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Motor Vehicle Transport Act/Truck Transportation Act Loi sur les transports routiers/Loi sur le camionnage

The following are applications for operating licences under the *Truck Transportation Act*, R.S.O. 1990, Chapter T.22, and/or the *Motor Vehicle Transport Act*, 1987, Chapter 35. The applicants have met the fitness requirements pursuant to Section 6 of the *Truck Transportation Act* and/or Section 8(2) of the *Motor Vehicle Transport Act*, 1987 and the provincial transport board and/or the Registrar of Motor Vehicles proposes to issue the licences if no written objection is served on the applicant and filed with the Registrar of Motor Vehicles, within thirty days of this publication.

The following applicants have applied for Authority to offer a transportation service for the carriage of Goods:

On trouvera ci-après la liste des demandes de permis d'exploitation présentées en vertu de la *Loi sur le camionnage*, L.R.O. 1990, chapitre T.22, et/ou la *Loi de 1987 sur les transports routiers*, L.C. 1987, chapitre 35. On a jugé que les personnes ayant présenté ces demandes se conformaient aux critères d'aptitude prévus au paragraphe 8(2) de la *Loi de 1987 sur les transports routiers* et l'office des transports de l'Ontario et/ou le registraire des véhicules automobiles dans les trente jours suivant la publication des présentes.

Les personnes suivantes ont demandé l'autorisation d'offrir des services de transport de marchandises à destination.

ALSISTO, WENDEL, C.
NORTH YORK, ON

AMS TRANSPORTATION SERVICES INC.
MISSISSAUGA, ON

AUDITING AND CONSULTING SERVICES INC.
MISSISSAUGA, ON

BRISCO NATURE HOLIDAYS LTD.
BRISCO, BC

D. BUTTAR CORPORATION
OAKVILLE, ON

CHABEC TRANSIT INC.
DELSON, QC

JOHN CHARETTE TRUCKING LTD.
HARROW, R3, ON

CRUNCH TRUCKING LTD.
MAPLE, ON

DI BIASE, LISA, A.
CONCORD, ON

FUHR, CLIFF, A.
WINNIPEG, MB

GATHRIGHT SERVICES INC.
BENTON HARBOR, MI

GRAHAM BROS CONSTRUCTION LTD
BRAMPTON, ON

GULLO, ANTONIO, G.
MAPLE, ON

HARBOR TRUCKING LTD.
ABBOTSFORD, BC

HIRD, STANLEY
ROSSENDALE, MB

JOHNSON, MARK, A.
TORONTO, ON

KANAGARATNAM, RANJAN
SCARBOROUGH, ON

KEITHS TRUCKING L.L.C.
DETROIT, MI

KOONER TRANSPORT LTD.
TECUMSEH, ON

L & N TRANSPORTATION INC.
LOUISVILLE, KY

LACOMBE TRANSPORTATION LLC
BOYNE CITY, MI

LEBRUN, ROBERT
ANOLA, MB

LECHUMANAN, SUKUMAR
MISSISSAUGA, ON

MANEESA TRANS LTD.
SCARBOROUGH, ON

MAPLE PDQ DELIVERY INC
BURLINGTON, ON

METROPOLIS MOVING LTD
PITT MEADOWS, BC

MCARTHUR EXPRESS (USA) INC.
WYOMING, MI

MCQUEEN TRANSPORT LTD
BROWNSVILLE, RR1, ON

MILLER, LEWIS, H.
INDIANAPOLIS, IN

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et aux entreprises

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MORROW, DENNIS, B.
TORONTO, ON

MV TRANSPORT LTD.
WILLOW BUNCH, SK

TRANSIT NORD-PLUS INC.
ST-JERON, QC

OWNER DIRECT FREIGHT SYSTEMS INC.
COBOURG, ON

PRO-FAST COURIER & CARTAGE LTD.
TORONTO, ON

S.U.K. TRANS LTD.
SCARBOROUGH, ON

SAL-SHINE TRANSPORT INC
MISSISSAUGA, ON

SUPER SUCKER HYDRO-VAC SERVICE INC.
ANCASTER, ON

TRI-X TRANSPORT LTD.
CALGARY, AB

ULTIMATE EXPRESS INC.
RUSHVILLE, IN

UNITED MESSENGER CO-OP LTD.
WINNIPEG, MB

J.A. WOODHOUSE TRANSFER LTD.
HEATHCOTE, ON

ZAPATA, VILARS, ANTONIO
DOWNSVIEW, ON

849977 ALBERTA LTD.
COLEMAN, AB

1426905 ONTARIO INC.
TORONTO, ON

1464727 ONTARIO INC.
WESTON, ON

1441650 ONTARIO LIMITED
AJAX, ON

1447313 ONTARIO LIMITED
NORTH BAY, ON

1459829 ONTARIO INC.
BRAMPTON, ON

9083-4714 QUEBEC INC.
SAYABEC, QC

9101-0371 QUEBEC INC.
VENISE EN QUEBEC, QC

J. Greig Beatty
Manager / Chef de Service

Ontario Highway Transport Board

NOTICE

Periodically, temporary applications are filed with the Board. Details of these applications can be made available at anytime to any interested parties by calling (416) 326-6732.

The following are applications for extra-provincial and public vehicle operating licenses filed under the *Motor Vehicle Transport Act, 1987*, and the *Public Vehicles Act*. All information pertaining to the applicant *i.e.* business plan, supporting evidence, etc. is on file at the Board and is available upon request.

Any interested person who has an economic interest in the outcome of these applications may serve and file an objection within 29 days of this publication. The objector shall:

1. complete a Notice of Objection Form,
2. serve the applicant with the objection,
3. file a copy of the objection and provide proof of service of the objection on the applicant with the Board,
4. pay the appropriate fee.

Serving and filing an objection may be effected by hand delivery, mail, courier or facsimile. Serving means the date received by a party and filing means the date received by the Board.

LES LIBELLÉS DES DEMANDES PUBLIÉES CI-DESSOUS SONT AUSSI DISPONIBLES EN FRANÇAIS SUR DEMANDE.

G.W.X2 Transportation Ltd. 45921
279 Sunset Blvd., Peterborough, ON K9H 5L2

Applies for a public vehicle operating licence as follows:

For the transportation of passengers on a scheduled service between the County of Peterborough and the Regional Municipality of Peel via Highways 7, 28, 115, 35 and 401.

PROVIDED THAT the licensee be restricted to the use of Class "D" public vehicles as defined in paragraph (a)(iv) of subsection 1 of Section 7 of Regulation 982 under the *Public Vehicles Act*, RSO 1990, Chapter P. 54, each having a seating capacity of seven (7) exclusive of the driver.

Autocar Dostie Inc. 45884-A
6957 rue Wolfe, Lac Megantic, Quebec G6B 2S3

Applies for an amendment to extra-provincial operating licence No. X-1377 as follows:

1. For the transportation of passengers on a chartered trip, from points in the Province of Quebec from the Ontario/Quebec border to points in Ontario and from such points on the same chartered trip, without pick-up or discharge of passengers in Ontario to point of origin.
2. For the transportation of passengers on a one-way chartered trip from points in the Province of Quebec from the Ontario/Quebec border crossings to points in Ontario without pick-up of passengers in Ontario.
3. For the transportation of passengers on a one-way chartered trip from:
 - (i) the Montreal International Airport at Mirabel and Dorval and the Jean-Lesage Airport at Sainte-Foy as authorized by the Province of Quebec from the Ontario/Quebec border crossings to the Lester B. Pearson International Airport;
 - (ii) the Lester B. Pearson International Airport to the Ontario/Quebec border crossings for furtherance to Montreal International airport at Mirabel and Dorval and the Jean-Lesage Airport at Sainte-Foy.

PROVIDED THAT:

- (a) all such passengers shall have had a prior movement by air to point of origin and a subsequent movement by air at point of destination;
 - (b) there shall be no additional charter privileges other than the privileges specifically conferred herein.
4. For the transportation of passengers on a chartered trip from:
 - (i) the Montreal International Airport at Mirabel and Dorval and the Jean-Lesage Airport at Sainte-Foy as authorized by the Province of Quebec from the Ontario/Quebec border crossings to the Lester B. Pearson International Airport;
 - (ii) the Lester B. Pearson International Airport to the Ontario/Quebec border crossings for furtherance to Montreal International airport at Mirabel and Dorval and the Jean-Lesage Airport at Sainte-Foy.

PROVIDED THAT:

- (a) all such passengers shall have had a prior movement by air to point of origin and a subsequent movement by air at point of destination;
- (b) there shall be no additional charter privileges other than the privileges specifically conferred herein.

PROVIDED FURTHER THAT the current terms of extra-provincial operating licence No. X-1377 be deleted.

Don and Linda Onderdonk 45931
490 Bovee Rd., Bergen, New York 14416 USA

Applies for an extra provincial operating licence as follows:

For the transportation of passengers on a chartered trip from points in the United States of America as authorized by the relevant jurisdiction from the Ontario/USA, Ontario/Manitoba and Ontario/Quebec border crossings:

1. to points in Ontario;
2. in transit through Ontario to the Ontario/USA, Ontario/Manitoba and Ontario/Quebec border crossings for furtherance

and for the return of the same passengers on the same chartered trip to point of origin.

PROVIDED THAT there be no pick up or discharge of passengers except at the point of origin.

Andres Wines Ltd. 45932 & A
697 South Service Rd., Grimsby, ON L3M 4E8

Applies for the approval of transfer of extra provincial operating licence No. X-3150 and public vehicle operating licence No. PV-5102 both now in the name of Experience Wine Tours Inc., 8098 Aintree Dr., Niagara Falls, ON L2H 1V7.

Northway Bus Lines Inc. 31155-V/W/X
Box 550, Highway 69 North, Capreol, ON P0M 1H0

Applies for the approval of transfer of extra provincial operating licence No. X-3022 and public vehicle operating licences Nos. PV-2926 and PV-2025 all now in the name of Hagar Central Bus Lines Ltd., Hagar, ON P0M 1X0.

Felix D'Mello
 Board Secretary/Secrétaire de la Commission

Government Notices Respecting Corporations Avis du gouvernement relatifs aux compagnies

Certificates of Dissolution Certificats de dissolution

NOTICE IS HEREBY GIVEN that a certificate of dissolution under the *Business Corporations Act*, has been endorsed: The effective date precedes the corporation listings.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément à la *Loi sur les compagnies*, un certificat de dissolution a été inscrit pour les compagnies suivantes : la date d'entrée en vigueur précède la liste des compagnies visées.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
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2001-2-5	
COMMUNICA LIMITED	202826
IT PLUS INC.	1190184
PIKANGIKUM AIR SERVICES LIMITED	346232
TAMES ADVERTISING AGENCY LIMITED	99993
572509 ONTARIO LIMITED	572509
1377157 ONTARIO LIMITED	1377157
2001-2-6	
R.E. MCGREGOR ENTERPRISES LTD.	681059
THE PEEL COMPANY INC.	1151883
UNION COMPUTER & ELECTRONIC INC.	1092425
1343631 ONTARIO LTD.	1343631
2001-2-7	
GM REAL ESTATE INC.	828872
WOODLAND MANAGEMENT LIMITED	267569
2001-2-8	
MOTOR MEMORIES INC.	1306774
TIMCAN FEED LTD.	1006567
WARD - HORNING CONSULTANTS LIMITED	235005
978687 ONTARIO INC.	978687
1084704 ONTARIO INC.	1084704
2001-2-9	
CHURBOWL ENTERPRISES INC.	678442
MAYESKI & CALVIN INVESTMENTS INC.	1044116

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
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2001-2-9	
R & J EXPEDITING SERVICES LTD.	645829
TEDD SERVICES INC.	1162114
TENET INVESTMENTS INC.	843858
2001-2-12	
CAROUSEL PRINTING LTD.	627095
CHANTAL BEAUREGARD ENTERPRISES LIMITED/LES ENTREPRISES CHANTAL BEAUREGARD LIMITEE	233736
CORNWALL NEWS DISTRIBUTORS LIMITED	93424
FRANK CARROLL INSURANCE BROKERS LTD.	570167
JULKATH LIMITED	41777
MAINFRAME SUPPORT SERVICES INC.	1260196
526712 ONTARIO LIMITED	526712
2001-2-13	
K M AUTOMATION INC.	407502
KEYSTONE GENERATOR & STARTER REBUILDERS LIMITED.	121854
RIOVIERAS LTD.	682392
1137739 ONTARIO INC.	1137739
2001-2-14	
INGENEERITY SKILLS INC.	491256
KRYSTAL CONSTRUCTION (QUINTE) LTD.	883517
NFZ CANADA INC.	1256921
ROBERT WARREN CONSULTING INC.	809073
STRATEGIC EDGE SEMINAR LTD.	1173434
VESTRATEN ROOFING LIMITED	872532
WIDFIN HOLDINGS LIMITED	859898
315395 ONTARIO INCORPORATED	315395
1435327 ONTARIO LTD.	1435327
2001-2-15	
COMPRADOR SERVICES LTD.	1300371
HENATE WINDOW TEC LIMITED	647761
STOUFFVILLE RESOURCES INC.	784737
T.W. GREY GENERAL CONTRACTING LIMITED	855675
TENNESSEE FURNITURE INC.	1026778
TONG'S ENTERPRISE LIMITED	1141341

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
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2001-2-15

1090368 ONTARIO LIMITED	1090368
1294825 ONTARIO LIMITED	1294825
1314861 ONTARIO INC.	1314861

2001-2-16

DALIAN CANADA TRADING INC.	1363459
ELIESA A. HAMILTON LTD.	372340
HURIKEN ENTERPRISES LIMITED	1203553
NOSIRO TRADING CO. LTD.	365716
PACIFIC RIM TRADING (CANADA) INC.	1115419
747976 ONTARIO INC.	747976
1220051 ONTARIO LIMITED	1220051
1258080 ONTARIO INC.	1258080

2001-2-19

PHT INVESTMENTS LIMITED	239755
ROBERT H. SCOTT REAL ESTATE LTD.	318114
1210944 ONTARIO INC.	1210944

2001-2-20

CORBETT CUSTOM HOMES LIMITED	575361
REST EASY HOME SERVICES LTD.	1113311
SOFTGALAXY TECHNOLOGIES INC.	1387595
TIGCOM CONSULTING INC.	1307057
1016661 ONTARIO INC.	1016661
1053242 ONTARIO LIMITED	1053242

2001-3-1

EROSION PROTECTION SYSTEMS INC.	968310
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2001-3-2

HURON HOSPITALITY INC.	1215085
PAN GLOBAL FINANCIAL COUNSEL INC.	1077713
UNITED HOME BUILDERS (KITCHENER) LIMITED	99789

2001-3-3

ADVANCE MOVING & STORAGE LIMITED	1036322
OAK RIDGES PHARMACEUTICALS INC.	1084363

2001-3-5

CONTINENTE IMPORT/EXPORT INC.	462519
J.A. APPLIANCE INC.	1046064
LANA'S COSMETIQUE LTEE.	756856
MUTUAL REAL ESTATE LIMITED	250091
NORTH GRO DEVELOPMENT LTD.	499938
SEMICON DEVICE AND SYSTEMS INC.	672897
TYNAN'S HOME COMFORT LTD.	793964
WORLDWIDE COMMERCIAL SERVICES INC.	1095820
453393 ONTARIO LIMITED	453393
471635 ONTARIO INC.	471635
846893 ONTARIO INC.	846893
957556 ONTARIO LTD.	957556

2001-3-6

ACTAS MOLD MANUFACTURING CANADA INC.	1239807
FRONTENAC MECHANICAL CORPORATION	1075386
RIGHT ARM CONSULTING INC.	1150148
RISCY BUSINESS INC.	1364820
WEST CARLETON PLUMBING & HEATING SUPPLIES LTD.	718067

WONDERWELL LTD.	851811
1145120 ONTARIO INC.	1145120
1392843 ONTARIO INC.	1392843
1413043 ONTARIO LIMITED	1413043

2001-3-7

BANDCO LIMITED	368079
ENNS LEASEHOLDS LIMITED	310097
GOLD EPNET CANADA INC.	1407470
GRAND NOBLE DEVELOPMENTS INC.	1040579
JAMES-CHARLTON LTD.	579810
KAJUN JOE LIMITED	1376534
R & N HOLDINGS LIMITED	463035
VER-JO ENTERPRISES LIMITED	213441
WM O'BRIEN TRANSPORT LIMITED	272619

2001-3-8

BILLITON EXPLORATION CANADA LIMITED	947758
J.Z. RENOVATIONS LTD.	1368068
526440 ONTARIO LIMITED	526440
1202801 ONTARIO INC.	1202801

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
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2001-3-9

COSVIEW CONSTRUCTION LIMITED	106186
ERNEST A. RADFORD LIMITED	609311
EVER KNOWN INTERNATIONAL CONSULTING LTD.	1155818
ON-LINE CANADA INC.	803354
PINEHURST MOTORS LIMITED	231695
RAINBOW DISTRIBUTORS INC.	704896
ROYROB LIMITED	253029
THREE T. ENTERPRISE CANADA LTD.	1282576
TI GROUP AUTOMOTIVE FLEXIBLES INC.	498281
TOP QUALITY SALES & LEASING INC.	1096827
1120396 ONTARIO INC.	1120396
1266242 ONTARIO LTD.	1266242
1371177 ONTARIO INC.	1371177

12/01

B. G. HAWTON,
Director (A), Companies Branch
Directrice, intérimaire, Direction
des compagnies

Notice of Default in Complying with the Corporations Tax Act Avis d'inobservation de la loi sur les corporations

The Director has been notified by the Minister of Revenue that the following corporations are in default in complying with the *Corporations Tax Act*.

NOTICE IS HEREBY GIVEN under subsection 241 (1) of the *Business Corporations Act*, that unless the corporations listed hereunder comply with the requirements of the *Corporations Tax Act* within 90 days of this notice, orders will be made dissolving the defaulting corporations. All enquiries concerning this notice are to be directed to Corporations Tax Branch, Ministry of Revenue, 33 King Street West, Oshawa, Ontario, L1H 8H6.

Le ministre du Revenu a informé l'administrateur unique que les compagnies suivantes n'avaient pas respecté la *Loi sur l'imposition des personnes morales*.

AVIS EST DONNÉ PAR LA PRÉSENTE que, conformément au paragraphe 241 (1) de la *Loi sur les compagnies*, si les compagnies citées ci-dessous ne se conforment pas aux prescriptions énoncées par la Loi sur l'imposition des personnes morales dans un délai de 90 jours suivant la réception du présent avis, lesdites compagnies se verront dissoutes par décision. Pour tout renseignement relatif au présent avis, veuillez vous adresser à la Direction de l'imposition des compagnies, ministère du Revenu, 33, rue King ouest, Oshawa (Ontario) L1H 8H6.

Name of Corporation: Dénomination sociale de la compagnie :	Ontario Corporation Number Numéro de la compagnie en Ontario
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289959 ONTARIO INC.	289959
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12/01

B. G. HAWTON,
Director (A), Companies Branch
Directrice, intérimaire, Direction
des compagnies

Ministry of the Attorney General Ministère du Procureur Général

Courts of Justice Act, s. 127
Loi sur les tribunaux judiciaires, s. 127

INTEREST RATES

1. Postjudgment interest rates (and prejudgment interest rates for causes of action arising on or before October 23, 1989) are as follows:

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
1985	12%	13%	11%	11%
1986	11%	13%	10%	10%
1987	10%	9%	10%	11%
1988	10%	10%	11%	12%
1989	13%	13%	14%	14%
1990	14%	15%	15%	14%
1991	14%	11%	11%	10%
1992	9%	9%	8%	7%
1993	10%	8%	7%	6%
1994	6%	6%	8%	7%
1995	8%	10%	9%	8%
1996	8%	7%	6%	6%
1997	5%	5%	5%	5%
1998	5%	6%	6%	7%
1999	7%	7%	6%	6%
2000	6%	7%	7%	7%
2001	7%	7%		

2. Prejudgment interest rates for causes of action arising after October 23, 1989 are as follows:

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
1989				12.4%
1990	12.5%	13.5%	13.9%	12.9%
1991	12.3%	10.0%	9.1%	8.8%
1992	7.7%	7.5%	6.3%	5.1%
1993	8.3%	6.1%	5.1%	5.0%
1994	4.3%	4.1%	6.6%	5.6%
1995	6.0%	8.0%	7.6%	6.6%
1996	6.1%	5.6%	5.0%	4.3%
1997	3.3%	3.3%	3.3%	3.5%
1998	4.0%	5.0%	5.0%	6.0%
1999	5.3%	5.3%	4.8%	4.8%
2000	5.0%	5.3%	6.0%	6.0%
2001	6.0%	5.8%		

SANDRA WAIN,
A/Director,
Program Development Branch,
Court Services Division,
Ministry of the Attorney General.

(6855) 12

Applications to Provincial Parliament — Private Bills Demandes au Parlement provincial — Projets de loi d'intérêt privé

PUBLIC NOTICE

The rules of procedure and the fees and costs related to applications for Private Bills are set out in the Standing Orders of the Legislative Assembly. Copies of the Standing Orders, and the guide "Procedures for Applying for Private Legislation", may be obtained from the Legislative Assembly's Internet site at <http://www.ontla.on.ca> or from:

Committees Branch
Room 1405, Whitney Block, Queen's Park
Toronto, Ontario M7A 1A2

Telephone: 416/325-3500 (Collect calls will be accepted.)

Applicants should note that consideration of applications for Private Bills that are received after the first day of September in any calendar year may be postponed until the first regular Session in the next following calendar year.

(8699) T.F.N.

CLAUDE L. DESROSIERS,
Clerk of the Legislative Assembly.

Applications to Provincial Parliament Demandes au Parlement provincial

TOWN OF SIOUX LOOKOUT

A NEW HOSPITAL

NOTICE IS HEREBY GIVEN that on behalf of the Nishnawbe-Aski Nation, The Town of Sioux Lookout, and the Sioux Lookout District Health Centre, application will be made to the Legislative Assembly of the Province of Ontario at the present session thereof or at either of the two sessions immediately following the present session, for an Act to incorporate a new hospital corporation with the following objects:

- to serve the community health care needs of persons in the towns of Sioux Lookout, Pickle Lake and Savant Lake, in the areas without municipal organization surrounding them and in the First Nations communities of the Sioux Lookout Zone;
- to unify the delivery of health care services to the above communities by creating a single hospital to continue the activities of the Sioux Lookout District Health Centre, the Wm. A. "Bill" George Extended Care Facility and the Sioux Lookout Zone Hospital;
- to establish and/or operate hospital facilities and provide such acute care, chronic care and residential long term care services and programs as the new hospital considers necessary; and
- to hold and administer as trustee all gifts, trusts, bequests, devises and grants made to or intended for the Sioux Lookout Zone Hospital or the Sioux Lookout District Health Centre.

The application will be considered by the Standing Committee on Regulations and Private Bills. Any person who has an interest in the application and who wishes to receive information or make submission, for or against the application, to the Standing Committee on Regulations and Private Bills should notify, in writing, the Clerk of the Legislative Assembly, Legislative Building, Queen's Park, Toronto, Ontario M7A 1A2.

Dated at Hamilton, this 16th day of February, 2001.

GARY GRAHAM,
Solicitor for the Applicants
Gowling Lafleur Henderson LLP
Barristers and Solicitors
120 King Street West, Suite 560
Hamilton, Ontario L8P 4V2

(3519) 9-12

THE BOYS' HOME

NOTICE IS HEREBY GIVEN that on behalf of The Boys' Home application will be made to the Legislative Assembly of the Province of Ontario for an Act to amend the objects and powers of The Boys' Home.

The application will be considered by the Standing Committee on Regulations and Private Bills. Any person who has an interest in the application and who wishes to make submissions, for or against the application, to the Standing Committee on Regulations and Private

Bills should notify, in writing, the Clerk of the Legislative Assembly, Legislative Building, Queen's Park, Toronto, Ontario M7A 1A2.

Dated at the Town of Orangeville, this 14th day of March, 2001.

JACQUELINE M. CONNOR,
Carter & Associates,
Barristers, Solicitors &
Trademark Agents,
Solicitors for The Boys' Home,
Tel: (519) 942-0001

(3527) 12-15

Corporation Notices Avis relatifs aux compagnies

U-F SAVINGS INVESTMENT LTD.

TAKE NOTICE CONCERNING WINDING UP of U-F Savings Investment Ltd., Date of Incorporation: May 3, 1995, Liquidator: Baljinder Grewal, 235 Highview Drive, Kitchener, Ontario N2N 2E3, Date Appointed: December 10, 2000.

This notice is filed under subsection 193 (4) of the *Business Corporations Act*. The Special Resolution requiring the Corporation to be wound up voluntarily was passed/consented to by the shareholders of U-F Savings Investment Ltd., on December 10, 2000.

Dated this 13th day of March, 2001.

(3532) 12
BALJINDER GREWAL,
Liquidator.

Miscellaneous Notices Avis divers

THE JAPANESE CANADIAN (TORONTO) CREDIT UNION LIMITED

NOTICE IS HEREBY GIVEN that the membership of The Japanese Canadian (Toronto) Credit Union Limited passed a Special Resolution on February 18, 2001 to wind-up the Credit Union voluntarily, pursuant to the *Credit Unions and Caisses Populaires Act, 1994*. At the same meeting, the members appointed Arthur Tateishi as Liquidator of the estate and effects of the Credit Union.

Dated this 27th day of February, 2001.

(3528) 12
THE JAPANESE CANADIAN (TORONTO)
CREDIT UNION LIMITED, in Liquidation,
by its Liquidator,
Arthur Tateishi,
21 Maida Vale Avenue, Scarborough,
Ontario M1K 2X6,

Sales of Lands for Tax Arrears by Public Tender Ventes de terrains par appel d'offres pour arriéré d'impôt

MUNICIPAL TAX SALES ACT
R.S.O. 1990, c. M.60, s. 9 (2) (d) R.R.O. 1990, Reg. 824

THE CORPORATION OF THE TOWNSHIP OF JOHNSON

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on

May 1, 2001 at the Municipal Office, Box 160, 1 Johnson Drive, Desbarats, Ontario P0R 1E0.

The tenders will then be opened in public on the same day at the Municipal Office, Box 160, 1 Johnson Drive, Desbarats, Ontario P0R 1E0.

Description of Land(s)	Minimum Tender Amount
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Lot 38, Registrar's Compiled Plan No. H-804, Township of Johnson, District of Algoma, Roll No. 57 16 000 004 15903	\$4,727.49
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Part of Lot 1, Concession 7, Hinck's Location, Plan 58, Township of Johnson, District of Algoma, containing 9.09 acres more or less, being the Secondly described lands in Instrument No. T0386045 Roll No. 57 16 000 006 00100	\$2,642.68
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Lot 1, Registrar's Compiled Plan No. H-803, Township of Johnson, District of Algoma Roll No. 57 16 000 003 07500	\$5,191.56
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Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

The Municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Tax Sales Act* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

(3529) 12
MS. JO-ANN MCDIARMID,
Clerk-Treasurer,
The Corporation of the Township
of Johnson,
Box 160, 1, Johnson Drive,
Desbarats, Ontario P0R 1E0.
(705) 782-6601

MUNICIPAL TAX SALES ACT
R.S.O. 1990, c. M.60, s. 9 (2) (d) R.R.O. 1990, Reg. 824

THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on April 25, 2001, at the Municipal Office, 19000 Leslie Street, Sharon, Ontario L0G 1V0.

The tenders will then be opened in public on the same day at the Municipal Office, 19000 Leslie Street, Sharon, Ontario L0G 1V0.

Description of Land(s)	Minimum Tender Amount
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PIN 03423-0088(LT), Part of Lot 113, Concession 1 West of Yonge Street, Town of East Gwillimbury, Regional Municipality of York, As in Instrument No. R493073 Roll No. 19 54 000 889 46800	\$23,434.81
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Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

The Municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Tax Sales Act* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

A fee of \$10.00 will be required to obtain a tender package.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

MR. STEPHEN McDONALD,
Director of Corporate Services/
Municipal Clerk,
The Corporation of the Town of
East Gwillimbury,
19000 Leslie Street,
Sharon, Ontario L0G 1V0.
(905) 478-4282

(3530) 12

MUNICIPAL TAX SALES ACT

R.S.O. 1990, c. M.60, s. 9 (2) (d) R.R.O. 1990, Reg. 824

MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on April 18, 2001, at Armour Township, PO Box 533, Burks Falls, Ontario.

The tenders will then be opened in public on the same day at Armour Township Office, 56 Ontario Street, Burks Falls Ontario P0A 1C0 at 3:15 p.m.

Description of Land(s)	Minimum Tender Amount
Part Lot 11, Concession 7 RP 42R10921 Part 5, Township of Armour, District of Parry Sound.	\$3,585.07

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

The Municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Tax Sales Act* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

LAURA ROWLEY,
Clerk Treasurer,
Township of Armour,
P.O. Box 533,
56 Ontario Street,
Burke Falls, Ontario P0A 1C0.

(3531) 12

MUNICIPAL TAX SALES ACT R.S.O. 1990, c. M.60, s. 9 (2) (d) R.R.O. 1990, Reg. 824

THE CORPORATION OF THE TOWN OF COBALT

TAKE NOTICE that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on April 30th, 2001, at Cobalt Town Hall, P.O. Box 70, Cobalt, Ontario P0J 1C0.

The tenders will then be opened in public on the same day at Cobalt Town Hall at 3:30 p.m.

Description of Land(s)	Minimum Tender Amount
Parcel 19754 SST Part Lot 390, Plan M-47 (NB) Part 1 Reference Plan 54R-1741 Township of Coleman Municipality of Cobalt	\$4,755.91
Parcel 11543 SST Part of Lot 412, Plan M-47 (NB) Part 104 on Plan TER-394 Townplot of Cobalt Municipality of Cobalt	\$8,075.87
Parcel 4484 SST Lot 105, Plan M-101 Tem. Township of Coleman Municipality of Cobalt	\$1,876.01
Parcel 11291 SST Part of Lot 271, Plan M-47 (NB) Townplot of Cobalt Municipality of Cobalt and Parcel 2585 SST Part of Lot 271, Plan M-47 (NB) Townplot of Cobalt Municipality of Cobalt	\$6,629.71
Parcel 15857 SST Part of Cobalt Station Grounds of the Temiskaming and Northern Ontario Railway, Township of Coleman Municipality of Cobalt	\$9,759.88
Parcel 12057 SST Lot 86 Plan M-101 Temiskaming Township of Coleman Municipality of Cobalt and Parcel 16528 SST Lot 87, Plan M-101 Temiskaming Township of Coleman Municipality of Cobalt	\$3,436.85
Parcel 17637 SST Part Lot 461, Plan M-47 (NB) Townplot of Cobalt Municipality of Cobalt and Parcel 16729 SST Part Lot 462, Plan M-47 (NB) being Part 40 on Plan TER-394 Township of Coleman Municipality of Cobalt	\$8,228.03
Parcel 12587 SST Part of Lot 479, Plan M-47 (NB) being Part 4 on Plan TER-394 Townplot of Cobalt Municipality of Cobalt	\$12,724.78

Description of Land(s)	Minimum Tender Amount
Parcel 18054 SST Part of Mining Location R.L. 401 being Parcel Number 4, situate on Cobalt Lake, Part 77 on Reference Plan TER-949 Township of Coleman Municipality of Cobalt	\$8,071.96
Parcel 17146 SST Part Lot 412 on Plan M-47 (NB) being Part 105 on Plan TER-394 Townplot of Cobalt Municipality of Cobalt	\$5,496.53

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank, trust corporation or Province of

Ontario Savings Office payable to the municipality (or board) and representing at least 20 per cent of the tender amount.

The Municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.

This sale is governed by the *Municipal Tax Sales Act* and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax.

For further information regarding this sale and a copy of the prescribed form of tender, contact:

CLERK-TREASURER,
The Corporation of the
Town of Cobalt,
P.O. Box 70, 18 Silver Street,
Cobalt, Ontario P0J 1C0.

Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

2001—03—24

ONTARIO REGULATION 46/01

made under the

MENTAL HOSPITALS ACT

Made: January 24, 2001

Filed: March 5, 2001

Amending Reg. 744 of R.R.O. 1990
(General)

Note: Since the end of 2000, Regulation 744 has been amended by Ontario Regulations 5/01 and 30/01. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 20, 2001.

1. Item 3 of section 1 of Regulation 744 of the Revised Regulations of Ontario, 1990 is revoked.

12/01

ONTARIO REGULATION 47/01

made under the

LIVESTOCK COMMUNITY SALES ACT

Made: October 25, 2000

Filed: March 5, 2001

Amending Reg. 729 of R.R.O. 1990
(General)

Note: Regulation 729 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 20, 2001.

1. Paragraph 4 of section 1 of Regulation 729 of the Revised Regulations of Ontario, 1990 is revoked.

2. Section 2 of the Regulation is revoked and the following substituted:

2. All sales held primarily for the purpose of selling pure bred livestock registered or eligible to be registered in accordance with the *Animal Pedigree Act* (Canada) are designated for the purpose of clause 2 (c) of the Act.

3. Subclauses 3 (2) (a) (i), (ii), (iii) and (iv) of the Regulation are revoked and the following substituted:

(i) Class 1 community sales, \$300,

(ii) Class 2 community sales, \$600,

(iii) Class 3 community sales, \$1,500; and

4. The Regulation is amended by adding the following section:

3.1 A licence shall not be issued or renewed unless an inspector is in the employ of the applicant or licensee for the purpose of carrying out inspections.

5. (1) Clause 5 (h) of the Regulation is revoked and the following substituted:

(h) have an inspector in their employ during the currency of the licence and comply with the inspector's directions;

(2) Clause 5 (j) of the Regulation is amended by striking out "or Class 4".

6. Clauses 6 (2) (b), (c) and (d) of the Regulation are revoked and the following substituted:

(b) Class 2, \$25,000; and

(c) Class 3, \$50,000.

7. Section 11 of the Regulation is amended by adding the following subsection:

(4) Where it appears to an inspector who is not a veterinarian that any livestock assembled for sale is diseased, injured or shows evidence of any abnormal condition, the inspector may, with the consent of the seller, mark the livestock for sale for slaughter only, and such livestock may be sold without inspection by a veterinarian.

8. Section 15 of the Regulation is revoked.

12/01

ONTARIO REGULATION 48/01

made under the

CONDOMINIUM ACT, 1998

Made: March 5, 2001

Filed: March 5, 2001

GENERAL

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PART I DEFINITIONS AND APPLICATION

Definitions

1. In this Regulation,

“amalgamation” means an amalgamation under Part VII of the Act and “amalgamate” has a corresponding meaning;

“beneficiary” means a person on whose behalf a payment described in subsection 81 (1) of the Act has been made in respect of a proposed unit or a proposed common interest in a common elements condominium corporation and includes the person’s successors and assigns;

“Condominium Corporations Index” means the Condominium Corporations Index mentioned in subsection 3 (3) of the Act;

“Condominium Register” means the Condominium Register mentioned in subsection 3 (4) of the Act;

“deposit receipt” means a deposit receipt described in paragraph 2 of subsection 20 (2);

“easement” means an easement, right of way, right or licence in the nature of an easement, *profit à prendre* or other incorporeal hereditament, but does not include any of those that arise by operation of law;

“insurer” means the insurer under a policy;

“land registrar” means the land registrar in whose registry or land titles division, as the case may be, the property is situated;

“parcel of tied land” means a parcel of land described in clause 139 (1) (a) of the Act in the case of a common elements condominium corporation and to which a common interest of an owner in the corporation attaches under clause 139 (2) (a) of the Act;

“phase” means the additional units and common elements in a phased condominium corporation that are created in accordance with Part XI of the Act upon the registration of an amendment to both the declaration and description;

“policy” means a policy described in paragraph 1 of subsection 20 (2);

“standard condominium corporation” means a freehold condominium corporation that is not a common elements condominium corporation or a vacant land condominium corporation;

“warranty corporation” means the corporation designated under section 2 of the *Ontario New Home Warranties Plan Act*.

