

# *The Condominium Property Regulations, 2001*

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[Chapter C-26.1 Reg 2](#) (effective June 25, 2001) as amended by Saskatchewan Regulations [54/2002](#), [64/2003](#), [128/2004](#), [98/2005](#), [115/2007](#), [35/2010](#), [70/2013](#) and [52/2014](#).

## **NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**

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**CHAPTER C-26.1 REG 2**  
*The Condominium Property Act, 1993*

PART I  
**Title and Interpretation**

**Title**

1 These regulations may be cited as *The Condominium Property Regulations, 2001*.

**Interpretation**

2(1) In these regulations:

- (a) **“Act”** means *The Condominium Property Act, 1993*;
  - (b) **“agricultural purposes”** includes the handling, storage, cleaning or drying of grain;
  - (b.1) **“bond”** means a bond that meets the requirements of section 16;
  - (c) **“form”** means a form set out in Part I of the Appendix;
  - (d) **“grain”** includes grain within the meaning of the *Canada Grain Act*;
  - (d.01) **“land titles registry”** means the land titles registry as defined in *The Land Titles Act, 2000*;
  - (d.1) **“letter of credit”** means a letter of credit that meets the requirements of section 16.1;
  - (e) **“phased development”** means a condominium developed in stages pursuant to section 16 to 20 of the Act;
  - (f) **“security”** means security delivered pursuant to section 5.2, 16 or 21 of the Act and includes a bond and a letter of credit.
- (2) For the purposes of clause 2(1)(g) of the Act, **“improvements”** includes services units.
- (3) In the Act and these regulations, when the term **“designate”** is used to refer to:
- (a) a parking unit, it means to electronically link a parking unit title to a unit used for residential purposes; and
  - (b) a parking space, it means to link a parking space to a unit used for residential purposes.

6 Jly 2001 c.C-26.1 Reg 2 s2, 18 Jly 2003 SR 64/  
2003 s3; 16 Apr 2010 SR 35/2010 s3.

PART II  
**Condominium Plans**

**Plan to comply with Act**

3(1) A plan submitted for approval as a condominium plan or a replacement plan must comply with the requirements of sections 9, 10 and 11 of the Act.

(1.1) For the purposes of clause 10(1)(b) of the Act, **“division”** includes the conversion of existing premises used for apartments, flats or tenements into units.

(2) Where subsection 11(2) of the Act applies, the developer shall include as part of the condominium plan a statement that subsection 11(2) of the Act applies.

(3) The statement in subsection (2) must accompany the plan by way of a separate sheet or endorsement attached to the plan.

6 Jly 2001 c.C-26.1 Reg 2 s3; 19 Oct 2007 SR  
115/2007 s3.

**Preparation of plan**

4(1) A plan may be prepared and provided in an electronic form as set out in *The Land Surveys Act, 2000*.

(2) A plan must consist of:

(a) a first sheet containing the particulars required by clauses 9(1)(a) and (b) of the Act; and

(b) further sheets containing:

(i) the particulars required by the following provisions of the Act:

(A) clauses 9(1)(c) and (d);

(B) subsection 9(2);

(C) subsection 9(3); and

(ii) a schedule that sets out, for each unit shown on the plan, whether the unit is:

(A) a bare land unit;

(B) a unit intended or used for agricultural purposes;

(C) a parking unit;

(D) a services unit; or

(E) a regular unit.

(2.1) For the purposes of subsection (2), a **'regular unit'** is any other unit appearing on the plan that is not a unit mentioned in paragraphs (2)(b)(i)(A) to (D).

(3) In addition to the requirements of clause (2)(a), the first sheet of the plan must indicate clearly, in the plan heading, whether the type of development within the plan consists of one or more of the following:

(a) bare land units;

(b) units intended or used for agricultural purposes;

(c) one or more buildings;

(d) a phased development.

6 Jly 2001 c.C-26.1 Reg 2 s4; 16 Apr 2010 SR  
35/2010 s4; 20 Jne 2014 SR 52/2014 s3.

**Attachment of documents**

**5** The following must accompany a plan:

- (a) any of the particulars required by the following provisions of the Act by way of a separate sheet or endorsement attached to the plan:
  - (i) clause 9(1)(e);
  - (ii) clause 9(1)(f);
  - (iii) clause 10(1)(a);
  - (iv) clause 10(1)(b);
  - (v) clause 10(1)(c);
- (b) for the purposes of section 11 of the Act:
  - (i) an endorsement that indicates that the developer has designated at least one parking unit for each unit;
  - (ii) a parking sheet that indicates that the developer has designated at least one parking space as an exclusive use area for each unit; or
  - (iii) an endorsement that indicates that pursuant to subsection 11(2) of the Act the developer does not have to designate parking for each unit.

16 Apr 2010 SR 35/2010 s5.

**Encroachments**

**6** An encroachment agreement for the purposes of clause 10(1)(c) of the Act must be in Form A.

6 Jly 2001 c.C-26.1 Reg 2 s6.

**Numbering of units**

**7** The units are to be numbered consecutively beginning with Unit 1 and ending with a unit numbered to correspond to the total number of units in the plan.

6 Jly 2001 c.C-26.1 Reg 2 s7.

**Certificate of local authority**

**7.1** A certificate issued by a local authority for the purposes of subsection 10(5) of the Act must be in Form B.

19 Oct 2007 SR 115/2007 s4; 16 Apr 2010 SR 35/2010 s6.

**Application of *The Planning and Development Act, 2007***

**8(1)** Section 133 of *The Planning and Development Act, 2007* does not apply to land that is subject to a proposed bare land condominium plan.

(2) Clause 128(1)(d) of *The Planning and Development Act, 2007* does not apply to a unit in a bare land condominium plan.

(3) Subsection (4) operates in place of section 133 of *The Planning and Development Act, 2007*.

(3.1) For the purposes of section 121 of *The Planning and Development Act, 2007*, a parking unit is not a bare land unit that is required to be submitted for approval to the appropriate approving authority if it is:

- (a) designated to a unit intended for residential purposes; or

(b) found on a plan on which at least 80% of the parking units are designated to a unit intended for residential purposes.

(4) Subject to the other provisions of *The Planning and Development Act, 2007*, if an approving authority is of the opinion that compliance with a requirement of any applicable subdivision regulations made pursuant to clauses 125(1)(d) to (h), subsection 125(2) or section 126 of *The Planning and Development Act, 2007* is impractical or undesirable because the proposed plan is a bare land condominium plan rather than a plan of subdivision, the approving authority may:

(a) relieve the applicant from compliance, in whole or in part, with the requirement; and

(b) issue a certificate of approval for the bare land condominium plan, endorsed to indicate that the approval is granted in accordance with the subdivision regulations subject to the waiver of any provision of those regulations.

16 Apr 2010 SR 35/2010 s7; 20 Jne 2014 SR 52/2014 s4.

#### **Conversion of apartments, flats or tenements into units**

**8.1(1)** For the purposes of clause 10(5)(e) of the Act, “**conversion**” includes:

(a) the demolition of all or part of an apartment, flat or tenement that would result in any tenant receiving a notice to vacate pursuant to *The Residential Tenancies Act, 2006*;

(b) the renovation of all or part of an apartment, flat or tenement that would result in any tenant receiving a notice to vacate pursuant to *The Residential Tenancies Act, 2006*.

(2) For the purposes of subclause 10(5)(e)(i) of the Act, the conversion must not reduce the rate of the availability of rental accommodation in the area to 2.5% or lower.

(3) For the purposes of subsection (2), the rate of the availability of rental accommodation in the area is:

(a) the most recent rental apartment vacancy rate as reported by the Canada Mortgage and Housing Corporation, if available; or

(b) the most recent rate of the availability of rental accommodation, determined using a source that is acceptable to the local authority.

19 Oct 2007 SR 115/2007 s5; 20 Jne 2014 SR 52/2014 s5.

**PART III**  
**Condominium Units for Agricultural Purposes**

**Sale of units for agricultural purposes**

**9** Where a developer sells or agrees to sell a unit that is intended or used for agricultural purposes, the developer is not required to satisfy the requirements of:

- (a) clauses 26(1)(g),(i), (j), (k), (l), (n), (o) and (q) of the Act; and
- (b) clauses 28(b) and (d) of the Act.

6 Jly 2001 c.C-26.1 Reg 2 s9.

**Rescinding agreement**

**10** A purchaser of a unit that is intended or used for agricultural purposes may not rescind the agreement pursuant to subsection 26(2) of the Act on the basis that the developer has not satisfied the requirements of the provisions mentioned in section 9.

6 Jly 2001 c.C-26.1 Reg 2 s10.

**Meetings and financial statements**

**11** Where all of the units are intended or used for agricultural purposes:

- (a) the corporation is exempted from holding annual meetings as long as:
  - (i) the exemption is approved by a special resolution;
  - (ii) a financial statement for the most recently completed fiscal year is prepared and submitted to the meeting at which the special resolution is passed or, if the special resolution has already been passed, is attached to a written copy of that special resolution; and
  - (iii) the corporation has a general meeting of the owners at least once every three years;
- (b) the corporation is exempted from preparing and sending to the owners a financial statement for the fiscal year in which the special resolution is passed and, if approved by a special resolution, for the following two fiscal years;
- (c) the corporation is exempted from the requirement to establish a common expense fund and a reserve fund pursuant to section 55 of the Act for the fiscal year in which the special resolution is passed and, if approved by a special resolution, for the following two fiscal years; and
- (d) the corporation is exempted from the requirement to conduct a reserve fund study and to prepare a written report of the reserve fund study.

