel generally;
- (c) promptly pay all rates, taxes, charges and assessments that may be payable respecting his or her unit;

- (d) maintain his or her unit in a state of good repair;
- (e) promptly notify the corporation of:
 - (i) any change in the ownership of the unit; or
 - (ii) any mortgage registered against the unit; and
- (f) obtain the written consent of the board before making mechanical or electrical alterations to:
 - (i) his or her unit that affect the common property or another unit; or
 - (ii) the common property.

III Powers and Duties of the Corporation

Duties of corporation

3 The corporation shall:

- (a) control, manage and administer the common property for the benefit of all owners; and
- (b) on the written request of an owner or registered mortgagee of a unit, produce to the owner or mortgagee, or person authorized in writing by the owner or mortgagee, the policy or policies of insurance obtained by the corporation and the receipt or receipts for the last premium or premiums paid by the corporation.

Powers of corporation

4 The corporation may:

- (a) acquire real or personal property to be used:
 - (i) for the maintenance, repair or replacement of the real or personal property of the corporation or the common property; or
 - (ii) by owners in connection with their enjoyment of the real and personal property of the corporation or the common property;
- (b) borrow money required by it for the performance of its duties or the exercise of its powers;
- (c) secure the repayment of money borrowed by it and interest on that money by:
 - (i) negotiable instrument;
 - (ii) a mortgage of unpaid contributions, whether levied or not;
 - (iii) a mortgage of any property owned by it;
 - (iv) a mortgage of common property, where approved by special resolution;
 - (v) any combination of the things mentioned in subclauses (i) to (iv);

- (d) where approved by the owners, rent common property or property owned by the corporation;
- (e) subject to section 59 of the Act, charge interest at the rate set by owners at the annual meeting on any money owing to it by an owner; and
- (f) make an agreement with an owner or tenant of a unit for the provision of amenities or services by it to the unit or to the owner or tenant of the unit.

IV Election of the Board

Election of the board

- 5(1)** The board is to consist of not less than three and not more than seven owners or their designates.
- (2) Notwithstanding subsection (1), if there are not more than two owners, the board is to consist of all the owners or their designates.
- (3) An individual shall not be a member of the board unless that individual is 18 years of age or older.
- (4) For the purposes of this section and section 6, an owner may appoint a designate.
- (5) The appointment of a designate must be in writing and must be signed by the owner or his or her attorney.
- (6) The revocation of the appointment of a designate must be in writing and must be signed by the owner or his or her attorney.

Eligibility to sit on the board

- 6(1)** If a unit has more than one owner, only one owner, or his or her designate, respecting that unit, shall sit on the board at one time.
- (2) An owner who has not paid to the corporation the contributions due and owing respecting his or her unit is not eligible, nor is his or her designate, for election to the board.
- (3) An owner is not eligible to sit on the board if he or she:
 - (a) is bankrupt under the *Bankruptcy and Insolvency Act* (Canada);
 - (b) is the subject of a certificate of incapacity issued pursuant to *The Dependent Adults Act*; or
 - (c) has been convicted of an indictable offence for which he or she was liable to imprisonment for a term of not less than two years.

Voting

- 7** At an election of members of the board, each person entitled to vote may vote for the same number of nominees as there are vacancies to be filled on the board.

Term of office

8(1) Subject to subsection (2), a member of the board shall be elected at an annual meeting for a term expiring at the conclusion of the annual meeting convened in the second year following the year in which he or she was elected to the board.

(2) At the first annual meeting convened pursuant to section 38 of the Act:

(a) not more than 50% of the members of the board are to be elected for a term expiring at the conclusion of the annual meeting convened in the year following the year in which they were elected; and

(b) the balance of the members are to be elected for a term expiring at the conclusion of the annual meeting convened in the second year following the year in which they were elected.

(3) Each member of the board shall remain in office until the occurrence of any of the following:

(a) the office becomes vacant pursuant to section 10 of these bylaws;

(b) the member resigns;

(c) the member is removed pursuant to section 9 of these bylaws;

(d) his or her term of office expires.

Removal of a member of the board

9 Except when the board consists of less than three individuals, the corporation may, by resolution at a general meeting, remove a member of the board before the expiration of his or her term of office and appoint another individual in his or her place to hold that office for the remainder of the term.