Non-application of Corporations Information Act

2. Despite subsection 5 (4) of the Act, the *Corporations Information Act* does not apply to any corporations.

Standard condominium corporations

3. Corporations created before Part II of the Act came into force and continued as corporations under subsection 178 (1) of the Act are classified as standard condominium corporations.

PART II DECLARATION AND DESCRIPTION

PLACE OF REGISTRATION

Place of registration

4. A declaration and description shall not be registered unless,

- (a) the property described in Schedule A to the declaration, is situated entirely within the boundaries of one land titles division, the *Land Titles Act* applies to all the property and the

declarant is the registered owner of the property with an absolute title under that Act; or

- (b) the property described in Schedule A to the declaration, is situated entirely within the boundaries of one registry division, the *Registry Act* applies to all the property and the declarant holds a certificate of title to the property issued under Part I of the *Certification of Titles Act* within 10 years before the registration.

DECLARATION

Contents

5. (1) A declaration shall not be received for registration unless,

- (a) it is executed by the declarant;
- (b) it meets the execution requirements for registration of a transfer/deed of land under the *Land Titles Act* or the *Registry Act*, as the case may be;
- (c) the first page of the declaration contains a statement that the registration of the declaration and description will create a standard condominium corporation;
- (d) it contains schedules known as Schedules A, B, C, D, E, F and G;
- (e) the land registrar has received the description for the property and it is capable of being registered; and
- (f) the declaration complies with this Regulation and all other legal requirements.

(2) Schedule A shall include,

- (a) a description of the land and interests appurtenant to the land intended to be governed by the Act, including a description of every easement, as shown on the description that, upon the registration of the declaration and description, will be appurtenant to the land or to which the land will be subject; and
- (b) a statement signed by the solicitor registering the declaration that, in his or her opinion, based on the parcel register or abstract index and the plans and documents recorded in them,
 - (i) the legal description is correct,
 - (ii) the easements mentioned in clause (a) will exist in law upon the registration of the declaration and description, and
 - (iii) the declarant is the registered owner of the land and appurtenant interests.

(3) Schedule B shall contain the consent under clause 7 (2) (b) of the Act, in Form 1, of every person having a registered mortgage against the land or interests appurtenant to the land, as the land and the interests are described in the description.

(4) Schedule C shall,

- (a) specify the boundaries of each unit by reference to the buildings or monuments mentioned in subsections 6 (4), (5) and (6) of Ontario Regulation 49/01;
- (b) fully describe the monuments mentioned in subsections 6 (4), (5) and (6) of Ontario Regulation 49/01 and the relationship of the boundaries of the units to them;
- (c) contain a statement signed by an Ontario land surveyor licensed under the *Surveyors Act* certifying that the written description of the monuments and boundaries of the units accurately corresponds with the diagrams of the units described in clause 8 (1) (d) of the Act and shown on the plans of survey

of the description prepared in accordance with Ontario Regulation 49/01;

(5) Schedule D shall contain,

- (a) a statement of the proportions, expressed in percentages totaling 100 per cent, of the common interests appurtenant to the units; and
- (b) a statement of the proportions, expressed in percentages totaling 100 per cent, allocated to the units, in which the owners are to contribute to the common expenses.

(6) Schedule E shall contain a statement specifying the common expenses of the corporation or may be left blank if the declarant so elects.

(7) Schedule F shall contain a specification of all parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners or shall indicate that there are no such parts if that is the case.

(8) Schedule G shall contain,

- (a) a certificate, in Form 2, of an architect certifying that all buildings on the property have been constructed in accordance with the regulations made under the Act, with respect to all or some matters listed in the paragraphs of the definition of "has been constructed" in subsection 6 (1); or
- (b) one or more certificates of an engineer, in Form 2, certifying that all buildings on the property have been constructed in accordance with the regulations made under the Act, with respect to all or some matters listed in the paragraphs of the definition of "has been constructed" in subsection 6 (1).

(9) Every matter listed in the paragraphs of the definition of "has been constructed" in subsection 6 (1) shall be certified to in the certificates in Form 2 that are contained in Schedule G.

(10) A declaration may contain schedules in addition to the schedules that it is required to contain under this Regulation.

Construction complete

6. (1) For the purposes of subsection 5 (8),

"has been constructed" means, with respect to each building on the property, constructed at least to the following state:

- 1. The exterior building envelope, including roofing assembly, exterior wall cladding, doors and windows, caulking and sealants, is weather resistant if required by the construction documents and has been completed in general conformity with the construction documents.
- 2. Floor assemblies are constructed to the sub-floor.
- 3. Walls and ceilings of the common elements, excluding interior structural walls and columns in a unit, are completed to the drywall (including taping and sanding), plaster or other final covering.
- 4. All underground garages, if any, have walls and floor assemblies in place.
- 5. All elevating devices, if any, as defined in the *Elevating Devices Act*, are licensed under that Act if it requires a licence, except for elevating devices contained wholly in a unit and designed for use only within the unit.
- 6. All installations with respect to the provision of water and sewage services are in place.
- 7. All installations with respect to the provision of heat and ventilation are in place and heat and ventilation can be provided.

8. All installations with respect to the provision of air conditioning, if any, are in place.

9. All installations with respect to the provision of electricity are in place.

10. All indoor and outdoor swimming pools, if any, are roughed in to the extent that they are ready to receive finishes, equipment and accessories.

11. Subject to paragraphs 2 and 3, the boundaries of the units are completed to the drywall (not including taping and sanding), plaster or other final covering, and perimeter doors are in place.

(2) Despite paragraph 2 of subsection (1), with respect to units intended for non-residential purposes that are not ancillary to units intended for residential purposes, the lowermost floor does not have to be in place if it is at grade.

(3) Despite paragraphs 3 and 11 of subsection (1), with respect to units intended for non-residential purposes that are not ancillary to units intended for residential purposes, wall or ceiling coverings, interior perimeter doors, interior partitions or walls between units or between units and common elements do not have to be in place.

Restrictions: amalgamation

7. (1) A declaration shall not be registered if,

- (a) it contains provisions requiring an owner, a future owner or anyone on the owner's or future owner's behalf to consent in writing to an amalgamation; or
- (b) it contains provisions relating to an amalgamation.

(2) If a declaration contains a provision that is inconsistent with subsection (1), the declaration shall be deemed to contain another provision stating that the inconsistent provision is void.

Amendments

8. An amendment made under section 107 of the Act to a declaration is exempt from subsection 7 (1) of the Act and clause 7 (2) (b) of the Act and is not required to contain any statements or schedules described in section 5 that are in the registered declaration and that are not being amended by the amendment.

DESCRIPTION

Contents

9. (1) A description shall not be received for registration unless,

- (a) it complies with all legal requirements; and
- (b) the land registrar has received the declaration for the property and it is capable of being registered.

(2) Despite clause 8 (1) (b) of the Act, a description of a corporation shall not contain the architectural plans described in that clause if,

- (a) it contains the structural plans described in that clause; and
- (b) Schedule G to the declaration does not contain the certificate of an architect described in clause 5 (8) (a).

(3) Despite clause 8 (1) (e) of the Act, a description of a corporation shall not contain the certificates described in that clause.

(4) In addition to all other material that it is required to contain, a description shall contain a description of all easements and similar interests to which the property is subject.

(5) The description of the easements and similar interests to which the property is subject and the description of the interests appurtenant

to the property required by clause 8 (1) (g) of the Act shall be combined and shall be in Form 3.

Forms

10. (1) The land registrar's certificate of registration that clause 11 (1) (a) of Ontario Regulation 49/01 requires to be on the description shall be in Form 4.

(2) The surveyor's certificate that clause 11 (1) (c) of Ontario Regulation 49/01 requires to be on the description shall be in Form 5.

(3) The certificate that clause 11 (1) (e) or (f) or subsection 21 (2) of Ontario Regulation 49/01 requires to be on the description and that is made by the declarant or, if the description is being registered to effect an amalgamation, the persons authorized to bind each of the amalgamating corporations, shall be in Form 6.

(4) The surveyor's certificate that clause 11 (3) (b) of Ontario Regulation 49/01 requires to be on the description shall be in Form 7.

Amendments

11. All persons are exempt from subsections 9 (2) and (3) of the Act when applying to register an amendment to the description made under section 109 or 110 of the Act.

PART III GENERAL

Performance audit

12. (1) In subsection (2),

"telecommunications" means the emission, transmission or reception of any combination of signs, signals, writing, images, sound, data, alphanumeric characters or intelligence of any nature by wire, cable, radio or an optical, electromagnetic or any similar technical system.

(2) For the purpose of clause 44 (5) (a) of the Act, the person who conducts the performance audit shall inspect the elevating devices, as defined in the *Elevating Devices Act*, if any, of the buildings on the property and the telecommunications systems, if any, that service the buildings.

(3) For the purpose of clause 44 (5) (b) of the Act, the person who conducts the performance audit shall inspect the sprinkler systems, if any, and the outside parking areas, if any.

(4) In addition to the material specified in subsection 44 (8) of the Act, the written report mentioned in that subsection shall also include a copy of the current declaration and description registered in respect of the corporation, including all amendments to that declaration and description.

Proxies

13. An instrument appointing a proxy to vote at a meeting of owners may be in,

- (a) Form 8, in the case of a proxy, other than for the election or removal of a director;
- (b) Form 9, in the case of a proxy that includes a proxy for the election of a director, other than for the election of a director for the remainder of the term of a director who has been removed; or
- (c) Form 10, in the case of a proxy that includes a proxy for the removal of a director or the election of a director for the remainder of the term of a director who has been removed.

By-laws

14. The certificate of the officer of a corporation mentioned in subsection 38 (1) of Ontario Regulation 49/01 in respect of a by-law shall be in Form 11.

Records

15. The corporation shall keep copies of the status certificates that it has issued under section 76 of the Act within the previous 10 years.

Financial statements

16. (1) A corporation shall have its financial statements prepared in the manner and in accordance with the accounting principles specified in the Handbook of the Canadian Institute of Chartered Accountants.

(2) The auditor's report mentioned in subsection 67 (1) of the Act shall be prepared in the manner and in accordance with the auditing standards specified in the Handbook of the Canadian Institute of Chartered Accountants.

(3) In addition to the material specified in subsection 66 (2) of the Act, the financial statements shall also include,

- (a) a comparison between,
 - (i) the amount of contributions to the reserve fund that the corporation has collected, and
 - (ii) the amount that, according to the board's plan for funding of the reserve fund under subsection 94 (8) of the Act, the corporation was required to collect as contributions to the reserve fund; and
- (b) a comparison between,
 - (i) the amount of expenditures from the reserve fund that the corporation has made, and
 - (ii) the amount of proposed expenditures that, according to the board's plan for funding of the reserve fund under subsection 94 (8) of the Act, the corporation was to have made from the reserve fund.

(4) If a director makes a disclosure of an interest in a contract or transaction under section 40 of the Act and the corporation has entered into the contract or transaction, whether before or after the disclosure, the financial statements shall also include a brief description of the nature of the contract or transaction, the amount of money involved in it and the nature and extent of the director's interest in it.

(5) If an officer makes a disclosure of an interest in a contract or transaction under section 41 of the Act and the corporation has entered into the contract or transaction, whether before or after the disclosure, the financial statements shall also include a brief description of the nature of the contract or transaction, the amount of money involved in it and the nature and extent of the officer's interest in it.

Disclosure statement

17. (1) In addition to the material specified in subsection 72 (3) of the Act, a disclosure statement mentioned in that subsection shall include,

- (a) a copy of sections 73 and 74 of the Act;
- (b) a statement that, under subsection 82 (8) of the Act, the declarant is entitled to retain the excess of all interest earned on money held in trust over the interest that it is required to pay to the purchaser under section 82 of the Act;
- (c) a statement whether a part of the common elements may be used for commercial or other purposes not ancillary to residential purposes;

- (d) if there is no by-law or proposed by-law of the corporation establishing what constitutes a standard unit, a copy of the schedule that the declarant intends to deliver to the board under clause 43 (5) (h) of the Act;
- (e) a statement,
 - (i) indicating whether visitors must pay for parking and what the anticipated costs are,
 - (ii) indicating whether there is visitor parking on the property, and
 - (iii) if there is no visitor parking on the property, indicating whether visitor parking is available elsewhere and if so, describing where;
- (f) an identification of the major assets and property that the declarant has indicated that it may provide, even though it is not required to do so;
- (g) an indication of the units and assets that the corporation is required to purchase, the services that it is required to acquire and the agreements and leases that it is required to enter into with the declarant or a subsidiary body corporate, holding body corporate or affiliated body corporate of the declarant; and
- (h) with respect to land that is owned by the declarant, or by a subsidiary body corporate, holding body corporate or affiliated body corporate of the declarant, and that is adjacent to the land described in the description, a statement indicating,
 - (i) the current use of the land,
 - (ii) the representations, if any, that the declarant has made respecting the future use of the land, and
 - (iii) a summary of the applications, if any, respecting the use of the land that have been submitted to an approval authority.

(2) In subsection (1),

“affiliated body corporate” means a body corporate that is deemed to be affiliated with another body corporate under subsection 1 (4) of the *Business Corporations Act*;

“body corporate” means a body corporate with or without share capital;

“holding body corporate” means a body corporate that is deemed to be the holding body of another body corporate under subsection 1 (3) of the *Business Corporations Act*;

“subsidiary body corporate” means a body corporate that is deemed to be a subsidiary of another body corporate under subsection 1 (2) of the *Business Corporations Act*.

(3) The table of contents in the disclosure statement mentioned in subsection 72 (4) of the Act shall be in Form 12.

Status certificate

18. (1) A status certificate shall be in Form 13.

(2) The fee that a corporation may charge for providing a status certificate, including all material that is required to be included in it, shall not exceed \$100, inclusive of all applicable taxes.

Sale of units

19. (1) The prescribed rate of interest for the purpose of paragraph 1 of subsection 80 (4) of the Act shall be the rate of interest that the Bank of Canada has most recently reported as the chartered bank administered interest rate for a conventional one year mortgage as of the first of the month in which the purchaser assumes interim occupancy of a proposed unit or is required to do so under the agreement of purchase and sale.

(2) In subsection (3),

“bank rate” means the bank rate established by the Bank of Canada as the minimum rate at which the Bank of Canada makes short-term advances to members of the Canadian Payments Association.

(3) The prescribed rate of interest for the purpose of subsections 73 (3), 74 (9) and 82 (1), (5) and (7) of the Act shall be,

- (a) for the period from April 1 to September 30 of each year, 2 per cent per annum below the bank rate at the end of March 31 of that year; and
- (b) for the period from October 1 of each year to March 31 in the following year, 2 per cent per annum below the bank rate at the end of September 30 immediately before that October.

Trustees and security

20. (1) The following classes are prescribed as trustees for the purpose of subsection 81 (1) of the Act:

- 1. Persons, other than the declarant’s solicitor, who are entitled to practise law in Ontario as solicitors.
- 2. A partnership, other than the declarant’s solicitor, of persons who are entitled to practise law in Ontario as solicitors.
- 3. Escrow agents for deposits with respect to a project who have entered into a deposit trust agreement with the declarant and either the warranty corporation or an insurer to govern money to be held in trust under section 81 of the Act with respect to the project.

(2) The following classes are prescribed as security for the purpose of clause 81 (7) (b) of the Act:

- 1. Policies that insure against the loss of payments described in subsection 81 (1) of the Act and the interest payable by the declarant on the payments, that meet the requirements of section 21 and that are in effect.
- 2. Deposit receipts executed by the warranty corporation that provide for compensation to a beneficiary in accordance with section 22, that meet the requirements of that section and that are in effect.

Insurance policies

21. (1) A policy shall take effect when it has been executed by or on behalf of the insurer and the declarant and when it has been delivered to the trustee or the declarant’s solicitor holding the money for which the policy is being provided as security.

(2) The trustee or the declarant’s solicitor, as the case may be, shall hold the policy in trust for the beneficiary until the insurer is no longer liable under it in accordance with subsection (8).

(3) The declarant shall pay the premiums in respect of a policy and shall not directly or indirectly transfer the cost of the premiums to the beneficiary.

(4) The obligations of the insurer to the beneficiary under a policy shall not be affected by,

- (a) failure of the declarant to pay any premiums owing under the policy;
- (b) failure of the declarant to notify the insurer of the receipt of payments described in subsection 81 (1) of the Act; or
- (c) breach of any term or condition of the policy.

(5) Upon request, the trustee or the declarant’s solicitor, as the case may be, shall deliver the policy to the beneficiary so that the beneficiary can make a claim under it.

(6) Immediately upon receiving written notice of a claim by the beneficiary under a policy, the insurer shall provide the beneficiary with forms upon which to make proof of loss.

(7) An insurer that receives written notice of a claim under subsection (6) shall pay the beneficiary within 60 days after the right of the beneficiary to payment under the policy has been established.

(8) An insurer shall remain liable under a policy until,

- (a) the declarant delivers to the beneficiary a deed in registerable form to the unit, in respect of which the beneficiary or a person on the beneficiary's behalf has made a payment described in subsection 81 (1) of the Act;
- (b) the declarant pays the beneficiary all money paid under subsection 81 (1) of the Act and interest on it payable by the declarant under the Act;
- (c) the insurer pays the beneficiary the amount of the loss;
- (d) the beneficiary acknowledges in writing that,
 - (i) the beneficiary is not entitled to the payments made by or on behalf of the beneficiary under subsection 81 (1) of the Act in respect of a proposed unit in the corporation and the interest payable on the payments by the declarant, and
 - (ii) the insurer is no longer liable under the policy; or
- (e) a court of competent jurisdiction has made a final determination that the beneficiary is not entitled to the payments made by or on behalf of the beneficiary under subsection 81 (1) of the Act in respect of a proposed unit in the corporation and the interest payable on the payments by the declarant.

(9) An insurer who is required to make a payment under a policy shall pay interest to the beneficiary to the date of payment of the loss at the rate prescribed under subsection 19 (3).

(10) A provision in a policy that derogates in any manner from any right or benefit that this section confers on a beneficiary is void to the extent that it derogates from the right or benefit.

Deposit receipts

22. (1) A deposit receipt shall take effect when it has been executed by the beneficiary and by or on behalf of the warranty corporation and the declarant and when it has been delivered to the trustee or the declarant's solicitor, as the case may be, holding the money for which the deposit receipt is being provided as security.

(2) A deposit receipt shall contain a statement that payments described in clause 81 (1) (a) or (c) of the Act are not covered by a deposit receipt and that they must be held in trust in accordance with section 81 of the Act.

(3) A deposit receipt shall not constitute prescribed security for the purposes of paragraph 2 of subsection 20 (2) unless, by the terms of the deposit receipt, the amount of compensation that the warranty corporation is liable to pay to a beneficiary under it is,

- (a) if the amount of the payments described in clause 81 (1) (b) of the Act made by or on behalf of the beneficiary is \$20,000 or less, the amount so paid; or
- (b) if the amount of the payments described in clause 81 (1) (b) of the Act made by or on behalf of the beneficiary is more than \$20,000, \$20,000 or such greater amount that may be provided under the deposit receipt.

(4) A deposit receipt that establishes a limit on the liability of the warranty corporation shall not constitute prescribed security for the purposes of paragraph 2 of subsection 20 (2) unless it contains a statement that whatever amount is paid by or on behalf of the beneficiary

to the declarant in excess of the limit is subject to section 81 of the Act.

(5) The beneficiary is not liable for the payment to an insurer of any premium payable in respect of a policy of insurance that the warranty corporation takes out to insure its obligation to pay under a deposit receipt.

(6) The declarant shall not directly or indirectly charge the beneficiary for any costs relating to the deposit receipt.

(7) The obligations of the warranty corporation to the beneficiary under a deposit receipt shall not be affected by,

- (a) failure of the declarant to comply with any term or condition of the declarant's agreement with the warranty corporation;
- (b) failure of the declarant to notify the warranty corporation or its insurer or insurers of the receipt of payments described in clause 81 (1) (b) of the Act;
- (c) failure of the warranty corporation to notify its insurer or insurers of the receipt of payments described in clause 81 (1) (b) of the Act;
- (d) breach of any term or condition of the deposit receipt; or
- (e) breach by the beneficiary or the declarant of any term or condition of a policy of insurance that the warranty corporation takes out to insure its obligation to pay under a deposit receipt.

(8) Immediately upon receiving written notice of a claim by the beneficiary under a deposit receipt, the warranty corporation shall provide the beneficiary with forms upon which to make proof of loss.

(9) If the warranty corporation receives written notice of a claim under subsection (8), it shall pay the beneficiary within 60 days after the right of the beneficiary to payment under the deposit receipt has been established.

(10) The warranty corporation shall remain liable under a deposit receipt until,

- (a) the declarant delivers to the beneficiary a deed in registerable form to the unit in respect of which the beneficiary or a person on the beneficiary's behalf has made a payment described in clause 81 (1) (b) of the Act;
- (b) the declarant pays the beneficiary all money paid under clause 81 (1) (b) of the Act and interest on it payable by the declarant under the Act;
- (c) the warranty corporation pays to the beneficiary the amount of the loss to the extent of the warranty corporation's liability under the deposit receipt;
- (d) the beneficiary acknowledges in writing that,
 - (i) the beneficiary is not entitled to the payments made by or on behalf of the beneficiary under subsection 81 (1) of the Act in respect of a proposed unit in the corporation and the interest payable on the payments by the declarant, and
 - (ii) the insurer is no longer liable under the policy; or
- (e) a court of competent jurisdiction has made a final determination that the beneficiary is not entitled to the payments made by or on behalf of the beneficiary under subsection 81 (1) of the Act in respect of a proposed unit in the corporation and the interest payable on the payments by the declarant.

(11) If the warranty corporation is required to make a payment under a deposit receipt, it shall pay interest to the beneficiary to the date of payment of the loss at the rate prescribed under subsection 19 (3).

(12) A provision in a deposit receipt that derogates in any manner from any right or benefit that this section confers on a beneficiary is void to the extent that it derogates from the right or benefit.

Lease of units

23. For the purpose of section 83 of the Act,

“lease” includes a sublease or assignment of lease.

Notice of lien

24. The notice that subsection 85 (4) of the Act requires the corporation to give to the owner for a lien mentioned in that subsection shall be in Form 14.

Changes to common elements

25. (1) In addition to the matters specified in clause 98 (1) (b) of the Act, the agreement described in that clause shall specify who will have the ownership of the proposed addition, alteration or improvement to the common elements under subsection 98 (2) of the Act.

(2) For the purpose of clause 98 (2) (e) of the Act, the board must be satisfied that the proposed addition, alteration or improvement to the common elements under subsection 98 (2) of the Act will not contravene the by-laws or rules of the corporation and will not have an adverse effect on the rest of the common elements.

Termination

26. Sections 122 and 123 of the Act do not apply to a corporation if the total of the proportions, expressed in percentages, of the common interests, as specified in the registered declaration, is not equal to 100 per cent.

PART IV RESERVE FUND STUDIES

Definitions

27. In this Part,

“component inventory” means an inventory, in a reserve fund study of a corporation, of each item of the common elements and assets of the corporation that requires, or is expected to require within at least 30 years of the date of the study, major repair or replacement where the cost of replacement is not less than \$500;

“comprehensive study” means a comprehensive reserve fund study that meets the requirements of this Regulation;

“updated study based on a site inspection” means a comprehensive study that has been revised so that it is current as of the date of the revision, where the revision is based on a site inspection of the property and where the revision has been conducted in accordance with the requirements of this Regulation;

“updated study not based on a site inspection” means a comprehensive study that has been revised so that it is current as of the date of the revision, where the revision is not based on a site inspection of the property and where the revision has been conducted in accordance with the requirements of this Regulation.

Classes

28. The following classes of reserve fund studies are established:

1. Comprehensive study.
2. Updated study based on a site inspection.
3. Updated study not based on a site inspection.

Contents of studies

29. (1) A reserve fund study shall consist of a physical analysis and a financial analysis.

(2) The physical analysis shall consist of,

- (a) the component inventory of the corporation; and
- (b) an assessment of each item in the component inventory that states its actual or estimated year of acquisition, its present or estimated age, its normal expected life, its remaining life expectancy, the estimated year for its major repair or replacement, its estimated cost of major repair or replacement as of the date of the study, the percentage of that cost of major repair or replacement to be covered by the reserve fund and the adjusted cost resulting from the application of that percentage.

(3) The financial analysis shall consist of,

- (a) a description of the financial status of the reserve fund as of the date of the study; and
- (b) a recommended funding plan projected over a period of at least 30 consecutive years, beginning with the current fiscal year of the corporation, that shows the minimum balance of the reserve fund during the period and, for each projected year,
 - (i) the estimated cost of major repair or replacement of the common elements and assets of the corporation based on current costs for the year in which the study is conducted,
 - (ii) the estimated cost of major repair or replacement of the common elements and assets of the corporation at the estimated time of the repair or replacement based on an assumed annual inflation rate,
 - (iii) the annual inflation rate described in subclause (ii),
 - (iv) the estimated opening balance of the reserve fund,
 - (v) the recommended amount of contributions to the reserve fund, determined on a cash flow basis, that are required to offset adequately the expected cost in the year of the expected major repair or replacement of each item in the component inventory,
 - (vi) the estimated interest that will be earned on the reserve fund based on an assumed annual interest rate,
 - (vii) the annual interest rate described in subclause (vi),
 - (viii) the total of the amounts described in subclauses (v) and (vi),
 - (ix) the increase, if any, expressed as a percentage, in the recommended amount of contributions to the reserve fund over the recommended amount of contributions for the immediately preceding year, and
 - (x) the estimated closing balance of the reserve fund.

(4) In preparing or updating the component inventory of the corporation, the person conducting the study shall review,

- (a) the declaration and description;
- (b) if any, the current by-laws or proposed by-laws of the corporation establishing what constitutes a standard unit; and
- (c) if there is no by-law described in clause (b), a copy of the schedule that the declarant intends to deliver or has delivered to the board under clause 43 (5) (h) of the Act.

(5) In preparing or updating the financial analysis described in subsection (3), the person conducting the study shall review,

- (a) the most recent audited financial statements of the corporation or, if section 60 of the Act does not require the corporation to appoint auditors, the most recent financial statements of the corporation;

- (b) all reciprocal cost sharing agreements, if any, of the corporation;
- (c) the most recent reserve fund study of the corporation; and
- (d) the most recent notice, if any, of future funding of the reserve fund sent to the owners under clause 94 (9) (a) of the Act.

Method of conducting studies

30. (1) The person conducting a reserve fund study shall sign it.
- (2) A comprehensive study or an updated study based on a site inspection shall be based on,
- (a) a visual site inspection of the property, including a visual inspection of each item in the component inventory where practicable;
 - (b) all other inspections of each item in the component inventory that the person conducting the study considers appropriate or necessary;
 - (c) a verification of records of the corporation; and
 - (d) interviews with those of the corporation's directors, officers, employees and agents that the person conducting the study considers appropriate.
- (3) As part of preparing the assessment described in clause 29 (2) (b) in a comprehensive study or updating the assessment in an updated study based on a site inspection, the person conducting the study shall review,
- (a) all existing warranties, guarantees and service contracts for each item in the component inventory;
 - (b) the as-built architectural, structural, engineering, mechanical, electrical and plumbing plans for the property that are in the custody or under the control of the corporation;
 - (c) the as-built specifications for the buildings that are in the custody or under the control of the corporation;
 - (d) the plans for underground site services, site grading, drainage and landscaping, and television, radio or other communications services for the property that are in the custody or under the control of the corporation;
 - (e) the repair and maintenance records and schedules in the custody or under the control of the corporation; and
 - (f) all other records of the corporation that the person conducting the study requires in order to prepare the assessment.
- (4) An updated study not based on a site inspection shall be based on a verification of records of the corporation and interviews with those of its directors, officers, employees and agents that the person conducting the study considers appropriate.
- (5) In addition to the material that a reserve fund study is required to contain, the study may contain all further information and analysis that the person conducting the study or the board considers appropriate or necessary.

Time for studies

31. (1) A corporation created before the day section 94 of the Act comes into force shall conduct a comprehensive study within three years of that day except if,
- (a) on that day it has a comprehensive study that meets the requirements of this Regulation; and
 - (b) it conducts an updated study based on a site inspection within three years of that day.

(2) The reserve fund study that subsection 94 (4) of the Act requires a corporation created on or after the day section 94 of the Act comes into force to conduct within the year following the registration of the declaration and description shall be a comprehensive study.

(3) A corporation shall conduct a reserve fund study within three years of completing the reserve fund study that it is required to conduct under subsection (1) or (2), as the case may be, and after that, within every three years after completing the immediately preceding reserve fund study.

(4) A reserve fund study that a corporation is required to conduct under subsection (3) shall be,

- (a) a comprehensive study;
- (b) an updated study not based on a site inspection, if the immediately preceding reserve fund study for the corporation was a comprehensive study or an updated study based on a site inspection; or
- (c) an updated study based on a site inspection, if the immediately preceding reserve fund study for the corporation was an updated study not based on a site inspection.

Person conducting studies

32. (1) Subject to subsection (2), the following classes are prescribed as persons who may conduct a reserve fund study:

1. Members of the Appraisal Institute of Canada holding the designation of Accredited Appraiser Canadian Institute.
2. Persons who hold a certificate of practice within the meaning of the *Architects Act*.
3. Members of the Ontario Association of Certified Engineering Technicians and Technologists who are registered as certified engineering technologists under the *Ontario Association of Certified Engineering Technicians and Technologists Act, 1998*.
4. Members of the Real Estate Institute of Canada holding the designation of certified reserve planner.
5. Persons who hold a certificate of authorization within the meaning of the *Professional Engineers Act*.
6. Graduates of Ryerson Polytechnic University with a Bachelor of Technology (Architectural Science) — Building Science Option or Architecture Option.
7. Members of the Canadian Institute of Quantity Surveyors holding the designation of professional quantity surveyor.
8. Members of the Association of Architectural Technologists of Ontario holding the designation of architectural technologist, architecte-technologue or registered building technologist under the *Association of Architectural Technologists of Ontario Act, 1996*.

(2) A person who conducts a reserve fund study shall not,

- (a) be a director, officer or property manager of the corporation;
- (b) directly or indirectly, have an interest in,
 - (i) a contract or transaction to which a director or officer of the corporation is a party in a capacity other than as a director or officer of the corporation, or
 - (ii) a proposed contract or transaction to which a director or officer of the corporation will be a party in a capacity other than as a director or officer of the corporation;

(c) be the spouse, same-sex partner, son or daughter of a director or officer of the corporation or son or daughter of the spouse or same-sex partner of a director or officer of the corporation;

(d) be an owner as defined in the Act in relation to the corporation; or

(e) be a person who lives on the property managed by the corporation under section 17 of the Act.

(3) In subsection (2),

“same-sex partner” means either of two persons of the same sex who live together in a conjugal relationship outside marriage;

“spouse” means,

(a) a spouse as defined in section 1 of the *Family Law Act*, or

(b) either of two persons of the opposite sex who live together in a conjugal relationship outside marriage.

(4) A person who conducts a reserve fund study shall be insured under a policy of liability insurance that includes,

(a) coverage for liability for errors, omissions and negligent acts arising out of conducting or not conducting a reserve fund study, subject to the exclusions, conditions and terms that are consistent with normal insurance industry practice;

(b) a policy limit for each single claim of not less than \$1 million per occurrence;

(c) an aggregate policy limit in the amount of not less than \$2 million per year for all claims in the year or an automatic policy limit reinstatement feature; and

(d) a maximum deductible amount of \$3,500 per occurrence.

(5) A person who conducts a reserve fund study shall ensure that the policy of liability insurance is valid at the time the reserve fund study is completed and is kept valid for a period of at least three years after that time.

(6) Upon request, the person shall provide to the corporation a certificate of the policy of liability insurance.

Plan for future funding

33. (1) Except in the case of a corporation to which subsection (2) applies, the prescribed period of time for the purpose of subsection 94 (8) of the Act shall be the fiscal year of the corporation following the fiscal year in which the reserve fund study is completed.

(2) In the case of all reserve fund studies that a corporation created before the day section 94 of the Act comes into force is required to conduct after that date under subsection 31 (1) and within 10 years after the date of the first reserve fund study that it is required to conduct after that coming into force date, the prescribed period of time for the purpose of subsection 94 (8) of the Act shall be 10 years from the date of that first reserve fund study.

(3) The notice that the board is required to send under subsection 94 (9) of the Act shall be in Form 15.

PART V AMALGAMATION

Conditions for amalgamation

34. (1) No corporations may amalgamate unless,

(a) they are standard condominium corporations;

(b) in respect of each of the amalgamating corporations that is a phased condominium corporation, all phases have been com-

pleted or more than 10 years have passed since the registration of the declaration and description that created the corporation;

(c) in respect of each of the amalgamating corporations, a turn-over meeting has been held under section 43 of the Act, or a predecessor of it, and, to the best of the knowledge of the board, the declarant has delivered to the board everything that section, or a predecessor of it, required the declarant to deliver;

(d) each of the amalgamating corporations has conducted, in accordance with Part IV, a comprehensive reserve fund study or an updated study based on a site inspection within the year before the board gives the owners the notice of meeting described in subsection 120 (3) of the Act; and

(e) each of the amalgamating corporations has entered into an interim agreement with each other dealing with the conduct of the affairs of each of the corporations from the day that the board of the first corporation to give the notice of meeting described in subsection 120 (3) of the Act has given that notice, until the corporations amalgamate or until their boards determine that the amalgamation will not proceed.

(2) The agreement mentioned in clause (1) (e) shall deal with matters including expenditures from the reserve fund, borrowing of funds, making, amending or repealing by-laws, entering into new contracts, initiation of any legal proceedings, any substantial addition, alteration, or improvement to the common elements, any substantial change in the assets of the corporation, and any substantial change in a service that the corporation provides to the owners.

(3) The agreement mentioned in clause (1) (e) shall not contravene the regulations made under the Act or the declaration, by-laws or rules of each of the amalgamating corporations.

(4) In addition to the requirements of subsection 120 (3) of the Act, the notice of meeting described in that subsection shall include,

(a) a copy of the comprehensive reserve fund study or the updated study based on a site inspection that the corporation is required to conduct under clause (1) (d);

(b) a copy of the interim agreement described in clause (1) (e);

(c) an estimate of the costs of carrying out the proposed amalgamation for each of the amalgamating corporations; and

(d) one of the following statements:

1. A statement describing the provisions of the proposed declaration, description, by-laws and rules that, in the opinion of the board giving the notice, differ significantly from those contained in the declaration, description, by-laws and rules of the amalgamating corporation.

2. A statement that there are no provisions in the proposed declaration, description, by-laws and rules that, in the opinion of the board giving the notice, differ significantly from those contained in the declaration, description, by-laws and rules of the amalgamating corporation.