6 Jly 2001 c.C-26.1 Reg 2 s11; 16 Sep 2005  
SR 98/2005 s3.



**PART IV**  
**Units, Parking Spaces and Parking Units**

**Standard unit****11.1** A standard unit description:

- (a) must not include the common property of the corporation;
- (b) must not alter the boundaries of the unit as described in section 8 of the Act; and
- (c) must include a description of any of the standard items that were initially provided to purchasers by the developer on the condominium plan or include a description of the standard items as described in a bylaw enacted by the corporation, including standard:
  - (i) doors and windows;
  - (ii) floors, walls and ceiling;
  - (iii) lighting fixtures;
  - (iv) installations with respect to:
    - (A) the provision of water and sewage and natural gas;
    - (B) the delivery of heat and ventilation; and
    - (C) the provision of electricity, telecommunications and television technologies, smoke detectors, washing machine drainage, clothes dryer outlets and exhaust outlets;
  - (v) appliances;
  - (vi) kitchen, bathroom and laundry plumbing, fixtures and controls; and
  - (vii) kitchen, bathroom and laundry cabinets and counter tops.

20 Jne 2014 SR 52/2014 s6.

**Unit factors**

- 12(1)** The schedule mentioned in clause 9(1)(e) of the Act that specifies the unit factor for each unit must be in Form C.
- (2) The total of unit factors for all the units in the plan must equal 10,000.
  - (3) The following information shall also be shown on Form C for each unit:
    - (a) the approximate area, in whole numbers;
    - (b) the type of unit;
    - (c) any other features that may identify the unit.

6 Jly 2001 c.C-26.1 Reg 2 s12; 16 Apr 2010 SR 35/2010  
s9.

**Declaration re parking**

**12.1** In addition to the requirements set out in *The Land Titles Act, 2000*, an application to issue title with respect to a condominium plan must be made in the manner required by the Registrar of Titles and be accompanied by:

- (a) a statement that indicates that the developer has complied with subsection 11(1) of the Act; and
- (b) pursuant to clause 5.1(1)(d) of the Act, a document in Form F.1:
  - (i) setting out the parking space that has been designated for each unit requiring a designation pursuant to clause 11(1)(a) of the Act;
  - (ii) setting out the parking unit that has been designated for each unit requiring a designation pursuant to clause 11(1)(b) of the Act;
  - (iii) indicating that the unit includes a parking area or garage within the boundaries of the unit as described in clause 11(2)(c) of the Act.

16 Apr 2010 SR 35/2010 s10; 20 Jne 2014 SR 52/2014 s7.

**Approval of redesignation of parking space**

**13(1)** Subject to subsection (3), an owner of a unit may approve redesignation of a parking space pursuant to clause 11(3)(a) of the Act by completing Form D.

(2) If an owner approves redesignation of a parking space pursuant to clause 11(3)(a) of the Act, the owner must provide notice of the redesignation to the corporation.

(3) If a registered interest based on a mortgage that is registered against the title of a unit is first entitled to priority pursuant to *The Land Titles Act, 2000*, the holder of that interest must approve the redesignation of a parking space linked to that unit by completing Form D.

20 Jne 2014 SR 52/2014 s8.

**14 Repealed.** 20 Jne 2014 SR 52/2014 s9.

**Interest to be registered**

**15** An application to register an interest pursuant to clause 11(3)(c) of the Act must be made in the manner required by the Registrar of Titles and must be accompanied by a copy of the parking space redesignation in Form D.

20 Jne 2014 SR 52/2014 s10.

**Application to transfer parking unit**

**15.1** In addition to the requirements set out in *The Land Titles Act, 2000*, an application to transfer title to a parking unit that has been designated for a unit pursuant to clause 11(1)(b) of the Act must be made in the manner required by the Registrar of Titles and:

- (a) set out the unit number of the parking unit to be transferred;

- (b) if the parking unit to be transferred will be designated to another unit:
  - (i) set out the unit number of the new unit; and
  - (ii) include a statement that the parking unit mentioned in clause (a) is being designated for the new unit;
- (c) be accompanied by:
  - (i) an application to transfer title to another parking unit in accordance with clause 11(2.1)(b) of the Act; and
  - (ii) a statement that the parking unit mentioned in subclause (i) is being designated for the unit mentioned in clause (a).

16 Apr 2010 SR 35/2010 s12.

**Conversion of parking spaces to parking units**

**15.2(1)** An application to the Controller for approval of a new condominium plan or an amendment to an existing condominium plan for the purpose of converting parking spaces to parking units must be made in the manner required by the Controller and be accompanied by:

- (a) a copy of the special resolution of the corporation approving the conversion;
- (b) an amending instrument in Form R; and
- (c) any other information required by the Controller.

(2) An application to issue titles to effect conversion of parking spaces to parking units must be made in the manner set out in *The Land Titles Act, 2000* and be accompanied by the following:

- (a) approval of the Controller of Surveys of:
  - (i) a new condominium plan showing the new parking units; or
  - (ii) an amendment to an existing condominium plan showing the new parking units;
- (b) a copy of the special resolution of the corporation approving the conversion;
- (c) an amending instrument in Form R; and
- (d) any other information required by the registrar.

(3) All parking spaces designated to a unit used for residential purposes must appear as parking units on the new condominium plan or amendment to the existing condominium plan mentioned in subsection (1) and clause (2)(a).

20 Jne 2014 SR 52/2014 s11.

**PART V**  
**Security**

**Bond**

**16(1)** A bond must be:

- (a) issued by an insurer licensed pursuant to *The Saskatchewan Insurance Act* to transact guarantee insurance;
- (b) in an amount determined in accordance with subsections 17(1.1) and (1.2); and
- (c) in Form E.

(2) Notwithstanding that the Crown in right of Saskatchewan has not suffered any loss or damages, every bond delivered to the minister is to be construed as being a penal bond, and, if a bond is realized on, the amount due as a debt to the Crown in right of Saskatchewan by the person bound is to be determined as if the Crown had suffered the loss or damages that would entitle the Crown to be indemnified to the maximum amount of liability prescribed by the bond..

18 Jly 2003 SR 64/2003 s4; 16 Apr 2010 SR 35/  
2010 s12.

**Letter of credit**

**16.1** A letter of credit must:

- (a) be irrevocable;
- (b) be payable to the minister;
- (c) contain the following provisions unless otherwise approved by the minister:
  - (i) provide that more than one written demand for payment may be presented, the total of which shall not exceed the face amount of the letter of credit;
  - (ii) provide that the issuing financial institution will honour each demand made in conformity with the terms of the letter of credit without recognizing any claims or defences of the developer arising from the developer's relationships with the Crown or the financial institution; and
  - (iii) provide that the letter of credit will, from time to time, be deemed to be automatically extended for a specified period of not less than one year from the present or any future expiration date unless, 30 days before an expiration date, the issuing financial institution notifies the minister in writing by registered mail that the issuing financial institution elects not to consider the letter of credit extended for an additional period, at which time the minister will draw for the balance of the amount of the letter of credit;
- (d) be in an amount determined in accordance with subsections 17(1.1) and (1.2); and
- (e) be in a form satisfactory to the minister.

16 Apr 2010 SR 35/2010 s14.

**Developer to provide security**

17(1) If an endorsed declaration is being registered pursuant to section 5.2 of the Act or a developer's reservation is being registered pursuant to section 16 of the Act, the developer shall deliver to the minister:

- (a) a certificate of cost certified by a registered architect, engineer, appraiser or other person acceptable to the minister in Form K; and
- (b) security in an amount determined in accordance with subsections (1.1) and (1.2).

(1.1) If the cost of completing the common property, common facilities, services units and any additional units in the plan as set out in the certificate of cost is less than \$500,000, the amount of security required pursuant to subsection (1) is equal to that cost.

(1.2) If the cost of completing the common property, common facilities, services units and any additional units in the plan as set out in the certificate of cost is:

- (a) equal to or greater than \$500,000 but less than \$2,500,000, the amount of security required is \$500,000;
- (b) \$2,500,000 or greater, the amount of security required is 20% of that cost.

(2) A transferee pursuant to section 21 of the Act is required to have security in place that provides at least as much security as the transferor has provided.

(3) If a developer provides the minister with a certificate of completion pursuant to subsection 18(2), the minister may waive the requirement to obtain security if no common property, common facilities, services units or any additional units in the plan remain to be constructed:

- (a) at the time an interest based on an endorsed declaration is registered; or
- (b) at the time an interest based on a developer's reservation is being registered.

18 Jly 2003 SR 64/2003 s4; 20 Jne 2014 SR 52/  
2014 s12.

**Release of security**

18(1) The security mentioned in subsection 17(1):

- (a) may be released 30 days after submission to the minister of a certificate of completion pursuant to subsection (2) showing that the common property, common facilities, services units and any additional units as described in the declaration accompanying the developer's reservation in subsection 16(1) of the Act or the declaration pursuant to subsection 5.2(1) of the Act are completed;
- (b) is to be released if the court orders the security to be released; or
- (c) is to be released if:
  - (i) the condominium board is elected after a majority of the units have been sold and the developer and the condominium corporation, with approval by a unanimous resolution of the owners, have entered into an agreement for completion of common property, common facilities, services units and any additional units and the release of the security; and
  - (ii) the minister receives a certified copy of the unanimous resolution with the agreement attached under seal of the corporation.

- (2) A certificate from an engineer, architect, appraiser or other person acceptable to the minister stating that the common property, common facilities, services units and any additional units as described in the developer's declaration or disclosed pursuant to section 26 of the Act are 50% complete or complete is sufficient evidence to the minister of the statements in the certificate.
- (3) Subject to subsection (2), on completion of 50% of the common property, common facilities, services units and any additional units, the minister may authorize the amount of the security to be reduced by 50%.
- (4) For the purposes of subsection (2), the minister may consider the common property, common facilities, services units and any additional units as set out in Form J complete when the total price of the following is not more than 1% of the amount on the certificate of cost pursuant to section 23:
- (a) completion;
  - (b) correction of a known defect;
  - (c) last provision of services or materials.
- (5) On receipt of the certificate of completion pursuant to subsection (2), the minister shall send the following to the corporation at its address for service filed with the Director:
- (a) notice of the developer's request that the minister release the security;
  - (b) a request to the corporation to provide its consent to the release of security.
- (6) The corporation shall not unreasonably withhold its consent to the release of security.
- (7) If no response is provided by the corporation within 30 days after the materials mentioned in subsection (5) are sent, the corporation is deemed to have consented to the release of security.

