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Real Property & Condominium Law

The lawyers and staff at Clifton Kok LLP provide experienced, practical and detailed legal assistance in relation to all real property transactions, including acquisitions (purchases), dispositions (sales) and financing, as well as in all matters relating to land use and development. We also possess extensive experience in regard to condominiums of all types (Standard, Phased, Common Elements, Vacant Land and Leasehold), working with developers from project conception and approval through to registration, unit sales and turnover, and providing guidance and support to condominium corporation directors, managers and unit owners in respect of all legal issues arising under the Condominium Act, 1998, including amalgamations, the drafting, interpretation and enforcement of governing documents, and the processing and enforcement of condominium liens.

Corporate / Commercial Law

Clifton Kok LLP provides comprehensive corporate and commercial legal services for businesses of all types and sizes, meeting their diverse needs including business creation, restructuring, mergers and acquisitions, corporate governance and shareholders' rights, agreements, complex transactions and other matters. We also assist not-for-profit corporations with incorporation and governance matters and have experience incorporating charitable corporations.

Estates Law

Clifton Kok LLP provides practical and effective legal services in relation to a broad range of Estates Law areas. This includes the preparation of wills, codicils and powers of attorney, as well as assisting with related and various estate planning and administration issues.

Advocacy, Litigation Support & Dispute Resolution

The legal team at Clifton Kok LLP provide a comprehensive assistance in a restricted range of legal proceedings and litigation. Depending on the case, a licensed paralegal or lawyer will assist in all matters before the Small Claims Court of Ontario, with Provincial Offense Act matters before the Ontario Court of Justice, and in a variety of administrative tribunal hearings, including the Landlord and Tenant Board and the Condominium Authority Tribunal (CAT). Major claims and other matters may be referred to counsel with more general or specialized litigation practices. Contact our lead licensed paralegal, Holly Bangay, for further information. Firm co-founder, Michael Clifton, can also serve as a mediator or arbitrator in disputes relating to condominium law that are currently outside of the jurisdiction of the CAT.

CK Legal's Condo Guru commentaries are provided for general information only relating to Ontario condominium law. They are not intended as legal advice. Anyone wanting or requiring legal advice or assistance relating to any aspect of condominium law should contact competent and qualified legal counsel, including the lawyers at CK LLP. Find us at www.cklegal.ca.

A Shockingly Complicated Set of Changes (I)

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Well, okay, it's not *shockingly* complicated, but it is a tad complex. Effective May 1, 2018, new amendments to Ont. Reg. 48/01 (the general regulation under the *Condominium Act, 1998*) came into force that introduced a new regime relating to the installation by a condominium corporation of electric vehicle charging stations (EVCS), which requires corporations to follow this process:

First, the board must conduct an assessment of the costs of the installation of the EVCS.

Second, implied but not expressly stated is that the board must also conduct some sort of assessment in order to reach an opinion about whether or not the owners would regard the installation as "causing a material reduction or elimination of their use or enjoyment of the units that they own or the common elements or assets."

Third, provided the EVCS is to be situated, in whole or in part, on the property or an asset of the corporation (i.e., virtually anywhere a condominium is likely to want make the installation), and depending on the outcome of those two assessments, the new regulations exempt corporations from compliance with section 97 of the Act (the section that ordinarily tells the corporation what procedures to following when modifying assets or common elements) if either:

- (a) the assessments show that the cost is not more than 10% of the current year's annual operating budget, *and* that the owners would *not* regard the installation as an interference with their enjoyment of the property; or
- (b) the board is of the view that the owners *would* regard the installation as an interference with their enjoyment of the property, regardless of the cost.

In the first case, the corporation is to send a notice to the owners describing the installation, its cost (and the manner in which the board proposes it will be paid), a statement affirming the board's opinion regarding the owners' likely view of the installation, along with whatever other information the corporation's by-laws might require. 60 days after the notice is sent, the corporation can proceed with the change. In the second case, it must send out the above notice, adding information about the owners' right to requisition a meeting. The owners then have 60 days in which to requisition a meeting to vote on the proposed installation, and if (i) no requisition is filed within 60 days of the notice, (ii) a requisition is filed within 60 days of the notice, but the meeting fails for lack of quorum, or (iii) a requisition is filed within 60 days of the notice, the meeting has quorum, but the owners do not vote against the installation, then the installation can proceed. Of course, if a requisition is filed within 60 days of the notice, the meeting has quorum, and the owners do vote against the installation, then it can't.

In any other case, section 97 will apply. This appears to include the case where the board is reasonably satisfied that the owners would *not* regard the installation as an interference with their enjoyment of the property but the cost is greater than 10% of the current year's annual operating budget but. Although the regulations don't expressly say so, this situation appears to require compliance the provisions of section 97 pertaining to substantial changes (requiring approval by owners of 2/3 of the units).