



Condo owner rights and responsibilities

Learn about the rights and responsibilities of condo owners, how condominiums are run and how to work with a condo board.



Your rights

As the owner of a condo unit you can:

- vote at owners' meetings
- elect board members
- review corporation records (e.g., financial statements, meeting minutes) as long as your request is put in writing and gives reasonable notice
- request a meeting of owners and request that an issue be added to a meeting agenda (e.g., the agenda for the annual general meeting)
- get a court order to make the corporation carry out a duty required under the *Condominium Act* (http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_98c19_e.htm)
- remove a director from the board with a majority of votes

Your responsibilities

As the owner of a condo unit you must:

- pay your monthly condo fees, including any special assessments, chargebacks or liens
- maintain and repair your unit (according to the condominium declaration, by-laws and rules)
- follow the condominium's declaration, by-laws and rules
- resolve disputes through discussion, mediation, arbitration or court order
- elect a board to govern the condominium property and run the corporation

Maintenance and repairs

There are 2 general types of repairs in a condominium property:

- repairs to your individual unit
- repairs to the common elements

You should keep in mind that condo corporations have to carry certain insurance, which may affect repair and maintenance. Any insurance that you choose to get for your unit may also affect your repair and maintenance responsibilities.

Repairs inside an individual unit

Unit owners are responsible for the ongoing maintenance and repair of their units.

In many condominiums, the electrical and plumbing equipment behind the wall that only services the owner's unit is also the owner's responsibility to maintain and repair.

Check your condominium declaration for a definition of unit boundaries and to understand what you are responsible to maintain and repair.

If there is damage inside a unit (e.g., there is a flood from a unit above), owners should contact the condo property manager or board of directors to see who is responsible and for what. If an owner has chosen to have insurance for his or her unit, he or she should also consider contacting their insurance company. Owners should note that time may be a factor in these cases.

If repairs must be made inside a unit (e.g., if a sink doesn't drain), owners should read the condominium declaration and by-laws to understand their responsibilities. Generally, the *Condominium Act* requires that owners have things repaired in a reasonable time.

Repairs to the common elements

Generally, the condo corporation is responsible for the upkeep, maintenance and repairs to common elements.

Common elements are all the parts of a condominium property that are outside the boundaries of the units. The boundaries between units and common elements are set out in the condominium declaration and the condominium's description (i.e. the plans of the condominium). The common elements can include things like parks, roads, landscaped gardens, lawns and trees, elevators, hallways, parking areas or exercise facilities.

The condo corporation uses the funds from the monthly condo fees to operate the condominium, and that includes maintenance and repair of most of the common elements.

Often, the condo board of directors will hire a professional condo manager to help carry out these duties. For example, if the lobby needs maintenance, the condominium corporation must maintain it with the cost shared by all of the owners as a common expense.

Exclusive-use common elements, like balconies and backyards that are used by only one or just a few owners, are generally maintained by the unit owners who have the exclusive use.

Overall, condo corporations must keep the property in good repair to maintain its value.

Declaration, by-laws and rules

Condo declaration

The declaration sets out how the condominium corporation is owned. The document:

- defines the units
- defines the common elements
- shows the percentage of ownership each unit has in the common elements
- shows how much each owner must pay in condo fees (owners of a 3-bedroom condo may pay a higher monthly condo fee than owners of a 2-bedroom condo)

Different condo corporations define ownership in different ways. In some condominiums, the outside wall is defined as part of the individual units. In others, the outside wall is part of the common elements. These distinctions are important. They may determine if you will need to pay for window-washing services or repairs to the front porch of your townhouse.

The declaration can be changed, but this happens rarely. Changing the basis of a unit's contributions to condo fees would require the support of 90% of the owners. Even changing a non-financial matter in the declaration, like pet restrictions, would require 80% agreement.

If you're buying a unit in a newly-built condo, the proposed or existing declaration is included with the disclosure statement. If you're buying a resale condo, it's included with the status certificate.

Condo by-laws

The by-laws set out how the corporation will be run. They deal with the responsibilities and powers of the board of directors, how meetings will be run and the collection of condo fees. The by-laws must be approved by a majority of the owners.

Condo rules

The board of directors may also make rules to govern day-to-day living. Rules help promote the safety, security and welfare of the owners. These may include how the freight elevator can be used or if owners can have pets.