18 Jly 2003 SR 64/2003 s4; 20 Jne 2014 SR 52/  
2014 s13.

**Certificate of completion**

**19** A certificate of completion mentioned in subsection 18(2) must be in:

- (a) Form M if common property, common facilities, services units and any additional units described in the declaration mentioned in subsection 5.2(1) or subsection 16(3) of the Act are complete or if no improvements or facilities were to be provided on the common property or services units by the developer; or
- (b) Form I if common property, common facilities, services units and any additional units described in the declaration mentioned in subsection 5.2(1) or subsection 16(3) of the Act are at least 50% complete.

20 Jne 2014 SR 52/2014 s14.

**Realization on security**

- 20(1)** The minister may realize on the security mentioned in subsection 17(1) if:
- (a) the developer's reservation has lapsed pursuant to subsection 17(2) of the Act;
  - (b) a final judgment respecting a claim arising out of a condominium plan or a replacement plan has been entered against the developer; or
  - (c) the developer commits an act of bankruptcy, whether or not proceedings have been taken pursuant to the *Bankruptcy and Insolvency Act* (Canada).
- (2) The minister may pay any money realized to any of the following on any conditions the minister considers appropriate:
- (a) the local registrar of the court in trust for any persons that may become judgment creditors of the developer respecting a claim arising out of a condominium plan or a replacement plan;
  - (b) any trustee, custodian, interim receiver, receiver or liquidator of the developer;
  - (c) any persons that the minister considers entitled to the money for a claim arising out of the condominium plan or replacement plan of the developer.
- (3) The minister shall pay any money not paid pursuant to subsection (2) to the following after the payment of any expenditures incurred by the minister in connection with the realization on the security and the determination and settlement of valid claims:
- (a) in the case of a bond, to the surety or obligor under the bond;
  - (b) in the case of a letter of credit, to the obligor under the letter of credit.
- (4) Any misrepresentation by or on behalf of a developer respecting any common property, common facilities, services units or any additional units to be provided under a declaration of a developer is, for the purposes of this section, deemed to be a claim arising out of a condominium plan or a replacement plan.

18 Jly 2003 SR 64/2003 s4; 20 Jne 2014 SR 52/  
2014 s15.

**PART VI****Title, Security, Reservations and Amendments****Manner of application**

- 21** An application by a developer pursuant to section 5.1 of the Act must be made in the manner set out in *The Land Titles Act, 2000* and accompanied by the following information:
- (a) a schedule in Form B that specifies the unit factor for each unit;
  - (b) the plan number for the plan pursuant to which the application for titles is made;
  - (c) an address for service of the condominium corporation;

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- (d) a copy of any bylaws, if other than the bylaws required pursuant to section 45 of the Act;
- (e) the name and address of the applicant for a condominium corporation number;
- (f) the value of each condominium unit.

6 Jly 2001 c.C-26.1 Reg 2 s21.

**Declaration**

**22** A declaration required pursuant to subsection 5.2(2) or 16(3) of the Act must be in Form J.

20 Jne 2014 SR 52/2014 s16.

**23 Repealed.** 20 Jne 2014 SR 52/2014 s17.

**24 Repealed.** 20 Jne 2014 SR 52/2014 s18.

**Application to register an interest**

**25(1)** An application to register an interest pursuant to section 5.2 or 16 of the Act must be made at the time that an application is made for titles pursuant to section 5.1 of the Act.

(2) An application mentioned in subsection (1) must be accompanied by a copy of a declaration in Form J that is endorsed with:

- (a) a certificate of acceptance granted by the minister; or
- (b) a waiver of the requirement to obtain security granted by the minister.

20 Jne 2014 SR 52/2014 s19.

**26 Repealed.** 20 Jne 2014 SR 52/2014 s20.

**27 Repealed.** 20 Jne 2014 SR 52/2014 s21.

**Notice of amendment**

**28** A notice of amendment to a declaration mentioned in subclause 18(1)(c)(i) of the Act must be in Form P.

6 Jly 2001 c.C-26.1 Reg 2 s28; 16 Apr 2010 SR 35/2010 s21.

**Notice of extension**

**29** A notice of extension mentioned in subclause 19(1)(c)(i) of the Act must be in Form Q.

16 Apr 2010 SR 35/2010 s22.

**Signing requirements**

**30(1)** Where an amendment proposes to add land to a condominium plan or amalgamate two or more condominium plans, a condominium corporation may sign the plan on behalf of the unit owners in that corporation as long as the requirements of sections 14 and 15 of the Act are satisfied.

(2) Where an amalgamation is proposed, the condominium corporations proposing to amalgamate shall sign and seal the plan.



(3) Where an amendment proposes to add land to a condominium plan, the condominium corporation shall sign and seal the plan as the condominium corporation and as the owner of the parcel being added.

6 Jly 2001 c.C-26.1 Reg 2 s30.

**Amending instrument**

**31** An amending instrument required pursuant to section 14 of the Act must be used for all amendments other than amalgamations and must be in Form R.

6 Jly 2001 c.C-26.1 Reg 2 s31; 16 Apr 2010 SR 35/2010 s23.

**Certificate of consent**

**32** A certificate of consent required pursuant to section 14 of the Act must be in Form S.

6 Jly 2001 c.C-26.1 Reg 2 s32; 16 Apr 2010 SR 35/2010 s24.

**Notice of court application**

**33(1)** A notice of court application mentioned in subsection 14(5) of the Act must be in Form T.

(2) An application to register an interest based on notice of an application pursuant to subsection 14(6) of the Act must be accompanied by a copy of the notice mentioned in subsection (1).

6 Jly 2001 c.C-26.1 Reg 2 s33; 16 Apr 2010 SR 35/2010 s25.

**Application for issuance of titles**

**34** For the purposes of section 14 of the Act, an application for the issuance of titles must be accompanied by:

- (a) a copy of the approval of the Controller of Surveys in the case of a condominium plan mentioned in subclause 14(1)(b)(i) or (2)(b)(i); or
- (b) a copy of an order pursuant to subsection 42(1) of *The Land Surveys Act, 2000* in the case of a condominium plan mentioned in subclause 14(1)(b)(ii) or (2)(b)(ii).

6 Jly 2001 c.C-26.1 Reg 2 s34.

**Amalgamation instrument**

**35** An amending instrument required pursuant to section 14 of the Act must be used where an amendment involves an amalgamation and must be in Form U with a schedule attached in Form V.

6 Jly 2001 c.C-26.1 Reg 2 s35; 16 Apr 2010 SR 35/2010 s26.

**Application based on amalgamation**

**36** An application pursuant to subsection 15(5) of the Act must satisfy the requirements of section 14 and section 15 of the Act and must be accompanied by the following information:

- (a) an amending instrument in Form T;
- (b) a certificate of consent from each of the amalgamating corporations in Form R;

- (c) the plan number for the plan pursuant to which the application for titles is made;
- (d) an address for service of the condominium corporation;
- (e) a copy of any bylaws, if other than the bylaws required pursuant to section 45 of the Act.

6 Jly 2001 c.C-26.1 Reg 2 s36.

**Manner of application**

**37** An application to amend unit factors pursuant to subsection 15.1(1) of the Act must be accompanied by:

- (a) an amending instrument in Form W; and
- (b) a certificate of consent in Form S.

16 Apr 2010 SR 35/2010 s27.

**Replacement plans**

**38(1)** An application to issue titles pursuant to an approved replacement plan, mentioned in section 23 of the Act, must be accompanied by the following information:

- (a) an authorization for issuance of titles pursuant to the replacement plan; and
  - (b) a schedule specifying the unit factors for each unit in Form V.
- (2) An authorization for issuance of titles mentioned in clause (1)(a) must be in Form X.

6 Jly 2001 c.C-26.1 Reg 2 s38; 16 Apr 2010 SR 35/2010 s28.

**Redivision of units by plan amendment**

**39(1)** Pursuant to section 25 of the Act, if the Controller of Surveys permits a redivision to occur by amendment to the existing condominium plan, the amendment must be submitted for approval.

(2) An application for approval pursuant to subsection (1) must be made in the manner required by the Controller and include:

- (a) approval of the corporation as required by subsection 25(1.1) of the Act, in Form NN;
- (b) unit factor information as required by subsection 25(3) of the Act;
- (c) redivision information as required by subsection 25(4) of the Act;
- (d) a request to amend the existing plan pursuant to section 42 of *The Land Surveys Act, 2000*; and
- (e) any other documents required by the Controller.

(3) For the purposes of this section, the unit or units created on a redivision shall not be numbered in a manner that uses numbers already assigned to units in the existing condominium plan.

(4) An application for issuance of titles pursuant to the amendment must be made in the manner required by the Registrar of Titles and include:

- (a) written consent of the owner of the unit being redivided and of any holder of an interest based on a mortgage registered against the title to the unit;

- (b) confirmation that the Controller of Surveys has approved the plan amendment;
  - (c) applications for issuance of titles to the new units being created;
  - (c.1) a request to designate a parking unit to each new unit if required pursuant to section 11 of the Act; and
  - (d) any other application or information the Registrar may require.
- (5) On receipt of an application pursuant to subsection (4), the Registrar of Titles may:
- (a) cancel the titles to each unit being redivided;
  - (b) issue titles to each new unit being created, subject to all interests affecting that unit that were registered on the cancelled title or titles; and
  - (c) designate a parking unit for each new title if the application includes the information described in clause (4)(c.1).
- (6) After titles are issued pursuant to subsection (5), the Controller of Surveys may indicate on the condominium plan any information about the redivision that the Controller considers necessary.

