

## What's in a name?

Occasionally questions and issues arise that seem to us to be mundane and obvious, but then they arise again. When multiple clients have the same minor concern, it seems to us that is something worth clarifying. One of those things is the mystery of condominium names.

What is the name of your condominium? Well, it depends on whether you are talking about the registered name of the condominium *property*, the registered name of the condominium *corporation*, or the *project* name assigned by your condominium developer, which is probably the one hanging on the sign outside the main door or driveway entrance.

### The Property

When creating the condominium, the developer must register both a declaration and a set of survey plans at the local Land Registry Office. The **declaration** affirms the developer's intention to have the development property be a condominium, subject to the laws of condominiums in Ontario. The set of survey plans is called "the **description**" and it illustrates where the land in question is located, and how it is divided up into units and common elements. In other words, the description defines the *property* that is included in the condominium.

When the description is registered, section 27(2) of Ontario Regulation 49/01 under the *Condominium Act, 1998*, says that a name and number must be assigned to it. The name consists of three components:

1. The name of the Land Registry Office district (usually named for a region or county) where the description is being registered (e.g., Toronto, York, Waterloo, Norfolk, etc.);
2. The name of the type of condominium being created (e.g., Standard, Vacant Land, or Common Elements); and
3. The word "Plan".

Then the number given is the next available consecutive number in the particular Land Registry Office's list of condominium plans.

This name now identifies the plan that defines the property that makes up the condominium.

### The Corporation

The name of the condominium corporation – assigned under section 27(3) of the same regulation – is almost identical. In fact, the first two elements of its name are the same as for the description (Land Registry Office and type of condominium). So is the number assigned to it. The only difference is that the word "Plan" is replaced with the word "Corporation". The corporation is not the property. It is the legal entity created by the Act to manage the property. When you open bank accounts, obtain insurance, enter into contracts, register liens, hold meetings, and so forth, this is the name that should be used.

### The Project

In addition to the legal name of the description and the legal name of the corporation, your condominium might also have a name used for community identification purposes. Such names often signify something about the character or location of the property – names such as "The Willows" or "The Davenport Towns". Where condominiums have been converted from old industrial or commercial sites, they sometimes carry over those older names, such as "Arrow Lofts" (converted from an Arrow Shirt manufacturing site). These names are typically selected by the developer for use in marketing.

Such names are not necessarily legal names. They might or might not be formally registered trade names, and they might or might not be permitted to be used by banks for the purposes of identification on cheques deposited to the condominium's account, but they usually should not be used when doing such things as purchasing insurance, entering into contracts, or completing status certificates. (They can have other positive uses, though, which we discussed in a 2011 memo on "branding" found [here](#).)

Mundane as they might be, remember that for questions like these you should check with your legal counsel. Getting this sort of thing right doesn't always matter, but sometimes it matters a lot.