(5) The consent in writing mentioned in clause 120 (1) (b) of the Act,

(a) must not be executed before the meeting held in accordance with subsections 120 (2) and (3) of the Act; and

(b) must be executed by,

(i) if the owner is an individual, the owner,

(ii) if the owner is a corporation, the persons authorized to bind the corporation, or

(iii) if a mortgagee is entitled to execute the consent in the place of the owner under section 48 of the Act, the indi-

vidual mortgagee or, if the mortgagee is a corporation, the persons authorized to bind the corporation.

Place of registration

35. (1) Section 4 does not apply to a declaration and description that are being registered to effect an amalgamation.

(2) A declaration and description that are being registered to effect an amalgamation shall not be registered unless,

- (a) the property described in the description is situated entirely within the boundaries of one land titles division and the *Land Titles Act* applies to all the property; or
- (b) the property described in the description is situated entirely within the boundaries of one registry division and the *Registry Act* applies to all the property.

Declaration

36. (1) This section applies to a declaration only if it is being registered to effect an amalgamation.

(2) Subsection 7 (1) of the Act and clause 5 (1) (a) of this Regulation, do not apply to a declaration.

(3) In addition to the requirements of subsection 5 (1), a declaration shall not be received for registration unless,

- (a) it is executed by the officers of each amalgamating corporation who are duly authorized to sign on behalf of the corporation; and
- (b) the property consists only of the property of each of the amalgamating corporations and there is no change in the boundaries of the units of each of the amalgamating corporations.

(4) A declaration shall not be received for registration if the amalgamated corporation would be a phased condominium corporation.

(5) Despite clause 5 (2) (b), the statement of the solicitor contained in Schedule A to the declaration and described in that clause shall not contain the statement described in subclause 5 (2) (b) (iii) but, if there are easements that will merge and no longer exist in law upon the registration of the declaration and description, the statement of the solicitor shall set out a legal description of the easements and the most recent registered instrument number in which they are fully described and shall contain a statement that the easements will merge and no longer exist in law upon the registration of the declaration and description.

(6) Clause 7 (2) (b) of the Act does not apply to a declaration and despite clause 5 (1) (d), a declaration shall not contain a Schedule B.

(7) In addition to the requirements of subsection 5 (4), Schedule C to the declaration shall contain,

- (a) a list indicating all units in the amalgamating corporations and what units they will become in the amalgamated corporation; and
- (b) a list indicating all units in the amalgamated corporation and what units they were in the amalgamating corporations.

(8) In addition to the requirements of clause 5 (4) (c), the statement of an Ontario land surveyor contained in Schedule C to the declaration and described in that clause shall certify that the lists described in clauses (7) (a) and (b) are accurate and complete.

(9) Subsection 5 (6) does not apply to a declaration.

(10) Schedule E to the declaration shall contain a statement specifying the common expenses of the amalgamated corporation or may be left blank if the amalgamating corporations so elect.

(11) Despite clause 5 (1) (d), a declaration shall not contain a Schedule G.

(12) In addition to the requirements of subsection 7 (2) of the Act, a declaration shall include,

- (a) a statement by the persons authorized to bind each of the amalgamating corporations that their corporation has complied with section 120 of the Act and the regulations made under the Act; and
- (b) a statement by the persons authorized to bind each of the amalgamating corporations that is a phased condominium corporation, that all phases have been completed or more than 10 years have passed since the registration of the declaration and description that created the amalgamating corporation.

(13) Clause 7 (1) (b) does not apply to a declaration.

Description

37. Clauses 8 (1) (b) and (e) of the Act do not apply to a description effecting an amalgamation.

Reserve fund studies

38. (1) Section 31 and subsections 33 (1) and (2) do not apply to an amalgamated corporation.

(2) An amalgamated corporation shall conduct a comprehensive reserve fund study within three years of the date that any of the amalgamating corporations completes the latest reserve fund study that it is required to conduct before the amalgamation.

(3) An amalgamated corporation shall conduct a reserve fund study within three years of completing the reserve fund study that it is required to conduct under subsection (2) and, after that, within every three years after completing the immediately preceding reserve fund study.

(4) A reserve fund study that an amalgamated corporation is required to conduct under subsection (3) shall be,

- (a) a comprehensive study;
- (b) an updated study not based on a site inspection, if the immediately preceding reserve fund study for the corporation was a comprehensive study or an updated study based on a site inspection; or
- (c) an updated study based on a site inspection, if the immediately preceding reserve fund study for the corporation was an updated study not based on a site inspection.

(5) Except in the case of a corporation to which subsection (6) applies, the prescribed period of time for the purpose of subsection 94 (8) of the Act shall be the fiscal year of the corporation following the fiscal year in which the reserve fund study is completed.

(6) In the case of all reserve fund studies that an amalgamated corporation, of which all the amalgamating corporations were created before the day section 94 of the Act comes into force, is required to conduct within 10 years after the date of the earliest reserve fund study that any of the incorporating corporations was required to conduct under subsection 31 (1), the prescribed period of time for the purpose of subsection 94 (8) of the Act shall be 10 years from the date of the earliest reserve fund study that any of the amalgamating corporations was required to conduct under subsection 31 (1).

PART VI**COMMON ELEMENTS CONDOMINIUM CORPORATIONS****Place of registration**

39. In addition to the requirements of section 4, a declaration and description for a common elements condominium corporation shall not be registered unless,

- (a) if the *Land Titles Act* applies to the property described in the description, all the parcels of tied land are situated entirely within the boundaries of the land titles division within which the property is situated and the owner of the freehold estate in each of the parcels is the registered owner of the parcel with an absolute title under that Act; or
- (b) if the *Registry Act* applies to the property described in the description, all the parcels of tied land are situated entirely within the boundaries of the registry division within which the property is situated and the owner of the freehold estate in each of the parcels holds a certificate of title to the parcel issued under Part I of the *Certification of Titles Act* within 10 years before the registration.

Declaration

40. (1) In addition to the requirements of subsection 5 (1), a declaration for a common elements condominium corporation shall not be received for registration unless,

- (a) the first page of the declaration contains,
 - (i) a statement that the registration of the declaration and description will create a common elements condominium corporation, and
 - (ii) a statement that a parcel of tied land may not be divided into two or more parcels unless an amendment is registered to the declaration that takes into account the division of the parcel of tied land; and
- (b) it contains schedules known as Schedules H, I and J.

(2) Despite clause 5 (1) (c), the first page of a declaration for a common elements condominium corporation shall not contain the statement described in that clause.

(3) In addition to the requirements of subsection 5 (3), Schedule B to the declaration for a common elements condominium corporation shall contain a consent in Form 16 of every person having a registered mortgage against a parcel of tied land.

(4) Despite clause 5 (1) (d), a declaration for a common elements condominium corporation shall not contain a Schedule C.

(5) Subsection 5 (5) does not apply to a declaration for a common elements condominium corporation.

(6) Schedule D to the declaration for a common elements condominium corporation shall contain,

- (a) a statement that the common elements are intended for the use and enjoyment of the owners for the purpose of clause 140 (a) of the Act;
- (b) a legal description of the parcels of tied land for the purpose of clause 140 (b) of the Act;
- (c) a statement of the proportions, expressed in percentages totalling 100 per cent, of the common interest that will attach to each parcel of tied land; and
- (d) a statement of the proportions, expressed in percentages totalling 100 per cent, allocated to the parcels of tied land, in which the owners are to contribute to the common expenses.

(7) Subsection 5 (7) does not apply to a declaration for a common elements condominium corporation.

(8) Schedule F to the declaration for a common elements condominium corporation shall contain a specification of all parts of the common elements that are to be used by the owners of one or more designated common interests and not by all the owners or shall indicate that there are no such parts if that is the case.

(9) Despite clause 5 (1) (d), a declaration for a common elements condominium corporation shall not contain a Schedule G if the declaration and description show that there are no buildings, structures, facilities or services included in the common elements.

(10) Subsections 5 (8) and (9) and section 6 do not apply to a declaration for a common elements condominium corporation.

(11) Schedule G to the declaration for a common elements condominium corporation shall contain,

- (a) a certificate, in Form 17, of an architect certifying that,
 - (i) all buildings and structures that the declaration and description show are included in the common elements have been completed and installed in accordance with the regulations made under the Act, with respect to all or some matters listed in the paragraphs of the definition of “has been completed and installed” in section 41, and
 - (ii) some or all of the facilities and services that the declaration and description show are included in the common elements have been installed and provided in accordance with the definition of “has been installed and provided” in section 41; or
- (b) one or more certificates of an engineer, in Form 17, certifying that,
 - (i) all buildings and structures that the declaration and description show are included in the common elements have been completed and installed in accordance with the regulations made under the Act, with respect to some matters listed in the paragraphs of the definition of “has been completed and installed” in section 41, and
 - (ii) some or all of the facilities and services that the declaration and description show are included in the common elements have been installed and provided in accordance with the definition of “has been installed and provided” in section 41.

(12) In a declaration for a common elements condominium corporation,

- (a) every matter listed in the paragraphs of the definition of “has been completed and installed” in section 41 shall be certified to in the certificates in Form 17 that are contained in Schedule G; and
- (b) the certificates in Form 17 that are contained in Schedule G shall certify that all facilities and services that the declaration and description show are included in the common elements have been installed and provided in accordance with the definition of “has been installed and provided” in section 41.

(13) If the declaration and description for a common elements condominium corporation show that there are no buildings or structures included in the common elements, the certificates in Form 17 contained in the declaration shall not contain the certification described in subclauses (11) (a) (i) and (b) (i) and clause (12) (a) does not apply to the declaration.

(14) If the declaration and description for a common elements condominium corporation show that there are no facilities or services included in the common elements, the certificates in Form 17

contained in the declaration shall not contain the certification described in subclauses (11) (a) (ii) and (b) (ii) and clause (12) (b) does not apply to the declaration.

(15) Schedule H shall contain,

- (a) a list, in individual items numbered consecutively beginning with the number "1", of all buildings, structures, facilities and services that are included in the common elements; and
- (b) a brief description of each item sufficient to identify it.

(16) The list shall show each of the items identified under one of the following headings as appropriate:

- 1. Buildings and structures.
- 2. Facilities and services.

(17) Schedule I shall be the certificate that is described in clause 139 (1) (b) of the Act, that is in the form required by subsection 43 (1) of Ontario Regulation 49/01 and that is signed by each of the owners of a common interest in the corporation.

(18) Schedule J shall be the notice that is described in subsection 139 (2) (b) of the Act and that is in the form required by subsection 43 (2) of Ontario Regulation 49/01.

Construction complete

41. For the purposes of subsections 40 (11) and 56 (7),

"has been completed and installed" means, with respect to each building and structure that the declaration and description show are included in the common elements, constructed at least to the following state:

- 1. The exterior building envelope, including roofing assembly, exterior wall cladding, doors and windows, caulking and sealants, is weather resistant if required by the construction documents and has been completed in general conformity with the construction documents.
- 2. Floor assemblies are constructed and completed to the final covering.
- 3. Walls and ceilings are completed to the drywall (including taping and sanding), plaster or other final covering.
- 4. All underground garages, if any, have walls and floor assemblies in place.
- 5. All elevating devices, if any, as defined in the *Elevating Devices Act*, are licensed under that Act if it requires a licence.
- 6. All installations with respect to the provision of water and sewage services, if any, are in place and operable.
- 7. All installations with respect to the provision of heat and ventilation, if any, are in place and heat and ventilation can be provided.
- 8. All installations with respect to the provision of air conditioning, if any, are in place and operable.
- 9. All installations with respect to the provision of electricity, if any, are in place and operable.
- 10. All indoor and outdoor swimming pools, if any, are completed and operable;

"has been installed and provided" means, with respect to the facilities and services that the declaration and description show are included in the common elements, installed and provided in accordance with the requirements of the municipalities in which the land is situated or the requirements of the Minister of Municipal Affairs and Housing, if the land is not situated in a municipality.

Parcels of tied land

42. (1) A declarant is exempt from clause 139 (2) (b) of the Act.

(2) Subsection 139 (3) of the Act does not apply to a common elements condominium corporation.

(3) A parcel of tied land set out in Schedule D to the declaration may not be divided into two or more parcels of tied land unless an amendment is registered to the declaration that takes into account the division of the parcel of tied land.

Description

43. (1) Subsection 9 (2) does not apply to a description for a common elements condominium corporation.

(2) Despite clause 8 (1) (b) of the Act, a description for a common elements condominium corporation shall not contain the architectural plans described in that clause if,

- (a) it contains the structural plans described in that clause and, in accordance with subsection 40 (11), Schedule G to the declaration does not contain the certificate of an architect mentioned in that subsection; or
- (b) the declaration and description for the corporation show that there are no buildings, structures, facilities or services included in the common elements.

Provisions for owner-occupied units

44. Subsections 28 (3), 46 (3) and 51 (5) to (8) of the Act do not apply to a common interest in a common elements condominium corporation.

Security

45. (1) Subsection 20 (2) and section 22 do not apply to a common elements condominium corporation.

(2) The following class is prescribed as security for the purpose of clause 81 (7) (b) of the Act: policies that insure against the loss of payments described in subsection 81 (1) of the Act and the interest payable by the declarant on the payments, that meet the requirements of section 21 and that are in effect.

Insurance policies

46. (1) Subsections 21 (2) and (8) do not apply to a common elements condominium corporation.

(2) In the case of a common elements condominium corporation, the trustee or the declarant's solicitor, as the case may be, shall hold the policy in trust for the beneficiary until the insurer is no longer liable under it in accordance with subsection (3).

(3) In the case of a common elements condominium corporation, an insurer shall remain liable under a policy until,

- (a) the declarant delivers to the beneficiary a deed in registerable form to the common interest in the corporation, in respect of which the beneficiary or a person on the beneficiary's behalf has made a payment described in subsection 81 (1) of the Act;
- (b) the declarant pays the beneficiary all money paid under subsection 81 (1) of the Act and interest on it payable by the declarant under the Act;
- (c) the insurer pays the beneficiary the amount of the loss;
- (d) the common interest, in respect of which the beneficiary or a person on the beneficiary's behalf has made a payment described in subsection 81 (1) of the Act, has attached to the beneficiary's parcel of tied land;
- (e) the beneficiary acknowledges in writing that,

- (i) the beneficiary is not entitled to the payments made by or on behalf of the beneficiary under subsection 81 (1) of the Act in respect of a proposed common interest in the corporation and the interest payable on the payments by the declarant, and
- (ii) the insurer is no longer liable under the policy; or
- (f) a court of competent jurisdiction has made a final determination that the beneficiary is not entitled to the payments made by or on behalf of the beneficiary under subsection 81 (1) of the Act in respect of a proposed common interest in the corporation and the interest payable on the payments by the declarant.

PART VII PHASED CONDOMINIUM CORPORATIONS

Definition

47. In this Part,

“servient lands” means the land owned by the declarant that is not included in the property upon the registration of the declaration and description, or the most recent amendments to the declaration and description, but that will be included in the property after the declarant has created all phases that it is entitled to create in the corporation, including the buildings and structures on the land.

Place of registration

48. (1) Section 4 does not apply to a phased condominium corporation.

(2) A declaration and description for a phased condominium corporation shall not be registered unless,

- (a) the property and the servient lands, as the property and those lands are described in Schedule A to the declaration, are situated entirely within the boundaries of one land titles division, the *Land Titles Act* applies to all the property and, if any, the servient lands and the declarant is the registered owner of the property and, if any, the servient lands, with an absolute title under that Act; or
- (b) the property and the servient lands, as the property and those lands are described in Schedule A to the declaration, are situated entirely within the boundaries of one registry division, the *Registry Act* applies to all the property and, if any, the servient lands and the declarant holds a certificate of title to the property and, if any, the servient lands, issued under Part I of the *Certification of Titles Act* within 10 years before the registration.

Declaration

49. (1) Despite clause 5 (1) (c), the first page of a declaration for a phased condominium corporation shall not contain the statement described in that clause.

(2) In addition to the requirements of subsection 5 (1), a declaration for a phased condominium corporation shall not be received for registration unless the first page of the declaration contains a statement that the registration of the declaration and description will create a standard condominium corporation that is a phased condominium corporation.

(3) In addition to the requirements of clause 5 (2) (b), the statement of a solicitor contained in Schedule A to the declaration for a phased condominium corporation and described in that clause shall set out a legal description of the lands that will be the servient lands and shall contain a statement that the legal description is a legal description of the servient lands.

(4) In addition to the requirements of subsection 5 (3), Schedule B to the declaration of a phased condominium corporation shall contain

the consent, in Form 1, of every person having a registered mortgage against the servient lands.

Description

50. Despite clause 145 (1) (d) of the Act, a description of a phased condominium corporation shall not contain the legal description of the lands that will be the servient lands.

Restrictions on creating phases

51. Amendments to a declaration and description creating a phase shall not be registered unless,

- (a) the corporation is a standard condominium corporation;
- (b) the declaration contains the statement described in subsection 49 (2);
- (c) Schedule A to the declaration contains the legal description of the lands that will be the servient lands;
- (d) the phase contains at least one unit;
- (e) the units and common elements included in the phase are not part of an existing building on the property;
- (f) more than 60 days have passed since the registration of the declaration and description that created the corporation or the registration of the latest amendments to the declaration and description creating a phase, whichever is the later;
- (g) there is no outstanding application to the Superior Court of Justice for an injunction under subsection 149 (2) of the Act and the Superior Court has not issued an injunction to prevent the registration of the amendments creating the phase;
- (h) the amendments are registered no later than 10 years after the registration of the declaration and description that created the corporation; and
- (i) the amendments comply with all other legal requirements.

Amendment to declaration for phase

52. (1) Except as provided in this section, sections 5 and 6 do not apply to an amendment to a declaration creating a phase.

(2) An amendment to a declaration creating a phase shall not be received for registration unless,

- (a) it is executed by the declarant;
- (b) it meets the execution requirements for registration of a transfer/deed of land under the *Land Titles Act* or the *Registry Act*, as the case may be;
- (c) it contains a statement that at least 60 days have passed since the declarant delivered to the corporation the documents described in clauses 149 (1) (a), (b) and (c) of the Act;
- (d) it contains a statement setting out the date on which the board was elected at a meeting of owners and stating that,
 - (i) the meeting was held at a time when the declarant did not own the majority of the units,
 - (ii) more than 60 days have passed since the registration of the declaration and description that created the corporation or the registration of the latest amendments to the declaration and description creating a phase, whichever is the later, and
 - (iii) there is no outstanding application to the Superior Court of Justice for an injunction under subsection 149 (2) of the Act and the Superior Court has not issued an injunction to

- prevent the registration of the amendments creating the phase;
- (e) it replaces Schedule A to the declaration with Schedule A described in subsection (3);
 - (f) it amends Schedule B to the declaration to include the consent, in Form 18, of every person having a registered mortgage against the land included in the phase or interests appurtenant to the land, as the land and the interests are described in the amendment to the description required for creating the phase;
 - (g) it amends Schedule C to the declaration to include, with respect to the land included in the phase, the material that subsection 5 (4) requires;
 - (h) it replaces Schedule D to the declaration with Schedule D described in subsection (4);
 - (i) it amends Schedule F to the declaration to include,
 - (i) a specification of all parts of the common elements contained in the phase that are to be used by the owners of one or more designated units and not by all the owners or,
 - (ii) a statement that there are no parts described in subclause (i), if that is the case;
 - (j) it amends Schedule G to the declaration to include the material described in subsection (5); and
 - (k) it contains a schedule known as Schedule K.
- (3) Schedule A to the amendment to the declaration shall contain,
- (a) the description of the property that was included in Schedule A to the declaration, as originally registered, except for the easements that will merge and no longer exist in law upon the registration of the amendment to the declaration and that are described in the Schedule as required by subclause (e) (i), and the description shall be identified as "FIRSTLY" or "PREMIÈREMENT";
 - (b) the descriptions, in order of their registration, of all phases that have already been created, as described in amendments to Schedule A to the declaration, except for the easements that will merge and no longer exist in law upon the registration of the amendment to the declaration and that are described in the Schedule as required by subclause (e) (i), and the descriptions shall be identified consecutively starting with "SECONDLY" or "DEUXIÈMEMENT";
 - (c) a legal description, identified with the next consecutive ordinal number, of the land included in the phase and interests appurtenant to the land intended to be governed by the Act, including a description of every easement, as shown on the amendment to the declaration and description, will be appurtenant to the phase or to which the phase will be subject;
 - (d) a statement signed by the solicitor registering the amendment to the declaration that sets out a legal description of the lands that will be the servient lands, if any, and that states that, in his or her opinion, based on the parcel register or abstract index and the plans and documents recorded in them,
 - (i) the legal description mentioned in clause (c) is correct,
 - (ii) the easements mentioned in clause (c) will exist in law upon the registration of the amendment to the declaration and description creating the phase,
 - (iii) the legal description of the land that will be the servient lands is set out in the solicitor's statement, and
 - (iv) the declarant is the registered owner of the land included in the phase and interests appurtenant to the land; and
 - (e) if there are easements that will merge and no longer exist in law upon the registration of the amendment to the declaration, a statement signed by the solicitor registering the amendment to the declaration that,
 - (i) sets out a legal description of the easements and the most recent registered instrument number in which they are fully described, and
 - (ii) states that, in his or her opinion, based on the parcel register or abstract index and the plans and documents recorded in them, the easements will merge and no longer exist in law upon the registration of the amendment to the declaration.
- (4) Schedule D to the amendment to the declaration shall contain,
- (a) a statement of the proportions, expressed in percentages totaling 100 per cent, of the common interests appurtenant to the units in the corporation after the creation of the phase; and
 - (b) a statement of the proportions, expressed in percentages totaling 100 per cent, allocated to the units in the corporation, in which the owners after the creation of the phase are to contribute to the common expenses.
- (5) The material to be added to Schedule G to the declaration is,
- (a) the certificates, with respect to the land included in the phase, that subsections 5 (8) and (9) and section 6 require; and
 - (b) a statement from any of the municipalities in which the land included in the phase is situated, or from the Minister of Municipal Affairs and Housing if the land is not situated in a municipality, that,
 - (i) all facilities and services have been installed or provided as the person making the statement determines are necessary to ensure the independent operation of the corporation if no subsequent phases are created, or
 - (ii) a bond or other security has been posted that is sufficient to ensure the independent operation of the corporation if no subsequent phases are created.
- (6) The statement described in clause (5) (b) shall be signed by a person authorized to bind the municipality or the Minister making the statement.
- (7) For the purposes of clause 146 (11) (a) of the Act, the facilities and services covered by the bond or the security mentioned in that clause have been installed or provided when there are no facilities and services remaining to be installed or provided that the person making the statement described in clause (5) (b) determines are necessary to ensure the independent operation of the corporation if no subsequent phases are created.
- (8) Schedule K to the amendment to the declaration shall contain,
- (a) a statement of all conditions that the approval authority, in approving or exempting under section 9 of the Act the amendment to the description creating the phase, requires the amendment to the declaration to mention; or
 - (b) a statement that there are no conditions described in clause (a), if that is the case.
- (9) An amendment to a declaration creating a phase may also contain,
- (a) an amendment to Schedule E to the declaration specifying the common expenses of the corporation, whether or not the Schedule has been previously left blank; or

- (b) any other amendments to the declaration that are a result solely of creating the phase.

Amendment to description for phase

53. (1) Despite clause 146 (5) (b) of the Act, an amendment to a description creating a phase shall not contain the legal description of the lands that will be the servient lands.

(2) Subsections 9 (4) and (5) do not apply to an amendment to a description creating a phase.

(3) In addition to all other material that it is required to contain, an amendment to a description creating a phase shall contain a description of all easements and similar interests to which the land included in the phase is subject.

(4) The description of the easements and similar interests to which the land included in the phase is subject and the description of the interests appurtenant to the land required by clause 8 (1) (g) of the Act shall be combined and shall be in Form 3.

Forms for amendments creating phase

54. (1) Amendments to the declaration and description creating a phase shall be in Form 19.

(2) Subsection 10 (1) does not apply to an amendment to a description creating a phase.

(3) The land registrar's certificate of registration that clause 11 (1) (a) of Ontario Regulation 49/01 requires to be on an amendment to a description creating a phase shall be in Form 20.

Disclosure statement

55. In addition to the material specified in subsection 72 (3) of the Act, a disclosure statement mentioned in that subsection for a phased condominium corporation shall include a statement that no amendments to the declaration and description creating a phase may be registered after more than 10 years after the registration of the declaration and description that created the corporation.

PART VIII

VACANT LAND CONDOMINIUM CORPORATIONS

Declaration

56. (1) In addition to the requirements of subsection 5 (1), a declaration for a vacant land condominium corporation shall not be received for registration unless,

- (a) despite clause 155 (1) (a) of the Act, none of the units are part of a building or structure and none of the units include part of a building or structure, except if a building or structure is located entirely within the boundaries of the unit;
- (b) the first page of the declaration contains a statement that the registration of the declaration and description will create a vacant land condominium corporation; and
- (c) it contains a schedule known as Schedule H that complies with subsections 40 (15) and (16).

(2) Despite clause 5 (1) (c), the first page of a declaration for a vacant land condominium corporation shall not contain the statement described in that clause.

(3) Subsection 5 (4) does not apply to a declaration for a vacant land condominium corporation.

(4) Schedule C to the declaration for a vacant land condominium corporation shall contain a statement signed by an Ontario land surveyor licensed under the *Surveyors Act* certifying that the boundaries of the units are controlled by the monuments illustrated on the plan of survey described in clause 157 (1) (a) of the Act.

(5) Despite clause 5 (1) (d), a declaration for a vacant land condominium corporation shall not contain a Schedule G if the declaration and description show that there are no buildings, structures, facilities or services included in the common elements.

(6) Subsections 5 (8) and (9) and section 6 do not apply to a declaration for a vacant land condominium corporation.

(7) Schedule G to the declaration for a vacant land condominium corporation shall contain the statement described in clause (8) (b) or,

- (a) a certificate, in Form 17, of an architect certifying that,
 - (i) all buildings and structures that the declaration and description show are included in the common elements have been completed and installed in accordance with the regulations made under the Act, with respect to all or some matters listed in the paragraphs of the definition of "has been completed and installed" in section 41, and
 - (ii) some or all of the facilities and services that the declaration and description show are included in the common elements have been installed and provided in accordance with the definition of "has been installed and provided" in section 41; or
- (b) one or more certificates of an engineer, in Form 17, certifying that,
 - (i) all buildings and structures that the declaration and description show are included in the common elements have been completed and installed in accordance with the regulations made under the Act, with respect to all or some matters listed in the paragraphs of the definition of "has been completed and installed" in section 41, and
 - (ii) some or all of the facilities and services that the declaration and description show are included in the common elements have been installed and provided in accordance with the definition of "has been installed and provided" in section 41.

(8) If Schedule G to the declaration for a vacant land condominium corporation does not contain the required certificates described in clause (7) (a) or (b), it shall contain,

- (a) a statement by the declarant that the certificates will be included in an amendment to the description; and
- (b) a statement from any of the municipalities in which the land is situated, or the Minister of Municipal Affairs and Housing if the land is not situated in a municipality, stating that a bond or other security that is acceptable to the municipalities in which the land is situated or the Minister, as the case may be, has been posted that is sufficient to ensure that,
 - (i) the buildings and structures that the declaration and description show are included in the common elements will be completed and installed in accordance with the regulations made under the Act,
 - (ii) the facilities and services that the declaration and description show are included in the common elements will be installed and provided in accordance with the regulations made under the Act,
 - (iii) the items described in clause 158 (3) (b) of the Act will be included in an amendment to the description.

(9) The statement described in clause (8) (b) shall be signed by a person authorized to bind the municipality or the Minister, as the case may be.

(10) In a declaration for a vacant land condominium corporation,

(a) every matter listed in the paragraphs of the definition of “has been completed and installed” in section 41 shall be certified to in the certificates in Form 17 that are contained in Schedule G; and

(b) the certificates in Form 17 that are contained in Schedule G shall certify that all facilities and services that the declaration and description show are included in the common elements have been installed and provided in accordance with the definition of “has been installed and provided” in section 41.

(11) If the declaration and description for a vacant land condominium corporation show that there are no buildings or structures included in the common elements, the certificates in Form 17 contained in the declaration shall not contain the certification described in subclauses (7) (a) (i) and (b) (i) and clause (10) (a) does not apply to the declaration.

(12) If the declaration and description for a vacant land condominium corporation show that there are no facilities or services included in the common elements, the certificates in Form 17 contained in the declaration shall not contain the certification described in subclauses (7) (a) (ii) and (b) (ii) and clause (10) (b) does not apply to the declaration.

Description

57. (1) Subsections 9 (2), (3) and (5) do not apply to a description for a vacant land condominium corporation.

(2) Despite clause 157 (1) (b) of the Act, a description for a vacant land condominium corporation shall not contain the architectural plans described in that clause if,

(a) it contains the structural plans described in that clause and, in accordance with subsection 56 (7), Schedule G to the declaration does not contain the certificate of an architect mentioned in that subsection; or

(b) the declaration and description for the corporation show that there are no buildings, structures, facilities or services included in the common elements.

(3) Despite clause 157 (1) (c) of the Act, a description of a corporation shall not contain the certificates described in that clause.

(4) The description of the easements and similar interests to which the property is subject and the description of the interests appurtenant to the property required by clause 157 (1) (d) of the Act shall be combined and shall be in Form 3.

Amendment to description

58. (1) Despite subsection 157 (1) of the Act and clause 158 (3) (b) of the Act, an amendment described in that clause to the description for a vacant land condominium corporation shall be in Form 21 and shall not contain the material described in clauses 157 (1) (a), (c) and (d) of the Act.

(2) A declarant is exempt from subsections 9 (2) and (3) of the Act when applying to register an amendment described in clause 158 (3) (b) of the Act to the description for a vacant land condominium corporation.

(3) If Schedule G to the declaration for a vacant land condominium corporation is required to contain the certificates described in clause 56 (7) (a) or (b) and does not contain them, the amendment described in clause 158 (3) (b) of the Act to the description shall contain them.

PART IX

LEASEHOLD CONDOMINIUM CORPORATIONS

Restrictions on creation

59. A declaration and description for a leasehold condominium corporation shall not be registered unless,

(a) the term of the leasehold interests in the units in the corporation and their appurtenant common interests is the same as, or less than, the unexpired term of the leasehold interest affecting the property;

(b) the owners of the leasehold interests in the units in the corporation are the owners, as tenants in common, of the leasehold estate in the property under a lease with the lessor; and

(c) one of the following situations applies:

1. The property described in the description is situated entirely within the boundaries of one land titles division, the *Land Titles Act* applies to all the property, the lessor is the registered owner of the property with an absolute title under that Act and the declarant is the registered owner of a leasehold parcel of land that consists of or includes the property.

2. The property described in the description is situated entirely within the boundaries of one registry division, the *Registry Act* applies to all the property and the lessor holds a certificate of title to the property issued under Part I of the *Certification of Titles Act* within 10 years before the registration.

Declaration

60. (1) In addition to the requirements of subsection 5 (1), a declaration for a leasehold condominium corporation shall not be received for registration unless,

(a) it is executed by the lessor;

(b) the first page of the declaration contains,

(i) a statement that the registration of the declaration and description will create a leasehold condominium corporation, and

(ii) a statement that the building and improvements to the property form part of the property;

(c) it contains schedules known as Schedules L and M; and

(d) it contains a statement that no person shall terminate the leasehold interest in the units and their appurtenant common interests except in accordance with the Act.

(2) Despite clause 5 (1) (c), the first page of a declaration for a leasehold condominium corporation shall not contain the statement described in that clause.

(3) Schedule L shall set out all provisions of the leasehold interests that affect the property, the corporation and the owners and that are binding on them, and shall include,

(a) a statement that the provisions of the leasehold interests set out in the Schedule are binding on the property, the corporation and the owners;

(b) a statement of the term of the leasehold interests of the owners;

(c) a schedule setting out the amount of rent for the property payable by the corporation on behalf of the owners to the lessor and the times at which the rent is payable for at least the first five years immediately following the registration of the declaration and description; and

- (d) a formula to determine the amount of rent for the property payable by the corporation on behalf of the owners to the lessor and the times at which the rent is payable during the remainder of the term of the owners' leasehold interests following the time for which the schedule described in clause (c) states the amount of rent payable.

(4) Schedule M shall contain a statement signed by the solicitor registering the declaration that, in his or her opinion, based on the parcel register or abstract index and the plans and documents recorded in them,

- (a) the lessor is the registered owner of the freehold estate in the land and appurtenant interests;
- (b) the declarant is the registered owner of the leasehold estate in the land and appurtenant interests; and
- (c) the lease of the declarant in the land and appurtenant interests is a valid and subsisting lease for a term, for which the statement specifies the length.

Amendment to declaration

61. The amendment that subsection 174 (8) of the Act requires a leasehold condominium corporation to register to the declaration shall be in Form 22.

Forms

62. (1) The notice that clause 174 (1) (a) of the Act requires the lessor to give a leasehold condominium corporation if the lessor intends to renew all the leasehold interests shall be in Form 23.

(2) The notice that clause 174 (1) (b) of the Act requires the lessor to give a leasehold condominium corporation if the lessor intends to not renew all the leasehold interests shall be in Form 24.

(3) The notice that subsection 174 (4) of the Act requires the corporation to send to the owners shall be in Form 25.

(4) The notice that subsection 174 (6) of the Act requires the corporation to give to the lessor shall be in Form 26.

PART X TRANSITIONAL

Declaration and description

63. (1) If, before the day Part II of the Act comes into force, a description, including an amendment to a description, was acceptable for registration except for not having the approval or exemption from

approval under the *Planning Act* required by section 50 of the *Condominium Act*,

- (a) sections 5, 6, 8, 9, 10 and 11 and Forms 1 to 7 do not apply to the description, including the amendment to the description, and the declaration, including the amendment to the declaration, that is required to accompany the description; and
- (b) despite section 63 of this Regulation, sections 2, 8 and 9, subsections 15 (1), (2) and (3) and Forms 7, 8 and 9 of Regulation 96 of the Revised Regulations of Ontario, 1990 and Regulation 97 of the Revised Regulations of Ontario, 1990, as they read immediately before that day, continue to apply to the description, including the amendment to the description, and the declaration, including the amendment to the declaration, that is required to accompany the description.

(2) This section is revoked on the 180th day after the day Part II of the Act comes into force.

Disclosure and sale of units

64. If, on or before the day sections 44, 72 to 75 and 78 to 82 of the Act come into force, the declarant with respect to a corporation has entered into one or more agreements of purchase and sale for a unit or proposed unit in the corporation,

- (a) sections 12, 17 and 19 to 22 do not apply; and
- (b) despite subsection 63 (1) of this Regulation, sections 34 to 37 of Regulation 96 of the Revised Regulations of Ontario, 1990, as those sections existed immediately before the revocation of that Regulation, continue to apply.

PART XI REVOCATIONS AND COMMENCEMENT

Revocations

65. (1) **Regulation 96 of the Revised Regulations of Ontario, 1990 and Ontario Regulations 179/91, 129/92 and 148/92 are revoked.**

(2) **Regulation 97 of the Revised Regulations of Ontario, 1990 and Ontario Regulation 180/91 are revoked.**

Commencement

66. **This Regulation comes into force on the day Part II of the Act comes into force.**

Form 1

Condominium Act, 1998

CONSENT
(SCHEDULE B TO DECLARATION)
(under clause 7 (2) (b) of the *Condominium Act, 1998*)

(Strike out whichever is not applicable:

1. I (We) have a registered mortgage within the meaning of clause 7 (2) (b) of the *Condominium Act, 1998*, registered as Number in the Land Registry Office for the Land Titles (or Registry) Division of

OR

I (We) have a mortgage registered against land owned by the declarant that is included in the property but not included in a phase, including the buildings and structures on the land, registered as Number in the Land Registry Office for the Land Titles (or Registry) Division of)

2. I (We) consent to the registration of (*strike out whichever is not applicable*: this declaration / this amendment to the declaration, which is not an amendment for creating a phase), pursuant to the Act, against the land or the interests appurtenant to the land, as the land and the interests are described in the description.