31 Dec 2004 SR 128/2004 s4; 16 Apr 2010 SR 35/2010 s29; 20 Jne 2014 SR 52/2014 s22.

**Redivision of units by new plan**

- 39.1(1)** Pursuant to section 25 of the Act, if the Controller of Surveys considers it useful or necessary that a proposed redivision occur by a new plan, a new condominium plan must be submitted for approval.
- (2) The application for approval pursuant to subsection (1) must be made in the manner required by the Controller and include:
- (a) approval of the corporation as required by subsection 25(1.1) of the Act, in Form NN;
  - (b) unit factor information as required by subsection 25(3) of the Act;
  - (c) redivision information as required by subsection 25(4) of the Act; and
  - (d) any other documents or information required by the Controller.
- (3) An application for issuance of titles pursuant to the new plan must be made in the manner required by the Registrar of Titles and include:
- (a) written consent of the owner of the unit being redivided and of any holder of an interest based on a mortgage registered against the title to the unit;
  - (b) applications to surrender the titles to the units in the existing plan and to set up titles to the units being created by the approved plan;
  - (b.1) a request to designate a parking unit to each new unit if required pursuant to section 11 of the Act;
  - (c) information to update the records for the condominium corporation for the Director appointed pursuant to *The Business Corporations Act*; and
  - (d) any other application or information the Registrar may require.

(4) On receipt of an application pursuant to subsection (3), the Registrar of Titles may:

- (a) cancel the titles to the existing units, including the unit being redivided;
- (b) issue titles to each new unit, subject to all interests affecting those units that were registered on the cancelled title or titles; and
- (c) designate a parking unit for each new unit title if the application includes the information described in clause (3)(b.1).

31 Dec 2004 SR 128/2004 s4; 16 Apr 2010 SR 35/2010 s30; 20 Jne 2014 SR 52/2014 s23.

**Sale of units by developer**

**39.2(1)** For the purposes of clause 26(1)(x) of the Act, the developer shall not sell or agree to sell a unit or a proposed unit unless the developer delivers to the purchaser a copy or description of the following additional items:

- (a) if the condominium corporation owns real property that is outside of the condominium plan that the unit is in, a detailed list of the real property that is owned, including the street address and value;
- (b) if the condominium corporation has agreements with any other condominium corporations, the agreements;
- (c) the minutes as described in subsection (2) for the preceding year;
- (d) all insurance policies or a description of the insurance particulars obtained to cover common property, common facilities, services units and units as required by the Act, including:
  - (i) the name of the insurance carrier;
  - (ii) the name of the insurance agent;
  - (iii) the amount of the insurance;
  - (iv) the renewal date;
  - (v) any additional endorsements; and
  - (vi) the deductible.

(2) For the purposes of clause (1)(c), the minutes:

- (a) include the proceedings of any general meetings of the corporation or board and all appendices or other attachments that are referenced in the minutes;
- (b) are to be in a form that does not disclose the identity of any individual unit owner to whom the minutes relate; and
- (c) may be delivered to the purchaser in paper, electronic or other format acceptable to the purchaser.

20 Jne 2014 SR 52/2014 s24.

PART VII  
**Condominium Corporation Registry**

**Register of corporations**

**40(1)** The Director shall maintain a register of condominium corporations for recording information respecting every corporation that is:

- (a) incorporated pursuant to the Act; or
- (b) continued pursuant to section 58 of *The Condominium Property Amendment Act, 2000*.

(2) A corporation mentioned in clause (1)(b) may be provided with a new corporation name by the Director in any form or manner that the Director considers appropriate.

6 Jly 2001 c.C-26.1 Reg 2 s40.

**40.1 Repealed.** 6 Sep 2013 SR 70/2013 s13.

**Information required by Director**

**41** The information to be provided to the Director pursuant to section 34 of the Act shall include the following:

- (a) the number of the approved plan for which titles are sought;
- (b) an address for service of the corporation;
- (c) a copy of bylaws, including any bylaws made pursuant to subclause 47.1(1)(f)(iii) of the Act, other than the bylaws required pursuant to section 45 of the Act;
- (d) the name and address of the person applying to incorporate a condominium.

6 Jly 2001 c.C-26.1 Reg 2 s41; 16 Apr 2010 SR 35/2010 s31.

**Name reservation**

**41.1** The Director, on receiving a request in Form Y, may reserve for 90 days a name for an intended corporation or for a corporation about to change its name.

31 Dec 2004 SR 128/2004 s5; 16 Apr 2010 SR 35/2010 s32.

**Application for titles with confirmation**

**41.2** If a corporation is to be constituted with a name approved by the Director and reserved pursuant to section 41.1 of these regulations, an application for titles pursuant to section 5.1 or 15 of the Act must include confirmation that the name has been approved and reserved.

31 Dec 2004 SR 128/2004 s5.

**Application for titles without confirmation**

**41.3** If the application for titles pursuant to section 5.1 or 15 of the Act does not include confirmation of a name in accordance with section 41.2 of these regulations, but is otherwise acceptable to the Registrar, the corporation will be constituted under the name "The Owners: Condominium Corporation No. (*number given by the Director*)".

31 Dec 2004 SR 128/2004 s5.

**Application for change of name**

**41.4** A corporation may apply to the Director in Form Z to change the name of the corporation pursuant to subsection 34(2.1) of the Act.

31 Dec 2004 SR 128/2004 s5; 16 Apr 2010 SR 35/2010 s33.

**Names**

**41.5(1)** The following words must be part of the name of every corporation:

- (a) 'condominium' or 'condominiums'; and
- (b) 'Corporation'.

(2) A corporation shall set out its name in legible characters in all contracts, invoices, negotiable instruments and orders for goods or services issued or made by or on behalf of the corporation.

(3) If requested to do so by the developer or a corporation, the Director shall assign to the corporation a designating number determined by the Director as the corporation's name.

(4) No corporation shall have, carry on its activities under, identify itself by or be incorporated with a name:

- (a) that is prohibited pursuant to section 41.6; or
- (b) that is reserved for another corporation or intended corporation pursuant to section 41.1.

(5) The Director may direct a corporation to change its name if through inadvertence or otherwise:

- (a) the corporation comes into existence with a name that contravenes this section; or
- (b) on an application to change its name, the corporation is granted a name that contravenes this section.

(6) If a corporation has been directed to change its name pursuant to subsection (5) and has not within 60 days from the service of the directive to that effect changed its name to a name that complies with this Act, the Director may revoke the name of the corporation and assign to it a name and, until changed in accordance with this section, the name of the corporation is the name that the Director assigned.

31 Dec 2004 SR 128/2004 s5.

**Use of names**

**41.6** The name of a corporation must not:

- (a) be the same as or similar to the name of any other corporation if the use of that name would be likely to confuse or mislead, unless:
  - (i) the other corporation consents in writing to the use of the name in whole or in part; and
  - (ii) if required by the Director, the other corporation undertakes to change its name to a dissimilar name within six months after receiving the direction from the Director;

- (b) suggest or imply a connection with any of the following persons, entities or groups unless consent in writing is obtained from that person, entity or group, as the case may be:
- (i) the Crown;
  - (ii) the Government of Canada;
  - (iii) the government of any municipality, province or territory of Canada;
  - (iv) any department, branch, bureau, service, or agency of the Government of Canada or the government of any municipality, province or territory;
  - (v) a political party;
  - (vi) a leader of a political party;
  - (vii) a university;
  - (viii) a professional association recognized by the laws of Canada or of a province or territory of Canada; or
- (c) be a name that is refused by the Director.

31 Dec 2004 SR 128/2004 s5.

**Refusal of names**

**41.7(1)** Unless an applicant establishes that a name has through use acquired and continues to have secondary meaning, the Director may refuse to approve the name of a corporation contained in the application if the name is not distinctive because it is:

- (a) too general; or
  - (b) primarily or only a geographic name used alone.
- (2) The Director may refuse to approve the name of a corporation if the name:
- (a) is likely to be confused with a corporation that has been dissolved;
  - (b) is likely to be confused with any known corporation, association, partnership, society, club or firm;
  - (c) contains any words or phrases that imply a co-operative venture, including 'credit union', 'co-operative' or 'co-op';
  - (d) contains the word 'Canada' or the name of any province or territory;
  - (e) contains a word or phrase that is obscene or implies an undertaking that is scandalous, obscene or immoral; or
  - (f) is, in the opinion of the Director, objectionable for any reason.

31 Dec 2004 SR 128/2004 s5.

**Amalgamated corporations**

**41.8(1)** If two or more corporations amalgamate, the amalgamated corporation may have:

- (a) the name of one of the amalgamating corporations;
- (b) a combination of the names of the amalgamating corporations; or
- (c) a distinctive new name that is not confusing.

(2) If the application for titles pursuant to section 15 of the Act does not include confirmation of a name mentioned in clauses (1)(a) to (c), but is otherwise acceptable, the amalgamated corporation will be constituted under the name 'The Owners: Condominium Corporation No. (*number given by the Director*)'.

31 Dec 2004 SR 128/2004 s5.

**Right to inspect and obtain copies**

**42** A person may:

- (a) examine any document required by the Act or the regulations to be sent to the Director;
- (b) require a copy or extract of any document mentioned in clause (a) to be made; and
- (c) require the copy or extract made pursuant to clause (b) to be certified by the Director as a true copy.

6 Jly 2001 c.C-26.1 Reg 2 s42.

**Director may refuse certain documents**

**43(1)** The Director may refuse to receive, file or register a document, where he or she is of the opinion that any document submitted to him or her:

- (a) contains matter contrary to law;
- (b) by reason of any omission or error in description, has not been duly completed;
- (c) does not comply with the requirements of the Act or the regulations;
- (d) contains any error, alteration or erasure;
- (e) is not sufficiently legible; or
- (f) is not sufficiently permanent for his or her records.

(2) The Director may request that a document refused pursuant to subsection (1) be amended or completed or resubmitted or that a new document be submitted in its place.

