

6 STEPS OF COMPLIANCE WITH SECTION 98 OF THE CONDOMINIUM ACT RE: ALTERATIONS TO COMMON ELEMENTS

STEP 1:

Prior to making any changes to the common elements, the Unit Owner requests permission from the condominium Board of Directors in writing providing all necessary information in order for them to make a decision i.e. plans, drawings, sizes, colors, etc.

STEP 2:

Board of Directors reviews the proposed change, requesting any further information they may require to conduct their due diligence.

STEP 3:

If the change is to a designated “exclusive use “common element, the board determines if the criteria set out in s.98(2) of the Condominium Act, 1998. are satisfied.

STEP 4:

The Board informs the unit owners of its decisions. If approving the change, the board clearly sets out all conditions of approval.

STEP 5:

The Board ensures the requirement of s. 98(1) c are met, which may require a meeting of and/ or notice to unit owners seeking approval

STEP 6:

If the change is approved, the owner and the corporation enter into an agreement under s.98 (1) (b), which is registered on the title to the unit. The unit owner may register it on title and provide the associated legal documents to the property manager or may engage the management company to attend to it. There are legal and administrative costs which are deferred to the unit owner and payable in advance.

NOTICE: The failure to follow any of these steps could render a unit owners' change to the common elements illegal, even if that change is minor and even if it is made to a portion of the common elements that is designated for the exclusive use of the occupants of that owner's unit. Also note that all costs associated from a failure to comply with a registered agreement under section 98 may be added to common expenses for the unit and, if unpaid by the unit owner, would therefore become subject of lien pursuant to section 85 of the Act