(If the mortgage is a registered mortgage within the meaning of clause 7 (2) (b) of the Condominium Act, 1998, include the following paragraph:)

3. I (We) postpone the mortgage and the interests under it to the declaration and the easements described in Schedule A to the declaration.

4. I am (We are) entitled by law to grant this consent (if applicable, add: and postponement.)

Dated this day of, ...

.....
(signature)

.....
(print name)

(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 2

Condominium Act, 1998

CERTIFICATE OF ARCHITECT OR ENGINEER (SCHEDULE G TO DECLARATION FOR A STANDARD OR LEASEHOLD CONDOMINIUM CORPORATION) (under clause 8 (1) (e) or (h) of the Condominium Act, 1998)

I certify that:

[Strike out whichever is not applicable:

Each building on the property

OR

(In the case of an amendment to the declaration creating a phase:

Each building on the land included in the phase)]

has been constructed in accordance with the regulations made under the Condominium Act, 1998, with respect to the following matters:

(Check whichever boxes are applicable)

1. The exterior building envelope, including roofing assembly, exterior wall cladding, doors and windows, caulking and sealants, is weather resistant if required by the construction documents and has been completed in general conformity with the construction documents.
2. Except as otherwise specified in the regulations, floor assemblies are constructed to the sub-floor.
3. Except as otherwise specified in the regulations, walls and ceilings of the common elements, excluding interior structural walls and columns in a unit, are completed to the drywall (including taping and sanding), plaster or other final covering.
4. All underground garages have walls and floor assemblies in place.

OR

There are no underground garages.

5. All elevating devices as defined in the *Elevating Devices Act* are licensed under that Act if it requires a licence, except for elevating devices contained wholly in a unit and designed for use only within the unit.

OR

There are no elevating devices as defined in the *Elevating Devices Act*, except for elevating devices contained wholly in a unit and designed for use only within the unit.

6. All installations with respect to the provision of water and sewage services are in place.
7. All installations with respect to the provision of heat and ventilation are in place and heat and ventilation can be provided.
8. All installations with respect to the provision of air conditioning are in place.

OR

There are no installations with respect to the provision of air conditioning.

9. All installations with respect to the provision of electricity are in place.
10. All indoor and outdoor swimming pools are roughed in to the extent that they are ready to receive finishes, equipment and accessories.

OR

There are no indoor and outdoor swimming pools.

11. Except as otherwise specified in the regulations, the boundaries of the units are completed to the drywall (not including taping and sanding), plaster or other final covering, and perimeter doors are in place.

Dated this day of, ...

.....
(signature)

.....
(print name)

(Strike out whichever is not applicable:

Architect

Professional Engineer)

Form 3

Condominium Act, 1998

SCHEDULE OF APPURTENANT AND SERVIENT INTERESTS (in the case of an amendment to a description creating a phase in a phased condominium corporation, add: FOR THE PHASE) (under clauses 8 (1) (g) and (h) of the Condominium Act, 1998 or clauses 157 (1) (d) and (e) of the Act, in the case of a vacant land condominium corporation)				
	Part	Plan	Described In	Notes (if any)
TOGETHER WITH (APPURTENANT INTERESTS)				1.
SUBJECT TO (SERVIENT INTERESTS)				2.

Notes:

1. If some, but not all, units have appurtenant interests, place a check mark in this box and add a note that identifies those units and the instrument in which the interests are described.
2. If a unit or part of a unit is subject to servient interests, place a check mark in this box and add a note that identifies all those units and parts of a unit and the instrument in which the interests are described.

Form 4

Condominium Act, 1998

CERTIFICATE OF REGISTRATION

.....
(name of land titles or registry division, excluding the number)

.....
(type of corporation i.e. standard, common elements, vacant land, leasehold)

CONDOMINIUM PLAN NO. (identify condominium plan)

[In the case of a common elements condominium corporation, indicate the following only if there are parts of the common elements that are to be used by one or more designated owners and not by all owners:

LEVEL (or LEVELS) to]

[If the sheet designates units, include the following:

UNIT (or UNITS) to]

Registered in the Land Registry Office for the Land Titles (or Registry) Division of at o'clock on the day of, ...

.....
(signature)

Land Registrar

Form 5*Condominium Act, 1998***SURVEYOR'S CERTIFICATE**

I certify that:

1. This survey and plan are correct and in accordance with the *Condominium Act, 1998*, the *Surveys Act*, the *Surveyors Act* and the *Land Titles Act* (or *Registry Act*, as the case may be) and the regulations made under them.

2. The survey was completed on the day of, ...

(For all condominium corporations except common elements condominium corporations and vacant land condominium corporations, include the following paragraph on each of the sheets designating units:)

3. The diagrams of the units shown on this plan are substantially accurate.

(If the plan is of Crown land and was prepared under the instructions of the Surveyor General of Ontario, include the following paragraph:)

4. This plan and the field notes were prepared from an actual survey performed under my personal supervision and I was present on the site during the progress of this survey.

Dated this day of, ...

.....
(signature)

.....
(print name)
Ontario Land Surveyor

Form 6*Condominium Act, 1998***CERTIFICATE OF DECLARANT OR OF AMALGAMATING CORPORATIONS**

[For all condominium corporations except common elements condominium corporations:

This is to certify that the property included in *(in the case of an amendment to a description creating a phase, add: the phase shown on)* this plan has been laid out into units and common elements in accordance with my instructions.]

(In the case of a common elements condominium corporation:

This is to certify that the property included in this plan has been laid out into common elements in accordance with my instructions.)

(In the case of a leasehold condominium corporation:

This is to certify that the building and improvements to the property form part of the property.)

Dated this day of, ...

[For all condominium corporations except if the description is being registered to effect an amalgamation:

Declarant:

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)]

[If the description is being registered to effect an amalgamation, add the following for each amalgamating corporation:]

..... Condominium Corporation No.

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(Affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)]

Form 7

Condominium Act, 1998

SURVEYOR'S CERTIFICATE EXCLUSIVE USE COMMON ELEMENTS

I certify that this plan of survey accurately shows the extent and location of the exclusive use portions of the common elements.

Dated this day of, ...

.....
(signature)

.....
(print name)

Ontario Land Surveyor

Form 8

Condominium Act, 1998

PROXY FOR GENERAL MATTERS

(under subsection 52 (6) of the *Condominium Act, 1998*)

TO: (name of condominium corporation) Condominium Corporation No.
(known as the "Corporation")

1. I am (We are)

the registered owner(s),
authorized to act on behalf of the registered owner(s),
the mortgagee(s), or
authorized to act on behalf of the mortgagee(s)

[If the Corporation is any condominium corporation but a common elements condominium corporation:

Strike out whichever is not applicable:

of (state suite number and municipal address)

OR

of Unit, Level, of (identify condominium plan)]

[If the Corporation is a common elements condominium corporation:

Strike out whichever is not applicable:

of (state suite number and municipal address),

OR

of (provide brief description),.....

being the parcel of land to which a common interest in the Corporation is attached.]

2. I (We) appoint, if present, or failing him or her, ..., if present, to be a proxy (known as the "Proxy") and to attend and vote on my (our) behalf at the meeting of owners to be held on the day of, and at any adjournment of the meeting (known as the "Meeting").
3. The Proxy may vote on my (our) behalf in respect of all matters that may come before the Meeting, except for any election or removal of a director

(If applicable add: and subject to any instructions set out below),

as I (we) could do if personally present at the Meeting.

[If the Proxy is being instructed on how to vote, add:

I (We) instruct the Proxy to vote *(set out whether the Proxy is to vote in favour of or against a particular matter)]*.

4. I (We) revoke all proxies previously given.

(If you are the mortgagee(s) or you are authorized to act on behalf of the mortgagee(s), include the following paragraph:)

5. The mortgagee(s) has/have complied with section 48 of the *Condominium Act, 1998* and under that section has/have the right to vote at the Meeting in the place of the registered owner(s).

Dated this day of, ... at *(circle whichever is applicable: a.m./p.m.)*

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

(If you are authorized to act on behalf of the registered owner(s) or mortgagee(s), attach a copy of the document that gives you this authorization.)

Form 9

Condominium Act, 1998

PROXY FOR GENERAL MATTERS AND FOR THE ELECTION OF DIRECTORS (under subsection 52 (6) of the *Condominium Act, 1998*)

TO: *(name of condominium corporation)* Condominium Corporation No.
(known as the "Corporation")

1. I am (We are)
 - the registered owner(s),
 - authorized to act on behalf of the registered owner(s),
 - the mortgagee(s), or
 - authorized to act on behalf of the mortgagee(s)

[If the Corporation is any condominium corporation but a common elements condominium corporation:

Strike out whichever is not applicable:

of *(state suite number and municipal address)*

OR

of Unit, Level, of *(identify condominium plan)]*

[If the Corporation is a common elements condominium corporation:

Strike out whichever is not applicable:

of (state suite number and municipal address),

OR

of (provide brief description),

being the parcel of land to which a common interest in the Corporation is attached.]

2. I (We) appoint, if present, or failing him or her, ..., if present, to be a proxy (known as the "Proxy") and to attend and vote on my (our) behalf at the meeting of owners to be held on the day of, and at any adjournment of the meeting (known as the "Meeting").
3. The Proxy may vote on my (our) behalf in respect of all matters that may come before the Meeting, subject to the instructions set out below, as I (we) could do if personally present at the Meeting.

(If applicable, include the following paragraph:)

4. I (We) instruct the Proxy to nominate, if necessary, and to vote for the candidates named below and in the order set out below. The candidates are or may be candidates for those positions on the board of directors for which all owners may vote at the Meeting:

**Candidates for Positions on the Board
for which all owners may vote**

1.
Candidate's Name
2.
Candidate's Name
3.
Candidate's Name
4.
Candidate's Name

(additional names may be added)

Note: Print the name of any individual whom you wish to elect to the board of directors. Your Proxy may only vote for individuals whose names are set out above and who, at the time of the vote, are candidates. If you list more names than positions available on the board of directors, your Proxy will vote in the order set out above up to the number of positions that are available.

(If applicable, add the following paragraph:)

I (We) instruct the Proxy to nominate, if necessary, and to vote for the candidate set out below for the position on the board of directors for which only owners of owner-occupied units may vote under subsection 51 (6) of the *Condominium Act, 1998*:

**Candidates for the Position on the Board
for which only owners of owner-occupied units may vote**
(if applicable under subsection 51 (6) of the *Condominium Act, 1998*)

.....
Candidate's Name

Note: Your Proxy may only vote for one candidate.

[This provision may be included at the option of the person giving the proxy:

In the event that the candidate for which the Proxy has been directed to vote, ceases to be a candidate for any reason, the Proxy is to vote for the following candidate instead: (set out the name of the alternate candidate for whom the Proxy is instructed to vote)].

(If applicable include the following paragraph:)

5. I (We) revoke all proxies previously given.

(If you are the mortgagee(s) or you are authorized to act on behalf of the mortgagee(s), include the following paragraph:)

6. The mortgagee(s) has/have complied with section 48 of the *Condominium Act, 1998* and under that section has/have the right to vote at the Meeting in the place of the registered owner(s).

Dated this day of, ... at (circle whichever is applicable: a.m./p.m.)

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

(If you are authorized to act on behalf of the registered owner(s) or mortgagee(s), attach a copy of the document that gives you this authorization.)

Form 10

Condominium Act, 1998

PROXY FOR GENERAL MATTERS AND FOR THE REMOVAL OF DIRECTORS AND ELECTION OF SUBSTITUTES (under subsection 33 (2) of the *Condominium Act, 1998*)

TO: *(name of condominium corporation)* Condominium Corporation No.
(known as the "Corporation")

1. I am (We are)

the registered owner(s),
authorized to act on behalf of the registered owner(s),
the mortgagee(s), or
authorized to act on behalf of the mortgagee(s)

[If the Corporation is any condominium corporation but a common elements condominium corporation:

Strike out whichever is not applicable:

of *(state suite number and municipal address)*

OR

of Unit, Level, of *(identify condominium plan)*

[If the Corporation is a common elements condominium corporation:

Strike out whichever is not applicable:

of *(state suite number and municipal address),*

OR

of *(provide brief description),*

being the parcel of land to which a common interest in the Corporation is attached.]

2. I (We) appoint, if present, or failing him or her, ..., if present, to be a proxy (known as the "Proxy") and to attend and vote on my (our) behalf at the meeting of owners to be held on the day of, and at any adjournment of the meeting (known as the "Meeting").

3. The Proxy may vote on my (our) behalf in respect of all matters that may come before the Meeting, subject to the instructions set out below, as I (we) could do if personally present at the Meeting.

4. I (We) instruct the Proxy to vote as indicated below in respect of the removal of director(s) from the board of directors of the Corporation:

Name of Director	In favour of removal	Against removal
.....		
.....		
.....		
.....		
.....		

Note: If a Director's position is the position for which only owners of owner-occupied units can vote, indicate that only owners of owner-occupied units may vote in favour of or against removal of this Director.

(If applicable, include the following paragraph:)

5. If the vote for removal of director(s) from the board of directors of the Corporation is successful, I (we) instruct the Proxy to nominate, if necessary, and to vote for the candidates named below and in the order set out below. The candidates are or may be candidates for those positions on the board of directors for which all owners may vote at the Meeting:

**Candidates for Positions on the Board
for which all owners may vote**

1.
Candidate's Name
2.
Candidate's Name
3.
Candidate's Name
4.
Candidate's Name
5.
Candidate's Name

(additional names may be added)

Note: Print the name of any individual whom you wish to elect to the board of directors. Your Proxy may only vote for individuals whose names are set out above and who, at the time of the vote, are candidates. If you list more names than positions available on the board of directors, your Proxy will vote in the order set out above up to the number of positions that are available.

(If applicable, add the following paragraph:)

I (We) instruct the Proxy to nominate, if necessary, and to vote for the candidate set out below for the position on the board of directors for which only owners of owner-occupied units may vote under subsection 51 (6) of the *Condominium Act, 1998*:

**Candidates for the Position on the Board
for which only owners of owner-occupied units may vote**
(if applicable under subsection 51 (6) of the *Condominium Act, 1998*)

.....
Candidate's Name

Note: Your Proxy may only vote for one candidate.

[This provision may be included at the option of the person giving the proxy:

In the event that the candidate for which the Proxy has been directed to vote, ceases to be a candidate for any reason, the Proxy is to vote for the following candidate instead: (set out the name of the alternate candidate for whom the Proxy is instructed to vote)].

6. I (We) revoke all proxies previously given.

(If you are the mortgagee(s) or you are authorized to act on behalf of the mortgagee(s), include the following paragraph:)

7. Under section 48 of the *Condominium Act, 1998*, the mortgagee(s) has/have the right to vote at the Meeting in the place of the registered owner(s).

Dated this day of, ... at (circle whichever is applicable: a.m./p.m.)

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

(If you are authorized to act on behalf of the registered owner(s) or mortgagee(s), attach a copy of the document that gives you this authorization.)

Form 11*Condominium Act, 1998*

CERTIFICATE IN RESPECT OF A BY-LAW
(under subsection 56 (9) of the *Condominium Act, 1998*)

..... (name of condominium corporation) Condominium Corporation No. (known as the "Corporation") certifies that:

1. The copy of By-law Number, attached as Schedule A, is a true copy of the By-law.
2. The By-law was made in accordance with the *Condominium Act, 1998*.
3. The owners of a majority of the units of the Corporation have voted in favour of confirming the By-law.

(If the By-law is a joint by-law under section 59 of the Act, include the following paragraph:)

4. The By-law is a joint by-law made under section 59 of the Act and is not effective until the corporations that made it, being
(names of corporations), have each registered a copy of the joint by-law in accordance with subsection 56 (9) of the Act.

Dated this..... day of, ...

..... Condominium Corporation No.

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(Affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 12*Condominium Act, 1998*

DISCLOSURE STATEMENT
TABLE OF CONTENTS
(under subsection 72 (4) of the *Condominium Act, 1998*)

Declarant's name:

Declarant's municipal address:

Brief legal description of the property/proposed property:

Mailing address of the property/proposed property:

Municipal address of the property/proposed property (if available):

Condominium corporation: (identify condominium plan, if available) (known as the "Corporation")

The Table of Contents is a guide to where the disclosure statement deals with some of the more common areas of concern to purchasers. Purchasers should be aware that the disclosure statement, which includes a copy of the existing or proposed declaration, by-laws and rules, contains provisions that are of significance to them, only some of which are referred to in this Table of Contents.

Purchasers should review all documentation.

In this Table of Contents,

"unit" or "units" include proposed unit or units;

"common elements" includes proposed common elements;

"common interest" includes a proposed common interest; and

"property" includes proposed property.

This disclosure statement deals with significant matters, including the following:

Matter		Specify the article, paragraph (and/or clause) and page number where the matter is dealt with in the existing or proposed declaration, by-laws, rules or other material in the disclosure statement
<i>(Strike out whichever is not applicable:</i> 1. The Corporation is a leasehold condominium corporation. OR The Corporation is a freehold condominium corporation that is a (common elements, vacant land or standard) condominium corporation, <i>(for standard condominium corporations, add the following if applicable: which will be phased.)</i>		Refer to: _____
2. The property or part of the property is or may be subject to the <i>Ontario New Home Warranties Plan Act</i>.	Yes No ☐ ☐	Refer to: _____
<i>(For all condominium corporations except common elements condominium corporations:</i> 3. The common elements and the units are enrolled or are intended to be enrolled in the Plan within the meaning of the <i>Ontario New Home Warranties Plan Act</i> in accordance with the regulations made under that Act.) Note: Enrolment does not necessarily mean that claimants are entitled to warranty coverage. Entitlement to warranty coverage must be established under the <i>Ontario New Home Warranties Plan Act</i>.	Yes No ☐ ☐	Refer to: _____
4. A building on the property or <i>(for all condominium corporations except common elements condominium corporations: a unit)</i> has been converted from a previous use.	Yes No ☐ ☐	Refer to: _____
5. One or more units or a part of the common elements may be used for commercial or other purposes not ancillary to residential purposes.	Yes No ☐ ☐	Refer to: _____
6. A provision exists with respect to pets on the property.	Yes No ☐ ☐	Refer to: _____
7. There exist restrictions or standards with respect to the use of common elements or <i>(for all condominium corporations except common elements condominium corporations: the occupancy or use of units)</i> that are based on the nature or design of the facilities and services on the property or on other aspects of the buildings located on the property.	Yes No ☐ ☐	Refer to: _____
<i>(For all condominium corporations except common elements condominium corporations:</i> 8. The declarant intends to lease a portion of the units.) <i>(In the case of a common elements condominium corporation:</i> The declarant intends to lease a portion of the common interests.) <i>(If "Yes", add:</i> The portion of units (or the common interests, as the case may be) to the nearest anticipated 25 per cent, that the declarant intends to lease is per cent.)	Yes No ☐ ☐ Yes No ☐ ☐	Refer to: _____ Refer to: _____

Matter		Specify the article, paragraph (and/or clause) and page number where the matter is dealt with in the existing or proposed declaration, by-laws, rules or other material in the disclosure statement
(For all condominium corporations except common elements condominium corporations, include the following paragraph:) 9. The common interest appurtenant to one or more units differs in an amount of 10 per cent or more from that appurtenant to any other unit of the same type, size and design. (If "Yes", identify the units where this difference exists and what the difference is, expressed as a percentage.)	Yes No ☐ ☐	Refer to: _____
(For all condominium corporations except common elements condominium corporations, include the following paragraph:) 10. The amount that the owner of one or more units is required to contribute to the common expenses differs in an amount of 10 per cent or more from that required of the owner of any other unit of the same type, size and design. (If "Yes", identify the units where this difference exists and what the difference is, expressed as a percentage.)	Yes No ☐ ☐	Refer to: _____
(For all condominium corporations except common elements condominium corporations: 11. One or more units are exempt from a cost attributable to the rest of the units.) (In the case of a common elements condominium corporation: One or more common interests that is attached or will attach to an owner's parcel of land are exempt from a cost attributable to the rest of the common interests.)	Yes No ☐ ☐ Yes No ☐ ☐	Refer to: _____ Refer to: _____
12. There is an existing or proposed by-law establishing what constitutes a standard unit. (If "No", add: Under clause 43 (5) (h) of the <i>Condominium Act, 1998</i>, the declarant is required to deliver to the board a schedule setting out what constitutes a standard unit.)	Yes No ☐ ☐	Refer to: _____
13. Part or the whole of the common elements are subject to a lease or licence.	Yes No ☐ ☐	Refer to: _____
14. Parking for owners is allowed: (except in the case of a common elements condominium corporation: (a) in or on a unit; (b) on the common elements; (c) on a part of the common elements of which an owner has exclusive use. (If "Yes" to any of clauses (a), (b) and (c), add: There are restrictions on parking.)	Yes No ☐ ☐ Yes No ☐ ☐ Yes No ☐ ☐ Yes No ☐ ☐	Refer to: _____ _____ _____ _____
15. Visitors must pay for parking. (If "Yes", add: The anticipated costs are) There is visitor parking on the property. [If "No", add: Visitor parking is available in the following location: (describe where)]	Yes No ☐ ☐ Yes No ☐ ☐	Refer to: _____ _____ _____

Matter		Specify the article, paragraph (and/or clause) and page number where the matter is dealt with in the existing or proposed declaration, by-laws, rules or other material in the disclosure statement
16. The declarant may provide major assets and property, even though it is not required to do so. <i>(If "Yes", identify the major assets and property involved.)</i>	Yes ☐ No ☐	Refer to: _____
17. The corporation is required: (a) to purchase units or assets; <i>(If "Yes", identify the units and assets involved.)</i> (b) to acquire services; <i>(If "Yes", identify the services involved.)</i> (c) to enter into agreements or leases with the declarant or a subsidiary body corporate, holding body corporate or affiliated body corporate of the declarant. <i>(If "Yes", identify the agreements and leases involved.)</i>	Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No ☐	Refer to: _____ Refer to: _____ Refer to: _____
18. The declarant or a subsidiary body corporate, holding body corporate or affiliated body corporate of the declarant owns land adjacent to the land described in the description. <i>[If "Yes", complete the following:</i> (1) The current use of the land is <i>(describe use)</i> (2) The declarant has made representations respecting the future use of the land. <i>(If "Yes", add the following: The disclosure statement contains a statement of the representations.)</i> (3) Applications have been submitted to an approval authority respecting the use of the land. <i>(If "Yes", add the following: The disclosure statement contains a summary of the applications.)]</i>	Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No ☐	Refer to: _____ Refer to: _____ Refer to: _____
<i>(In the case of a standard condominium corporation, include the following paragraph:)</i> 19. To the knowledge of the declarant, the Corporation intends to amalgamate with another corporation or the declarant intends to cause the Corporation to amalgamate with another corporation within 60 days of the date of registration of the declaration and description for the Corporation.	Yes ☐ No ☐	Refer to: _____
<i>(In the case of a common elements condominium corporation, include the following paragraph:)</i> 20. Under clause 143 (a) of the <i>Condominium Act, 1998</i> , the common interest is attached or will attach to the owner's parcel of land described in the declaration and cannot be severed from the parcel upon the sale of the parcel or the enforcement of an encumbrance registered against the parcel.		
<i>(In the case of a common elements condominium corporation or a vacant land condominium corporation, include the following paragraph:)</i> 21. The declaration contains a list of the buildings, structures, facilities and services to be included in the common elements.		Refer to: Schedule H to the declaration

Matter		Specify the article, paragraph (and/or clause) and page number where the matter is dealt with in the existing or proposed declaration, by-laws, rules or other material in the disclosure statement
<i>(In the case of a vacant land condominium corporation, include the following paragraph:)</i> 22. There are the following restrictions with respect to the construction of a building or structure on a unit after the registration of the declaration and description: (a) the size, location, construction standards, quality of materials and appearance of the building or structure; (b) architectural standards and construction design standards of the building or structure; (c) the time of commencement and completion of construction of the building or structure; (d) the minimum maintenance requirements for the building or structure.	Yes No ☐ ☐ Yes No ☐ ☐ Yes No ☐ ☐ Yes No ☐ ☐	Refer to: _____ Refer to: _____ Refer to: _____ Refer to: _____
<i>(In the case of a vacant land condominium corporation, include the following paragraph. Strike out whatever is not applicable:)</i> 23. The declarant has received from the municipality in which the land is situated (or from the Minister of Municipal Affairs and Housing if the land is not situated in a municipality), a statement of the services provided by the municipality (or the Minister, as the case may be), including the construction and maintenance of roads. OR The declarant has requested from the municipality in which the land is situated (or from the Minister of Municipal Affairs and Housing if the land is not situated in a municipality), a statement of the services provided by the municipality (or the Minister, as the case may be), including the construction and maintenance of roads, and has not received any statement in response to the request.	Yes No ☐ ☐ Yes No ☐ ☐	Refer to: _____ Refer to: _____
<i>(In the case of a phased condominium corporation, include the following paragraph:)</i> 24. The declarant intends to create one or more phases after the creation of the unit. Under clause 147 (1) (b) of the <i>Condominium Act, 1998</i>, the declarant is not required to create a phase after the creation of the unit.	Yes No ☐ ☐	Refer to: _____
<i>(In the case of a phased condominium corporation, include the following paragraph:)</i> 25. Under clause 51 (h) of Ontario Regulation 48/01, no amendments to the declaration and description creating a phase may be registered after more than 10 years after the registration of the declaration and description that created the Corporation.		
<i>(In the case of a phased condominium corporation, include the following paragraph:)</i> 26. The disclosure statement includes information about each phase that the declarant intends to create.		Refer to: _____
<i>(In the case of a leasehold condominium corporation, include the following paragraph:)</i> 27. The provisions of the leasehold interests in the property are in good standing and have not been breached.	Yes No ☐ ☐	Refer to: _____

The purchaser's rights under the *Condominium Act, 1998* to rescind an agreement of purchase and sale are set out at
(indicate where, in the disclosure statement, sections 73 and 74 of the Act are reproduced).

This disclosure statement is made this day of, ...

Form 13*Condominium Act, 1998*

STATUS CERTIFICATE
(under subsection 76 (1) of the *Condominium Act, 1998*)

..... (name of condominium corporation) Condominium Corporation No. (known as the "Corporation") certifies that as of the date of this certificate:

Instruction for a common elements condominium corporation

(If the Corporation is a common elements condominium corporation, change all references in this certificate to terms in Column 1 to references to the terms in Column 2.)

COLUMN 1	COLUMN 2
unit(s)	common interest(s) in the Corporation
unit owner(s)	the owner(s) of a common interest in the Corporation

General Information Concerning the Corporation

- Mailing address:
- Address for service:
- Name of property manager:

Address:

Telephone number:

- The directors and officers of the Corporation are:

Name	Position	Address for service	Telephone Number
.....			

.....

Common Expenses

[If the Corporation is any condominium corporation but a common elements condominium corporation:

- The owner of Unit Level (Suite number address)
of (identify condominium plan), registered in the Land Registry Office for the Land Titles (or Registry) Division of]

[If the Corporation is a common elements condominium corporation:

The owner of the common interest in the Corporation attached to (provide description, as set out in Schedule D to the declaration, of the parcel of land to which the common interest in the Corporation is attached), registered in the Land Registry Office for the Land Titles (or Registry) Division of, (known as the "Parcel")]

(Strike out whichever is not applicable:

is not in default in the payment of common expenses.

OR

is in default in the payment of common expenses in the amount of \$)

[If applicable add:

and a certificate of lien has been registered against

(if the Corporation is any condominium corporation but a common elements condominium corporation: the unit)

(if the Corporation is a common elements condominium corporation: the Parcel)].

- A payment on account of common expenses for the unit in the amount of \$ is due on (next due date) for the period (date) to (date). This amount includes the amount of any increase since the date of the budget of the Corporation for the current fiscal year as described in paragraph 10.
- The Corporation has the amount of \$..... in prepaid common expenses for the unit.
- There are no amounts that the *Condominium Act, 1998* requires to be added to the common expenses payable for the unit [if applicable add: except (set out details and provide brief description)].

Budget

- The budget of the Corporation for the current fiscal year is accurate and may result in

(Strike out whichever is not applicable:
a surplus of \$.....)

OR

a deficit of \$.....).

10. *[Strike out whichever is not applicable:*

Since the date of the budget of the Corporation for the current fiscal year, the common expenses for the unit have not been increased.

OR

Since the date of the budget of the Corporation for the current fiscal year, the common expenses for the unit have been increased by \$ per month because *(set out the reason for the increase)]*.

11. *[Strike out whichever is not applicable:*

Since the date of the budget of the Corporation for the current fiscal year, the board has not levied any assessments against the unit to increase the contribution to the reserve fund or the Corporation's operating fund or for any other purpose.

OR

Since the date of the budget of the Corporation for the current fiscal year, the board has levied the following assessments against the unit to increase the contribution to the reserve fund or the Corporation's operating fund or for any other purpose: *(set out the amounts and the reason for the assessments)]*.

12. The Corporation has no knowledge of any circumstances that may result in an increase in the common expenses for the unit *[if applicable add: except (give particulars of any potential increase, including any assessment levied by the board against the unit, and the reason for it)]*.

Reserve Fund

13. The Corporation's reserve fund amounts to \$..... as of *(specify a date that is no earlier than at the end of a month within 90 days of the date of this certificate)*.

14. *[Strike out whichever is not applicable:*

The most recent reserve fund study conducted by the board was a *(specify the class of reserve fund study)* dated and prepared by *(name of person who conducted the reserve fund study)*. The next reserve fund study will be conducted before *(set out the date by which the next reserve fund study must be conducted as required by the regulations made under the Act)*.

OR

(If no reserve fund study has been conducted by the board, state:

A reserve fund study will be conducted before *(set out the date by which the reserve fund study must be conducted as required by the regulations made under the Act)]*.

15. *(If a notice has not been sent to the owners under subsection 94 (9) of the Condominium Act, 1998, include the following paragraph:)*

The balance of the reserve fund at the beginning of the current fiscal year was \$ In accordance with the budget of the Corporation for the current fiscal year, the annual contribution to be made to the reserve fund in the current fiscal year is \$, and the anticipated expenditures to be made from the reserve fund in the current fiscal year amount to \$ The board anticipates that the reserve fund will/will not be adequate in the current fiscal year for the expected costs of major repair and replacement of the common elements and assets of the Corporation.

16. *[If a notice has been sent to the owners under subsection 94 (9) of the Condominium Act, 1998, include the following statements and a copy of the most recent notice for the unit with this certificate and mention it in the list of documents forming part of this certificate:*

The board has sent to the owners a notice dated *(date of the most recent notice)* containing a summary of the reserve fund study, a summary of the proposed plan for future funding of the reserve fund and a statement indicating the areas, if any, in which the proposed plan differs from the study. The proposed plan for future funding of the reserve fund has not been implemented because *(give reason)*.

OR

The proposed plan for future funding has been implemented and the total contribution each year to the reserve fund is being made as set out in the Contribution Table included in the notice *(if applicable add: except (set out why contributions are not being made in accordance with the Contribution Table and whether this will be addressed)]*.

17. There are no plans to increase the reserve fund under a plan proposed by the board under subsection 94 (8) of the *Condominium Act, 1998*, for the future funding of the reserve fund *[if applicable add: except (give details of any increase, including any increase in the common expenses payable for the unit or assessment against the unit)]*.

Legal Proceedings, Claims

18. There are no outstanding judgments against the Corporation *[if applicable add: except (give amount of judgment and brief particulars)]*.

19. The Corporation is not a party to any proceeding before a court of law, an arbitrator or an administrative tribunal *[if applicable add: except (give brief particulars and the status of those proceedings to which the Corporation is a party)]*.
20. The Corporation has not received a notice of or made an application under section 109 of the *Condominium Act, 1998* to the Superior Court of Justice for an order to amend the declaration and description, where the court has not made the order *[if applicable add: except (give particulars)]*.
21. The Corporation has no outstanding claim for payment out of the guarantee fund under the *Ontario New Home Warranties Plan Act*, *[if applicable add: except (give brief particulars and the status of any claims that have been made)]*.
22. *[Strike out whichever is not applicable:*
There is currently no order of the Superior Court of Justice in effect appointing an inspector under section 130 of the *Condominium Act, 1998* or an administrator under section 131 of the *Condominium Act, 1998*.

OR

There is currently an order of the Superior Court of Justice in effect appointing an inspector under section 130 of the *Condominium Act, 1998* or an administrator under section 131 of the *Condominium Act, 1998*. *(If applicable, include a copy of the order with this certificate and mention it in the list of documents forming part of this certificate)]*.

Agreements with owners relating to changes to the common elements

23. *[Strike out whichever is not applicable:*
The unit is not subject to any agreement under clause 98 (1) (b) of the *Condominium Act, 1998* relating to additions, alterations or improvements made to the common elements by the unit owner.

OR

The unit is subject to one or more agreements under clause 98 (1) (b) of the *Condominium Act, 1998* relating to additions, alterations or improvements made to the common elements by the unit owner. To the best of the Corporation's information, knowledge and belief, the agreements have been complied with by the parties *(if applicable add: except (give particulars))*.

(If applicable, include a copy of the agreements with this certificate and mention them in the list of documents forming part of this certificate.)]

Leasing of Units

24. *[Strike out whichever is not applicable:*
The Corporation has not received notice under section 83 of the *Condominium Act, 1998*, that any unit was leased during the fiscal year preceding the date of this status certificate.

OR

The Corporation has received notice under section 83 of the *Condominium Act, 1998*, that *(set out the number)* unit(s) was (were) leased during the fiscal year preceding the date of this status certificate.]

Substantial changes to the common elements, assets or services

25. There are no additions, alterations or improvements to the common elements, changes in the assets of the Corporation or changes in a service of the Corporation that are substantial and that the board has proposed but has not implemented *[if applicable add: except (give a brief description and a statement of their purpose)]*.

Insurance

26. The Corporation has secured all policies of insurance that are required under the *Condominium Act, 1998*.

Phased condominium corporations

27. *(Strike out whichever is not applicable:*
The declarant has completed all phases described in the disclosure statement that the Corporation has received from the declarant under subsection 147 (5) of the *Condominium Act, 1998* with respect to the phase that contains the unit.

OR

The declarant has not completed all phases described in the disclosure statement that the Corporation has received from the declarant under subsection 147 (5) of the *Condominium Act, 1998* with respect to the phase that contains the unit.)

28. *(Strike out whichever is not applicable:*
The declarant does not own any of the units in the phases, including units that are part of the property designed to control, facilitate or provide telecommunications to, from or within the property.

OR

The declarant does not own any of the units in the phases, except for units that are part of the property designed to control, facilitate or provide telecommunications to, from or within the property.

OR

The declarant owns one or more of the units in the phases, but not units that are part of the property designed to control, facilitate or provide telecommunications to, from or within the property.

OR

The declarant owns one or more of the units in the phases, including one or more of the units that are part of the property designed to control, facilitate or provide telecommunications to, from or within the property.

Vacant land condominium corporations

29. If the Corporation is a vacant land condominium corporation, all buildings, structures, facilities and services shown in Schedule H to the declaration have been completed, installed and provided, except (list which items, by reference to Schedule H, have not yet been completed, installed and provided).

