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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 (II)

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The process introduced under the new amendments to Ont. Reg. 48/01 (the general regulation under the *Condominium Act, 1998*) that came into force on May 1, 2018, for a condominium unit owner wishing to install an electric vehicle charging stations (EVCS), where the installation is either on or will have an impact on the common elements of the condominium, is a model for how corporations should handle most requests to make modifications to the property under section 98 of the Act. The purpose of these provisions is to replace section 98 in relation to EVCS installations with a more detailed and convoluted procedure that does a better job than many boards might if left to their own resources.

First, the owner must submit a written, signed application, including the owner's name and address for service (regardless of whether the condominium already has that information). The application must include drawings, specifications and information relevant to a determination of whether the installation (a) is contrary to applicable legislation, (b) will adversely affect the structural integrity of the property or assets of the corporation, or (c) will pose a serious risk to individual health and safety or of damage to the property or assets of the corporation. This application must be served on the corporation at its or its manager's address for service by delivery, courier or mail, or by fax, email or another method, if the board has by resolution or agreement with the owner approved those methods.

Second, unless the owner withdraws the application, the board must respond within 60 days (or otherwise if agreed), stating whether the application is rejected. If the application does not meet the requirements set out above, then the board must, as soon as reasonably possible (or otherwise if agreed), inform the owner explaining the non-compliance.

The only bases on which the board can reject an application is if it has obtained a report from a credible professional that the installation (a) is contrary to applicable legislation, (b) will adversely affect the structural integrity of the property or assets of the corporation, or (c) will pose a serious risk to individual health and safety or of damage to the property or assets of the corporation. (Therefore, the necessity for the application to contain information relevant to those considerations.) The board's response rejecting the application must contain a copy of this report (subject to any exclusions from disclosure under section 55(4) of the Act).

If intending to approve the application, the board can impose changes relating to the method or location of installation, provided these do not impose unreasonable costs on the owner, and are deemed necessary so owners will not regard the proposed installation as causing a material reduction or elimination of their use or enjoyment of the units or the common elements or assets., and so that the proposed installation is not contrary to anything in the declaration, by-laws or rules (other than an outright prohibition against EVCS installation). The board's response must be detailed in regard to all such points, and must include drawings, specifications and other information to show the manner in which installation approved is to be carried out, or state if no changes to the proposed installation are required.

Each of the owner and the corporation are to bear their own costs of the foregoing.

Lastly, an agreement comparable in many respects to a section 98 agreement is also required within 90 days of approval (or as otherwise agreed).