

On April 24, 2020 the Ontario government revised its prior emergency order relaxing various meeting-related requirements for various corporations, now expanding the scope of the order to include condominium corporations. **On May 13**, it fast-tracked an amendment to the *Condominium Act, 1998*, and other statutes to insert the provisions of the emergency order into the Act. Here's a few points you should know about that.

1. **OVERVIEW:** The new legislation (known as [Bill 190](#) or the *COVID-19 Response and Reforms to Modernize Ontario Act, 2020*) inserts new schedules directly into a variety of other legislation and also creates one additional piece of legislation called the *Alternative Filing Methods for Business Act, 2020*.
2. **ALTERNATIVE FILING:** The *Alternative Filing Methods for Business Act, 2020* identifies a number of corporation types that it affects, including the *Business Corporations Act, Business Names Act, Corporations Act, Limited Partnerships Act, Co-operative Corporations Act*, and others. These are referred to by the catch-all name, "business statutes." The *Condominium Act, 1998* is not listed among them. This new legislation permits those businesses to make filings that are ordinarily required to be mailed in or delivered, by such alternative methods as the relevant Ministry or other governing body allows. It is unlikely condominium corporations will be included by a further regulation, since their filings – to the CAO – are already permitted to be made online.
3. **CONDOMINIUM ACT, 1998, CHANGES:** Changes to the *Condominium Act, 1998*, are set out in Schedule 5 of the *COVID-19 Response and Reforms to Modernize Ontario Act, 2020*, which adds "Part IV.1" and a new Schedule to the Act.
 - **PART IV.1** of the Act is titled "Special Rules During Emergency" and specifically provides that the provisions of this Part and the Schedule that are added to the Act only apply during the emergency declared in relation to COVID-19, and for however long that is extended. It also states that where the provisions of the Schedule refer to the "temporary suspension period" it means the period that ends on the 120th day after the declared emergency ends. It also provides that further regulations can be passed that extend or otherwise amend this period.
 - **THE SCHEDULE**, for its part, provides all of the same changes to directors' meeting notices, notices of other meetings, methods for holding owners' meetings, quorum and voting at owners' meetings, and extending times for holding annual general meetings, as were provided already under the revised emergency order, Ont. Reg. 107/20. See our one-page outline of those changes [here](#), and our more detailed explanation of them [here](#).
 - The Schedule is deemed to have come into force on March 17, 2020.
 - Both Part IV.1 and the Schedule shall be repealed together by proclamation of the Lieutenant Governor (or, in other words, whenever the government says so).

THE ONLY SIGNIFICANT CHANGE that this new legislation really makes is that it clarifies that the changes set out in the Schedule (which, again, are identical to the changes that were set out in the previous emergency order) will continue to be in force for 120 days after the day on which the declaration of emergency ends. (Unless, of course, the government changes that time period by regulation.)

Note: This does *not* mean that you have an additional 120 days to hold your delayed AGM's after the 90-120 days that the emergency order already provided. Those times periods are still to be counted from the date on which the declared emergency is terminated.

What the legislation *does* mean for condominium corporations is that, potentially, there will be four extra months after the emergency ends – when in-person social gatherings of more than five people are permitted again, businesses are operating, and life is creeping back to "normal" – to sort out just what the "new normal" for your condominium will look like. Will you have enacted by-laws to permit electronic voting and virtual meetings on a more permanent basis? Will you amend your by-laws relating to notices of meetings and service of documents? Or will you just return to whatever was your previous status quo?