Leasehold condominium corporations

30. Name of lessor:
 Address:
 Telephone number:
 31. [Strike out whichever is not applicable:
 The provisions of the leasehold interests in the property are in good standing and have not been breached.

OR

The provisions of the leasehold interests in the property are not in good standing and have been breached in the following ways:
 (provide details)].

32. The lessor (strike out whichever is not applicable: has/has not) applied under section 173 of the *Condominium Act, 1998* for an order terminating the leasehold interests in the property.

Attachments

33. The following documents are attached to this status certificate and form part of it:
- (a) a copy of the current declaration, by-laws and rules, (if applicable, add: which include an occupancy standards by-law);
 - (b) a copy of the budget of the Corporation for the current fiscal year, its last annual audited financial statements and the auditor's report on the statements;
 - (c) a list of all current agreements mentioned in section 111, 112 or 113 of the *Condominium Act, 1998* and all current agreements between the Corporation and another corporation or between the Corporation and the owner of the unit;
 - (d) a certificate or memorandum of insurance for each of the current insurance policies.
- [if applicable add the following items:
- (e) a copy of all applications made under section 109 of the *Condominium Act, 1998* to amend the declaration or description for which the court has not made an order;
 - (f) a copy of the schedule that the declarant has delivered to the board setting out what constitutes a standard unit, if there is no by-law of the Corporation establishing what constitutes a standard unit;
 - (g) a copy of all agreements, if any, described in clause 98 (1) (b) of the *Condominium Act, 1998* that bind the unit;
 - (h) a copy of a notice dated (date of the most recent notice) containing a summary of the reserve fund study, a summary of the proposed plan for future funding of the reserve fund and a statement indicating the areas, if any, in which the proposed plan differs from the study;
 - (i) a copy of an order appointing an inspector under section 130 of the *Condominium Act, 1998* or an administrator under section 131 of the *Condominium Act, 1998*;
 - (j) a copy of the disclosure statement that the Corporation has received from the declarant under subsection 147 (5) of the *Condominium Act, 1998* with respect to the phase that contains the unit unless the declarant has completed all phases described in the disclosure statement and the declarant does not own any of the units in the phases except for the part of the property designed to control, facilitate or provide telecommunications to, from or within the property;
 - (k) a copy of an application by the lessor for a termination order under section 173 of the *Condominium Act, 1998*;
 - (l) if the leasehold interests in the units of the Corporation have been renewed and an amendment to the declaration has not yet been registered under subsection 174 (8) of the *Condominium Act, 1998*, a copy of the provisions that apply upon renewal.]

Rights of person requesting certificate

34. The person requesting this certificate has the following rights under subsections 76 (7) and (8) of the *Condominium Act, 1998* with respect to the agreements listed in subparagraph 33 (c) above:

1. Upon receiving a written request and reasonable notice, the Corporation shall permit a person who has requested a status certificate and paid the fee charged by the Corporation for the certificate, or an agent of the person duly authorized in writing, to examine the agreements listed in subparagraph 33 (c) at a reasonable time and at a reasonable location.
2. The Corporation shall, within a reasonable time, provide copies of the agreements to a person examining them, if the person so requests and pays a reasonable fee to compensate the Corporation for the labour and copying charges.

Dated this day of, ...

..... Condominium Corporation No.

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(Affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 14

Condominium Act, 1998

NOTICE OF LIEN TO OWNER (under subsection 85 (4) of the *Condominium Act, 1998*)

TO: (name of owner(s))

..... (name of condominium corporation) Condominium Corporation No. notifies you that it has a lien under the *Condominium Act, 1998* against:

[For all condominium corporations except common elements condominium corporations:

Unit (No.), Level (No.), of (identify condominium plan), registered in the Land Registry Office for the Land Titles (or Registry) Division of]

[In the case of a common elements condominium corporation:

..... (provide registerable description of the parcel of land to which the common interest in the Condominium Corporation is attached), registered in the Land Registry Office for the Land Titles (or Registry) Division of, (known as the "Parcel")]

for the total amount of \$..... (set out amount) as of the date of this notice consisting of:

- (a) unpaid common expenses in the amount of \$;
- (b) interest on the unpaid common expenses, which amounts to \$ and is calculated as follows: (set out details of calculation);
- (c) reasonable legal costs and reasonable expenses in the amount of \$..... incurred by the Condominium Corporation in connection with the collection or attempted collection of the amounts described in clauses (a) and (b). The amount claimed under clause (c) consists of (set out particulars).

If the total amount of \$....., together with interest on the unpaid common expenses at \$..... (set out amount) per day from the date of this notice to the date of payment, is not paid by (set out the date of the day that is at least 10 days after this notice is given), the Condominium Corporation is entitled to register a certificate of lien against the unit (or in the case of a common elements condominium corporation: the Parcel) and additional amounts, including the costs of preparing and registering the certificate of lien and a discharge of it, will become payable and will be secured by the lien.

The lien may be enforced in the same manner as a mortgage.

Dated this day of, ...

..... Condominium Corporation No.

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

[Affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.]

Form 15

Condominium Act, 1998

NOTICE OF FUTURE FUNDING OF THE RESERVE FUND (under subsection 94 (9) of the *Condominium Act, 1998*)

TO: All owners in (identify condominium plan)

OR

[For all condominium corporations except common elements condominium corporations:

TO: The owners of Unit(s), Level(s), ... (identify condominium plan)]

[In the case of a common elements condominium corporation:

TO: The owners of a common interest in (name of condominium corporation) attached to
(describe parcel(s) of land affected)]

The board has received and reviewed a (specify class of reserve fund study) dated, prepared by
(state name of person conducting the reserve fund study), and has proposed a plan for the future funding of the reserve fund that the board has determined will ensure that, in accordance with the regulations made under the *Condominium Act, 1998*, the reserve fund will be adequate for the major repair and replacement of the common elements and assets of the corporation.

This notice contains:

1. A summary of the reserve fund study.
2. A summary of the proposed funding plan.
3. A statement indicating the areas, if any, in which the proposed funding plan differs from the reserve fund study.

At the present time the average contribution per unit (or in the case of a common elements condominium corporation: per common interest) per month to the reserve fund is \$ Based on the proposed funding plan, the average increase in contribution per unit (or in the case of a common elements condominium corporation: per common interest) 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.)

OR

At the present time the contribution in respect of your unit(s) (or in the case of a common elements condominium corporation: in respect of your common interest(s)) per month to the reserve fund is \$ Based on the proposed funding plan, the increase in contribution in respect of your unit(s) (or in the case of a common elements condominium corporation: in respect of your common interest(s)) 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.)

The proposed funding plan will be implemented beginning on (set out the date of a day that is more than 30 days after the day on which this notice is sent to the owners).

Dated this day of, ...

..... Condominium Corporation No.

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(Affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

SUMMARY OF RESERVE FUND STUDY

The following is a summary of the (specify class of reserve fund study) dated, prepared by (name of person conducting the reserve fund study) for (name of condominium corporation) (known as the "Reserve Fund Study").

Subsection 94 (1) of the *Condominium Act, 1998*, 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. As a result, the corporation has obtained the Reserve Fund Study.

The estimated expenditures from the reserve fund for the next thirty (30) years are set out in the CASH FLOW TABLE. In this summary, the term "annual contribution" means the total amount to be contributed each year to the reserve fund, exclusive of interest earned on the reserve fund. The recommended 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 fiscal 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:	 %

The Reserve Fund Study can be examined (set out details e.g. whether a written request and reasonable notice are required as set out in subsection 55 (3) of the *Condominium Act, 1998*, where and when it can be examined).

CASH FLOW TABLE

Opening Balance of the Reserve Fund:	\$.....
Minimum Reserve Fund Balance (as indicated in this table)	\$.....
Assumed Annual Inflation Rate for Reserve Fund Expenditures:	 %
Assumed Annual Interest Rate for interest earned on the Reserve Fund:	 %

Year	Opening Balance	Recommended Annual Contribution	Estimated Inflation Adjusted Expenditures	Estimated Interest Earned	Percentage Increase in Recommended Annual Contribution	Closing Balance
Show each of 30 consecutive years, beginning with the current fiscal year						

SUMMARY OF PROPOSED PLAN FOR FUTURE FUNDING OF THE RESERVE FUND

The following is a summary of the board's proposed plan for the future funding of the reserve fund.

The board of (name of condominium corporation) has reviewed the..... (specify class of reserve fund study) dated, prepared by (name of person conducting the reserve fund study) for the corporation (known as the "Reserve Fund Study") and has proposed a plan for the future funding of the reserve fund that

the board has determined will ensure that, in accordance with the regulations made under the *Condominium Act, 1998*, the reserve fund will be adequate for the major repair and replacement of the common elements and assets of the corporation.

The board has adopted the funding recommendations of the Reserve Fund Study and will implement them as set out in the Contribution Table.

The total annual contribution recommended under the proposed funding plan for the current fiscal year is \$, which

(strike out whichever is not applicable: is the same amount that has already been budgeted OR represents an increase of% over the amount already budgeted).

OR

The board has not adopted the funding recommendations of the Reserve Fund Study and has proposed a plan for the future funding of the reserve fund as set out in the Contribution Table based on 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:	 %

The total annual contribution recommended under the proposed funding plan for the current fiscal year is \$, which

(strike out whichever is not applicable: is the same amount that has already been budgeted OR represents an increase of% over the amount already budgeted).

The Proposed Plan for Future Funding of the Reserve Fund can be examined (set out details: e.g. whether a written request and reasonable notice are required as set out in subsection 55 (3) of the *Condominium Act, 1998*, where and when it can be examined).

CONTRIBUTION TABLE

Year	A Annual Contribution*	% Increase Over Previous Year	B Other Contribution (e.g. special assessment, loan)	A + B Total Contribution Each Year to Reserve Fund
Show each of 30 consecutive fiscal years, beginning with the current fiscal year			(provide amount, description and when in the fiscal year each item is to be contributed)	

*The term "annual contribution" means the amount to be contributed each year to the reserve fund from the monthly common expenses.

DIFFERENCES BETWEEN THE RESERVE FUND STUDY AND THE PROPOSED PLAN FOR FUTURE FUNDING OF THE RESERVE FUND

The Plan for Future Funding of the Reserve Fund proposed by the board differs from the Reserve Fund Study in the following respects:
(specify differences).

Form 16

Condominium Act, 1998

CONSENT TO ATTACHMENT OF A COMMON INTEREST (SCHEDULE B TO DECLARATION FOR A COMMON ELEMENTS CONDOMINIUM CORPORATION) (under clause 140 (c) of the *Condominium Act, 1998*)

1. I (We) have a mortgage registered as Number in the Land Registry Office for the Land Titles (or Registry) Division of against a parcel of land (known as the "Parcel") to which a common interest in a common elements condominium corporation (known as the "Corporation") will attach upon the registration of the attached declaration (known as the "Declaration") dated and the description (known as the "Description") creating the Corporation.
2. I (We) acknowledge that, upon the registration of the Declaration and Description, the Parcel will become subject to all encumbrances, if any, outstanding against the property described in Schedule A to the Declaration.

3. I (We) consent to the registration of a notice in the prescribed form indicating that a common interest in the Corporation, as the common interest is set out in Schedule D to the Declaration, attaches to the Parcel upon the registration of the Declaration and Description.

Dated this day of, ...

.....
(signature)

.....
(print name)

(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 17

Condominium Act, 1998

CERTIFICATE OF ARCHITECT OR ENGINEER
(SCHEDULE G TO DECLARATION FOR A COMMON ELEMENTS
OR VACANT LAND CONDOMINIUM CORPORATION)
(under clauses 8 (1) (e) and (h) or clauses 157 (1) (c) and (e) of the *Condominium Act, 1998*)

I certify that:

- I. Each building and structure that the declaration and description show are included in the common elements has been constructed in accordance with the regulations made under the *Condominium Act, 1998*, with respect to the following matters:

(Check whichever boxes are applicable)

- 1,2,3 The declaration and description show that there are no buildings or structures included in the common elements.

OR

1. The exterior building envelope, including roofing assembly, exterior wall cladding, doors and windows, caulking and sealants, is weather resistant if required by the construction documents and has been completed in general conformity with the construction documents.
2. Floor assemblies of the buildings and structures are constructed and completed to the final covering.
3. Walls and ceilings of the buildings and structures are completed to the drywall (including taping and sanding), plaster or other final covering.
4. All underground garages have walls and floor assemblies in place.

OR

There are no underground garages.

5. All elevating devices as defined in the *Elevating Devices Act* are licensed under that Act if it requires a licence, except for elevating devices contained wholly in a unit and designed for use only within the unit.

OR

There are no elevating devices as defined in the *Elevating Devices Act*, except for elevating devices contained wholly in a unit and designed for use only within the unit.

6. All installations with respect to the provision of water and sewage services are in place and operable.

OR

There are no installations with respect to the provision of water and sewage services.

7. All installations with respect to the provision of heat and ventilation are in place and heat and ventilation can be provided.

OR

There are no installations with respect to the provision of heat and ventilation.

8. All installations with respect to the provision of air conditioning are in place.

OR

There are no installations with respect to the provision of air conditioning.

9. All installations with respect to the provision of electricity are in place and operable.

OR

There are no installations with respect to the provision of electricity.

10. All indoor and outdoor swimming pools are roughed in to the extent that they are ready to receive finishes, equipment and accessories.

OR

There are no indoor and outdoor swimming pools.

[Strike out whichever is not applicable:]

- II. All facilities and services that the declaration and description show are included in the common elements

OR

The following facilities and services that the declaration and description show are included in the common elements:

..... *(specify by reference to the item numbers in Schedule H)*

have been installed and provided in accordance with the requirements of the municipalities in which the land is situated or the requirements of the Minister of Municipal Affairs and Housing, if the land is not situated in a municipality.

Dated this day of, ...

.....
(signature)

.....
(print name)

(Strike out whichever is not applicable:)

Architect

Professional Engineer)

Form 18

Condominium Act, 1998

CONSENT AND POSTPONEMENT (AMENDMENT TO SCHEDULE B TO DECLARATION OF A PHASED CONDOMINIUM CORPORATION TO CREATE A PHASE) (under clause 146 (4) (a) of the *Condominium Act, 1998*)

1. I (We) have a registered mortgage within the meaning of clause 146 (4) (a) of the *Condominium Act, 1998*, registered as Number in the Land Registry Office for the Land Titles (or Registry) Division of
2. The declaration was registered as Instrument No. on the day of
3. I (We) consent to the registration of this amendment to the declaration, pursuant to the Act, against the land included in the phase or interests appurtenant to the land, as the land and the interests are described in the amendment to the description, for the purpose of creating the phase.
4. I (We) postpone the mortgage and the interests under it to the declaration and the easements described in Schedule A to the declaration, as amended by this amendment.
5. I am (We are) entitled by law to grant this consent and postponement.

Dated this day of, ...

.....
(signature)

.....
(print name)

(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 19*Condominium Act, 1998*

AMENDMENT TO DECLARATION AND
DESCRIPTION TO CREATE A PHASE
(subsection 146 (3) of the *Condominium Act, 1998*)

AMENDMENT TO DECLARATION

I (We) state that:

1. The board has been elected at a meeting of owners held on ...*(set out date)* at a time when I (we), the declarant, did not own the majority of the units.
2. More than 60 days have passed since the registration of the declaration and description or the registration of the latest amendments to the declaration and description creating a phase, whichever is the later.
3. There is no outstanding application to the Superior Court of Justice for an injunction under subsection 149 (2) of the *Condominium Act, 1998* and the Superior Court has not issued an injunction to prevent the registration of the amendments creating the phase.

The declaration of *(name of condominium corporation)* Standard Condominium Corporation No. registered as Instrument No. on the day of, ..., (known as the "Declaration") is amended as follows:

1. Schedule A is replaced with Schedule A attached.
2. Schedule B is amended to include the attached consents.
3. Schedule C is amended to include the material identified as Amendments to Schedule C attached.
4. Schedule D is replaced with Schedule D attached.
- (If applicable add the following:*
5. Schedule E is amended to include the statement set out in Amendments to Schedule E attached.)
6. Schedule F is amended to include the material identified as Amendments to Schedule F attached.
7. Schedule G is amended to include the material identified as Amendments to Schedule G attached.
8. Schedule K attached is added to the Declaration.

(If applicable add the following:

9. The Declaration is otherwise amended as set out in the material attached and identified as "Other Amendments to the Declaration".)

AMENDMENT TO DESCRIPTION

The description identified as *(identify condominium plan as specified in the regulations made under the Act)* is amended as follows:

1. Part I of the description is amended to include the following prepared by, O.L.S. and dated:

.....*(set out number of sheets in the amendment to the perimeter plan of survey)* sheets of a perimeter plan of survey, designated as sheet(s) of *(set out number of sheets in Part I as amended)*, and

.....*(set out number of sheets in the amendment to the sheets designating units)* sheets designating units for the land included in the phase, designated as sheet(s) of *(set out number of sheets in Part I as amended)*.

(If applicable add the following:
2. Part II of the description is amended to include *(set out number)* sheets designated as sheet(s) of an exclusive use portions survey for the land included in the phase prepared by, O.L.S. and dated).
- (If applicable add the following:*
3. Part *(insert number of Part)* is added consisting of architectural plans of the buildings on the land included in the phase prepared by and dated

(If applicable add the following:

4. Part ..(insert number of Part) is added consisting of structural plans of the buildings on the land included in the phase prepared by and dated).

Dated this day of, ...

Declarant:

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 20

Condominium Act, 1998

CERTIFICATE OF REGISTRATION OF AMENDMENT TO DECLARATION AND DESCRIPTION CREATING A PHASE

.....
(name of land titles or registry division, excluding the number)

STANDARD CONDOMINIUM PLAN NO. (identify condominium plan)

LEVEL (or LEVELS) to

[If the sheet designates units, include the following:

UNIT (or UNITS) to]

Amendment to the declaration and description, registered in the Land Registry Office for the Land Titles (or Registry) Division of as
Instrument No. at o'clock on the day of, ...

.....
(signature)
Land Registrar

Form 21

Condominium Act, 1998

AMENDMENT TO DESCRIPTION FOR A VACANT LAND CONDOMINIUM CORPORATION (under clause 158 (3) (b) of the Condominium Act, 1998)

The description identified as (identify condominium plan as specified in the regulations made under the Act) is amended to include:

(Check whichever boxes are applicable:)

Part III consisting of architectural plans of the buildings and structures included in the common elements prepared by and dated

Part IV consisting of structural plans of the buildings and structures included in the common elements prepared by and dated

One or more attached certificates of an architect or an engineer in Form 17.

(Identify each certificate by the date executed and the architect or engineer who signed it.)

The following sheets of the description, that have been revised to reflect the items mentioned above: (describe the sheets e.g. Part I, Sheet 1).

Dated this day of, ...

Declarant:

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 22

Condominium Act, 1998

AMENDMENT TO DECLARATION FOR A LEASEHOLD CONDOMINIUM CORPORATION (under subsection 174 (8) of the *Condominium Act, 1998*)

The leasehold interests in the units in (name of condominium corporation) Leasehold Condominium Corporation No. and their appurtenant common interests have been renewed as set out in the Notice of Renewal of the leasehold interests in a leasehold condominium corporation that is registered as Number in the Land Registry Office for the Land Titles (or Registry) Division of

The renewal is subject to the provisions set out below that are different from those that applied before the renewal.

The declaration of (name of condominium corporation) Leasehold Condominium Corporation No. registered as Instrument No. on the day of, ..., is amended accordingly.

Provision in declaration prior to renewal:

Upon renewal, provision changed to:

..... (e.g. term, rent, etc.)

.....

Dated this day of, ...

..... Leasehold Condominium Corporation No.

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(Affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 23*Condominium Act, 1998*

NOTICE OF INTENTION TO
RENEW THE LEASEHOLD INTERESTS
IN A LEASEHOLD CONDOMINIUM CORPORATION
(under clause 174 (1) (a) of the *Condominium Act, 1998*)

TO: (name of condominium corporation) Leasehold Condominium Corporation No. (known as the "Corporation")

1. The leasehold interests in the units in (name of condominium corporation) Leasehold Condominium Corporation No. and their appurtenant common interests (those leasehold interests and common interests are known as the "leasehold interests") are due to expire on (set out the date, which must be at least five years after the date of this notice).
2. The lessor, ... (name of lessor), intends to renew all the leasehold interests subject to the same provisions that govern them as of the date of this notice, except for the changes set out below:

Provision in declaration before renewal:

Upon renewal, provision would change to:

..... (e.g. term, rent, etc.)

.....

(Note: under subsection 174(2) of the Act, the renewal must be for a term of at least 10 years or more.)

3. All other provisions governing the leasehold interests would remain the same.
4. The leasehold interests shall be renewed, as set out above, unless the owners who own at least 80 per cent of the units cast a vote against the renewal not later than one year after this notice is given to the Corporation.

Dated this day of, ...

.....
(signature of lessor)

.....
(print name)

(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 24*Condominium Act, 1998*

NOTICE OF INTENTION NOT TO
RENEW THE LEASEHOLD INTERESTS
IN A LEASEHOLD CONDOMINIUM CORPORATION
(under clause 174 (1) (b) of the *Condominium Act, 1998*)

TO: (name of condominium corporation) Leasehold Condominium Corporation No.

1. The leasehold interests in the units in (name of condominium corporation) Leasehold Condominium Corporation No. and their appurtenant common interests (those leasehold interests and common interests are known as the "leasehold interests") are due to expire on (set out the date, which must be at least five years after the date of this notice).
2. The lessor, ... (name of lessor), does not intend to renew the leasehold interests.
3. Upon the expiry date, section 175 of the *Condominium Act, 1998* applies and the leasehold interests are terminated.

Dated this day of, ...

.....
(signature)

.....
(print name)

(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 25*Condominium Act, 1998*

NOTICE OF DEEMED RENEWAL
OF LEASEHOLD INTERESTS IN A
LEASEHOLD CONDOMINIUM CORPORATION
(under subsection 174 (4) of the *Condominium Act, 1998*)

TO: All the owners in (*name of condominium corporation*) Leasehold Condominium Corporation No. (known as the "Corporation")

1. The leasehold interests in the units in (*name of condominium corporation*) Leasehold Condominium Corporation No. (known as the "Corporation") and their appurtenant common interests (those leasehold interests and common interests are known as the "leasehold interests") are due to expire on (*set out expiry date*).
2. The lessor, ... (*name of lessor*), has not given the Corporation notice of its intention to renew or not to renew the leasehold interests as required under subsection 174 (1) of the *Condominium Act, 1998*.
3. As a result, the lessor is deemed to have given the notice required to renew the leasehold interests for 10 years effective (*set out the expiry date*), subject to the same provisions that govern the leasehold interests before the renewal.
4. The leasehold interests shall be renewed, as set out above, unless the owners who own at least 80 per cent of the units cast a vote against the renewal not later than (*set out the date that is four years before the expiry date*).

Dated this day of, ...

..... Leasehold Condominium Corporation No.

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(Affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 26*Condominium Act, 1998*

NOTICE OF NON-RENEWAL
OF LEASEHOLD INTERESTS IN A
LEASEHOLD CONDOMINIUM CORPORATION
(under subsection 174 (6) of the *Condominium Act, 1998*)

TO: (*name of lessor*) (known as the "Lessor")

1. The leasehold interests in the units in (*name of condominium corporation*) Leasehold Condominium Corporation No. (known as the "Corporation") and their appurtenant common interests (those leasehold interests and common interests are known as the "leasehold interests") are due to expire on (*set out expiry date*).

[Strike out whichever is not applicable:

2. The Lessor gave the Corporation a notice dated (*set out date*) of its intention to renew the leasehold interests as required under subsection 174 (1) of the *Condominium Act, 1998*.

OR

Under subsection 174 (4) of the *Condominium Act, 1998*, the Lessor was deemed to have given the Corporation the notice required to renew the leasehold interests for 10 years subject to the same provisions that govern the leasehold interests before the renewal.]

3. The owners who own at least 80 per cent of the units cast a vote against the renewal on (*set out the date of the vote*).

4. As a result, the leasehold interests will expire on (set out expiry date).

Dated this day of, ...

..... Leasehold Condominium Corporation No.

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(Affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

12/01

ONTARIO REGULATION 49/01

made under the

CONDOMINIUM ACT, 1998

Made: February 6, 2001

Filed: March 5, 2001

DESCRIPTION AND REGISTRATION

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PART I DESCRIPTION

DEFINITIONS AND GENERAL

Definitions

1. In this Part,

“amalgamation” means an amalgamation under Part VII of the Act and “amalgamate” has a corresponding meaning;

“architectural plans” means the architectural plans mentioned in,

(a) clause 8 (1) (b) of the Act, in the case of a corporation that is not a vacant land condominium corporation, or

(b) clause 157 (1) (b) of the Act, in the case of a vacant land condominium corporation;

“cut cross”, “iron bar”, “rock bar”, “rock post”, “short standard iron bar” and “standard iron bar” have the same meaning as in subsection 1 (1) of Ontario Regulation 525/91 made under the *Surveyors Act*;

“examiner” means the examiner of surveys appointed under the *Land Titles Act*;

“exclusive use portion” means a part of the common elements that is to be used by,

(a) the owners of one or more designated units, but not all the owners, in the case of a corporation that is not a common elements condominium corporation, or

(b) the owners of one or more common interests in the corporation, but not all the owners, in the case of common elements condominium corporation;

“exclusive use portions survey” means the part of the plans of survey that shows the exclusive use portions;

“land registrar” means the land registrar in whose registry or land titles division, as the case may be, the property is situated;

“perimeter plan of survey” means the plan of survey described in,

(a) clause 8 (1) (a) of the Act, in the case of a corporation that is not a vacant land condominium corporation, or

(b) clause 157 (1) (a) of the Act, in the case of a vacant land condominium corporation;

“phase” means the additional units and common elements in a phased condominium corporation that are created in accordance with Part XI of the Act upon the registration of an amendment to both the declaration and description;

“plans of survey” means the description except for the architectural plans and the structural plans;

“registered” means registered under the *Registry Act* or the *Land Titles Act*;

“structural plans” means the structural plans mentioned in,

- (a) clause 8 (1) (b) of the Act, in the case of a corporation that is not a vacant land condominium corporation, or
- (b) clause 157 (1) (b) of the Act, in the case of a vacant land condominium corporation;

“surveyor” means an Ontario land surveyor licensed under the *Surveyors Act*.

Contents of description

2. (1) A description, other than an amendment to a description, shall consist of,

- (a) Part I consisting of the perimeter plan of survey and, except in the case of a vacant land condominium corporation, the separate sheets of the plans of survey that designate the units, if any;
- (b) Part II consisting of the exclusive use portions survey, if the property includes exclusive use portions;
- (c) Part III consisting of the architectural plans, if any;
- (d) Part IV consisting of the structural plans, if any; and
- (e) as many other parts as the surveyor preparing the plans of survey considers appropriate.

(2) The first sheet in the description, other than an amendment to the description, shall be the perimeter plan of survey and shall include an index that shows, for each part of the description,

- (a) the number of the part;
- (b) the number of sheets in the part or, if the part does not contain any sheets, the indication “NIL” or “RIEN”; and
- (c) a brief explanation of the contents of the part.

(3) The sheets in each part of the description, other than an amendment to the description, shall be numbered consecutively beginning with the number “1”.

(4) Each sheet in the description, other than an amendment to the description, shall indicate,

- (a) the number of the sheet and the total number of sheets in the part in which it is located;
- (b) the part in which it is located; and
- (c) if the sheet is in the plans of survey, the total number of parts in the description.

(5) If the sheet shows the certificate of registration signed by the land registrar and described in clause 11 (1) (a), the information described in clauses (4) (a), (b) and (c) shall be in a location adjacent to the certificate.

(6) In the case of a phased condominium corporation and sheets of the plans of survey, the information described in clauses (4) (a), (b) and (c) shall be placed in the column labelled “Sheet/Part” or “Feuille/partie” in one of the following tables:

Sheet/Part	Date

Feuille/partie	Date

(7) The table shall contain the number of blank rows following the entry described in subsection (6) that corresponds to the number of phases that the declarant is entitled to create in the corporation.

PLANS OF SURVEY

General requirements

3. Plans of survey shall be prepared from a current survey as described in subsection 1 (2) of Ontario Regulation 43/96 and shall be in accordance with this Regulation.

Perimeter plan of survey

4. (1) If a description is being registered to effect an amalgamation and the properties of the amalgamating corporations are not contiguous, each sheet of the perimeter plan of survey in the description shall include a key plan illustrating the locations of the properties of the amalgamating corporations in relation to one another.

(2) In addition to the requirements of clause 8 (1) (a) of the Act, the perimeter plan of survey in the case of a common elements condominium corporation shall show the perimeter of the structures on the common elements.

Diagrams and boundaries of units

5. (1) Subsections (2) to (6) do not apply to a vacant land condominium corporation.

(2) The diagrams of the units as described in clause 8 (1) (d) of the Act shall be shown on,

- (a) the perimeter plan of survey, except in the case of a phased condominium corporation;
- (b) the separate sheets of the plans of survey that designate the units; or
- (c) the perimeter plan of survey, except in the case of a phased condominium corporation, and the separate sheets of the plans of survey that designate the units.

(3) The sheets of the plans of survey that designate the units shall refer to Schedule C to the declaration.

(4) The specification of the boundaries of each unit as described in clause 8 (1) (c) of the Act shall be shown on plan views and cross sections but no plan view or cross section is required for more than one unit with identical boundaries to other units.

(5) The plan views and cross sections shall be shown on the sheets of the plans of survey that designate the units or, if it is impractical to do so, on a separate sheet of the plans of survey.

(6) If the plan views and cross sections are shown on a separate sheet of the plans of survey, the sheets of the plans of survey that designate the units shall include a cross-reference to the separate sheet.

(7) Except with respect to units in a vacant land condominium corporation, section or perspective drawings, sufficiently accurate to portray the vertical relationship of all levels, shall be drawn on each sheet of the plans of survey that designates the units or that shows the exclusive use portions.

Monumentation

6. (1) In this section,

“monument” includes a monument mentioned in Ontario Regulation 525/91 made under the *Surveyors Act* and any other thing, device or object used to mark or witness a boundary of surveyed land.

(2) Every exterior angle of the property shall be defined by a standard iron bar, a short standard iron bar, a rock bar, a rock post or a cut cross.

(3) Walls, floors, ceilings or other physical features shall be adopted as the monuments that control the boundaries of exclusive use portions if the boundaries are located within the building or within six metres from a building situated on the property.

(4) In the case of a corporation that is not a vacant land condominium corporation, subject to subsections (5) and (6), walls, floors, ceilings or other physical features shall be adopted as the monuments that control the boundaries of units if the boundaries are located within the building or within six metres from a building situated on the property.

(5) If, under subsection 6 (2) of Ontario Regulation 48/01, the lowermost floor of a building does not have to be in place at the time of registration of the description and if it is not in place at that time, the lower limit of units on the lowermost floor shall be defined by a horizontal plane defined by measurement and referenced to existing physical features of the property.

(6) If, under subsection 6 (3) of Ontario Regulation 48/01, the walls between units or between units and the common elements of a building do not have to be in place at the time of registration of the description and if they are not in place at that time, the boundaries of units shall be defined by cut crosses or a vertical plane defined by measurement and referenced to existing physical features of the property.

(7) Except in a vacant land condominium corporation, an angle in the boundary of a unit that is not defined by a monument mentioned in subsection (4), (5) or (6) shall be defined by an iron bar, a rock post or a cut cross.

(8) In a vacant land condominium corporation,

- (a) at least one-quarter of the total number of corners and angles in the boundaries of the property and the units shall be defined by a standard iron bar, a rock bar or a rock post;
- (b) the corners and angles in the boundaries of the property and the units not defined by a monument mentioned in clause (a) shall be defined by an iron bar or a cut cross; and
- (c) monuments shall be planted at points not more than 150 metres apart.

(9) An angle in the boundary of an exclusive use portion that is not defined by a monument mentioned in subsection (3) shall be defined by an iron bar, a rock post or a cut cross.

(10) Despite subsections (7), (8) and (9), monumentation of exclusive use portions or units intended for parking purposes under those subsections may be limited to the angles in the exterior boundaries of tiers of those portions or units, as the case may be.

(11) Subject to this section, Ontario Regulation 525/91, except sections 5 to 9, applies to properties.

Designation of levels

7. (1) In the plans of survey, the levels of the property on or above ground level shall be numbered consecutively, in ascending order, beginning with the number "1" and the levels of the property below ground level shall be lettered consecutively, in descending order and in alphabetic sequence, beginning with the letter "A".

(2) The plan of survey of each level of the property shall be on a separate sheet of the plans of survey that is designated by the word "Level" or "Niveau" followed by the number or letter of the level, except that the same sheet may include the plan of survey of two or more levels if it is possible to do so while complying with the requirements for registration of the description.

Designation of units

8. (1) In the plans of survey, every unit of the property shall be designated by the word "UNIT" or the words "PARTIE PRIVATIVE" followed by a number.

(2) The units shall be numbered consecutively beginning with the number "1" on each level but there shall not be more than one unit designated on each level by the same number.

(3) The exclusive use portions shall be designated by numbers or letters or by numbers and letters.

(4) Subsection (3) does not apply to exclusive use portions, to which the sole access is directly from the units whose owners are entitled to use the portions, if they are clearly shown by light lines of uniform width, which may be broken, on the plans of survey.

(5) Subject to subsection (4), the limits of units, common elements and exclusive use portions shall be shown on the plans of survey by solid lines that are significantly heavier than the lines described in section 17 of Ontario Regulation 42/96.

Application of O. Reg. 42/96

9. (1) Sections 3 to 8, clauses 13 (1) (a) to (f), subsection 13 (3) and sections 15 to 28 of Ontario Regulation 42/96 do not apply to the diagrams of the units as described in clause 8 (1) (d) of the Act or to the exclusive use portions survey.

(2) Despite subsection (1), clauses 13 (1) (b) and (c), subsection 13 (3) and sections 15, 16 and 21 of Ontario Regulation 42/96 apply to the diagrams of the units as described in clause 8 (1) (d) of the Act or to the exclusive use portions survey if the boundaries of the units or exclusive use portions, as the case may be, are located six metres or more from a building situated on the property.

Appurtenant and subject interests

10. (1) All interests that are appurtenant to the property, or that will be upon the registration of the declaration and description, shall be shown on the perimeter plan of survey in light, broken or unbroken, lines of uniform width and shall be labelled unless they are,

- (a) described as a subdivision unit as defined in subsection 1 (1) of Ontario Regulation 43/96; or
- (b) described in an instrument registered with the approval of the examiner of surveys.

(2) All easements and similar interests to which the property is subject, or will be upon the registration of the declaration and description, shall be shown on the perimeter plan of survey in light, broken or unbroken, lines of uniform width and shall be labelled.

(3) Easements that will merge in law upon the registration of the declaration and description, as set out in the solicitor's statement in Schedule A to the declaration, do not have to be shown on the perimeter plan of survey.