Restrictions

The declaration, by-laws and rules will set out any restrictions on how you can use your unit or the common elements. If you're new to condo living, you might find some of these surprising. For example, they may:

- restrict the size or number of pets
- specify the colour of your shades or blinds
- require you to file certain documents with the condo corporation if you want to rent your unit
- restrict certain renovations in your unit

You should review your condominium's declaration, by-laws and rules to learn about any restrictions and to make sure that the way you want to use your condo is allowed.

How condos are run

In some ways, a condo development is like a small municipality. The owners of each unit are members of the condo corporation and have the right to vote at meetings (1 vote per unit).

An elected board of directors, like a town council, makes decisions on behalf of the owners, and often hires staff to carry out the work. Just as towns have a town manager, condominiums often have a condominium manager.

Condo corporation

The condominium corporation is responsible for managing the condominium:

- property
- finances
- corporation records
- reserve fund study
- all other related matters

As an owner you are a member of a corporation. It is similar to, but not the same as, being a shareholder of a business corporation.

Board of directors

Owners elect a board of directors to oversee the condo property and the affairs of the condo corporation.

The board typically meets once a month to conduct business. Among other things, it must:

- ensure the condominium property is maintained and that repairs are carried out as needed
- ensure a reserve fund study takes place every 3 years and that the fund can cover major repairs to the common elements and or any assets of the corporation
- monitor financial reporting and oversee financial operations
- organize an annual meeting of the condo unit owners and any other owner meetings that may be needed
- propose by-laws that deal with the responsibilities and powers of the board (e.g., how meetings will be run, how common expense fees will be collected) - a majority of unit owners have to vote in favour of these proposed by-laws in order to make them valid
- make rules to promote the safety, security and welfare of the owners
- direct or delegate daily operations to a property manager

- provide financial and operational records to owners (owners must make the request in writing and may have to pay a fee)
- supply status certificates when requested (owners should make the request in writing and may have to pay a fee)
- keep up-to-date on best practices for condo governance and management
- run the corporation in compliance with the *Condominium Act*
- ensure directors and officers perform their duties with care, diligence and reasonable skill (this is called upholding a directors' standard of care)

Voluntary training on condo governance and the responsibilities of condo directors is available from industry associations.

There are no training requirements to become a condominium board member.

The board must have at least 3 directors. Each director must:

- be at least 18 years of age
- not be in a state of bankruptcy
- be capable of managing property within the meaning of the *Substitute Decisions Act* (http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_92s30_e.htm)
- act honestly, in good faith and exercise due diligence
- exercise reasonable care and skill when fulfilling his or her duties
- disclose conflicts of interest in writing

Directors are elected for a term of up to 3 years and may run for re-election. Most condominiums elect directors to terms that overlap so that there will always be a board member with operational history.

Directors may be removed from office by a majority vote at an owners' meeting. Owners may then elect a replacement.

Condo manager

Condo corporations may hire a condo manager (or a condo management business) to oversee day-to-day operations.

Different types of condominiums have different management needs, depending on the size, age and nature of the property. A condo manager may:

- collect common expense fees
- keep records for the condo corporation
- respond to owner complaints
- ensure maintenance and repair of the property
- hire and monitor service companies and oversee staff and contractors
- prepare draft annual budgets and oversee the reserve fund use
- implement an emergency management plan and respond to emergencies
- prepare status certificates
- issue meeting notices, report regularly on the affairs of the corporation
- board meetings and oversee administration of all owners' meetings

- monitor the corporation's insurance
- prepare financial reports and arrange for audits

The condo manager may also advise the board on:

- how to comply with the *Condominium Act*
- how to comply with legislated or mandatory repairs required by government
- the financial responsibilities of the board (e.g., contributions to the reserve fund and long-term reserve fund planning)

The condo manager is accountable to the condo corporation.

Condo meetings

Annual general meetings

Condo corporations have to call and hold annual general meetings (AGMs) where owners vote on major decisions. Boards have to:

- call and hold an annual general meeting within 3 months after the condo corporation is created (e.g., after the registration of the condo declaration and description)
- call and hold annual general meetings within 6 months of the end of each fiscal year of the corporation so owners can review the audited financial statements, elect directors, etc.
- give notice for a meeting at least 15 days before it is held

Owners who participate in the AGM are also given the responsibility of selecting the corporation's auditor. At an AGM, the auditor reports to owners about the financial health and operations of the condo corporation.