Vacating of the office of a member of the board

10 The office of a member of the board is vacated if he or she:

(a) becomes bankrupt under the *Bankruptcy and Insolvency Act* (Canada);

(b) is more than 30 days in arrears in payment of any contribution required to be made by him or her as an owner;

(c) is the subject of a certificate of incapacity issued pursuant to *The Dependent Adults Act*;

(d) is convicted of an indictable offence for which he or she is liable to imprisonment for a term of not less than two years;

(e) resigns his or her office by serving notice in writing on the corporation; or

(f) is absent from three consecutive meetings of the board without permission of the board and it is resolved at a subsequent meeting of the board that the member should be removed from his or her office.

Filling vacancy

11 When a vacancy occurs on the board pursuant to section 9 or 10 of these bylaws, the board may appoint an individual to fill that office until the next annual meeting.

V Officers of the Corporation

Officers

12(1) At the first meeting of the members of the board held after the general meeting of the corporation at which they were elected, the board shall designate from its members a president, vice-president, secretary and treasurer of the corporation.

(2) The board may designate a member to fill one or more of the offices mentioned in subsection (1).

(3) In addition to those duties assigned to the officers by the board, the president or, in the event of his or her absence or disability, the vice-president, shall act as chairperson of the meetings of the board.

(4) Where the president or vice-president is not available at the beginning of the meeting, the board shall elect a chairperson for the meeting and, if any chairperson so elected vacates the chair during the course of a meeting, the board shall choose another chairperson who has the same rights of voting.

(5) A person ceases to be an officer of the corporation if he or she ceases to be a member of the board.

(6) If a person ceases to be an officer of the corporation, the board shall designate from its members a person to fill that office for the remainder of the term.

VI Majority Vote and Quorum of the Board

Majority vote

13(1) At meetings of the board, all matters are to be determined by majority vote, and, in the event of a tie vote, the chairperson is entitled to cast a deciding vote in addition to his or her initial vote.

(2) Except where the board consists of a single director, a quorum of the board is two where the board consists of four or less members, three where it consists of five or six members and four where it consists of seven members.

VII Written Resolutions

Written resolution

14(1) A written resolution of the board signed by all of the members of the board has the same effect as a resolution passed at a meeting of the board properly convened and held.

(2) The written resolution may be communicated to each board member by a facsimile machine and when each member's signature appears on a copy of the resolution it is considered signed by all of the members for the purposes of subsection (1), whether or not each signature is an original signature.

(3) A copy of every resolution mentioned in subsections (1) and (2) is to be kept with the minutes of the board.

VIII Seal and Signing Authority of the Corporation

Seal

15 The corporation shall have a corporate seal that is not to be used except under the authority of a resolution of the board given prior to its use.

Signing authority

16 The board shall prescribe, by resolution:

- (a) those officers or other persons who are authorized to sign cheques, drafts, instruments and documents not required to be signed under the corporate seal; and
- (b) the manner, if any, in which those cheques, drafts, instruments or other documents are to be signed.

IX Powers and Duties of the Board

Duties

17(1) The board, in addition to the duties imposed in the Act, shall:

- (a) meet at the call of the president to conduct its business and adjourn and otherwise regulate its meetings as it thinks fit;
 - (b) meet when a member of the board provides the other members with at least seven days' notice of a meeting proposed by him or her specifying the reason for calling the meeting;
 - (c) maintain financial records of all the assets, liabilities and equity of the corporation;
 - (d) submit an annual report consisting of the financial statements and other information that the board may determine or that may be directed by a resolution passed at a general meeting to the annual meeting;
 - (e) on application of an owner, a mortgagee or any person authorized in writing by an owner or mortgagee, make the books of account available for inspection at all reasonable times;
 - (f) on application of an owner or mortgagee or any person authorized in writing by an owner or mortgagee, make the minutes of annual meetings and general meetings available for inspection at all reasonable times; and
 - (g) keep a copy of *The Condominium Property Act, 1993* and the regulations made pursuant to that Act.
- (2)** The secretary or, in the event of his or her absence or disability, another member of the board designated by the board shall be responsible for:
- (a) recording and maintaining all the minutes of meetings of the board;
 - (b) all the correspondence of the corporation; and
 - (c) carrying out his or her duties under the direction of the chairperson and the board.