6 Jly 2001 c.C-26.1 Reg 2 s43.



**Bylaws**

**44** The bylaws required pursuant to section 45 of the Act are in Part II of the Appendix.

6 Jly 2001 c.C-26.1 Reg 2 s44.

**Initial bylaws re sectors**

**44.1** On and from the establishment of a sector within a corporation in accordance with clause 47(1)(m.1) of the Act:

- (a) the bylaws of the corporation made with respect to that sector pursuant to clause 47(1)(m.1) of the Act apply to the sector; and
- (b) the bylaws in Part II of the Appendix that do not conflict with the bylaws mentioned in clause (a) are in force for all purposes in relation to that sector, with any necessary modification, until sector bylaws are made in accordance with subclause 47.1(1)(f)(iii) of the Act.

16 Apr 2010 SR 35/2010 s34.

**Notice of amendment or repeal**

**45(1)** A notice of amendment or repeal of any of the following bylaws must be in Form AA:

- (a) bylaws of a corporation made pursuant to section 46 of the Act;
- (b) bylaws of a sector made pursuant to subclause 47.1(1)(f)(iii) of the Act.

(1.1) A notice of approval, amendment or repeal of bylaws made pursuant to clause 47(1)(m.1) of the Act, except those bylaws made pursuant to subclause 47.1(1)(f)(iii) of the Act, must be in Form BB.

(1.2) A notice of court application mentioned in subsection 47.1(6) of the Act must be in Form CC.

(2) On receipt of a notice of amendment or repeal of bylaws, the Director shall amend the records of the registry in the manner that the Director considers appropriate.

6 Jly 2001 c.C-26.1 Reg 2 s45; 16 Apr 2010 SR 35/2010 s35.

**Annual return**

**45.1(1)** In this section:

- (a) **“anniversary month”** means the month in each year that is the same as:
  - (i) the month shown on the records of the Director as the month in which the corporation was constituted; or
  - (ii) if the records of the Director do not show the month in which the corporation was constituted, the month designated by the Director;
- (b) **“due date”** means the last day of the month following the anniversary month.

- (2) For the purposes of clause 35(2)(d) of the Act, commencing on April 1, 2015, a corporation shall send to the Director an annual return in Form MM.
- (3) The annual return mentioned in subsection (2) is to be received by the Director not later than the due date.
- (4) If the Director is required to designate a month for a corporation for the purposes of subclause (1)(a)(ii), the Director shall send a written notice of the designation to the corporation.
- (5) On the request of a corporation for which a month has been designated for the purposes of subclause (1)(a)(ii), the Director may designate another month if the corporation satisfies the Director that it is reasonable and appropriate to do so.
- (6) On the request of a corporation whose anniversary month is determined in accordance with subclause (1)(a)(i), the Director may designate another anniversary month if the corporation satisfies the Director that it is reasonable and appropriate to do so.
- (7) The annual return is to contain the information as it existed on:
- (a) the last anniversary of the date the corporation was constituted;
  - (b) a later date indicated on the annual return; or
  - (c) a date agreed to by the Director.

20 Jne 2014 SR 52/2014 s25.

**Change of address or directors**

- 46(1)** A notice of a change of address for service pursuant to section 105 of the Act must be in Form DD and is to be filed with the Director as soon as is practicable after the change.
- (2) When a change is made to its directors, a corporation shall file with the Director a notice in Form DD setting out the change as soon as is practicable.
- (3) If a corporation sends an annual return to the Director pursuant to section 45.1 and a change is made to an address for service or to the directors, the annual return must be accompanied by Form DD.

20 Jne 2014 SR 52/2014 s26.

**PART VIII**  
**Contributions**

**Contributions for common expense fund and reserve fund**

- 47** For the purposes of sections 57 and 58 of the Act, the corporation shall raise the amounts required for the common expenses fund or the reserve fund by levying contributions on the owners of the units:
- (a) in proportion to the unit factors of their respective units; or
  - (b) if a scheme of apportionment for contributions to the fund has been established pursuant to sections 48 and 49, in accordance with that scheme.

6 Jly 2001 c.C-26.1 Reg 2 s47.

**Scheme of apportionment**

48(1) Subject to subsection (2), a corporation may establish a scheme of apportionment for owners' contributions to the common expenses fund or a reserve fund that is not in proportion to the unit factors by amending the bylaws of the corporation to include that scheme of apportionment and by filing those bylaws with the Director.

(2) A corporation shall not amend its bylaws to include a scheme of apportionment unless written consent to that scheme has been obtained from at least 75% of the owners.

(3) Not less than 30 days before filing with the Director an amendment to the bylaws that includes a scheme of apportionment, the corporation shall serve a copy of that amendment to the bylaws and notice, pursuant to section 50, of the right to apply to the court on:

- (a) all owners of units except those owners of units who have consented pursuant to subsection (2);
- (b) all holders of registered interests based on mortgages of units that have given written notice of their mortgages to the corporation pursuant to subsection 42(2) of the Act; and
- (c) the Saskatchewan Housing Corporation, if it has given notice to the corporation pursuant to subsection (5).

(4) At the time of filing with the Director an amendment to the bylaws that includes a scheme of apportionment mentioned in subsection (1), the corporation shall also retain for its records a certificate of the corporation under seal stating that:

- (a) copies of the amendment to the bylaws have been served as required by subsection (3); and
- (b) the consents required pursuant to subsection (2) have been obtained.

(5) Where the Saskatchewan Housing Corporation has a contract with the owner of a unit entered into pursuant to *The Saskatchewan Housing Corporation Act* to subsidize the common expenses fund or reserve fund contributions payable by the owner:

- (a) it may give written notice of the contract to the corporation; and
- (b) if it does give written notice to the corporation pursuant to this section, it shall give written notice to the corporation on the expiration or termination of the contract or if it ceases to subsidize the common expenses fund or reserve fund contributions payable by the owner.

(6) If a scheme of apportionment has been established pursuant to this section, it may be repealed, amended or replaced only in accordance with this section.

(7) The amendment to the bylaws pursuant to this section becomes effective on the filing with the Director of the amendment to the bylaws or a certified copy of a court order made pursuant to section 50.

(8) For the purposes of subsection (3), a copy of an amendment and notice may be served:

- (a) personally; or
- (b) by registered mail sent to:
  - (i) the owner at the address shown for the title to the unit at the land titles registry;
  - (ii) the holder of the registered interest at the address shown on the interest at the land titles registry; and
  - (iii) the Saskatchewan Housing Corporation at its head office.

(9) A document mentioned in subsection (3) served by registered mail is deemed to have been received on the seventh day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, the person did not receive the document or received it at a later date.

6 Jly 2001 c.C-26.1 Reg 2 s48.

**Application to court**

49(1) Within 30 days of being served, a person on whom a copy of the amending instrument and notice is required to be served pursuant to subsection 48(3):

- (a) may apply to the court to object to the scheme of apportionment included in the amending instrument; and
  - (b) shall file with the Director a notice of the application in a form acceptable to the Director.
- (2) An applicant shall serve written notice of the application on the corporation.
- (3) The corporation shall serve written notice of the application in the manner provided by subsections 48(8) and (9) on:
- (a) all owners of units;
  - (b) all holders of registered interests based on mortgages mentioned in clause 48(3)(b); and
  - (c) the Saskatchewan Housing Corporation, if it was required to be served pursuant to clause 48(3)(c).
- (4) If the corporation has received notice of an application pursuant to subsection (2), the corporation shall not amend and file bylaws to include the scheme of apportionment that is the subject of the application except in accordance with an order made pursuant to subsection (5).
- (5) On an application, the court may:
- (a) accept any evidence that the court considers appropriate; and
  - (b) make any order that the court considers appropriate, including an order amending the scheme of apportionment included in the amendment to the bylaws.

6 Jly 2001 c.C-26.1 Reg 2 s49.

**Notice of application**

**50** A notice of the application mentioned in section 49 must be in Form EE.

6 Jly 2001 c.C-26.1 Reg 2 s50; 16 Apr 2010 SR 35/2010 s37.

**Scheme of apportionment re bylaws respecting sectors**

**50.1** Sections 48 to 50 apply, with any necessary modification, to bylaws made pursuant to clause 47.1(1)(d) of the Act providing for the assessment and collection of contributions towards the common expenses in a manner that is not in proportion to the unit factors of the units contained in a sector.

16 Apr 2010 SR 35/2010 s38.

**Reserve fund contributions**

**51** The corporation shall determine the amount required for the reserve fund by taking into account:

- (a) the anticipated repair and replacement requirements of the common property, common facilities and services units; and
- (b) the most recent reserve fund study and report, if any.

31 Dec 2004 SR 128/2004 s6; 16 Apr 2010 SR 35/2010 s39; 16 Apr 2010 SR 35/2010 s39; 20 Jne 2014 SR 52/2014 s27.

**Reserve fund studies**

**51.1** In this section and in sections 51.2 and 51.3:

- (a) **“component”** means an individual item that is included in the physical analysis portion of a reserve fund study as described in section 51.3, and includes any thing:
  - (i) that is the responsibility of the corporation;
  - (ii) for which major repair or replacement costs are anticipated to be incurred during its useful life; and
  - (iii) for which the costs of repair or replacement will not be covered as part of the annual operating or maintenance budget;
- (b) **“master reserve fund spread sheet”** means a list of the components, the cost for major repair or replacement of each component, and the normal life expectancy and remaining useful life of each component;
- (c) **“projected cash flow tables”** means tables that demonstrate the effect of interest earned on investments and inflation of expenses and validate that a shortfall option will not jeopardize the funding plan;
- (d) **“qualified person”** means an individual who holds liability insurance in a minimum amount of \$1,000,000 and, based on reasonable and objective criteria, is knowledgeable with respect to:
  - (i) components or a particular type of component;
  - (ii) the operation and maintenance of components or a particular type of component; and
  - (iii) the costs of replacement of or repairs to components or a particular type of component;

and includes:

- (iv) a licensed applied science technologist within the meaning of *The Saskatchewan Applied Science Technologists and Technicians Act*;
- (v) a member of the Appraisal Institute of Canada holding the designation of Accredited Appraiser Canadian Institute;
- (vi) a person who holds a certificate of practice within the meaning of *The Architects Act, 1996*;
- (vii) a member of the Real Estate Institute of Canada holding the designation of Certified Reserve Planner; and
- (viii) a licensed professional engineer within the meaning of *The Engineering and Geoscience Professions Act*.