In advance of an AGM, the auditor must issue a report on the corporation's financial statements. The financial statements and auditor's report must be included in the meeting notice package for the AGM.

Voting is based on the number of units, not the number of owners. Each unit is entitled to 1 vote whether it has a single owner, 2 owners, or more.

It is important to attend the AGM to help the condo corporation reach the number of voters it needs (e.g., to reach "quorum") to make decisions on important issues and generally run the condo corporation efficiently.

At meetings, you may also hear first-hand about issues such as:

- an upcoming major repair
- items of concern (e.g., how a security incident was handled)
- new rules the board or owners would like to propose

Other owners' meetings

Condo boards can also call and hold special owners' meetings, known as requisition meetings. To request a meeting, unit owners must send the board a written petition (known as a requisition) with the support of owners from least 15% of the units in the condominium.

Unit owners may request an owner's meeting on any topic of concern, from voting on proposed new rules to voting on the removal of a director. However, this does not mean that owners are entitled to vote on every decision that a condo board makes. The *Condominium Act* sets out the type of decisions that require a condo board to get the approval of owners.

If owners of at least 15% of the units sign a written request for a special meeting, the board must call and hold it within a certain period of time. Generally, condo boards have to call and hold requisition meetings within 35 days of getting a valid petition.

The request must include what business will be discussed or voted on. For example, some owners may wish to change the hours of access to the pool.

If the reason for the meeting includes a vote to remove a director, the director's name and reason for removal must be specified.

The board of directors may also call a meeting of owners at any time. The meeting notice must explain why the meeting is being called.

Voting by proxy

If you are unable to attend an AGM or owners' meeting but still want to have a role in the decision-making process, you may wish to submit a proxy form. This gives another person who plans to attend the meeting the power to vote on your behalf. Your condo board or condo manager may have proxy forms.

A proxy is a legal document. In handing over a proxy, you are giving someone the authority to vote on your behalf at a meeting on all matters related to the condominium. A proxy can be used to elect directors, as long as the owner specifies for whom he or she wishes to vote. Owners who turn over a proxy form must indicate who will vote on their behalf. Owners should ensure that anyone they choose as their proxy will represent their wishes.

[Get a proxy form \(https://www.ontario.ca/home-and-community/land-registration-all?title=proxy\)](https://www.ontario.ca/home-and-community/land-registration-all?title=proxy)

Board meetings

Typically, only directors have a right to attend board meetings. Directors may issue invitations on occasion for owners or others to attend and address a matter with the board.

Boards of directors must keep minutes of their meetings and these minutes must be available for review by any owner. Boards may not have to release records about:

- employees of the corporation (except for contracts of employment)
- actual or pending lawsuits or insurance investigations
- specific units or owners

Requests must be made in writing.

Corporate records

With certain exceptions, owners have a right to review corporate records. However, owners must make the request in writing and give reasonable notice. Records may be edited to protect personal information.

Types of records that condo corporations may **not** have to release to a unit owner include:

- that have to do with other owners or units
- about employees of the condo corporation (except the actual employment contract)
- about actual or pending lawsuits
- about insurance investigations

Condo corporations must:

- keep adequate records, including the corporation's financial records, minutes from owners' and board meetings, and a copy of the declaration, by-laws and condo rules
- allow owners to view most records and provide copies of these records within a reasonable time

If the corporation refuses to let you examine the records without a reasonable excuse, you can file a claim with Small Claims Court.

How to handle disagreements

From time to time, sharing common elements and following community rules can lead to disagreements. However, there are ways to resolve disputes.

If you disagree with a policy taken by your condominium board, or feel the condo corporation is not being properly managed in some way, you have a number of options. You can:

Discuss your concern informally with members of the board or management

This is usually the best way to start and may be enough to solve the problem.

Write to the board requesting formal consideration of your concern

You may also ask to speak about your concern at a board meeting. Generally, only directors have a right to attend board meetings, but they can invite you if they wish.

Raise your concern at an annual general meeting of the owners

At an annual general meeting, an owner may ask to discuss anything about the condo corporation, like how it's run, question about the condo property, etc. This is a good way to test if other owners share your concern.