(3) The treasurer or, in the event of his or her absence or disability, another member of the board designated by the board shall be responsible for:

- (a) receiving all money paid to the corporation and depositing that money as the board may direct;
- (b) properly accounting for the funds of the corporation and keeping those books as the board directs;
- (c) presenting to the board when directed to do so by the board, a full detailed account of receipts and disbursements of the corporation; and
- (d) preparing for submission at the annual meeting:
 - (i) a budget for the forthcoming fiscal year of the corporation; and
 - (ii) the financial statement for the most recently completed fiscal year of the corporation.

(4) All officers of the corporation shall act honestly and in good faith and with a view to the best interests of the corporation, and each member of the board shall exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

Powers

18 The board may:

- (a) employ on behalf of the corporation any agents and employees it considers necessary to control, manage and administer the real and personal property of the corporation and the common property and, in that respect, may authorize those persons to exercise the powers and carry out the duties of the corporation; and
- (b) subject to any restriction imposed on it or direction given to it at a general meeting of the corporation, delegate to any of its members or to other persons any or all of its powers and duties as it thinks fit, and may at any time revoke that delegation.

X Procedure for Annual Meeting and General Meetings

Order at meetings

19 All meetings of the board and general meetings are to be conducted according to the rules of order adopted by the meeting.

Owners requesting meeting

20(1) The board, on the written request of owners or their designates entitled to vote who represent not less than 25% of the total unit factors for the units, shall convene a general meeting no later than 45 days after the request is received by any member of the board.

(2) The written request for a general meeting mentioned in subsection (1) is to state the general nature of the business to be conducted at the meeting.

(3) The board shall prepare an agenda, including the matter requested pursuant to subsection (2), and may add matters to the agenda other than those requested pursuant to subsection (2).

Notice of meetings

21(1) When an annual meeting or a general meeting is to be convened, the board, not less than seven days prior to the day on which the meeting is to be convened, shall give to each owner written notice of the meeting stating:

- (a) the place, date and time at which the meeting is to be convened; and
- (b) the nature of all business to be brought forth at the meeting and level of approval required for each item.

(2) On being notified by a mortgagee entitled to vote pursuant to section 42 of the Act that it wishes to be notified of annual and general meetings, the board shall give to that mortgagee the same notices required to be given to the owner pursuant to subsection (1).

(3) An annual meeting or a general meeting or anything done at a meeting is not invalid by reason only that a person was inadvertently not given notice pursuant to subsection (1) for that meeting.

Quorum

22(1) Except as otherwise provided by these bylaws, no business shall be transacted at an annual meeting or a general meeting unless a quorum of persons entitled to vote is present or represented by proxy at the time when the meeting begins.

(2) A quorum for an annual meeting or a general meeting consists of not less than the number of persons or proxies representing 25% of all the unit factors.

(3) If, within 30 minutes from the time appointed for the commencement of an annual meeting or a general meeting, a quorum is not present, the meeting stands adjourned to the corresponding day in the next week at the same place and time.

(4) If, at the adjourned meeting, a quorum is not present within 30 minutes from the time appointed for the commencement of the meeting, the persons entitled to vote who are present or represented by proxy constitute a quorum for the purposes of that meeting.

Chairperson

23(1) The president, or in the event of his or her absence or disability, the vice-president or other person elected at the meeting shall act as chairperson of an annual meeting or a general meeting.

(2) The order of business at an annual meeting, and as far as is practicable at any general meeting, may be as follows:

- (a) call to order by the chairperson;
- (b) calling of the roll and certifying of proxies;
- (c) proof of notice of meeting or waiver of notice;
- (d) reading and approval of any unapproved minutes;
- (e) reports of officers;
- (f) reports of committees;

- (g) election of members of the board;
- (h) unfinished business;
- (i) new business;
- (j) adjournment.

XI Voting

Voting

24(1) At an annual meeting or a general meeting, a resolution is to be voted on by a show of hands unless a vote by unit factors is demanded by a person entitled to vote and present in person or by proxy, and, unless a vote by unit factors is so demanded, a declaration by the chairperson that a resolution has on the show of hands been carried is conclusive proof of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.

(2) If a person demands a vote by unit factor, that person may withdraw that demand and, on the demand being withdrawn, the vote shall be taken by a show of hands.

Vote by unit factors

25 A vote by unit factors, if demanded, is to be conducted in a manner as directed by the chairperson, and the result of the vote by unit factors is deemed to be the resolution of the meeting at which the vote by unit factors was demanded.

Tie votes

26(1) Where there is a tie vote on a show of hands, the chairperson shall direct a vote by unit factors.