31 Dec 2004 SR 128/2004 s7; 16 Sep 2005 SR 98/2005 s4; 20 Jne 2014 SR 52/2014 s28.

#### Reserve fund study requirements

**51.2** For the purposes of section 58.1 of the Act, a corporation shall ensure that a reserve fund study is conducted by a qualified person and a written report prepared by a qualified person every five years.

31 Dec 2004 SR 128/2004 s7; 16 Sep 2005 SR 98/2005 s5; 20 Jne 2014 SR 52/2014 s29.

#### Contents of reserve fund study

**51.3(1)** A person conducting a reserve fund study shall include:

- (a) a statement of assumptions regarding inflation, interest, maintenance and affordability in the context of quality and expense that were made in making the report;
- (b) a funding plan based on:
  - (i) a physical analysis; and
  - (ii) a financial analysis that shows the amount of the annual contribution required to be paid into the reserve fund to adequately offset expenditures for the major repair or replacement of a component; and
- (c) the opinion of the person conducting the study that the fund should be adequate to offset the expenditures for the major repair or replacement of the components if the corporation makes contributions recommended as a result of the study.

(2) The physical analysis mentioned in subclause (1)(b)(i) shall be based on a component assessment report containing:

- (a) the component inventory;
- (b) the component assessment;
- (c) the anticipated useful life of each component;
- (d) the remaining useful life of each component, including maintenance and repairs; and
- (e) the current replacement cost of each component.

- (3) A component that is scheduled for major repair or replacement in the year of the reserve fund study is deemed to have no remaining useful life.
- (4) The component inventory mentioned in clause (2)(a) shall be based on:
- (a) a visual site review;
  - (b) a review of the corporation's architectural, structural, mechanical, electrical, landscaping and site services plans;
  - (c) a review of the condominium plan and bylaws; and
  - (d) a review of the corporation's history with respect to the maintenance, replacement and repair of its components and any planned changes to its components.
- (5) The component assessment mentioned in clause (2)(b) shall be based on:
- (a) an on-site review of the major common property, common facilities and services units components, including consideration of aesthetics;
  - (b) a review of:
    - (i) structural and architectural plans;
    - (ii) previous inspection reports; and
    - (iii) maintenance records; and
  - (c) interviews with the directors, employees and agents of the corporation.
- (6) The financial analysis mentioned in subclause (1)(b)(ii) shall consist of an evaluation and analysis of the corporation's reserve fund income and expenses, and shall include:
- (a) the current reserve fund balance;
  - (b) the estimated interest payable on the reserve fund balance over the period of the study;
  - (c) the repair and replacement schedule, including dates and cost outlay;
  - (d) the anticipated effect of inflation on reserve fund expenses over the period of the study;
  - (e) a master reserve fund spread sheet; and
  - (f) projected cash flow tables, including:
    - (i) data indicating whether the current annual contribution is adequate, over a period of at least 25 consecutive years, to address the repair and replacement schedule; and

(ii) details of several possible fund accumulation scenarios covering a period of at least 25 consecutive years:

- (A) indicating a recommended annual contribution adequate to address the repair and replacement schedule;
- (B) demonstrating the compounding of the interest earned on the fund into the fund; and
- (C) demonstrating the utilization of the interest as a portion of the contributions to the fund.

31 Dec 2004 SR 128/2004 s7; 16 Apr 2010 SR 35/2010 s40; 20 Jne 2014 SR 52/2014 s30.

**Reserve fund study report**

**51.4(1)** The person conducting the reserve fund study shall complete a reserve fund study report in Form FF at the time the study is completed.

(2) The reserve fund report shall include a statement as to whether the person conducting the study and preparing the report is an owner, employee or agent of the corporation or is a property manager of or otherwise associated with the corporation.

(3) A reserve fund study conducted pursuant to subsection 58.1(4.1) of the Act must be conducted, and the reserve fund study report must be prepared, by an independent person who is not:

- (a) an owner, employee or agent of the developer;
- (b) a property manager of the developer; or
- (c) otherwise associated with the developer.

31 Dec 2004 SR 128/2004 s7; 16 Apr 2010 SR 35/2010 s41; 20 Jne 2014 SR 52/2014 s31.

**Availability of reserve fund study report**

**51.5** The board shall ensure that a copy of the reserve fund study report is appended to the annual report with respect to the reserve fund mentioned in section 58.2 of the Act, and made available to each owner at the next annual meeting of the corporation.

31 Dec 2004 SR 128/2004 s7.

**Exception**

**51.6(1)** For the purposes of this section, “**unit**” does not include parking units or services units.

(2) Subject to subsection (3), if a corporation has, as one of its objects, the management of less than 12 units, the corporation is exempted from the requirement to conduct a reserve fund study and to prepare a reserve fund study report.

(3) This section does not apply to reserve fund studies required pursuant to subsection 58.1(4.1) of the Act.

20 Jne 2014 SR 52/2014 s32.



**Exception**

**51.7(1)** The corporation is exempted from conducting a reserve fund study, preparing a reserve fund study report and maintaining a reserve fund, if:

- (a) the certificate of title to each of the units included in a condominium plan is registered in the name of the same owner; and
- (b) those units are rented or offered for rent to persons as tenants who are not purchasers and are not intended to be purchasers.

(2) If the owner of units to which subsection (1) applies offers those units for sale and if, as a result of the sale of any of those units, subsection (1) would no longer apply with respect to those units, the owner shall not sell any of those units until a reserve fund study is carried out and a reserve fund study report is prepared.

(3) The reserve fund study report must be made available for inspection by any person purchasing a unit mentioned in subsection (1).

31 Dec 2004 SR 128/2004 s7.

**Liens**

**52(1)** Where a condominium corporation registers an interest based on a lien pursuant to section 63 of the Act, the lien is to indicate that the condominium corporation is claiming an interest in a unit pursuant to section 63 of the Act.

(2) The lien may be lapsed in accordance with the provisions of *The Land Titles Act, 2000*.

6 Jly 2001 c.C-26.1 Reg 2 s52.

**Estoppel certificate**

**53** An estoppel certificate required pursuant to section 64 of the Act must be in Form GG.

6 Jly 2001 c.C-26.1 Reg 2 s53; 16 Apr 2010 SR 35/2010 s42.

**Financial statements**

**53.1** Subject to sections 53.2 and 53.3, for the purposes of subsection 39(3) of the Act:

- (a) a person appointed to conduct an audit or review of the financial statements of a corporation must be a member in good standing of a recognized accounting profession that is regulated by an Act;
- (b) financial statements must be prepared in accordance with generally accepted accounting principles published by Chartered Professional Accountants of Canada, as amended from time to time;
- (c) a person conducting an audit or review of the financial statements of a corporation must conduct that audit or review and prepare a report based on that audit or review in accordance with the standards for audits or reviews published by Chartered Professional Accountants of Canada, as amended from time to time;
- (d) no person shall audit or review financial statements of a corporation if that person:
  - (i) is a registered unit owner;

- (ii) is a director, officer or employee of the corporation;
- (iii) is a property manager under an agreement for the management of the property of the corporation;
- (iv) has an interest in a contract to which the corporation is a party; or
- (v) is a partner, employer or employee of a person mentioned in subclause (iii).

20 Jne 2014 SR 52/2014 s33.

**Exception**

**53.2(1)** For the purposes of this section, “**unit**” does not include parking units or services units.

(2) For the purposes of clause 39(2)(b) and subsection 39(3) of the Act, a corporation that consists of fewer than 12 units:

- (a) is not required to have its financial statements audited;
- (b) subject to clause (c), is required to have its financial statements reviewed annually; and
- (c) is not required to have its financial statements reviewed if written consent is obtained from a minimum of 80% of the owners of the units.

(3) For the purposes of clause 39(2)(b) and subsection 39(3) of the Act, a corporation that consists of 12 units to 50 units:

- (a) subject to clause (b), is required to have its financial statements audited annually;
- (b) is not required to have its financial statements audited if written consent is obtained from a minimum of 80% of the owners of the units;
- (c) if an audit is not required pursuant to clause (b) and subject to clause (d), is required to have its financial statements reviewed annually;
- (d) is not required to have its financial statements reviewed if written consent is obtained from 100% of the owners of the units.

(4) A corporation that consists of more than 50 units is required to have its financial statements audited annually pursuant to clause 39(2)(b) and subsection 39(3) of the Act.

(5) For the purposes of subsections (2) and (3):

- (a) the consent requirements apply to all of the owners of the units in the corporation, notwithstanding the establishment of sectors within the corporation in accordance with its bylaws; and
- (b) the consent must be obtained on an annual basis.

(6) If a corporation obtains the required consent pursuant to clause (2)(c) or (3)(b), the corporation shall serve the following on every owner of a unit who did not provide consent:

- (a) notice that consent to not require the financial statements to be audited or reviewed has been granted; and
- (b) a description of the owner's right to apply to the court for an order requiring the financial statements to be audited or reviewed.

(7) An owner of a unit may apply to the court within 30 days after being served with the notice mentioned in subsection (6) for an order requiring the financial statements to be audited or reviewed.

(8) An applicant mentioned in subsection (7) shall serve notice of the application on:

- (a) the board of directors of the corporation; and
- (b) the owners of the units.

(9) On an application pursuant to subsection (7), the court may make one or more of the following orders:

- (a) an order confirming that the audit or review of the financial statements is not required;
- (b) an order requiring an audit or review of the financial statements;
- (c) any other order that the court considers fair and equitable.

20 Jne 2014 SR 52/2014 s33.

**Corporations consisting entirely of parking, services units**

**53.3** Subsections 53.2(2) to (9) apply, with any necessary modification, to a corporation that consists entirely of all or any of the following:

- (a) parking units;
- (b) services units.