Forms on sheets

11. (1) Each sheet of the plans of survey, except for the sheets of the exclusive use portions survey, shall show,

- (a) in the upper right corner, the certificate of registration signed by the land registrar in the form that is required by Ontario Regulation 48/01;
- (b) immediately below the certificate of registration, Form 3 of Ontario Regulation 43/96, if the approval of the examiner is required;
- (c) immediately below the certificate of registration, or Form 3 of Ontario Regulation 43/96 if the approval of the examiner is required, the certificate signed by a surveyor in the form that is required by Ontario Regulation 48/01,

- (i) stating that the survey and plan are correct and in accordance with the Act, the *Surveyors Act*, the *Surveyors Act* and the *Land Titles Act* (or the *Registry Act*, as the case may be) and the regulations made under them,
- (ii) stating the date on which the survey was completed,
- (iii) except in the case of a vacant land condominium corporation, if the sheet designates units, stating that the diagrams of the units on the plan are substantially accurate as required by clause 8 (1) (f) of the Act, and
- (iv) if the plan is of Crown land and was prepared under the instructions of the Surveyor General of Ontario, stating that the plan and the field notes were prepared from an actual survey performed under the surveyor's personal supervision and that the surveyor was present on the site during the progress of the survey;
- (d) immediately below the certificate mentioned in clause (c), the notation "Declaration registered as Number" if the registered declaration is in English or "Déclaration enregistrée sous le numéro" if the registered declaration is in French;
- (e) except in the case of a description that is being registered to effect an amalgamation, the certificate by the declarant in the form that is required by Ontario Regulation 48/01 stating that the property included in the plans of survey has been laid out into,
 - (i) units and common elements in accordance with the declarant's instructions, except in the case of a common elements condominium corporation, or
 - (ii) common elements in accordance with the declarant's instructions, in the case of a common elements condominium corporation; and
- (f) in the case of a description that is being registered to effect an amalgamation, the certificate in the form that is required by Ontario Regulation 48/01 signed by the persons authorized to sign on behalf of the amalgamating corporations and stating that the property included in the plans of survey has been laid out into units and common elements in accordance with the instructions of the corporations.

(2) Each sheet of the perimeter plan of survey shall show immediately below the notation described in clause (1) (d), Form 3 of Ontario Regulation 48/01 that is a description of all interests that are appurtenant to the property and all easements or similar interests to which the property is subject.

- (3) Each sheet of the exclusive use portions survey shall show,
 - (a) the identification of the condominium plan in accordance with subsection 27 (2) except for the number assigned as part of the name of the corporation under subsection 27 (3); and
 - (b) the certificate signed by a surveyor in the form that is required by Ontario Regulation 48/01 stating that the sheet of that survey accurately shows the extent and location of the portions.

ARCHITECTURAL AND STRUCTURAL PLANS

Interpretation

12. In sections 13 and 14, drawings are current to a certain date if they incorporate or include change orders, change directives, supplemental instructions and all other changes of which the person who prepared the drawings knows as of that certain date.

Architectural plans

13. (1) In the case of a corporation that is not a common elements condominium corporation or a vacant land condominium corporation, the architectural plans shall be,

- (a) copies of the architectural drawings of the buildings on the property prepared by a person who holds a certificate of practice as defined in the *Architects Act* that are current to the date of registration; or
 - (b) drawings that, as of the date of registration, contain sufficient information to enable the buildings to be constructed and that show all changes made to the date of registration, if copies of the architectural drawings described in clause (a) are unavailable or inadequate for the purposes of construction or if the building code made under the *Building Code Act, 1992* or its successor does not require those drawings for the buildings.
- (2) In the case of a common elements condominium corporation or a vacant land condominium corporation, the architectural plans shall be,
- (a) copies of the architectural drawings of the buildings and structures included in the common elements prepared by a person who holds a certificate of practice as defined in the *Architects Act* that are current to the date of registration; or
 - (b) drawings that, as of the date of registration, contain sufficient information to enable the buildings and the structures included in the common elements to be constructed and that show all changes made to the date of registration, if copies of the architectural drawings described in clause (a) are unavailable or inadequate for the purposes of construction or if the building code made under the *Building Code Act, 1992* or its successor does not require those drawings for the buildings and structures.
- (3) Each sheet of the architectural plans shall show the identification of the condominium plan in accordance with subsection 27 (2) except for the number assigned as part of the name of the corporation under subsection 27 (3).

Structural plans

14. (1) In the case of a corporation that is not a common elements condominium corporation or a vacant land condominium corporation, the structural plans shall be copies of the structural engineering drawings of the buildings on the property prepared by a person who holds a certificate of authorization as defined in the *Professional Engineers Act* that are current to the date of registration.

(2) In the case of a common elements condominium corporation or a vacant land condominium corporation, the structural plans shall be copies of the structural engineering drawings of the buildings and structures included in the common elements prepared by a person who holds a certificate of authorization as defined in the *Professional Engineers Act* that are current to the date of registration.

(3) Each sheet of the structural plans shall show the identification of the condominium plan in accordance with subsection 27 (2) except for the number assigned as part of the name of the corporation under subsection 27 (3).

Copies

15. The architectural and structural plans shall not include any notes, words or symbols that indicate that the right to make or distribute copies is in any way restricted.

PROCEDURE FOR REGISTERING THE DESCRIPTION

Submission to the examiner

16. (1) In addition to the requirements of subsection 6 (6) of Ontario Regulation 43/96, if the description is submitted to the examiner for approval, a copy of the proposed declaration shall be submitted and the examiner may require one set of paper prints of the architectural plans and one set of paper prints of the structural plans, if any, to be submitted.

(2) In the case of a corporation that is not a vacant land condominium corporation, if the examiner requires a description to be submitted for approval, the examiner is not required to approve the items specified in clauses 8 (1) (b), (f) if applicable, (g) and (h) of the Act that are included in a complete submission but the examiner is required to approve the items specified in clauses 8 (1) (a) and, if applicable, (c) and (d) of the Act.

(3) In the case of a vacant land condominium corporation, if the examiner requires a description to be submitted for approval, the examiner is not required to approve the items specified in clauses 157 (1) (b), (d) and (e) of the Act that are included in a complete submission but the examiner is required to approve the item specified in clause 157 (1) (a) of the Act.

Submission to the land registrar

17. (1) In addition to the requirements of clauses 7 (2) (b) and (c) and subsection 7 (3) of Ontario Regulation 43/96, the person registering the description shall deliver to the land registrar,

- (a) the original plans of survey and three paper prints of them signed by the surveyor;
- (b) the one or two paper prints of the plans of survey that are signed by the surveyor and required by subsection 51 (60) of the *Planning Act*;
- (c) one set of paper prints of the architectural plans, if any; and
- (d) one set of paper prints of the structural plans, if any.

(2) Upon registering the description, the land registrar shall,

- (a) fill in the date of registration of the description in the column labelled "Date" in the table described in subsection 2 (6), if any, that appears on each sheet of the plans of survey;
- (b) complete the certificate of registration mentioned in clause 11 (1) (a) on the plans of survey and fill in the particulars of registration of the description on the paper prints of the plans of survey;
- (c) fill in the registration number of the declaration in the notation described in clause 11 (1) (d) on the plans of survey and the paper prints of them;
- (d) fill in the identification of the condominium plan in accordance with subsection 27 (2) on,
 - (i) each sheet of the exclusive use portions survey and the paper prints of it,
 - (ii) each sheet of the paper prints of the architectural plans, if any, and
 - (iii) each sheet of the paper prints of the structural plans, if any;
- (e) retain the original plans of survey, one paper print of them and the paper prints of the architectural plans and the structural plans, if any;
- (f) transmit one paper print of the plans of survey to the Ontario Property Assessment Corporation;
- (g) transmit the one or two paper prints of the plans of survey that are described in subsection 51 (60) of the *Planning Act* to the approval authority within the meaning of that subsection;
- (h) transmit the paper print of the plans of survey submitted under subsection 7 (3) of Ontario Regulation 43/96 to the Association of Ontario Land Surveyors; and
- (i) if the registrant has delivered to the land registrar additional copies of the plans of survey at the time of registration, fill in the particulars of registration on them and return them to the registrant.

Amendment to registered description

18. In addition to the requirements of subsection 17 (2), upon registering an amendment to a registered description, other than an amendment creating a phase, the land registrar shall,

- (a) mark the original portion of the description that is superseded by the amendment to show that an amendment has been registered in substitution for it;
- (b) retain in the land registry office and make available for inspection when required the original portion of the description that is superseded by the amendment;
- (c) integrate the amendment with the description but mark the amendment clearly to show the fact that it is an amendment and the date of its registration;
- (d) make the entries in the Condominium Register that are required to reflect the registration of the amendment; and
- (e) transmit one paper print of the portion of the description, as amended by the amendment, to each of the Ontario Property Assessment Corporation and the approval authority within the meaning of subsection 51 (60) of the *Planning Act*.

AMENDMENT TO DESCRIPTION CREATING A PHASE

Contents of amendment

19. (1) An amendment to a description creating a phase shall consist of,

- (a) the perimeter plan of survey of the land included in the phase;
- (b) separate sheets of the plans of survey that designate the units included in the phase;
- (c) the exclusive use portions survey for the land included in the phase, if the land includes exclusive use portions;
- (d) architectural plans, if any, of the buildings included in the phase, shown as the next available part in the description and prepared in accordance with sections 13 and 15; and
- (e) structural plans, if any, of the buildings included in the phase, shown as the next available part in the description and prepared in accordance with sections 14 and 15.

(2) The perimeter plan of survey of the land included in the phase shall not show any units and shall include a key plan illustrating the location of the phase in relation to the existing property.

(3) The first sheet of the perimeter plan of survey of the land included in the phase shall include an index that shows the information described in clauses 2 (2) (a), (b) and (c) for each part included in the description as amended by the amendment.

(4) The sheets in the perimeter plan of survey of the land included in the phase shall be numbered consecutively beginning with the next consecutive number after the end of the perimeter plan of survey contained in the description for the existing property.

(5) The separate sheets of the plans of survey that designate the units included in the phase shall be numbered consecutively beginning with the next consecutive number after the end of the separate sheets of the plans of survey that designate the units included in the existing property, taking into account the integration described in clause 22 (1) (a).

(6) The sheets in the exclusive use portions survey for the land included in the phase shall be numbered consecutively beginning with the next consecutive number after the end of the exclusive use portions survey contained in the description for the existing property.

(7) Each sheet that the amendment to the description creating a phase will add to the plans of survey shall,

- (a) include one of the tables in the form set out in subsection 2 (6) which shall be in a location adjacent to the certificate of registration signed by the land registrar and described in clause 11 (1) (a) if the sheet shows the certificate; and
- (b) indicate, in the column labelled "Sheet/Part" or "Feuille/partie" in the table,
 - (i) the number of the sheet and the total number of sheets in the part of the description to which it is to be added, and
 - (ii) the part in which the sheet is located and the total number of parts in the description.

(8) The table shall contain the number of blank rows following the entry described in clause (7) (b) that corresponds to the number of phases that the declarant is entitled to create in the corporation after the current phase.

Appurtenant and servient interests

20. (1) Section 10 does not apply to the perimeter plan of survey of the land included in the phase.

(2) All interests that are appurtenant to the land included in a phase, or that will be upon the registration of the amendments to the declaration and description creating the phase, shall be shown on the perimeter plan of survey of the land included in the phase in light, broken or unbroken, lines of uniform width and shall be labelled unless they are,

- (a) described as a subdivision unit as defined in subsection 1 (1) of Ontario Regulation 43/96; or
- (b) described in an instrument registered with the approval of the examiner of surveys.

(3) All easements and similar interests to which the land included in a phase is subject, or will be upon the registration of the amendments to the declaration and description creating the phase, shall be shown on the perimeter plan of survey of the land included in the phase in light, broken or unbroken, lines of uniform width and shall be labelled.

(4) Easements that will merge in law upon the registration of the amendments to the declaration and description creating a phase, as set out in the solicitor's statement in the amendment to Schedule A to the declaration, do not have to be shown on the perimeter plan of survey of the land included in the phase.

Forms on sheets

21. (1) Clauses 11 (1) (a), (b), (c) and (d) apply to each sheet that the amendment to the description creating a phase will add to that part of the plans of survey, other than the exclusive use portions survey, but clauses 11 (1) (e) and (f) and subsection 11 (2) do not apply to those sheets.

(2) In addition to the requirements of subsection 11 (1), each sheet that the amendment to the description creating a phase will add to that part of the plans of survey, other than the exclusive use portions survey, shall show the certificate by the declarant in the form that is required by Ontario Regulation 48/01 stating that the property included in the phase shown in the amendment to the plans of survey has been laid out into units and common elements in accordance with the declarant's instructions.

(3) In addition to the requirements of subsection 11 (1), each sheet that the amendment to the description creating a phase will add to the perimeter plan of survey shall show, immediately below the notation described in clause 11 (1) (d), Form 3 of Ontario Regulation 48/01 that is a description of all interests that are appurtenant to the land included in the phase and all easements or similar interests to which the land is subject.

(4) Subsection 11 (3) applies to each sheet that the amendment to the description creating a phase will add to the exclusive use portions survey.

Procedure for registering amendment

22. (1) Upon registration of an amendment to a description creating a phase, the surveyor for the declarant shall attend at the land registry office and, under the supervision of the land registrar or the examiner of surveys,

- (a) integrate the sheets of the amendment into the description so that,
 - (i) the sheets of the perimeter plan of survey of the land included in the phase follow immediately after the end of the perimeter plan of survey contained in the description before the registration of the amendment,
 - (ii) the separate sheets of the plans of survey that designate the units included in the phase follow immediately after the end of the separate sheets of the plans of survey that designate the units included in the property before the registration of the amendment, and
 - (iii) the sheets of the exclusive use portions survey for the land included in the phase follow immediately after the end of the exclusive use portions survey contained in the description before the registration of the amendment;
- (b) amend the numbering of the sheets and the parts in the description to reflect the integration described in clause (a);
- (c) cross off the most recent index described in subsection 2 (2) included in the description and insert a reference to the sheet of the perimeter plan of survey on which the updated index appears;
- (d) cross off the most recent row included in the table described in subsection 2 (6) that appears on each sheet of the plans of survey, except for the sheets of the amendment, but ensure that row still remains legible; and
- (e) indicate in the column labelled "Sheet/Part" or "Feuille/partie" in the next available row in each of the tables described in clause (d),
 - (i) the number of the sheet and the total number of sheets in the part of the description in which the table appears, and
 - (ii) the part in which the sheet is located and the total number of parts in the description.

(2) In addition to the requirements of subsection 17 (2), upon registering an amendment to a description creating a phase, the land registrar shall,

- (a) fill in the date of registration of the amendment in the column labelled "Date" in the table described in subsection 2 (6) that appears on each sheet of the plans of survey after the changes described in clause 22 (1) (e) have been made; and
- (b) make the entries in the Condominium Register that are required to reflect the registration of the amendment.

APPLICATION OF PART

Application of Part

23. (1) This Part does not apply to descriptions and amendments to descriptions if, before the day Part II of the Act comes into force, the descriptions and amendments to descriptions were acceptable for registration except for not having the approval or exemption from approval under the *Planning Act* required by section 50 of the *Condominium Act*.

(2) This section is revoked on the 180th day after the day Part II of the Act comes into force.

PART II REGISTRATION AND RECORDING

DEFINITIONS AND INTERPRETATION

Definitions

24. (1) In this Part,

“amalgamation” means an amalgamation under Part VII of the Act and “amalgamate” has a corresponding meaning;

“Common Elements and General Index” means the part of the Condominium Register for the property established by the Director of Titles and known as the Common Elements and General Index;

“Condominium Corporations Index” means the Condominium Corporations Index mentioned in subsection 3 (3) of the Act;

“Condominium Register” means the Condominium Register mentioned in subsection 3 (4) of the Act;

“Constitution Index” means the part of the Condominium Register for the property established by the Director of Titles and known as the Constitution Index;

“easement” means an easement, right of way, right or licence in the nature of an easement, *profit à prendre* or other incorporeal hereditament, but does not include any of those that arise by operation of law;

“land registrar” means the land registrar in whose registry or land titles division, as the case may be, the property is situated;

“parcel of tied land” means a parcel of land described in clause 139 (1) (a) of the Act in the case of a common elements condominium corporation and to which a common interest of an owner in the corporation attaches under clause 139 (2) (a) of the Act;

“Property Index” means the part of the Condominium Register for the property established by the Director of Titles and known as the Property Parcel Register if the *Land Titles Act* applies to the property and the Property Abstract Index if the *Registry Act* applies to the property;

“standard condominium corporation” means a freehold condominium corporation that is not a common elements condominium corporation or a vacant land condominium corporation;

“unit” includes the common interest appurtenant to the unit;

“Unit Index” means the part of the Condominium Register for the property established by the Director of Titles and known as the Unit Register or the Parcel Register if the *Land Titles Act* applies to the property and the Unit Index if the *Registry Act* applies to the property.

(2) For the purposes of this Part, the records of a property are automated if the system of automated information recording and retrieval and property mapping described in section 15 of the *Land Registration Reform Act* is available for the records with respect to the property in the appropriate land registry office.

Condominium Register

25. For the purposes of the *Land Titles Act* and the *Registry Act*, the Condominium Register shall be deemed to be a register or an abstract index, respectively, for the parcel of land that comprises the property.

DECLARATION AND DESCRIPTION

Interpretation

26. In sections 27, 28 and 29, a declaration or a description does not include an amendment to a declaration or a description.

Land registrar’s duties before recording

27. (1) If a declaration and description are received for registration, the land registrar shall,

- (a) endorse on the declaration and description the day, hour and minute of receipt, which shall be the same for both the declaration and the description;
- (b) assign to the declaration a registration number in the series of numbers used for instruments dealing with land;
- (c) assign an identification to the description in accordance with subsection (2);
- (d) assign a name to the corporation in accordance with subsection (3); and
- (e) record in the Condominium Corporations Index the particulars with reference to the registrations that the Director of Titles specifies.

(2) The identification that the land registrar assigns to the description shall consist of,

- (a) if the declaration and description are in English, the following items in the following order:

1. The name of the land titles or registry division in which the land described in the description is situated, excluding the number of the division.
2. The applicable words in English specified in subsection (4) for the type of corporation involved.
3. The words “Condominium Plan No.”.
4. The number assigned as part of the name of the corporation under paragraph 4 of clause (3) (a) ; or

- (b) if the declaration and description are in French and are capable of being registered in that language, the following items in the following order:

1. The words “Plan d’association condominiale”.
2. The applicable words in French specified in subsection (4) for the type of corporation involved.
3. The number assigned as part of the name of the corporation under paragraph 3 of clause (3) (b).
4. The word “de” and the name of the land titles or registry division in which the land described in the description is situated, excluding the number of the division.

(3) The name that the land registrar assigns to the corporation shall consist of,

- (a) if the declaration and description are in English, the following items in the following order:

1. The name of the land titles or registry division in which the land described in the description is situated, excluding the number of the division.
2. The applicable words in English specified in subsection (4) for the type of corporation involved.
3. The words “Condominium Corporation No.”.

- 4. The next available consecutive number; or
- (b) if the declaration and description are in French and are capable of being registered in that language, the following items in the following order:
 - 1. The words "Association condominiale".
 - 2. The applicable words in French specified in subsection (4) for the type of corporation involved.
 - 3. The next available consecutive number.
 - 4. The word "de" and the name of the land titles or registry division in which the land described in the description is situated, excluding the number of the division.
- (4) The words mentioned in subsections (2) and (3) for the type of corporation involved are,
 - (a) the word "Standard" or "ordinaire" in the case of a standard condominium corporation;
 - (b) the words "Common Elements" or "de parties communes" in the case of a common elements condominium corporation;
 - (c) the words "Vacant Land" or "de terrain nu" in the case of a vacant land condominium corporation; and
 - (d) the word "Leasehold" or "de propriété à bail" in the case of a leasehold condominium corporation.
- (5) Subject to this Regulation, no person may change the name of a corporation after the land registrar assigns it.
- (6) Amalgamating corporations shall continue after an amalgamation as the amalgamated corporation with the name that the land registrar assigns under this section.

Land registrar's recording duties

28. (1) If a land registrar receives, for registration under the *Land Titles Act*, a declaration and description for a freehold condominium corporation and if the records of the property are not automated, the land registrar shall,

- (a) record the declaration and description in,
 - (i) the existing parcel register for the land that includes the property, except if the declaration and description are being registered to effect an amalgamation, or
 - (ii) the Constitution Index, the Common Elements and General Index, and the Property Index for each of the amalgamating corporations, if the declaration and description are being registered to effect an amalgamation;
- (b) re-enter the property in the Property Index which, if the declaration and description are being registered to effect an amalgamation, is the Property Index for the amalgamated corporation;
- (c) record the declaration and description in the Constitution Index;
- (d) record, in the Common Elements and General Index and in order of registration,
 - (i) all instruments affecting the property, including the declaration and description, except if the declaration and description are being registered to effect an amalgamation, or
 - (ii) all instruments registered in the Common Elements and General Index for each of the amalgamating corporations, if the declaration and description are being registered to effect an amalgamation;

- (e) subject to subsection (4), establish a Unit Index for each unit, if any, included in the property;
- (f) if the declaration and description are being registered to effect an amalgamation, re-enter, in the Unit Index for each unit included in the property of the amalgamated corporation and in order of registration, all instruments recorded against the corresponding unit of the amalgamating corporations; and
- (g) if the declaration and description are for a common elements condominium corporation, record, in the parcel register for each parcel of tied land, the notice and the copy of the certificate described in clause 139 (2) (b) of the Act that are Schedules I and J respectively to the declaration.

(2) If a land registrar receives, for registration under the *Land Titles Act*, a declaration and description for a leasehold condominium corporation and if the records of the property are not automated, the land registrar shall,

- (a) record the declaration and description on the leasehold parcel for the property;
- (b) record, in the Property Index and in the Common Elements and General Index and in order of registration, all instruments affecting the leasehold estate in the property, including the declaration and description;
- (c) record the declaration and description in the Constitution Index; and
- (d) establish a Unit Index for each unit included in the property.

(3) If a land registrar receives, for registration under the *Registry Act*, a declaration and description and if the records of the property are not automated, the land registrar shall,

- (a) record the declaration and description in,
 - (i) the existing abstract index for the land that includes the property, except if the declaration and description are being registered to effect an amalgamation, or
 - (ii) the Constitution Index, the Common Elements and General Index, and the Property Index for each of the amalgamating corporations, if the declaration and description are being registered to effect an amalgamation;
- (b) prepare a Property Index for the property;
- (c) if the declaration and description are not being registered to effect an amalgamation, record in the Property Index,
 - (i) the certificate of title under the *Certification of Titles Act*, making a general reference to the exceptions, limitations, qualifications and reservations in Schedule B to the certificate,
 - (ii) the instruments mentioned in Schedule C to the certificate,
 - (iii) all instruments registered after the effective date of the certificate and before the date of registration of the declaration and description, and
 - (iv) the declaration and description;
- (d) if the declaration and description are being registered to effect an amalgamation, record in the Property Index a reference to the Property Indexes of each of the amalgamating corporations;
- (e) record the declaration and description in the Constitution Index;
- (f) record the declaration and description in the Common Elements and General Index;

- (g) subject to subsection (4), establish a Unit Index for each unit, if any, included in the property; and
 - (h) if the declaration and description are for a common elements condominium corporation, record, in the abstract index of each parcel of tied land, the notice and the copy of the certificate described in clause 139 (2) (b) of the Act that are Schedules I and J respectively to the declaration.
- (4) If the declaration and description are being registered to effect an amalgamation, the Unit Index that the land registrar establishes under clause (1) (e) or (3) (g) shall be in accordance with the list of all units in the amalgamated corporation that is set out in Schedule C to the declaration.
- (5) If a land registrar receives, for registration, a declaration and description that are not being registered to effect an amalgamation and if the records of the property are automated, the land registrar shall,
- (a) record the declaration and description in,
 - (i) the existing parcel register for the land that includes the property, if the declaration and description are for a freehold condominium corporation, or
 - (ii) the existing leasehold parcel register for the land that includes the property, if the declaration and description are for a leasehold condominium corporation;
 - (b) establish a Unit Index for each unit included in the property;
 - (c) re-enter the property in the Unit Index for each unit included in the property; and
 - (d) record the declaration and description in the Unit Index for each unit included in the property.
- (6) If a land registrar receives, for registration, a declaration and description that are being registered to effect an amalgamation and if the records of the property are automated, the land registrar shall,
- (a) record the declaration and description in the Unit Index for each unit included in the amalgamating corporations;
 - (b) establish a Unit Index for each unit included in the property in accordance with the list of all units in the amalgamated corporation that is set out in Schedule C to the declaration; and
 - (c) re-enter, in the Unit Index for the corresponding units of the amalgamated corporation and in order of registration, all instruments affecting the units of the amalgamating corporations, including the declaration and description.
- (7) If a land registrar receives a declaration and description for a common elements condominium corporation for registration and if the records of the property are automated, the land registrar shall,
- (a) record the declaration and description in the existing parcel register for the land that includes the property;
 - (b) establish a new parcel register for the property;
 - (c) re-enter the property in the new parcel register; and
 - (d) record, in the parcel register for each parcel of tied land, the declaration, the description, the notice described in subclause 139 (2) (b) (i) of the Act that is Schedule I to the declaration and the copy of the certificate described in subclause 139 (2) (b) (ii) of the Act that is Schedule J to the declaration.

Extension of *Land Titles Act*

29. (1) If a declaration and description are registered in an area to which the *Land Titles Act* does not apply, if the application of that Act is subsequently extended to the area and if the land registry office for the land titles division is combined with the land registry office for the registry division,

- (a) the land registrar shall establish a new Condominium Register when the first declaration and description are registered in the land registry office for the land titles division; and
- (b) the Condominium Corporations Index previously established shall be continued.

(2) If a declaration and description are registered in an area to which the *Land Titles Act* does not apply, the application of that Act is subsequently extended to the area and the land registry office for the land titles division is not combined with the land registry office for the registry division, the land registrar shall not make any further entry in the Condominium Corporations Index in the land registry office for the registry division unless it relates to a declaration and description previously registered under the *Registry Act*.

OTHER INSTRUMENTS

Index for additional units

30. If a land registrar receives, for registration, an amendment to a declaration and a description that purports to add any units to the property, the land registrar shall,

- (a) establish a Unit Index for each unit included in the amendment; and
- (b) if the records of the property are automated, record in each Unit Index established under clause (a) all instruments affecting the unit.

Automated system

31. (1) Subject to section 34, if a land registrar receives an instrument for registration after the registration of the declaration and description of a corporation that is not a common elements condominium corporation and if the records of the property are automated, the land registrar shall record the instrument,

- (a) in the Unit Index for each unit included in the property that it purports to affect; and
- (b) in the Unit Index for each unit included in the property, if it purports to affect all or part of the common elements.

(2) Subject to section 34, if a land registrar receives for registration an instrument that purports to affect all or part of the property of a common elements condominium corporation and if the records of the property are automated, the land registrar shall record the instrument in the parcel register for the property.

(3) An instrument to which subsection (1) or (2) applies includes an amendment to a declaration or a description, but not a declaration, a description or an amendment to a declaration and a description that purports to add any parcels of tied land to the property.

(4) If a land registrar receives for registration,

- (a) an instrument that purports to be one of the following in respect of a common elements condominium corporation: a certificate of lien described in subsection 85 (2) of the Act in respect of unpaid common expenses, a partial or complete discharge of that certificate or a partial discharge of an encumbrance; and
- (b) the records of the property are automated,

the land registrar shall record the instrument in the parcel register for the parcel of tied land.

Additional parcels of tied land

32. If a land registrar receives, for registration, an amendment to a declaration and a description that purports to add any parcels of tied land to the property, the land registrar shall record the amendment,

- (a) in the parcel register for each additional parcel of tied land to which the *Land Titles Act* applies;
- (b) in the abstract index for each additional parcel of tied land to which the *Registry Act* applies;
- (c) in the parcel register for the land that includes the property if the records of the property are automated; and
- (d) in the Constitution Index and the Common Elements and General Index if the records of the property are not automated.

Non-automated system

33. (1) Subject to subsection (2) and section 34, if a land registrar receives an instrument, other than a by-law or an amendment to a declaration or description, for registration after the registration of the declaration and description and if the records of the property are not automated, the land registrar shall record the instrument in,

- (a) the Common Elements and General Index if it purports to affect,
 - (i) all or part of the common elements included in the property and all of the following: the units or, in the case of a common elements condominium corporation, the parcels of tied land, or
 - (ii) all or part of the common elements included in the property, but no units or parcels of tied land;
- (b) the Common Elements and General Index and the Unit Index for each unit included in the property that it purports to affect, if it purports to affect all or part of the common elements included in the property and some, but not all, of the units;
- (c) the Common Elements and General Index and the parcel register or the abstract index, as the case may be, for each parcel of tied land that it purports to affect, if it purports to affect all or part of the common elements included in the property and some, but not all, of the parcels of tied land in the case of a common elements condominium corporation;
- (d) the Unit Index for each unit included in the property that it purports to affect, if it purports to affect no specific part of the common elements included in the property and one or more units, but not all of the units; or
- (e) the parcel register or the abstract index, as the case may be, for each parcel of tied land that it purports to affect, if it purports to affect no specific part of the common elements included in the property and one or more, but not all of the parcels of tied land in the case of a common elements condominium corporation.

(2) A land registrar shall record an instrument in the Common Elements and General Index and the Property Index if,

- (a) the land registrar receives it for registration after the registration of the declaration and description;
- (b) it is,
 - (i) a complete discharge of an encumbrance recorded in the Property Index,
 - (ii) an application for a caution under the *Land Titles Act*, or
 - (iii) a deed or other instrument by which ownership of the property is changed and that is received for registration before the registration of a deed of any unit included in the property;
- (c) it purports to affect all common elements included in the property and all of the following: the units or, in the case of a com-

mon elements condominium corporation, the parcels of tied land; and

- (d) the records of the property are not automated.

(3) If a land registrar receives, for registration, an instrument that is a by-law or an amendment to the declaration and description, other than an amendment that purports to add parcels of tied land to the property, and if the records of the property are not automated, the land registrar shall record the instrument in the Constitution Index and in,

- (a) the Unit Index for each unit mentioned in the instrument if it purports to affect one or more, but not all the units included in the property;
- (b) the parcel register or the abstract index, as the case may be, for each parcel of tied land that it purports to affect, if it purports to affect one or more, but not all of the parcels of tied land in the case of a common elements condominium corporation; and
- (c) the Common Elements and General Index, if it purports to affect part but not all of the common elements included in the property.

Terminations

34. Despite sections 31 and 33, if a notice of termination mentioned in section 122 or 123 of the Act, a deed for a sale under section 124 of the Act, a plan of expropriation for an expropriation described in section 126 of the Act or an order for termination mentioned in section 128 of the Act purports to affect all units and common elements included in the property and is received for registration after the registration of the declaration and description, sections 47 to 51 apply to it.

FORMS

Amendments

35. The certificate described in subsection 107 (6) of the Act that is required to be included in an amendment to the declaration or the description under section 107 of the Act shall be in Form 1.

Notice of change of address

36. (1) A notice changing the address for service or the mailing address of a corporation under section 108 of the Act shall be in Form 2.

(2) The land registrar shall record the notice in the Condominium Corporations Index and, in addition, if the records of the property are automated,

- (a) in the Unit Index for each unit of the corporation, in the case of a corporation that is not a common elements condominium corporation; and
- (b) in the parcel register for the property, in the case of a common elements condominium corporation.

Proof of enrolment, new home

37. The proof mentioned in subclause 43 (5) (f) (i) of the Act that the units and common elements have been enrolled in the Plan within the meaning of the *Ontario New Home Warranties Plan Act* in accordance with the regulations made under that Act shall be in Form 3, signed by the Registrar under that Act or a Deputy Registrar appointed under that Act.

By-laws

38. (1) A land registrar shall not receive the certified copy of a by-law mentioned in subsection 56 (9) of the Act for registration unless the certificate of the officer of the corporation is in the required form and states that,

- (a) the copy is a true copy of the by-law;
- (b) the by-law was made in accordance with the Act;
- (c) the owners of a majority of the units of the corporation have voted in favour of confirming the by-law; and
- (d) if the by-law is a joint by-law made under section 59 of the Act, it is not effective until the corporations that made it have each registered a copy of it in accordance with subsection 56 (9) of the Act.

(2) Despite subsection 18 (1) of the *Registry Act*, a by-law of a corporation shall not be entered in the by-law index under that subsection.

Money held in trust

39. The evidence of compliance mentioned in subsection 81 (6) of the Act with respect to money held in trust under section 81 of the Act shall be in Form 4.

Lease or renewal

40. (1) The summary mentioned in clause 83 (1) (b) of the Act in respect of a lease or a renewal of a lease of a unit shall be in Form 5, signed by the owner of the unit.

(2) The summary mentioned in clause 83 (1) (b) of the Act in respect of a lease or a renewal of a lease of a common interest in a common elements condominium corporation shall be in Form 5, signed by the owner of the common interest.

Notice of lien

41. (1) A certificate of lien mentioned in subsection 85 (2) of the Act shall be in Form 6.

(2) A discharge of a certificate of lien mentioned in subsection 85 (7) of the Act shall be in Form 7.

Status certificate

42. (1) A certificate mentioned in clause 120 (3) (c) of the Act as to the status for each amalgamating corporation shall be in Form 8.

(2) The certificate shall be dated no earlier than the 14th day before the date that the board gives the owners the notice of meeting described in subsection 120 (3) of the Act.

Common elements condominium corporations

43. (1) A certificate described in clause 139 (1) (b) of the Act by an owner in a common elements condominium corporation shall be in Form 9.

(2) A notice described in subclause 139 (2) (b) (i) of the Act stating that the common interest of an owner in the corporation attaches to the owner's parcel of tied land shall be in Form 10.

Leasehold condominium corporations

44. (1) A notice described in subsection 174 (7) of the Act stating that the leasehold interests in the units in a leasehold condominium corporation have been renewed shall be in Form 11.

(2) A notice described in subsection 174 (7) of the Act stating that the leasehold interests in the units in a leasehold condominium corporation have not been renewed shall be in Form 12.

DESCRIPTION OF LAND

Description of land

45. (1) The description of a unit in an instrument received for registration shall consist of,

- (a) the unit number;

- (b) the number or letter of the level of the unit;
- (c) the identification of the condominium plan specified in subsection 27 (2);
- (d) a reference to the name of the municipality in which the property is located at the time of execution of the instrument; and
- (e) the unit's property identifier if the records of the property are automated.

(2) An instrument that purports to affect the title of a common interest attached to a parcel of tied land in the case of a common elements condominium corporation shall describe the parcel in accordance with the requirements of Ontario Regulation 43/96, together with,

- (a) the words "together with an appurtenant common interest in" if the instrument is in English and is acceptable for registration, or the words "ainsi que l'intérêt commun qui se rattache à la parcelle et qui est relié à l'" if the instrument is in French and is acceptable for registration;
- (b) the name assigned to the corporation under subsection 27 (3); and
- (c) a reference to the name of the municipality in which the property is located at the time of execution of the instrument.

(3) An instrument that purports to affect the title of all units and common elements included in the property may describe the property as follows in the following order:

1. The words "all the units and common elements in" if the instrument is in English and is acceptable for registration, or the words "toutes les parties privatives et parties communes du" if the instrument is in French and is acceptable for registration.
2. The identification of the condominium plan specified in subsection 27 (2).
3. A reference to the name of the municipality in which the property is located at the time of execution of the instrument.
4. The property identifiers of all the units, if the records of the property are automated.

(4) An instrument that purports to affect the title of the common elements included in the property, but no units, may describe the land affected as follows in the following order:

1. The words "all the common elements in" if the instrument is in English and is acceptable for registration, or the words "toutes les parties communes du" if the instrument is in French and is acceptable for registration.
2. The identification of the condominium plan specified in subsection 27 (2).
3. A reference to the name of the municipality in which the property is located at the time of execution of the instrument.
4. The property identifiers of,
 - i. all the units, if the corporation is not a common elements condominium corporation and the records of the property are automated, or
 - ii. the condominium plan, if the corporation is a common elements condominium corporation and the records of the property are automated.