(2) Where there is a tie vote on a vote by unit factor, the resolution is defeated.

Voting by co-owners

27(1) If a vote is taken by unit factors, the number of votes that a person may cast is to correspond to the unit factors for the respective units represented by that person.

(2) If a unit is owned by more than one person, those co-owners may vote personally or by proxy and:

(a) in the case of a vote taken by a show of hands, those co-owners are entitled to one vote between them; and

(b) in the case of a vote by unit factors, a co-owner is entitled to that portion of the vote applicable to the unit that is proportionate to his or her interest in the unit, as long as, where only one owner is present, that owner is entitled to vote all of the unit factors for that unit.

(3) A co-owner may demand that a vote by unit factors be taken.

Personal or proxy vote

28 In a show of hands or on a vote by unit factors, votes may be given either personally or by proxy.

29 Repealed. 16 Sep 2005 SR 98/2005 s6.

Restrictions on voting

30 Except as provided for in section 27 of these bylaws, there are no restrictions or limitations on an owner's rights to vote at an annual meeting or a general meeting.

Written resolutions

31 If a resolution of the members of the corporation requires a majority vote, that resolution signed in person or by proxy by all the persons who, at a properly convened annual meeting or general meeting, would be entitled to vote has the same effect as a resolution duly passed at the meeting.

XII Enforcement of Bylaws

Enforcement of bylaws

32 The corporation is authorized to commence an action pursuant to section 99 of Act.

XIII Tenants

Corporation authorized

33 For the purposes of section 82 of the Act, the corporation is authorized to do the following:

- (a) impose or collect deposits pursuant to section 77 of the Act;
- (b) make applications to the Rentalsman pursuant to section 80 of the Act;
- (c) collect common expenses from tenants pursuant to section 81 of the Act.

XIV Restrictions in Use

Interpretation

34(1) In this section:

- (a) **"occupant"** means a person present in or on a unit or in or on the real or personal property of the corporation or the common property with the permission of an owner;
 - (b) **"owner"** includes a tenant.
- (2) An owner shall not:
- (a) use or enjoy the real or personal property of the corporation or the common property in a manner that unreasonably interferes with its use and enjoyment by other owners or occupants;

- (b) use his or her unit in a manner or for a purpose that will cause a nuisance or hazard to any other owner or occupant;
 - (c) use his or her unit for a purpose that is illegal;
 - (d) make undue noise in or on his or her unit or on or about the real property of the corporation or the common property;
 - (e) do anything respecting his or her unit, the real or personal property of the corporation or the common property or bring or keep anything on it that will in any way increase the risk of fire or result in an increase in any insurance premiums payable by the corporation;
 - (f) use a toilet, sink, tub, drain or other plumbing fixture for a purpose other than that for which it is constructed;
 - (g) hang or place on the real property of the corporation or the common property or within or on a unit anything that is aesthetically displeasing in the board's opinion when viewed from outside the units;
 - (h) leave articles belonging to his or her household on the real property of the corporation or the common property when those articles are not in actual use;
 - (i) obstruct a sidewalk, walkway, passage, driveway or parking area other than for entering and leaving his or her unit;
 - (j) use any portion of the real property of the corporation or the common property except in accordance with the bylaws.
- (3) An owner shall ensure that his or her occupants comply with the requirements that the owner must comply with pursuant to subsection (2).

PART III

Table 1
[Section 40.1]

Condominium Corporation Registry Fees

Item	Type of Service	Fee
1	For filing an amendment to the bylaws pursuant to subsection 46(3) of the Act	\$ 20
2	For filing documents respecting an amalgamation pursuant to sections 15 and 34 of the Act and section 41 of the regulations	50
3	For re-examination or prior approval of any documents required to be provided to the Director pursuant to the Act or regulations	20
4	For photocopies pursuant to section 42 of the regulations	1 per page
5	For certified copies pursuant to section 42 of the regulations	20 per document
6	For a profile report provided by the Director's office and certified pursuant to section 42 of the regulations	10
7	For an in-office inspection of an archival file without copies pursuant to section 42 of the regulations	2
8	For remote computer access and inquiry pursuant to section 42 of the regulations	2
9	For providing a profile report by remote computer access pursuant to section 42 of the regulations	5
10	For providing documents by fax pursuant to section 42 of the regulations	5
11	For providing information by telephone pursuant to section 42 of the regulations	8