20 Jne 2014 SR 52/2014 s33.

**Service**

**53.4** Section 104 of the Act applies, with any necessary modification, to the service of a document or notice for the purposes of subsection 14(5) of the Act and subsections 53.2(5) and (7) of these regulations.

20 Jne 2014 SR 52/2014 s33.

PART IX  
**Condominium Taxation**

**Repealed.** 31 Dec 2004 SR 128/2004 s8.

**PART X  
General**

**Corporate certificate for transfer or lease**

**61** A certificate by a corporation given pursuant to section 71 or 71.1 of the Act must be in Form HH.

6 Jly 2001 c.C-26.1 Reg 2 s61; 16 Apr 2010 SR  
35/2010 s43.

**Certificate that resolution properly passed**

**62** A certificate by a corporation required pursuant to section 89 of the Act must be in Form II.

6 Jly 2001 c.C-26.1 Reg 2 s62; 16 Apr 2010 SR  
35/2010 s44.

**Interpretation re section 65 of the Act**

**62.1** For the purposes of section 65 of the Act, “**major perils**” means the perils of fire, lightning, explosion or implosion, smoke, falling objects, impact by aircraft or land vehicles, riot, vandalism or malicious acts, water escape or rupture, windstorm or hail.

31 Dec 2004 SR 128/2004 s9.

**Written report on insurance**

**62.2** Pursuant to clause 65(11)(b) of the Act, a written report on the insurance coverage must include the following:

- (a) the insurance policy or a description of the insurance particulars, including:
  - (i) the name of the insurance carrier;
  - (ii) the name of the insurance agent;
  - (iii) the amount of insurance;
  - (iv) the renewal date;
  - (v) any additional endorsements; and
  - (vi) the deductible;
- (b) a list of any reported claims, including:
  - (i) the amount of the claim;
  - (ii) the type of loss;
  - (iii) the cause of loss;
  - (iv) whether the deductible was recoverable from a unit owner; and
  - (v) the impact on the insurance premium;
- (c) the premium.

20 Jne 2014 SR 52/2014 s34.

**Short-term management rental pool**

**62.3(1)** For the purposes of section 75 of the Act, the owner of a residential unit rented pursuant to a short-term rental management pool shall:

- (a) provide to the corporation written notice of intention to rent the unit at least 30 days before the commencement of the short-term rental management pool;
  - (b) provide to the corporation contact information for the manager of the short-term rental management pool, who shall provide the name of the tenant on request of the corporation; and
  - (c) provide to the corporation written notice that the unit is no longer rented within 30 days after the end of the short-term rental management pool.
- (2) Section 78 of the Act does not apply to units rented pursuant to a short-term rental management pool.

20 Jne 2014 SR 52/2014 s34.

**Notice of termination**

**63** A notice of the termination of the condominium status of a building pursuant to section 87 of the Act must be in Form JJ.

6 Jly 2001 c.C-26.1 Reg 2 s63;; 16 Apr 2010 SR 35/2010 s45.

**Manner of application**

**64(1)** An application for title pursuant to section 87 of the Act may be made after the Controller of Surveys has approved a new plan for the parcel or where an existing plan supports the parcel.

(2) An application mentioned in subsection (1) must be accompanied by surrenders of all existing titles pursuant to the condominium plan and a request for title to be issued to the parcel in the manner set out in *The Land Titles Act, 2000*.

(3) Any interests registered against the titles cancelled pursuant to an application in subsection (1) shall be registered against the new title issued as long as the applicant requests the discharge and registration of the interests in the manner set out in *The Land Titles Act, 2000*.

6 Jly 2001 c.C-26.1 Reg 2 s64.

**Filing of orders with registrar**

**65(1)** An administrator appointed by the court pursuant to section 101 of the Act shall file a certified copy of the order of the court appointing him or her as administrator with the Director and the land titles registry.

(2) A corporation shall file a certified copy of an order of the court made pursuant to section 102 of the Act in the land titles registry.

(3) On receipt of a copy of an order mentioned in subsection (1) or (2), the registrar shall endorse on the relevant condominium plan:

- (a) the particulars that the registrar considers appropriate; and
- (b) his or her signature.

6 Jly 2001 c.C-26.1 Reg 2 s65; 16 Apr 2010 SR 35/2010 s46.

**Cost of providing documents**

**66** The maximum fee that a corporation may charge for producing and providing any document that the Act requires to be produced and provided is not to exceed the cost to the corporation of producing and providing the document.

6 Jly 2001 c.C-26.1 Reg 2 s66.

**Administration and service fees**

**66.1(1)** The corporation may charge reasonable administration and service fees in order to compensate it for the expenses it incurs in providing that administration or service.

(2) A corporation may charge a fee of not more than \$200 for an estoppel certificate issued pursuant to section 64 of the Act.

20 Jne 2014 SR 52/2014 s35.

**Rate of interest**

**66.2** The rate of interest that may be charged by a corporation pursuant to section 59 of the Act on any unpaid balance of a contribution owing to the corporation by an owner of a unit must not exceed 23% per annum.

20 Jne 2014 SR 52/2014 s35.

**Fee for certificate or approval**

**67** The maximum fee that a local authority may charge for producing and providing any certificate or approval that the Act requires to be produced and provided is not to exceed the cost to the local authority of producing and providing the certificate or approval, including staff resources and material costs.

31 Dec 2004 SR 128/2004 s10.

**Certificate of independent legal advice**

**68** A certificate of independent legal advice and waiver pursuant to section 27 of the Act must be in Form KK.

6 Jly 2001 c.C-26.1 Reg 2 s68; 16 Apr 2010 SR 35/2010 s47.

**Copies furnished to assessing authorities**

**68.1** A copy of a plan, amended plan, unit factor schedule or notice of interests that affects all the owners furnished to an assessing authority pursuant to section 92 of the Act is to be identified as an attachment to a certificate that must be in Form LL.

16 Apr 2010 SR 35/2010 s48.

PART XI  
**Repeal and Coming Into Force**

**R.R.S. c.C-26.1 Reg 1 repealed**

**69** *The Condominium Property Regulations* are repealed.

6 Jly 2001 c.C-26.1 Reg 2 s69.

**Coming into force**

**70(1)** Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Condominium Property Amendment Act, 2000* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Condominium Property Amendment Act, 2000* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

6 Jly 2001 c.C-26.1 Reg 2 s70.

**Appendix  
PART I  
Forms**

FORM A  
[Section 6]

**Encroachment Agreement**

BETWEEN:

\_\_\_\_\_

*(Developer)*

- and -

The Crown in right of Saskatchewan,  
as represented by the  
Minister of Highways and Infrastructure

\_\_\_\_\_

*(Minister)*

- and -

\_\_\_\_\_

*(Local Authority)*

1. The developer is the registered owner in fee simple of the following land:

\_\_\_\_\_

*(provide land description)*

2. A building on the land encroaches on an adjacent street or lane owned by the Crown in right of Saskatchewan but within the municipal boundaries of the Local Authority as shown on the attached real property report.
3. The developer would like the consent of the minister and the local authority to continue the encroachment.

IN CONSIDERATION of the payment of \$1 to each of the minister and the local authority, receipt of which is acknowledged, the parties agree as follows:

1. The minister and the local authority agree that the developer and his or her executor, administrator or assigns may continue the encroachment only in accordance with this agreement.
2. The developer agrees that the developer will cause no further encroachment to be made.



- 3. The developer agrees that, should the building or any portion of it be structurally altered, ordinary repairs excepted, so that its chief component parts such as foundation or footings or outside walls are altered or renewed, the alterations will be done so that the building will not encroach at all or further on the street or lane after the alterations.
- 4. The developer agrees to keep the minister and the local authority indemnified from and against any and all expenses, damages, claims, demands, actions or judgments that may arise or be brought by reason of the encroachment or any part of it.
- 5. This agreement is binding on the heirs, executors, administrators, successors and assigns of the parties.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
*(Developer)*

*(The developer's signature must be witnessed and attested in accordance with the provisions of The Land Titles Act, 2000.)*

Minister of Highways and Infrastructure

per: \_\_\_\_\_

CONSENTED TO AND APPROVED on behalf of the local authority by its proper signing officers under corporate seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
*(Mayor or Reeve)*

\_\_\_\_\_  
*(City Clerk or Administrator)*

FORM B  
[Section 7.1]

**Certificate of Clerk of Local Authority**

I have considered the proposed division of buildings or land, as shown on:

---

*(describe plan, including legal land description)*

and I am satisfied that:

- separate occupation of the proposed units will not contravene any development control or zoning bylaw;
- any consent or approval required pursuant to a zoning bylaw or an interim development control bylaw has been given in relation to the separate occupation of the proposed units;
- the construction of any buildings and the division of the buildings and lands into units for separate occupation will not interfere with the existing or likely future amenity of the neighbourhood, having regard to the circumstance of the case and the public interest;
- one of the following applies:
  - the requirements to designate parking spaces or parking units pursuant to subsection 11(1) of *The Condominium Property Act, 1993* have been or will be complied with; or
  - there is no requirement to designate parking spaces or parking units pursuant to subsection 11(1) of *The Condominium Property Act, 1993* as a result of the operation of subsection 11(2) of *The Condominium Property Act, 1993*;
- if the application relates to the conversion of existing premises used for apartments, flats or tenements into units:
  - the conversion will not reduce the availability of rental accommodation in the area below 2.5%;
  - the conversion will not create significant hardship for any or all of the tenants of the existing premises, taking into consideration any mitigation plan proposed by the developer; and
  - the building and the parcel have the physical characteristics considered necessary by the local authority to make the premises suitable for conversion.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

---

*(Signature of Clerk of the Local Authority)*

*(affix seal here)*

FORM C  
[Section 12]

**Schedule of Unit Factors**

Unit Number	Type of Unit*	Unit Factor	Area of Unit	Other Features
Total		10,000		

\*Type of Unit (*more than one may apply, in that case, please list all*):

BL = Bare Land Unit

P = Parking Unit

S = Services Unit

RES = unit intended for residential purposes

AG = unit intended or used for agricultural purposes

REG = Regular Unit

FORM D  
[Section 13]

**Parking Space Redesignation Form**

TO: \_\_\_\_\_  
*(name of condominium corporation)*

I, \_\_\_\_\_, being the owner of condominium unit # \_\_\_\_\_ to which has been designated the exclusive use of parking space # \_\_\_\_\_ in the Condominium Plan No. \_\_\_\_\_ by Interest Register No. \_\_\_\_\_ *(if assigned)*, approve the redesignation of parking space # \_\_\_\_\_ to:

- (a) unit # \_\_\_\_\_; or
- (b) the corporation as non-exclusive use common property.