(5) An instrument that purports to affect the title of part of the common elements included in the property, but no units, may, with the approval of the examiner of surveys, describe the land affected by

reference to physical features or the extent of levels illustrated on the plans of survey included in the registered description for the property.

Discharge of pre-existing encumbrance

46. A discharge of a portion of an encumbrance under subsection 14 (2) of the Act shall be in a form, having regard to the nature of the encumbrance, sufficient for registration under the *Land Titles Act* or the *Registry Act*, as the case may be, and shall describe the land in accordance with section 45.

TERMINATION

Notice of termination

47. (1) A notice of termination mentioned in section 122 of the Act shall be in Form 13.

(2) A notice of termination mentioned in section 123 of the Act shall be in Form 14.

(3) A land registrar shall not receive for registration a notice of termination in Form 13 or 14 unless,

- (a) it is executed by the authorized officers of the corporation; and
- (b) for each owner that is an individual,
 - (i) the notice is accompanied by a consent to the termination given by the owner's spouse within the meaning of subsection 21 (1) of the *Family Law Act*,
 - (ii) a court order described in clause 21 (1) (c) of the *Family Law Act* is attached to the notice, together with a statement or affidavit of a solicitor that the court order is in full force and effect and has not been stayed, or
 - (iii) the notice is accompanied by one of the statements described in subsection 21 (3) of the *Family Law Act* made by the individual or the individual's attorney under subsection 21 (4) of that Act.

(4) A land registrar who receives for registration a notice of termination in Form 13 or 14 shall record it in,

- (a) the Unit Index for each unit included in the property, if the records of the property are automated;
- (b) the parcel register for the property and the parcel register for each parcel of tied land, if the records of the property are automated and the corporation is a common elements condominium corporation;
- (c) the Constitution Index, the Common Elements and General Index, the Property Index, the Unit Index for each unit included in the property and the parcel register or the abstract index, as the case may be, for each parcel of tied land, if the records of the property are not automated;
- (d) the freehold parcel register and the leasehold parcel register relating to the property, if the corporation is a leasehold condominium corporation and the *Land Titles Act* applies to the property; and
- (e) the abstract index relating to the property, if the corporation is a leasehold condominium corporation and the *Registry Act* applies to the property.

(5) In recording a notice of termination in Form 13 or 14, the land registrar shall describe the executing parties as,

- (a) the corporation, described by the name assigned to it under subsection 27 (3);
- (b) in the case of a freehold condominium corporation, all the owners as tenants in common, described as,

(i) "all the former owners as tenants in common" if the notice is in English, or

(ii) "tous les anciens propriétaires comme tenants communs" if the notice is in French; and

(c) in the case of a leasehold condominium corporation, all the former owners of the leasehold interests in the units, described as,

(i) "all the former owners" if the notice is in English, or

(ii) "tous les anciens propriétaires" if the notice is in French.

(6) In the case of a leasehold condominium corporation to which the *Land Titles Act* applies, the land registrar shall record, on the freehold parcel register relating to the property and in priority of their registration, all claims that are continued against the lessor's interest in the property under section 175 of the Act.

Deed for sale

48. (1) A land registrar shall not receive for registration a deed for a sale of the property or a part of the common elements under section 124 of the Act unless,

- (a) it is executed by the authorized officers of the corporation;
- (b) except in the case of a deed for part of the common elements that are for the use of all the owners, for each owner that is an individual and that voted in favour of the sale,
 - (i) the deed is accompanied by a consent given by the owner's spouse within the meaning of subsection 21 (1) of the *Family Law Act*,
 - (ii) a court order described in clause 21 (1) (c) of the *Family Law Act* is attached to the deed, together with a statement or affidavit of a solicitor that the court order is in full force and effect and has not been stayed, or
 - (iii) the deed is accompanied by one of the statements described in subsection 21 (3) of the *Family Law Act* made by the individual or the individual's attorney under subsection 21 (4) of that Act;
- (c) it is accompanied by the certificate described in subsection 124 (3) of the Act; and
- (d) in the case of a leasehold condominium corporation, it contains a statement by the authorized officers of the corporation that the lessor has consented to and executed the agreement of purchase and sale for the land described in the deed.

(2) The certificate described in subsection 124 (3) of the Act shall be in Form 15.

(3) A land registrar who receives for registration a deed for a sale of the property or a part of the common elements under section 124 of the Act shall record it in,

- (a) the Unit Index for each unit included in the property, if the records of the property are automated;
- (b) the following places if the records of the property are automated and the corporation is a common elements condominium corporation:
 1. The parcel register for the property.
 2. The parcel register for each parcel of tied land, if the deed is for a sale of the property;
- (c) the Constitution Index, the Common Elements and General Index, the Property Index, the Unit Index for each unit included in the property and the parcel register or the abstract index, as the case may be, for each parcel of tied land, if the

records of the property are not automated and the land being sold is all of the property;

- (d) the Common Elements and General Index, if the records of the property are not automated and the land being sold is a part of the common elements;
- (e) the freehold parcel register and the leasehold parcel register relating to the property, if the corporation is a leasehold condominium corporation and the *Land Titles Act* applies to the property; and
- (f) the abstract index relating to the property, if the corporation is a leasehold condominium corporation and the *Registry Act* applies to the property.

(4) In the case of a leasehold condominium corporation to which the *Land Titles Act* applies, the land registrar shall record, on the freehold parcel register relating to the property and in priority of their registration, all claims that are continued against the lessor's interest in the property under section 175 of the Act.

Expropriation

49. (1) A land registrar who receives for registration a plan of expropriation for an expropriation under section 126 of the Act shall record it in,

- (a) the Unit Index for each unit included in the property, if the records of the property are automated;
- (b) the following places if the records of the property are automated and the corporation is a common elements condominium corporation;
 1. The parcel register for the property.
 2. The parcel register for each parcel of tied land, if the land being expropriated is all of the property;
- (c) the Constitution Index, the Common Elements and General Index, the Property Index, the Unit Index for each unit included in the property and the parcel register or the abstract index, as the case may be, for each parcel of tied land, if the records of the property are not automated and the land being expropriated is all of the property;
- (d) the Common Elements and General Index and the Unit Index for each unit or part of a unit being expropriated, if the records of the property are not automated and the land being expropriated is part, but not all, of the common elements;
- (e) the freehold parcel register and the leasehold parcel register relating to the property, if the corporation is a leasehold condominium corporation and the *Land Titles Act* applies to the property; and
- (f) the abstract index relating to the property, if the corporation is a leasehold condominium corporation and the *Registry Act* applies to the property.

(2) In the case of a leasehold condominium corporation to which the *Land Titles Act* applies, the land registrar shall record, on the freehold parcel register relating to the property and in priority of their registration, all claims that are continued against the lessor's interest in the property under section 175 of the Act.

Court order

50. (1) An order made by a court under section 128 or 173 of the Act terminating the government of the property by the Act does not take effect with respect to the property until it is registered.

(2) If an order mentioned in subsection (1) contains conditions, a land registrar shall not receive the order for registration unless there is attached to the order a statement or affidavit made by the solicitor for

the registrant, stating that the conditions contained in the order have been complied with.

(3) A land registrar who receives for registration an order mentioned in subsection (1) shall record it in,

- (a) the Unit Index for each unit included in the property, if the records of the property are automated;
- (b) the parcel register for the property and the parcel register for each parcel of tied land, if the records of the property are automated and the corporation is a common elements condominium corporation;
- (c) the Constitution Index, the Common Elements and General Index, the Property Index, the Unit Index for each unit included in the property and the parcel register or the abstract index, as the case may be, for each parcel of tied land, if the records of the property are not automated;
- (d) the freehold parcel register and the leasehold parcel register relating to the property, if the corporation is a leasehold condominium corporation and the *Land Titles Act* applies to the property; and
- (e) the abstract index relating to the property, if the corporation is a leasehold condominium corporation and the *Registry Act* applies to the property.

(4) In the case of a leasehold condominium corporation to which the *Land Titles Act* applies, the land registrar shall record, on the freehold parcel register relating to the property and in priority of their registration, all claims that are continued against the lessor's interest in the property under section 175 of the Act and in accordance with the order mentioned in subsection (1).

New parcel register or abstract index

51. (1) A land registrar who receives for registration a notice of termination mentioned in section 122 or 123 of the Act in respect of a freehold condominium corporation, a deed for a sale of the property of a freehold condominium corporation under section 124 of the Act, a plan of expropriation for an expropriation of the property of any corporation under section 126 of the Act or an order for termination mentioned in section 128 of the Act in respect of a freehold condominium corporation, shall open,

- (a) a new parcel register for the land included in the property, if the land is registered under the *Land Titles Act*; or
- (b) a new abstract index under subsection 83 (3) of the *Registry Act* for the land included in the property, if the land is registered under that Act.

(2) A land registrar who receives for registration a deed for a sale of part of the common elements of a freehold condominium corporation under section 124 of the Act or a plan of expropriation for an expropriation of part of the common elements of any corporation under section 126 of the Act, shall open,

- (a) a new parcel register for the part, if the part is registered under the *Land Titles Act*; or
- (b) a new abstract index for the part under subsection 83 (3) of the *Registry Act*, if the part is registered under that Act.

(3) The new parcel register shall describe the affected land by using a description that,

- (a) contains the description of the land as it was described in,
 - (i) Schedule A to the declaration, except in the case of land included in the property of an amalgamated corporation, or

- (ii) Schedule A to each of the declarations described in subsection (4), in the case of land included in the property of an amalgamated corporation;
 - (b) takes into account all changes from the legal description in Schedule A to the declaration made since the registration of the declaration, except in the case of land included in the property of an amalgamated corporation; and
 - (c) takes into account all changes from the legal description in Schedule A to the declarations described in subsection (4) that were made after the registration of each of those declarations and before the termination, in the case of land included in the property of an amalgamated corporation.
- (4) The declarations mentioned in subclause (3) (a) (ii) and clause (3) (c) are,
- (a) the declaration of each of the amalgamating corporations that was not itself an amalgamated corporation, as that declaration existed immediately before the amalgamation; and
 - (b) the declaration of each corporation that was not itself an amalgamated corporation and that was a predecessor of one of the amalgamating corporations that was an amalgamated corporation, as that declaration existed immediately before the amalgamation.
- (5) The land registrar shall record in the new parcel register,
- (a) all claims that apply to the land in accordance with section 127 or 175 of the Act, as the case may be;
 - (b) all claims that apply to the land in accordance with the order for termination mentioned in section 128 of the Act; and
 - (c) the notice of termination, deed for a sale, plan of expropriation or order for termination, as the case may be.
- (6) The new parcel register shall describe the owners of the land as a result of the registration,
- (a) by name as tenants in common, followed by an indication of the proportion of their interest, in the case of a notice of termination mentioned in section 122 or 123 of the Act;
 - (b) by name, in the case of a deed for a sale under section 124 of the Act;

- (c) by name of the expropriating authority, in the case of a plan of expropriation under section 126 of the Act; or
 - (d) by the method that the land registrar considers most suitable, having regard to the order, in the case of an order for termination mentioned in section 128 of the Act.
- (7) Upon opening the new abstract index for the land, the land registrar shall,
- (a) take into account all additions to or sale of part of the common elements;
 - (b) record in the abstract index the notice of termination, deed for a sale, plan of expropriation or order for termination, as the case may be; and
 - (c) note in the abstract index the fact that land was previously subject to the *Condominium Act, 1998* and the identification of the condominium plan.

PART III TRANSITIONAL

52. (1) If, before the day Part II of the Act comes into force, a description was acceptable for registration except for not having the approval or exemption from approval under the *Planning Act* required by section 50 of the *Condominium Act*,

- (a) clauses 27 (1) (c) and (d) and subsections 27 (2), (3) and (4) do not apply to the corporation; and
- (b) despite subsection 65 (1) of Ontario Regulation 48/01, clauses 4 (1) (c) and (e) of Regulation 96 of the Revised Regulations of Ontario, 1990, as they read immediately before that day, continue to apply to the corporation.

(2) This section is revoked on the 180th day after the day Part II of the Act comes into force.

PART IV COMMENCEMENT

Commencement

53. This Regulation comes into force on the day Part II of the Act comes into force.

Form 1*Condominium Act, 1998*

AMENDMENT TO DECLARATION OR DESCRIPTION
 (under section 107 of the *Condominium Act, 1998*)

..... Condominium Corporation No. amends, as set out in the attached Schedule:

its declaration registered as Instrument No.

its description identified as (*identify condominium plan as specified in subsection 27 (2) of Ontario Regulation 49/01*).

We certify that the amendment to the declaration/description that is set out in the attached Schedule complies with the requirements of section 107 of the *Condominium Act, 1998*.

Dated this day of, ...

..... Condominium Corporation No.

.....
 (signature)

.....
 (print name)

.....
 (signature)

.....
 (print name)

(Affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

[In the case of a leasehold condominium corporation, if the amendment affects the leasehold interests in the property, add the following:

I (We) consent to the amendment to the declaration/description that is set out in the Schedule.

.....
 (signature of lessor)

.....
 (print name)

(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)]

Form 2*Condominium Act, 1998*

NOTICE OF CHANGE OF ADDRESS
 (under section 108 of the *Condominium Act, 1998*)

..... Condominium Corporation No. gives notice that it changes:

its address for service to

its mailing address to

Dated this day of, ...

..... Condominium Corporation No.

.....
 (signature)

.....
 (print name)

.....
 (signature)

.....
 (print name)

(Affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 3*Condominium Act, 1998*

PROOF OF ENROLMENT
IN THE ONTARIO NEW HOME WARRANTIES PLAN
 (subclause 43 (5) (f) (i) of the *Condominium Act, 1998*)

I certify that the units described below and the common elements of (identify condominium plan as specified in subsection 27 (2) of Ontario Regulation 49/01) have been enrolled in the Plan within the meaning of the *Ontario New Home Warranties Plan Act* in accordance with the regulations made under that Act.

Enrolment does not necessarily mean that claimants are entitled to warranty coverage. Warranty coverage is only available to claimants who are entitled to receive payment under the *Ontario New Home Warranties Plan Act*.

Unit No.	Level No.	(identify condominium plan)	Enrolment Number
----------	-----------	-----------------------------	------------------

.....

Dated this day of, ...

.....
 Registrar or Deputy Registrar of the
 Ontario New Home Warranty Program

Form 4*Condominium Act, 1998*

EVIDENCE OF COMPLIANCE
(subsection 81 (6) of the *Condominium Act, 1998*)

To:
(name and address of person who paid money under subsection 81 (1) of the *Condominium Act, 1998*)

I (We) certify that:

1. I am (We are)

(Check whichever box is applicable:)

the declarant's solicitor.

a partner in the partnership of solicitors (state name of partnership) that is the declarant's solicitor.

a solicitor employed by the partnership of solicitors (state name of partnership) that is the declarant's solicitor.

a trustee of a prescribed class.
(if so, specify which class)

2. On (date),

[strike out whichever is not applicable:

I (we)

OR

the declarant's solicitor, a partnership in which I am a partner (or: an employee)]

received the amount of \$ (known as "the money") that you paid under subsection 81 (1) of the *Condominium Act, 1998* in respect of the purchase or a right to the purchase of:

[For all condominium corporations except common elements condominium corporations:

a proposed unit described as (provide brief description).]

[In the case of a common elements condominium corporation:

a proposed common interest in (name of condominium corporation).]

[If the declarant's solicitor or a partner in or a solicitor employed by a partnership of solicitors that is the declarant's solicitor, state:

3. I am (We are) holding the money in trust in the following trust account in Ontario:

(provide trust account number, name, address and telephone number of institution)]

.....

[If trustee of a prescribed class state:

3. I am holding the money in trust in a separate account in Ontario designated as a trust account and identified as (provide account number) at (name, address and telephone number of bank listed in Schedule I or II to the Bank Act (Canada), a trust corporation, a loan corporation, a credit union or a Province of Ontario Savings Office.)]

4. You will receive notice if there is any change of (strike out whichever is not applicable: declarant's solicitor, trustee) holding the money in trust before that person no longer has any obligations, under the *Condominium Act, 1998* or the regulations made under it, relating to the money or any security of a prescribed class that the declarant may provide for the money.

Dated this day of, ...

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(In the case of a corporation, affix corporate seal or add a statement that the person signing has the authority to bind the corporation.)

.....
(address)

.....
(telephone number and,
if any, fax number)

Form 5*Condominium Act, 1998*SUMMARY OF LEASE OR RENEWAL
(clause 83 (1) (b) of the *Condominium Act, 1998*)

TO: (name of condominium corporation)

1. This is to notify you that:

*[Strike out whichever is not applicable:*a written or oral (*strike out whichever is not applicable:* lease, sublease, assignment of lease)

OR

a renewal of a written or oral (*strike out whichever is not applicable:* lease, sublease, assignment of lease)]

has been entered into for:

*[For all condominium corporations except common elements condominium corporations:*Unit(s), Level(s) (*include any parking or storage units that have been leased*)]*[In the case of a common elements condominium corporation:*the common interest in the condominium corporation, being the interest attached to (*provide brief description of the parcel of land to which the common interest in the Condominium Corporation is attached*)]

on the following terms:

Name of lessee(s) (or sublessee(s)) :

Telephone number:

Fax number, if any:

Commencement date:

Termination date:

Option(s) to renew:

(set out details)

Rental payments:

(set out amount and when due)

Other information:

*(at the option of the owner)*2. I (We) have provided the (*strike out whichever is not applicable:* lessee(s), sublessee(s)) with a copy of the declaration, by-laws and rules of the condominium corporation.3. I (We) acknowledge that, as required by subsection 83 (2) of the *Condominium Act, 1998*, I (we) will advise you in writing if the (*strike out whichever is not applicable:* lease, sublease, assignment of lease) is terminated.

Dated this day of, ...

.....
(signature of owner(s)).....
*(print name of owner(s))**(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)*.....
(address).....
(telephone number).....
(fax number, if any)

Form 6*Condominium Act, 1998*

CERTIFICATE OF LIEN
(under subsection 85 (2) of the *Condominium Act, 1998*)

..... Condominium Corporation No. certifies that it has a lien under the *Condominium Act, 1998* against:

[For all condominium corporations except common elements condominium corporations:

Unit (No.), Level (No.), of *(identify condominium plan)*, registered in the Land Registry Office for the Land Titles (or Registry) Division of]

[In the case of a common elements condominium corporation:

.....*(provide description, as set out in Schedule D to the declaration, of the parcel of land to which the common interest in the Condominium Corporation is attached)*, registered in the Land Registry Office for the Land Titles (or Registry) Division of]

for:

- (a) unpaid common expenses in the amount of \$ as of the date of this certificate;
- (b) the amount by which the owner defaults in the obligation to contribute, after the registration of this certificate, to the common expenses which include all amounts that under the Act are added to or form part of the common expenses; and
- (c) all interest owing and all reasonable legal costs and reasonable expenses that the Condominium Corporation incurs in connection with the collection or attempted collection of the amounts described in clauses (a) and (b), including the costs of preparing and registering this certificate of lien and a discharge of it.

Upon payment of the amounts described above, the Condominium Corporation shall prepare and register a discharge of this certificate of lien and shall advise the owner in writing of the particulars of registration.

This lien does not secure payments of common expenses that became due more than three months before the date of registration of this certificate.

Dated this day of, ...

..... Condominium Corporation No.

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(Affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 7*Condominium Act, 1998*

DISCHARGE OF CERTIFICATE OF LIEN
(under subsection 85 (7) of the *Condominium Act, 1998*)

..... Condominium Corporation No., having received payment of the amounts mentioned in the Certificate of Lien registered as Instrument No. in respect of:

[For all condominium corporations except common elements condominium corporations:

Unit (No.), Level (No.), of (*identify condominium plan*), registered in the Land Registry Office for the Land Titles (or Registry) Division of, discharges the Unit from the Lien pursuant to subsection 85 (7) of the *Condominium Act, 1998*.]

[In the case of a common elements condominium corporation:

..... (*provide description, as set out in Schedule D to the declaration, of the parcel of land to which the common interest in the Condominium Corporation is attached*), registered in the Land Registry Office for the Land Titles (or Registry) Division of, discharges the land from the Lien pursuant to subsection 85 (7) of the *Condominium Act, 1998*.]

Dated this day of, ...

..... Condominium Corporation No.

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(Affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 8*Condominium Act, 1998*

STATUS CERTIFICATE IN AMALGAMATION
(under clause 120 (3) (c) of the *Condominium Act, 1998*)

IN THE MATTER OF a Proposed Amalgamation of (*names of amalgamating condominium corporations*)

The purpose of this certificate is to provide information to the owners of the amalgamating corporations to assist them in making a decision on whether to consent to the amalgamation.

..... (*name of one of the amalgamating condominium corporations*) Condominium Corporation No. (known as the "Corporation") certifies that as of the date of this certificate:

General Information Concerning the Corporation

1. Mailing Address:

2. Address for Service:

3. Name of property manager:

Address:

Telephone number:

4. The directors and officers of the Corporation are:

Name	Position	Address for Service	Telephone Number
------	----------	---------------------	------------------

.....

Common Expenses

5. *[Strike out whichever is not applicable:*
There is no default in the payment of common expenses by any of the owners.

OR

The owners of the following units in the Corporation are in default of payment of common expenses in the following amounts:

Unit	Level	Suite number	Amount
.....			

(indicate whether a certificate of lien has been registered against each unit)]

6. The Corporation has the amount of \$..... in prepaid common expenses from the owners.
7. There are no amounts that the *Condominium Act, 1998* requires to be added to the common expenses payable by the owners *[if applicable add: except(set out details and provide brief description)]*.

Budget

8. The budget of the Corporation for the current fiscal year is accurate and may result in

(Strike out whichever is not applicable:
a surplus of \$

OR

a deficit of \$).

9. *[Strike out whichever is not applicable:*
Since the date of the budget of the Corporation for the current fiscal year, the common expenses have not been increased.

OR

Since the date of the budget of the Corporation for the current fiscal year, the common expenses have been increased by \$..... for the year because *(set out the reason for the increase)]*.

10. *[Strike out whichever is not applicable:*
Since the date of the budget of the Corporation for the current fiscal year, the board has not levied any assessments to increase the contribution to the Corporation's reserve fund.

OR

Since the date of the budget of the Corporation for the current fiscal year, the board has levied the following assessments to increase the contribution to the Corporation's reserve fund: *(set out the amounts and the reason for the assessments)]*.

11. The Corporation has no knowledge of any circumstances that may result in an increase in the common expenses *[if applicable add: except (give particulars of any potential increase arising as a result of the proposed amalgamation or otherwise, including any assessment, and the reason for it)]*.

Reserve Fund

12. The Corporation's reserve fund amounts to \$..... as of *(specify a date that is no earlier than at the end of a month immediately before the date of this certificate)*.
13. The most recent reserve fund study conducted by the board was a *(specify the class of reserve fund study)* dated and prepared by *(name of person who conducted the reserve fund study)*.
14. *(If the board of the Corporation has not sent a notice to the owners under subsection 94 (9) of the Condominium Act, 1998 after receiving the reserve fund study described in paragraph 13, include the following paragraph:)*

The balance of the reserve fund at the beginning of the current fiscal year was \$..... . In accordance with the budget of the Corporation for the current fiscal year, the annual contribution to be made to the reserve fund in the current fiscal year is \$...., and the anticipated expenditures to be made from the reserve fund in the current fiscal year amount to \$..... . The board anticipates that the reserve fund will/will not be adequate in the current fiscal year for the expected costs of major repair and replacement of the common elements and assets of the Corporation.

15. *[If the board of the Corporation has sent a notice to the owners under subsection 94 (9) of the Condominium Act, 1998 after receiving the reserve fund study described in paragraph 13, include the following statements and a copy of the most recent notice for one of the units with this certificate and show it in the list of documents forming part of this certificate:*

The board has sent to the owners a notice dated *(date of the most recent notice)* containing a summary of the reserve fund study, a summary of the proposed plan for future funding of the reserve fund and a statement indicating the areas, if any, in which the proposed plan differs from the study. The proposed plan for future funding of the reserve fund has not been implemented because *(give reason)*.

OR

The proposed plan for future funding has been implemented and the total contribution each year to the reserve fund is being made as set out in the Contribution Table included in the notice *(if applicable add: except (set out why contributions are not being made in accordance with the Contribution Table and whether this will be addressed and, if so, in what manner))*.

16. There are no plans to increase the reserve fund under a plan proposed by the board under subsection 94 (8) of the *Condominium Act, 1998*, for the future funding of the reserve fund *[if applicable add: except (give details of any increase, including any increase in the common expenses or any assessments)]*.

Legal Proceedings, Claims

17. There are no convictions against, or rulings, orders or judgments in favour of or against the Corporation *[if applicable add: except (give brief particulars and, if applicable, amount)]*.
18. The Corporation is not a party to any proceeding before a court of law, an arbitrator or an administrative tribunal *[if applicable add: except (give brief particulars and the status of those proceedings to which the Corporation is a party)]*.
19. The Corporation has not received a notice of an application under section 109 of the *Condominium Act, 1998* to the Superior Court of Justice for an order to amend the declaration and description, where the court has not made the order *[if applicable add: except (give particulars)]*.
20. The Corporation is not aware of any criminal or quasi-criminal liabilities to which it may be subject.
21. The Corporation has no outstanding claim for payment out of the guarantee fund under the *Ontario New Home Warranties Plan Act* *[if applicable add: except (give brief particulars and the status of any claims that have been made)]*.
22. *[Strike out whichever is not applicable:*
There is currently no order of the Superior Court of Justice in effect appointing an inspector under section 130 of the *Condominium Act, 1998* or an administrator under section 131 of the *Condominium Act, 1998*.

OR

There is currently an order of the Superior Court of Justice in effect appointing an inspector under section 130 of the *Condominium Act, 1998* or an administrator under section 131 of the *Condominium Act, 1998*. *(If applicable, include a copy of the order with this certificate and show it in the list of documents forming part of this certificate)]*.

Agreements with owners relating to changes to the common elements

23. *[Strike out whichever is not applicable:*
No unit is subject to an agreement (or agreements) under clause 98 (1) (b) of the *Condominium Act, 1998* relating to additions, alterations or improvements made to the common elements by the unit owner.

OR

The following units, ... *(set out the description of the units)*, are subject to an agreement (or agreements) under clause 98 (1) (b) of the *Condominium Act, 1998* relating to additions, alterations or improvements made to the common elements by the unit owners. To the best of the Corporation's information, knowledge and belief, the agreements have been complied with by the parties *(if applicable add: except (give particulars))*.

Leasing of Units

24. *[Strike out whichever is not applicable:*
The Corporation has not received notice under section 83 of the *Condominium Act, 1998*, that any unit was leased during the fiscal year preceding the date of this certificate.

OR

The Corporation has received notice under section 83 of the *Condominium Act, 1998*, that *(set out the number)* unit(s) was (were) leased during the fiscal year preceding the date of this certificate.]

Substantial changes to the common elements, assets or services

25. There are no additions, alterations or improvements to the common elements, changes in the assets of the Corporation or changes in a service of the Corporation that are substantial and that the board has proposed but has not implemented *[if applicable add: except (give a brief description and a statement of their purpose)]*.

Insurance

26. The Corporation has secured all policies of insurance that are required under the *Condominium Act, 1998*.

Attachments

27. The following documents are attached to this certificate and form part of it:

- (a) a copy of the budget of the Corporation for the current fiscal year, its last annual audited financial statements and the auditor's report on the statements;
- (b) a list of all current agreements mentioned in section 111, 112 or 113 of the *Condominium Act, 1998* and all current agreements between the Corporation and another condominium corporation or between the Corporation and any owner, that includes the names of the parties, a brief description of the nature of the agreement, its duration and approximate value;
- (c) a list of the assets of the Corporation, a description of the services that the Corporation provides to the owners and the facilities included in the common elements;
- (d) a list of the warranties of the Corporation;

[if applicable add the following items:

- (e) a copy of a notice dated (*date of the most recent notice*) containing a summary of the reserve fund study, a summary of the proposed plan for future funding of the reserve fund and a statement indicating the areas, if any, in which the proposed plan differs from the study;
- (f) a copy of an order appointing an inspector under section 130 of the *Condominium Act, 1998* or an administrator under section 131 of the *Condominium Act, 1998*; and
- (g) a copy of all applications made under section 109 of the *Condominium Act, 1998* to amend the declaration or description for which the court has not made an order.]

Dated this day of, ...

..... Condominium Corporation No.

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(Affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 9

Condominium Act, 1998

CERTIFICATE OF OWNER
IN THE MATTER OF A COMMON ELEMENTS CONDOMINIUM CORPORATION
(SCHEDULE I TO DECLARATION)
(under clause 139 (1) (b) of the *Condominium Act, 1998*)

1. I am (We are) the owner(s) of the freehold estate in (*provide a registrable description of the parcel of land to which a common interest in the common elements condominium corporation will attach*) (known as the "Parcel").
2. I (We) consent to the registration of the attached declaration to create a common elements condominium corporation (known as the "Corporation") on (*provide a brief legal description sufficient to identify the property*).
3. I (We) acknowledge that, upon registration of the declaration and the description, the Parcel will become subject to all encumbrances, if any, outstanding against the property described in Schedule A to the declaration.
4. I (We) consent to the registration of a notice in the prescribed form against the Parcel indicating that a common interest in the Corporation, as the common interest is set out in Schedule D to the declaration, attaches to the Parcel upon the registration of the declaration and description.

Dated this day of, ...

.....
(signature of owner)

.....
(print name of owner)

(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 10*Condominium Act, 1998*

NOTICE OF ATTACHMENT OF A COMMON INTEREST
IN A COMMON ELEMENTS CONDOMINIUM CORPORATION
(SCHEDULE J TO DECLARATION)
(under clause 139 (2) (b) of the *Condominium Act, 1998*)

Take notice that:

1. The attached declaration and the description creates a common elements condominium corporation (known as the "Corporation").
2. A common interest in the Corporation, as the common interest is set out in Schedule D to this declaration, attaches to the following parcel of land (known as the "Parcel"): *(provide the registrable description of the parcel of land as set out in Schedule D to the declaration).*
3. The common interest cannot be severed from the Parcel upon the sale of the Parcel or the enforcement of an encumbrance registered against the Parcel.
4. A copy of the certificate of the owner of the Parcel consenting to the registration of the declaration and this notice is attached to this declaration as Schedule I.
5. If the owner of the Parcel defaults in the obligation to contribute to the common expenses of the Corporation, the Corporation has a lien against the Parcel.

Dated this day of, ...

Declarant:

.....
(signature).....
(print name).....
(signature).....
(print name)*(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)***Form 11***Condominium Act, 1998*

NOTICE OF RENEWAL OF THE LEASEHOLD INTERESTS
IN A LEASEHOLD CONDOMINIUM CORPORATION
(under subsection 174 (7) of the *Condominium Act, 1998*)

The leasehold interests in the units in *(name of condominium corporation)* Leasehold Condominium Corporation No. and their appurtenant common interests (those leasehold interests and common interests are known as the "leasehold interests") registered in the Land Titles (or Registry) Division of are due to expire on

The leasehold interests have been renewed for a further term of years,

Dated this day of, ...

.....
(signature of lessor).....
(print name)*(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)*

Form 12*Condominium Act, 1998*

**NOTICE OF NON-RENEWAL OF THE LEASEHOLD INTERESTS
IN A LEASEHOLD CONDOMINIUM CORPORATION
(under subsection 174 (7) of the *Condominium Act, 1998*)**

The leasehold interests in the units in (*name of condominium corporation*) Leasehold Condominium Corporation No. and their appurtenant common interests (those leasehold interests and common interests are known as the "leasehold interests"), registered in the Land Registry Office for the Land Titles (or Registry) Division of are due to expire on (*set out the expiry date*).

The leasehold interests will not be renewed.

Upon the expiry date, section 175 of the *Condominium Act, 1998* applies and the leasehold interests are terminated.

Dated this day of, ...

.....
(signature of lessor)

.....
(print name)

(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

Form 13*Condominium Act, 1998*

**NOTICE OF TERMINATION
(under subsection 122 (2) of the *Condominium Act, 1998*)**

..... Condominium Corporation No. gives notice under subsection 122 (2) of the *Condominium Act, 1998* terminating the government of the property by the Act.

The Corporation gives this Notice in respect of the property included in (*identify condominium plan*) registered in the Land Registry Office for the Land Titles (or Registry) Division of

We certify that:

- (a) the owners of at least 80 per cent of the units (or, in the case of a common elements condominium corporation, the common interests) at the date of the vote in respect of termination, voted in favour of termination; and
- (b) at least 80 per cent of those persons who, at the date of the vote in respect of termination, had registered claims against the property, that were created after the registration of the declaration and description that made the *Condominium Act, 1998* applicable to the property, have consented in writing to the termination.

[Strike out whichever is not applicable:

In the case of a freehold condominium corporation, upon registration of this Notice, subsection 127 (1) of the *Condominium Act, 1998* applies and the Act ceases to govern the property.

The owners of the property are all the former unit owners (or, in the case of a common elements condominium corporation, all the former owners of the common interests) as tenants in common, in the same proportions as their common interests described in the Declaration registered as Instrument No. (*add as necessary: and as amended by Instrument No.(s)*).

OR

In the case of a leasehold condominium corporation, upon registration of this Notice, subsection 175 (1) of the *Condominium Act, 1998* applies, the Act ceases to govern the property and the leasehold interests in the units are terminated.]

Dated this day of , ...

..... Condominium Corporation No.

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(Affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

[In the case of a leasehold condominium corporation, add the following:

I am (We are) the lessor of the property and consent to the registration of this Notice terminating the government of the property by the *Condominium Act, 1998*.

.....
(signature of lessor)

.....
(print name)

(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)]

Form 14

Condominium Act, 1998

NOTICE OF TERMINATION (under subsection 123 (8) of the *Condominium Act, 1998*)

..... Condominium Corporation No. gives notice under subsection 123 (8) of the *Condominium Act, 1998* terminating the government of the property by the Act.

The Corporation gives this Notice in respect of the property included in (identify condominium plan) registered in the Land Registry Office for the Land Titles (or Registry) Division of

We certify that the Corporation has complied with the requirements of section 123 of the *Condominium Act, 1998*.

[Strike out whichever is not applicable:

In the case of a freehold condominium corporation:

Upon registration of this Notice, subsection 127 (1) of the *Condominium Act, 1998* applies and the Act ceases to govern the property.

The owners of the property are all the former unit owners (or, in the case of a common elements condominium corporation, all the former owners of the common interests) as tenants in common, in the same proportions as their common interests described in the Declaration registered as Instrument No. (add as necessary: and as amended by Instrument No.(s)).

OR

In the case of a leasehold condominium corporation:

Upon registration of this Notice, subsection 175 (1) of the *Condominium Act, 1998* applies, the Act ceases to govern the property and the leasehold interests in the units are terminated.]

Dated this day of, ...

..... Condominium Corporation No.

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(Affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

[In the case of a leasehold condominium corporation, add the following:

I am (We are) the lessor of the property and consent to the registration of this Notice terminating the government of the property by the *Condominium Act, 1998*.

.....
(signature of lessor)

.....
(print name)

(In the case of a corporation, affix corporate seal or add a statement that the persons signing have the authority to bind the corporation)].