Make your concern the topic of a special owners meeting

Owners may call on the board to have a special owners' meeting, known as a requisition meeting. To do this unit owners have to send the board a written petition (known as a "requisition") with the support of owners of at least 15% of the units in the condominium.

Mediation and arbitration

If a disagreement cannot be resolved in these ways, there are further steps you can take, like mediation, arbitration and other legal actions. The steps you take depend on the nature of your dispute.

In many cases, mediation is a mandatory first step. This is where a neutral facilitator is brought in to help work out a mutually-agreeable solution (mediation is the preferred approach because it's often less costly than filing a case with the courts)

If mediation fails, binding arbitration is the next step. This is where an impartial person, an arbitrator or panel of arbitrators, conducts a hearing and makes a ruling on the issues in dispute. The people involved in the dispute bring evidence to this hearing and the arbitrator makes a binding decision. There are cases where an arbitration decision can successfully be appealed to a court

Mediation and arbitration processes are sometimes called alternative dispute resolution (ADR). Mediators and arbitrators are listed in online directories (e.g., YellowPages.ca) and through organizations (e.g., [ADR Institute of Ontario \(http://adr-ontario.ca/\)](http://adr-ontario.ca/)).

It may be in your best interest to cooperate with your condo corporation if it asks that you take part in mediation or arbitration to resolve a dispute.

Talk to your lawyer if you are considering legal action against your condo corporation. In most cases, you cannot take a condo corporation dispute to court without having tried mediation first.

Frequently asked questions

- [What should I do if my condo doesn't respond to a repairs work order?](#)

Contact your condo manager or the board of directors to clarify who is responsible for any repair and maintenance that's needed. Responsibility for maintenance and repairs can vary from one condominium property to another.

If you have insurance for your unit, you can also consider contacting your insurance company. Or, if the condo board is responsible for making the repairs, ask for a timeline for action.

[Learn more about living in a condominium \(https://www.ontario.ca/page/condo-owner-rights-and-responsibilities\)](https://www.ontario.ca/page/condo-owner-rights-and-responsibilities)

- [Can condo corporations hand out fines?](#)

The Condominium Act does not allow a condo corporation to "fine" a unit owner.

But keep in mind that a "fine" is not the same as the recovery of costs against a unit owner. A condo corporation may be entitled to recover costs against a unit owner depending on certain factors. In these cases, owners may want to consider getting legal advice.

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- [Can I withhold my condo fees until urgent repairs are carried out in my unit?](#)

Generally, unit owners have to pay their condo fees even if they have a claim or dispute with the condo corporation.

If they do not pay, the corporation can register a certificate of lien against a unit. This lien can be enforced, if necessary, by selling a unit.

[Learn more about living in a condominium \(https://www.ontario.ca/page/condo-owner-rights-and-responsibilities\)](https://www.ontario.ca/page/condo-owner-rights-and-responsibilities)

- [Can a condo property manager enter my unit without notice?](#)

It is possible in some cases.

If there is an emergency, like a fire, management may be able to enter a unit immediately or without notice. Check your condominium's declaration, by-laws and rules.

Normally, a representative of a corporation may enter a unit to carry out the "objects and duties" of the corporation, like inspecting the smoke detectors or heating and cooling system, as long as he or she gives the unit owner and resident reasonable notice and enters at a reasonable time.

[Learn more about living in a condominium \(https://www.ontario.ca/page/condo-owner-rights-and-responsibilities\)](https://www.ontario.ca/page/condo-owner-rights-and-responsibilities)

Updated: August 9, 2017

Published: September 29, 2014

Related

[Condominium Act](#)

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_98c19_e.htm

[Before you buy a condo \(https://www.ontario.ca/page/before-you-buy-condo\)](https://www.ontario.ca/page/before-you-buy-condo)

[Buying a condo \(newly-built\) \(https://www.ontario.ca/page/buying-condo-newly-built\)](https://www.ontario.ca/page/buying-condo-newly-built)

[Buying a condo \(resale\) \(https://www.ontario.ca/page/buying-condo-resale\)](https://www.ontario.ca/page/buying-condo-resale)

[Consumer Protection Ontario \(https://www.ontario.ca/consumers/consumer-protection-ontario\)](https://www.ontario.ca/consumers/consumer-protection-ontario)