Form 15

Condominium Act, 1998

CERTIFICATE IN THE MATTER OF A SALE (under subsection 124 (3) of the *Condominium Act, 1998*)

IN THE MATTER OF A SALE of the property included in (identify condominium plan) registered in the Land Registry Office for the Land Titles (or Registry) Division of to (name of purchaser)

OR

IN THE MATTER OF A SALE of a part of the common elements included in (identify condominium plan) registered in the Land Registry Office for the Land Titles (or Registry) Division of and more particularly described as (provide description) to (name of purchaser)

..... Condominium Corporation No.
certifies that the persons who, under subsection 124 (2) of the *Condominium Act, 1998*, are required to vote in favour of the sale or consent in writing to the sale have done so.

Dated this day of, ...

..... Condominium Corporation No.

.....
(signature)

.....
(print name)

.....
(signature)

.....
(print name)

(Affix corporate seal or add a statement that the persons signing have the authority to bind the corporation.)

ROBERT W. RUNCIMAN
Minister of Consumer and Commercial Relations

Dated on February 6, 2001.

12/01

ONTARIO REGULATION 50/01

made under the

REGISTRY ACT

Made: February 6, 2001

Filed: March 6, 2001

Amending O. Reg. 43/96

(Surveys, Plans and Descriptions of Land)

Note: Ontario Regulation 43/96 has not previously been amended.

1. Section 2 of Ontario Regulation 43/96 is amended by striking out “under either of those Acts”.

2. Subsection 3 (1) of the Regulation is amended by striking out “or” at the end of clause (l), by adding “or” at the end of clause (m) and by adding the following clause:

- (n) architectural plans or structural plans mentioned in clause 8 (1) (b) or 157 (1) (b) of the *Condominium Act, 1998*.

3. Section 4 of the Regulation is revoked and the following substituted:

4. Except as otherwise provided, this Part applies to all plans that are to be registered or deposited and to all amendments to plans prepared under the *Condominium Act, 1998* or a predecessor of it.

4. Subsection 6 (6) of the Regulation is amended by adding “and” at the end of clause (d), by striking out “and” at the end of clause (e) and by revoking clause (f).

5. Clause 7 (2) (b) of the Regulation is amended by striking out “the *Condominium Act*” and substituting “the *Condominium Act, 1998* or a predecessor of it”.

6. Section 8 of the Regulation is revoked and the following substituted:

8. Subsection 7 (1) and clause 7 (2) (a) do not apply to a description within the meaning of the *Condominium Act, 1998* or a predecessor of it.

7. (1) Clause 9 (1) (d) of the Regulation is amended by striking out “the *Condominium Act*” and substituting “the *Condominium Act, 1998* or a predecessor of it”.

(2) Subsection 9 (2) of the Regulation is amended by inserting “or a plan prepared under the *Condominium Act, 1998*” after “Compiled Plan”.

8. Clause 10 (2) (d) of the Regulation is amended by striking out “the *Condominium Act*” at the end and substituting “the *Condominium Act, 1998* or a predecessor of it”.

9. The Regulation is amended by adding the following section before the heading “PART III”:

13.1 Sections 12 and 13 do not apply to plans prepared by a surveyor for descriptions under the *Condominium Act, 1998* or a predecessor of it.

10. Section 14 of the Regulation is amended by striking out “the *Condominium Act*” at the end and substituting “the *Condominium Act, 1998* or a predecessor of it”.

11. (1) Subsection 19 (5) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

(5) A reference plan that is prepared to illustrate utility easements on an existing plan of subdivision or an existing plan prepared under the *Condominium Act, 1998* or a predecessor of it, other than a plan

for a common elements condominium corporation, may be wholly or partially compiled without the approval of the examiner of surveys if,

.

(2) Clause 19 (5) (b) of the Regulation is revoked and the following substituted:

- (b) the plan is deposited before any conveyance or encumbrance is registered against the subdivision plan lots or condominium units affected by the reference plan;

(3) Subclause 19 (5) (c) (ii) of the Regulation is revoked and the following substituted:

- (ii) has one limit coincident with a limit of a subdivision lot or condominium unit for its whole length;

12. Subclause 21 (5) (d) (ii) of the Regulation is revoked and the following substituted:

- (ii) the Ontario Property Assessment Corporation;

13. Section 22 of the Regulation is revoked and the following substituted:

22. This Part applies to plans of subdivision but not to plans prepared under the *Condominium Act, 1998* or a predecessor of it.

14. Clause 27 (4) (c) of the Regulation is amended by striking out “the regional office of the Assessment Division of the Ministry of Revenue for the municipality where the land is situate” and substituting “the Ontario Property Assessment Corporation”.

15. Clauses 36 (3) (c) and 43 (2) (c) of the Regulation are amended by striking out “the regional office of the Assessment Division of the Ministry of Revenue for the municipality where the land is situate” and substituting in each case “the Ontario Property Assessment Corporation”.

16. Clause 49 (11) (b) of the Regulation is amended by striking out “the regional office of the Assessment Division of the Ministry of Finance for the municipality where the land is situate” and substituting “the Ontario Property Assessment Corporation”.

17. Section 52 of the Regulation is revoked and the following substituted:

52. This Part applies to descriptions of land in an instrument, other than a plan, tendered for registration except with respect to matters for which regulations made under the *Condominium Act, 1998* or a predecessor of it provide otherwise.

18. Paragraph 9 of Schedule 1 to the Regulation is revoked and the following substituted:

9. A unit within the meaning of the *Condominium Act, 1998* or a predecessor of it and the unit's appurtenant interest in the common elements shall be one property.

19. This Regulation comes into force on the day Part II of the *Condominium Act, 1998* comes into force.

ROBERT W. RUNCIMAN
Minister of Consumer and Commercial Relations

Dated on February 6, 2001.

12/01

ONTARIO REGULATION 51/01
made under the
LAND REGISTRATION REFORM ACT

Made: March 5, 2001
Filed: March 5, 2001

Amending O. Reg. 16/99
(Automated System)

Note: Ontario Regulation 16/99 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 20, 2001.

1. The definition of “document” in section 2 of Ontario Regulation 16/99 is revoked and the following substituted:

“document” does not include,

- (a) a plan registered, submitted, made or deposited under the *Land Titles Act*,
- (b) a declaration or description within the meaning of the *Condominium Act, 1998* or an amendment to such a declaration or description, or
- (c) a notice of termination described in section 122 or 123 of the *Condominium Act, 1998*, a deed for a sale described in section 124 of that Act, a plan of expropriation for an expropriation described in section 126 of the Act or an order for termination described in section 128 of that Act.

2. This Regulation comes into force on the day Part II of the *Condominium Act, 1998* comes into force.

NORMAN W. STERLING
Minister of Consumer and Business Services

Dated on March 5, 2001.

12/01

ONTARIO REGULATION 52/01
made under the
LAND REGISTRATION REFORM ACT

Made: February 19, 2001
Filed: March 5, 2001

Amending O. Reg. 19/99
(Electronic Registration)

Note: Ontario Regulation 19/99 has not previously been amended.

1. The definition of “document” in section 1 of Ontario Regulation 19/99 is revoked and the following substituted:

“document” does not include,

- (a) a plan registered, submitted, made or deposited under the *Land Titles Act*,
- (b) a declaration or description within the meaning of the *Condominium Act, 1998* or an amendment to such a declaration or description, or
- (c) a notice of termination described in section 122 or 123 of the *Condominium Act, 1998*, a deed for a sale described in section

124 of that Act, a plan of expropriation for an expropriation described in section 126 of the Act or an order for termination described in section 128 of that Act.

2. Paragraph 3 of clause 20 (b) of the Regulation is amended by striking out “*Condominium Act*” and substituting “*Condominium Act, 1998*”.

3. This Regulation comes into force on the day Part II of the *Condominium Act, 1998* comes into force.

KATE MURRAY
Director of Titles

Dated on February 19, 2001.

12/01

ONTARIO REGULATION 53/01
made under the
COURTS OF JUSTICE ACT

Made: March 5, 2001
Filed: March 7, 2001

BILINGUAL PROCEEDINGS

BILINGUAL JURIES

Bilingual juries

1. The following area is added to Schedule 1 to section 126 of the *Courts of Justice Act*:

- 1. County of Middlesex.

BILINGUAL DOCUMENTS

Bilingual documents

2. The following area is added to Schedule 2 to section 126 of the *Courts of Justice Act*:

- 1. County of Middlesex.

EXERCISING THE RIGHT TO A BILINGUAL PROCEEDING

Filing first document in French

3. (1) Subject to subsection (2), if the first document that is filed by or issued at the request of a party to a proceeding is written in French, the party shall be deemed,

- (a) to have exercised the right under subsection 126 (1) of the *Courts of Justice Act* to require that the proceeding be conducted as a bilingual proceeding; and
- (b) to have specified that all future hearings in the proceeding shall be presided over by a judge or officer who speaks English and French.

(2) Clause (1) (b) does not apply to a hearing if the document is filed or issued less than seven days before the hearing.

(3) On motion, the court may order that clause (1) (b) applies to a hearing despite subsection (2).

(4) Subsection (1) does not authorize a person to file a document written in French unless the person is authorized to do so under sub-

section 126 (4) or paragraph 6 or 7 of subsection 126 (2) of the *Courts of Justice Act*.

Provincial offences proceedings

4. If a defendant who is served with an offence notice, parking infraction notice or notice of impending conviction in a proceeding under the *Provincial Offences Act* gives notice under that Act of an intention to appear in court and, together with the notice of intention to appear, makes a written request that the trial be held in French, the defendant shall be deemed,

- (a) to have exercised the right under subsection 126 (1) of the *Courts of Justice Act* to require that the proceeding be conducted as a bilingual proceeding; and
- (b) to have specified that all future hearings in the proceeding shall be presided over by a judge or officer who speaks English and French.

Requisition or statement

5. (1) In addition to the methods described in sections 3 and 4, a party to a proceeding may, subject to subsections (3) to (7), exercise the right under subsection 126 (1) of the *Courts of Justice Act* to require that the proceeding be conducted as a bilingual proceeding,

- (a) by filing with the clerk or registrar of the court where the proceeding was commenced,
 - (i) a requisition in Form 1, or
 - (ii) a written statement that is separate from any other document in the proceeding and that expresses a desire that the proceeding be conducted as a bilingual proceeding; or
- (b) by making an oral statement to the court during an appearance in the proceeding that expresses a desire that the proceeding be conducted as a bilingual proceeding.

(2) A requisition or statement under subsection (1),

- (a) shall specify one or more future hearings in the proceeding that shall be presided over by a judge or officer who speaks English and French; and
- (b) may specify that all future hearings in the proceeding shall be presided over by a judge or officer who speaks English and French.

(3) A requisition or statement under subsection (1) shall be filed or made at least seven days before the first hearing specified in the requisition or statement.

(4) Despite subsection (3), a requisition or statement under subsection (1) that specifies that the trial of an action be presided over by a judge who speaks English and French shall be filed or made,

- (a) in an action in the Superior Court of Justice, before the action is placed on a trial list; and
- (b) in an action in the Small Claims Court, before the notice of trial is sent.

(5) Despite subsection (3), a requisition or statement under clause (1) (a) that is filed by the applicant in an application and that specifies that the hearing of the application be presided over by a judge who speaks English and French shall be filed at the time the application is commenced.

(6) Despite subsection (3), a requisition or statement under subsection (1) that specifies that a trial under the *Provincial Offences Act* be presided over by a judge or officer who speaks English and French shall be filed or made,

- (a) at the time a trial date is set, if a summons is served on the defendant under Part I or III of the *Provincial Offences Act*; or

(b) at the time the defendant gives notice of an intention to appear in court, in any other case.

(7) On motion, the court may permit a requisition or statement to be filed or made after the time prescribed by subsection (3), (4), (5) or (6).

(8) A party who files a requisition or statement under clause (1) (a) in a proceeding other than a proceeding under the *Provincial Offences Act* shall forthwith serve a copy of it on every other party in accordance with the rules of court.

Withdrawing requirement

6. (1) A party who has specified that a hearing be presided over by a judge or officer who speaks English and French may, with the written consent of all other parties filed with the court or with leave of the court, withdraw the requirement that the hearing be presided over by a judge or officer who speaks English and French.

(2) A party who, under subsection (1), wishes to withdraw the requirement that a hearing be presided over by a judge or officer who speaks English and French shall file the consents or make the motion for leave at the earliest possible opportunity.

APPEALS

Filing first document in French

7. (1) Subject to subsection (2), when an appeal is taken in a proceeding that is being conducted as a bilingual proceeding, if the first document that is filed by a party to the appeal is written in French, the party shall be deemed to have exercised the right under subsection 126 (3) of the *Courts of Justice Act* to have the appeal heard by a judge or judges who speak English and French.

(2) Subsection (1) does not apply to an appeal if the document is filed less than seven days before the hearing of the appeal.

(3) On motion, the court may order that subsection (1) applies to an appeal despite subsection (2).

(4) Subsection (1) does not authorize a person to file a document written in French unless the person is authorized to do so under subsection 126 (4) or paragraph 6 or 7 of subsection 126 (2) of the *Courts of Justice Act*.

Requisition

8. (1) In addition to the method described in section 7, a party may exercise the right under subsection 126 (3) of the *Courts of Justice Act* to have an appeal heard by a judge or judges who speak English and French by filing a requisition in Form 2 with the registrar or clerk of the court to which the appeal is taken,

- (a) if the party is the appellant, at the time the notice of appeal is filed; and
- (b) if the party is the respondent, within 10 days after the notice of appeal is served.

(2) On motion, the court to which the appeal is taken may permit a requisition under subsection (1) to be filed after the time prescribed by subsection (1).

(3) A party who files a requisition under subsection (1) shall forthwith serve a copy of it on every other party to the appeal in accordance with the rules of court.

Withdrawing requirement

9. (1) A party who has exercised the right under subsection 126 (3) of the *Courts of Justice Act* to have an appeal heard by a judge or judges who speak English and French may, with the written consent of all other parties filed with the court or with leave of the court,

withdraw the requirement that the appeal be heard by a judge or judges who speak English and French.

(2) A party who, under subsection (1), wishes to withdraw the requirement that an appeal be heard by a judge or judges who speak English and French shall file the consents or make the motion for leave at the earliest possible opportunity.

EXAMINATIONS OUT OF COURT

Examinations out of court

10. In a proceeding in which a party has exercised the right under subsection 126 (1) of the *Courts of Justice Act* to require that the proceeding be conducted as a bilingual proceeding, a party who seeks an appointment for an oral examination out of court shall, at the time of making the appointment, give the person with whom the appointment is made written notice that the examination is governed by paragraph 5 of subsection 126 (2) of the *Courts of Justice Act*, and,

- (a) the person before whom the examination is held shall be a person who speaks English and French; and
- (b) the person before whom the examination is held shall ensure that an interpreter who speaks English and French is available for the examination.

INTERPRETATION

Transcript of oral evidence

11. Unless the court orders otherwise, interpretation shall not be included in any transcript of oral evidence given at,

- (a) a hearing to which paragraph 3 of subsection 126 (2) of the *Courts of Justice Act* applies; or
- (b) an examination out of court to which paragraph 5 of subsection 126 (2) of the *Courts of Justice Act* applies.

Provincial offences proceedings

12. If an agent of the Attorney General or a municipality conducts a prosecution under the *Provincial Offences Act* in which the defendant has exercised the right under subsection 126 (1) of the *Courts of*

Justice Act to require that the prosecution be conducted as a bilingual proceeding,

- (a) oral interpretation provided by the court under paragraph 9 of subsection 126 (2) of the *Courts of Justice Act* shall be interpretation provided for the defendant only, unless the defendant's counsel does not understand English or French; and
- (b) each witness may choose whether he or she wishes to be questioned by the prosecutor in English or French.

Witness who speaks neither English nor French

13. (1) At a hearing to which paragraph 3 of subsection 126 (2) of the *Courts of Justice Act* applies, a witness who speaks neither English nor French shall be questioned only in the one of those two languages that the judge determines is understood by all counsel, and the witness' testimony shall be interpreted only into that language.

(2) If a party does not understand the language in which a witness is being questioned under subsection (1), the court shall provide interpretation of the witness' questions and answers into English or French for that party only.

Submissions or evidence in French where trier of fact is not bilingual

14. At a hearing to which subsection 126 (7) of the *Courts of Justice Act* applies, a party acting in person who intends to make submissions in French or a party who intends to call a witness who will give oral evidence in French shall advise the court in writing at least 10 days before the hearing, or subsequently with leave of the court.

REVOCATIONS AND COMMENCEMENT

Revocations

15. (1) **Regulation 185 of the Revised Regulations of Ontario, 1990 and Ontario Regulation 681/92 are revoked.**

(2) **Ontario Regulations 922/93 and 441/97 are revoked.**

Commencement

16. **This Regulation comes into force on June 1, 2001.**

Form 1

Courts of Justice Act

BILINGUAL PROCEEDING REQUISITION

(Court file no.)

(Court)

(Title of Proceeding)

REQUISITION

To the Court:

(Name of party), a party who speaks French, requires that this proceeding be conducted as a bilingual proceeding under subsection 126 (1) of the *Courts of Justice Act* and that,

(Choose one of the following options:)

- ☐ all future hearings in the proceeding be presided over by a judge or officer who speaks English and French.

OR

[] the following hearings be presided over by a judge or officer who speaks English and French: (Specify one or more future hearings that must be presided over by a judge or officer who speaks English and French.)

(Date)

(Name, address and telephone
number of solicitor or party
filing requisition)

Note: The party who files this requisition must forthwith serve a copy of it on every other party in accordance with the rules of court (except in a proceeding under the *Provincial Offences Act*).

Form 2

Courts of Justice Act

BILINGUAL PROCEEDING REQUISITION — APPEALS

(Court file no.)

(Court)

(Title of Proceeding)

REQUISITION

To the Court:

(Name of party), a party who speaks French, requires under subsection 126 (3) of the *Courts of Justice Act* that the appeal in this proceeding be heard by a judge or judges who speak English and French.

(Date)

(Name, address and telephone
number of solicitor or party
filing requisition)

Note: The party who files this requisition must forthwith serve a copy of it on every other party to the appeal in accordance with the rules of court.

RÈGLEMENT DE L'ONTARIO 53/01 pris en application de la LOI SUR LES TRIBUNAUX JUDICIAIRES

pris le 5 mars 2001
déposé le 7 mars 2001

INSTANCES BILINGUES

JURYS BILINGUES

Jurys bilingues

1. Le secteur suivant est ajouté à l'annexe 1 à l'article 126 de la *Loi sur les tribunaux judiciaires* :

1. Le comté de Middlesex.

DOCUMENTS BILINGUES

Documents bilingues

2. Le secteur suivant est ajouté à l'annexe 2 à l'article 126 de la *Loi sur les tribunaux judiciaires* :

1. Le comté de Middlesex.

EXERCICE DU DROIT À UNE INSTANCE BILINGUE

Dépôt du premier document rédigé en français

3. (1) Sous réserve du paragraphe (2), si le premier document déposé par une partie à l'instance ou délivré à sa demande est rédigé en français, la partie est réputée :

a) d'une part, avoir exercé le droit d'exiger, en vertu du paragraphe 126 (1) de la *Loi sur les tribunaux judiciaires*, que l'instance soit instruite en tant qu'instance bilingue;

b) d'autre part, avoir précisé que toutes les audiences à venir dans le cadre de l'instance soient présidées par un juge ou un autre officier de justice qui parle français et anglais.

(2) L'alinéa (1) b) ne s'applique pas à une audience si le document est déposé ou délivré moins de sept jours avant l'audience.

(3) Sur motion, le tribunal peut ordonner que l'alinéa (1) b) s'applique à une audience malgré le paragraphe (2).

(4) Le paragraphe (1) n'a pas pour effet d'autoriser une personne à déposer un document rédigé en français sauf si elle y est autorisée en vertu du paragraphe 126 (4) ou de la disposition 6 ou 7 du paragraphe 126 (2) de la *Loi sur les tribunaux judiciaires*.

Instances relatives aux infractions provinciales

4. Le défendeur qui reçoit signification d'un avis d'infraction, d'un avis d'infraction de stationnement ou d'un avis de déclaration de culpabilité imminente dans une instance introduite en vertu de la *Loi sur les infractions provinciales* et qui donne, en vertu de cette loi, avis de son intention de comparaître devant le tribunal et, avec cet avis, demande par écrit que le procès soit tenu en français est réputé :

a) d'une part, avoir exercé le droit d'exiger, en vertu du paragraphe 126 (1) de la *Loi sur les tribunaux judiciaires*, que l'instance soit instruite en tant qu'instance bilingue;

b) d'autre part, avoir précisé que toutes les audiences à venir dans le cadre de l'instance soient présidées par un juge ou un autre officier de justice qui parle français et anglais.

Réquisition ou déclaration

5. (1) En plus des moyens prévus aux articles 3 et 4, une partie à une instance peut, sous réserve des paragraphes (3) à (7), exercer le droit d'exiger, en vertu du paragraphe 126 (1) de la *Loi sur les tribunaux judiciaires*, que l'instance soit instruite en tant qu'instance bilingue :

a) soit en déposant auprès du greffier du tribunal auprès duquel l'instance a été introduite, selon le cas :

(i) une réquisition rédigée selon la formule 1,

(ii) une déclaration écrite qui est distincte de tout autre document produit dans l'instance et dans laquelle est exprimé le souhait que l'instance soit instruite en tant qu'instance bilingue;

b) soit en faisant, devant le tribunal lors d'une comparution au cours de l'instance, une déclaration orale dans laquelle est exprimé le souhait que l'instance soit instruite en tant qu'instance bilingue.

(2) La réquisition ou la déclaration visée au paragraphe (1) :

a) d'une part, doit préciser la ou les audiences à venir dans le cadre de l'instance qui doivent être présidées par un juge ou un autre officier de justice qui parle français et anglais;

b) d'autre part, peut préciser que toutes les audiences à venir dans le cadre de l'instance doivent être présidées par un juge ou un autre officier de justice qui parle français et anglais.

(3) La réquisition ou la déclaration visée au paragraphe (1) est déposée ou faite au moins sept jours avant la première audience qui y est précisée.

(4) Malgré le paragraphe (3), la réquisition ou la déclaration visée au paragraphe (1) qui précise que l'instruction d'une action doit être présidée par un juge qui parle français et anglais est déposée ou faite :

a) avant l'inscription de l'action au rôle, dans le cas d'une action devant la Cour supérieure de justice;

b) avant l'envoi de l'avis de procès, dans le cas d'une action devant la Cour des petites créances.

(5) Malgré le paragraphe (3), la réquisition ou la déclaration visée à l'alinéa (1) a) qui est déposée par le requérant dans le cadre d'une requête et qui précise que l'audition de la requête doit être présidée par un juge qui parle français et anglais l'est au moment où la requête est introduite.

(6) Malgré le paragraphe (3), la réquisition ou la déclaration visée au paragraphe (1) qui précise qu'un procès intenté en vertu de la *Loi sur les infractions provinciales* doit être présidé par un juge ou un autre officier de justice qui parle français et anglais est déposée ou faite :

a) au moment où la date du procès est fixée, si une assignation est signifiée au défendeur aux termes de la partie I ou III de la *Loi sur les infractions provinciales*;

b) au moment où le défendeur donne avis de son intention de comparaître devant le tribunal, dans les autres cas.

(7) Sur motion, le tribunal peut autoriser qu'une réquisition ou une déclaration soit déposée ou faite après le moment ou le délai que prescrit le paragraphe (3), (4), (5) ou (6).

(8) La partie qui dépose une réquisition ou une déclaration en vertu de l'alinéa (1) a) dans une instance autre qu'une instance introduite en vertu de la *Loi sur les infractions provinciales* en signifie une copie sans délai à chacune des autres parties, conformément aux règles de pratique.

Renoncement

6. (1) La partie qui a précisé qu'une audience doit être présidée par un juge ou un autre officier de justice qui parle français et anglais peut renoncer à ce que l'audience soit ainsi présidée, si le consentement écrit de toutes les autres parties est déposé auprès du tribunal ou que ce dernier donne son autorisation.

(2) La partie qui, dans le cadre du paragraphe (1), souhaite renoncer à ce que l'audience soit présidée par un juge ou un autre officier de justice qui parle français et anglais dépose les consentements ou présente la motion en autorisation dès que possible.

APPELS**Dépôt du premier document rédigé en français**

7. (1) Sous réserve du paragraphe (2), lorsqu'un appel est interjeté dans une instance qui est instruite en tant qu'instance bilingue, si le premier document déposé par une partie à l'appel est rédigé en français, la partie est réputée avoir exercé, en vertu du paragraphe 126 (3) de la *Loi sur les tribunaux judiciaires*, le droit de faire entendre l'appel par un ou des juges qui parlent français et anglais.

(2) Le paragraphe (1) ne s'applique pas à l'appel si le document est déposé moins de sept jours avant l'audition de l'appel.

(3) Sur motion, le tribunal peut ordonner que le paragraphe (1) s'applique à l'appel malgré le paragraphe (2).

(4) Le paragraphe (1) n'a pas pour effet d'autoriser une personne à déposer un document rédigé en français sauf si elle y est autorisée en vertu du paragraphe 126 (4) ou de la disposition 6 ou 7 du paragraphe 126 (2) de la *Loi sur les tribunaux judiciaires*.

Réquisition

8. (1) En plus du moyen prévu à l'article 7, une partie peut exercer le droit d'exiger, en vertu du paragraphe 126 (3) de la *Loi sur les tribunaux judiciaires*, qu'un appel soit entendu par un ou des juges qui parlent français et anglais en déposant une réquisition rédigée selon la formule 2 auprès du greffier du tribunal qui est saisi de l'appel :

a) au moment où l'avis d'appel est déposé, si la partie est l'appelant;

b) dans les 10 jours suivant la signification de l'avis d'appel, si la partie est l'intimé.

(2) Sur motion, le tribunal qui est saisi de l'appel peut autoriser le dépôt de la réquisition visée au paragraphe (1) après le moment ou le délai que prescrit le paragraphe (1).

(3) La partie qui dépose une réquisition en vertu du paragraphe (1) en signifie une copie sans délai à chacune des autres parties à l'appel, conformément aux règles de pratique.

Renoncement

9. (1) La partie qui a exercé le droit d'exiger, en vertu du paragraphe 126 (3) de la *Loi sur les tribunaux judiciaires*, qu'un appel soit entendu par un ou des juges qui parlent français et anglais peut renoncer à ce que l'appel soit ainsi entendu, si le consentement écrit de toutes les autres parties est déposé auprès du tribunal ou que ce dernier donne son autorisation.

(2) La partie qui, dans le cadre du paragraphe (1), souhaite renoncer à ce que l'appel soit entendu par un ou des juges qui parlent français et anglais dépose les consentements ou présente la motion en autorisation dès que possible.

INTERROGATOIRES HORS LA PRÉSENCE DU TRIBUNAL

Interrogatoires hors la présence du tribunal

10. Dans une instance dans le cadre de laquelle une partie a exercé le droit, en vertu du paragraphe 126 (1) de la *Loi sur les tribunaux judiciaires*, d'exiger que l'instance soit instruite en tant qu'instance bilingue, la partie qui souhaite être convoquée à un interrogatoire oral hors la présence du tribunal donne à la personne qui la convoquera, au moment où elle convient des date, heure et lieu de la convocation, un avis écrit portant que l'interrogatoire est régi par la disposition 5 du paragraphe 126 (2) de la *Loi sur les tribunaux judiciaires*, et :

- a) d'une part, la personne devant qui l'interrogatoire doit se tenir parle français et anglais;
- b) d'autre part, la personne devant qui l'interrogatoire doit se tenir veille à ce qu'un interprète qui parle français et anglais soit présent lors de l'interrogatoire.

INTERPRÉTATION

Transcription d'un témoignage oral

11. Sauf ordonnance contraire du tribunal, l'interprétation ne doit pas être comprise dans toute transcription d'un témoignage oral donné, selon le cas :

- a) lors d'une audience à laquelle s'applique la disposition 3 du paragraphe 126 (2) de la *Loi sur les tribunaux judiciaires*;
- b) lors d'un interrogatoire hors la présence du tribunal auquel s'applique la disposition 5 du paragraphe 126 (2) de la *Loi sur les tribunaux judiciaires*.

Instances relatives aux infractions provinciales

12. Si un mandataire du procureur général ou d'une municipalité intente, en vertu de la *Loi sur les infractions provinciales*, une poursuite dans laquelle le défendeur a exercé le droit, en vertu du paragraphe 126 (1) de la *Loi sur les tribunaux judiciaires*, d'exiger que la poursuite soit instruite en tant qu'instance bilingue :

- a) d'une part, l'interprétation fournie par le tribunal aux termes de la disposition 9 du paragraphe 126 (2) de la *Loi sur les tribunaux judiciaires* est l'interprétation fournie au défendeur seu-

lement, à moins que l'avocat du défendeur ne comprenne pas le français ou l'anglais;

- b) d'autre part, chaque témoin peut choisir s'il souhaite que le poursuivant l'interroge en français ou en anglais.

Témoin qui ne parle ni français ni anglais

13. (1) Lors d'une audience à laquelle s'applique la disposition 3 du paragraphe 126 (2) de la *Loi sur les tribunaux judiciaires*, le témoin qui ne parle ni français ni anglais n'est interrogé que dans celle de ces deux langues que le juge établit comme étant comprise de tous les avocats, et le témoignage fourni par le témoin n'est interprété que dans cette langue.

(2) Si une partie ne comprend pas la langue dans laquelle le témoin est interrogé aux termes du paragraphe (1), le tribunal fournit à cette partie seulement une interprétation en français ou en anglais des questions posées au témoin et de ses réponses.

Observations ou témoignages présentés en français devant un juge des faits qui n'est pas bilingue

14. Lors d'une audience à laquelle s'applique le paragraphe 126 (7) de la *Loi sur les tribunaux judiciaires*, une partie agissant en son propre nom qui a l'intention de présenter des observations en français ou une partie qui a l'intention d'appeler un témoin qui donnera un témoignage oral en français en avise le tribunal par écrit au moins 10 jours avant l'audience, ou par la suite sur autorisation du tribunal.

ABROGATIONS ET ENTRÉE EN VIGUEUR

Abrogations

15. (1) Le Règlement 185 des Règlements refondus de l'Ontario de 1990 et le Règlement de l'Ontario 681/92 sont abrogés.

(2) Les Règlements de l'Ontario 922/93 et 441/97 sont abrogés.

Entrée en vigueur

16. Le présent règlement entre en vigueur le 1^{er} juin 2001.

Formule 1

Loi sur les tribunaux judiciaires

RÉQUISITION D'INSTANCE BILINGUE

(N° de dossier du tribunal)

(Tribunal)

(Intitulé de l'instance)

RÉQUISITION

Au tribunal :

(Nom de la partie), une partie qui parle français, exige que la présente instance soit instruite en tant qu'instance bilingue en vertu du paragraphe 126 (1) de la *Loi sur les tribunaux judiciaires* et que :

(Choisissez une des options ci-dessous :)

- [] toutes les audiences à venir dans le cadre de l'instance soient présidées par un juge ou un autre officier de justice qui parle français et anglais.

[] les audiences suivantes soient présidées par un juge ou un autre officier de justice qui parle français et anglais : (Précisez la ou les audiences à venir qui doivent être ainsi présidées.)

(Date)

(Nom, adresse et numéro de
téléphone du procureur ou de la partie
qui dépose la réquisition)

Remarque : La partie qui dépose la présente réquisition doit en signifier une copie sans délai à chacune des autres parties, conformément aux règles de pratique (sauf dans le cas d'une instance introduite en vertu de la *Loi sur les infractions provinciales*).

Formule 2

Loi sur les tribunaux judiciaires

RÉQUISITION D'INSTANCE BILINGUE — APPELS

(N° de dossier du tribunal)

(Tribunal)

(Intitulé de l'instance)

RÉQUISITION

Au tribunal :

(*Nom de la partie*), une partie qui parle français, exige en vertu du paragraphe 126 (3) de la *Loi sur les tribunaux judiciaires* que l'appel interjeté dans la présente instance soit entendu par un ou des juges qui parlent français et anglais.

(Date)

(Nom, adresse et numéro de
téléphone du procureur ou de la partie
qui dépose la réquisition)

Remarque : La partie qui dépose la présente réquisition doit en signifier une copie sans délai à chacune des autres parties à l'appel, conformément aux règles de pratique.

12/01

ONTARIO REGULATION 54/01

made under the

ASSESSMENT ACT

Made: March 8, 2001

Filed: March 8, 2001

Amending O. Reg. 282/98
(General)

Note: Ontario Regulation 282/98 has previously been amended. Those amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 20, 2001.

1. (1) Paragraph 2 of subsection 3 (1) of Ontario Regulation 282/98 is amended by adding the following subparagraph:

- x. buildings used exclusively for the purposes of storing private aircraft and land on which those buildings are located.

(2) Section 3 of the Regulation is amended by adding the following subsections:

- (4) In subparagraph 2 x of subsection (1),

“private aircraft” means an aircraft that is owned by one or more individuals and used exclusively for the recreational purposes of the owner or owners and not for any commercial purposes.

(5) If the assessment corporation requests the owner of land to verify that all aircraft stored in buildings are private aircraft, the owner shall do so before the land and buildings are classified in the residential/farm property class under subparagraph 2 x of subsection (1).

(6) Subparagraph 2 x of subsection (1) and subsections (4) and (5) apply with respect to the 1998 and subsequent taxation years.

2. Table 5 of the Regulation is revoked and the following substituted:

TABLE 5
OFFSHORE PIPE LINES

Outside Diameter (in inches)	Rate (in dollars per foot)
1	2.40
1¼ to 1½	4.05
2 to 2½	6.60
3	9.60
4 to 4½	10.75
5 to 5 5/8	11.80
6 to less than 8	14.05
8	20.00

3. Table 9 of the Regulation is amended by striking out “79” in the second column opposite to “1975” and substituting “49”.

JAMES M. FLAHERTY
Minister of Finance

Dated on March 8, 2001.

12/01

ONTARIO REGULATION 55/01
made under the
**ARTHUR WISHART ACT (FRANCHISE
DISCLOSURE), 2000**

Made: March 9, 2001
Filed: March 9, 2001

Amending O. Reg. 9/01
(Exemption of Franchisors under Subsection 13 (1) of the Act)

Note: Ontario Regulation 9/01 has previously been amended by Ontario Regulations 22/01 and 23/01.

1. Section 1 of Ontario Regulation 9/01 is amended by striking out the following item:

Royal LePage Real Estate Services Ltd.

NORMAN W. STERLING
Minister of Consumer and Business Services

Dated on March 9, 2001.

12/01

ONTARIO REGULATION 56/01

made under the

**ARTHUR WISHART ACT (FRANCHISE
DISCLOSURE), 2000**

Made: March 8, 2001
Filed: March 9, 2001

Amending O. Reg. 9/01
(Exemption of Franchisors under Subsection 13 (1) of the Act)

Note: Ontario Regulation 9/01 has previously been amended by Ontario Regulations 22/01, 23/01 and 55/01.

1. Section 1 of Ontario Regulation 9/01 is amended by adding the following items:

International Truck and Engine Corporation Canada

Midas Canada Inc.

Mikes Restaurants Inc.

ServiceMaster of Canada Limited

Snap-On Tools of Canada Ltd.

Travelodge Canada Corp.

Yamaha Motor Canada Ltd.

NORMAN W. STERLING
Minister of Consumer and Business Services

Dated on March 8, 2001.

12/01

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