Notice of this parking space redesignation was provided to \_\_\_\_\_  
*(name of condominium corporation)*  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
*(Signature)*

*(The owner's signature must be witnessed and attested in accordance with The Land Titles Act, 2000.)*

Approved by \_\_\_\_\_, being the holder of a registered interest based on a mortgage on unit # \_\_\_\_\_ who is first entitled in priority.

\_\_\_\_\_  
*(Signature of mortgage holder)*

*(The mortgage holder's signature must be witnessed and attested in accordance with The Land Titles Act, 2000.)*

FORM E  
[Section 16]

**Bond**

I/we \_\_\_\_\_ (*the Principal*) as Principal and \_\_\_\_\_  
(*the Surety*) as Surety are held and firmly bound to the Crown in right of Saskatchewan (*the Obligee*) in the sum of \_\_\_\_\_ dollars, to be paid to the Obligee, for which payment we jointly and severally bind ourselves, our executors, administrators, successors and assigns.

Sealed with the respective seals of the Principal and of the Surety and dated the \_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

If the obligation is not realized on pursuant to *The Condominium Property Regulations, 2001*, the obligation is void but otherwise remains in force and is subject to being realized on as provided by *The Condominium Property Act, 1993*.

The obligation may be released in accordance with section 18 of *The Condominium Property Regulations, 2001*.

SIGNED, SEALED AND DELIVERED  
in the presence of:

(*affix seal here*)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Principal

(*affix seal here*)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Surety  
By Its Authorized Officer

\_\_\_\_\_  
Authorized Officer (*print name*)

**FORM F**  
[Section 19]

**Certificate of Completion**  
**(Bare Land and Common Property Complete)**

**Repealed.** 20 Jne 2014 SR 52/2014 s36.

FORM F.1  
[Section 12.1]

**Designation of Parking**

- In Condominium Plan No. \_\_\_\_\_, the following parking spaces pursuant to clause 11(1)(a) of the Act or parking units pursuant to clause 11(1)(b) of the Act are designated for the indicated units intended for residential purposes:

Residential Unit Number	Type of Parking	Parking Designation
	<input type="checkbox"/> space <input type="checkbox"/> unit	
	<input type="checkbox"/> space <input type="checkbox"/> unit	
	<input type="checkbox"/> space <input type="checkbox"/> unit	
	<input type="checkbox"/> space <input type="checkbox"/> unit	
	<input type="checkbox"/> space <input type="checkbox"/> unit	
	<input type="checkbox"/> space <input type="checkbox"/> unit	
	<input type="checkbox"/> space <input type="checkbox"/> unit	

- The following units include a parking area or garage within the boundaries of the unit as described in clause 11(2)(c) of *The Condominium Property Act, 1993*:

Residential Unit Number

**FORM G**  
[Section 19]

**Certificate of Completion  
(Bare Land 50% Reduction)**

**Repealed.** 20 Jne 2014 SR 52/2014 s36.

**FORM H**  
[Section 19]

**Certificate of Completion  
(Phased Units, Services Units and Common Property Complete)**

**Repealed.** 20 Jne 2014 SR 52/2014 s36.

**FORM I**  
[Section 19]

**Certificate of Completion  
(50% Reduction)**

(Applies to all condominium plans for which the developer is required to provide security pursuant to section 5.2 or 16 of *The Condominium Property Act, 1993*)

The following certification is provided with respect to \_\_\_\_\_  
*(the name of the condominium corporation)*

a condominium for which titles were issued pursuant to Plan Number \_\_\_\_\_, in the Land

Titles Registry and which was developed on the parcel of land formerly described as:

\_\_\_\_\_  
\_\_\_\_\_  
*(insert a legal description of the parcel of land from which the condominium plan was created)*

I, \_\_\_\_\_, being an independent \_\_\_\_\_  
*(engineer, architect or appraiser)*

certify that the common property, common facilities, services units, improvements and additional units, as applicable, which were disclosed pursuant to section 26 of *The Condominium Property Act, 1993* and are described in the attached Form J Declaration of Developer, \_\_\_\_\_,  
*(name of the developer)*

dated \_\_\_\_\_ that accompanies the endorsed declaration or the developer's reservation which is registered against the titles, are \_\_\_\_\_ % complete for the above-mentioned plan that purports to:

- divide a parcel into bare land units, divide a parcel into units some or all of which are intended for residential purposes or to create conversion units pursuant to section 5.2 of *The Condominium Property Act, 1993*.
- create a phased development pursuant to section 16 of *The Condominium Property Act, 1993*.

The details regarding the status of the work to be completed are described in the attached letter

dated \_\_\_\_\_, 20 \_\_\_\_ .

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

\_\_\_\_\_  
*Signature of engineer, architect or appraiser*

*(affix professional seal here)*

**Authorization**

*(to be completed by the Minister Responsible  
for the administration of The Condominium Property  
Act, 1993)*

In accordance with subsection 18(2) of *The  
Condominium Property Regulations, 2001*, this  
is an authorization for the release of 50% of  
the security in relation to the condominium  
mentioned above.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

\_\_\_\_\_  
Minister Responsible for the administration of *The  
Condominium Property Act, 1993*



FORM J  
[Section 22]

**Declaration of Developer**

(Applies to all condominium plans for which the developer is required to provide security pursuant to section 5.2 or 16 of *The Condominium Property Act, 1993*)

The developer declares:

- 1. That \_\_\_\_\_ is the developer of a condominium pursuant to Condominium  
(name of the developer)

Plan Number \_\_\_\_\_ and situated in \_\_\_\_\_  
(name of local authority)

to be located on the following land:

\_\_\_\_\_  
\_\_\_\_\_  
(insert a legal description of the parcel of land from which the condominium plan will be created)

and that purports to:

- divide a parcel into bare land units, divide a parcel into units some or all of which are intended for residential purposes or to create conversion units pursuant to section 5.2 of *The Condominium Property Act, 1993*.
- create a phased development pursuant to section 16 of *The Condominium Property Act, 1993*.

- 2. That the developer undertakes to provide the following as shown on the sketch plan attached to this declaration and described as:

(Insert a list of common property, common facilities, services units, improvements and additional units, as applicable. Attach a separate sheet if necessary)

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
- (d) \_\_\_\_\_
- (e) \_\_\_\_\_

- 3. That if the developer adopts architectural controls respecting improvements on the units, the developer will apply those controls consistently.

- 4. (If a phased development pursuant to section 16 of *The Condominium Property Act, 1993* and the developer intends to register additional developer's reservations against the titles issued pursuant to any replacement plan or plans, the developer must include a statement of that fact.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

Signed, sealed and delivered in the presence of

*(affix seal here)*

\_\_\_\_\_  
*(Witness)*

\_\_\_\_\_  
*(Signature of the developer)*

**Certificate of Acceptance**

*(to be completed by the Minister Responsible for the administration of The Condominium Property Act, 1993)*

The above declaration is accepted.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

\_\_\_\_\_  
Minister Responsible for the administration of *The Condominium Property Act, 1993*

**OR Waiver**

*(to be completed by the Minister Responsible for the administration of The Condominium Property Act, 1993)*

In accordance with subsection 17(3) of *The Condominium Property Regulations, 2001*, this is a waiver of the requirement to obtain security mentioned in section 17 of those regulations for the proposed condominium mentioned above.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

\_\_\_\_\_  
Minister Responsible for the administration of *The Condominium Property Act, 1993*

FORM K  
[Sections 17 and 23]

**Certificate of Cost**

(Applies to all condominium plans for which the developer is required to provide security pursuant to section 5.2 or 16 of *The Condominium Property Act, 1993*)

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_,  
in \_\_\_\_\_, being a registered \_\_\_\_\_,  
(province) (engineer, architect or appraiser)

certify that the cost of completing the common property, common facilities, services units, improvements and additional units, as applicable and as described in the attached Form J Declaration of the developer, dated \_\_\_\_\_, for Condominium Plan Number \_\_\_\_\_ in relation to the parcel of land described as:

\_\_\_\_\_  
\_\_\_\_\_  
(insert a legal description of the parcel of land from which the condominium plan will be created)

and that purports to:

- divide a parcel into bare land units, divide a parcel into units some or all of which are intended for residential purposes or to create conversion units pursuant to section 5.2 of *The Condominium Property Act, 1993*;
- create a phased development pursuant to section 16 of *The Condominium Property Act, 1993*;

is as follows:

(insert a list of common property, common facilities, services units, improvements and additional units, itemized, as applicable and as set out in Form J, Declaration of Developer, and their costs. Attach a separate sheet if necessary)

(a) _____	\$ _____
(b) _____	\$ _____
(c) _____	\$ _____
(d) _____	\$ _____
(e) _____	\$ _____
 TOTAL	 \$ _____

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
(Signature of engineer, architect or appraiser) (affix professional seal here)

**FORM L**  
[Section 24]

**Certificate of Completion**  
**(Bare Land - No Improvements Promised)**

**Repealed.** 20 Jne 2014 SR 52/2014 s36.

**FORM M**  
[Section 19]

**Certificate of Completion**

(Applies to all condominium plans for which the developer is required to provide security pursuant to section 5.2 or 16 of *The Condominium Property Act, 1993*)

The following certification is provided with respect to \_\_\_\_\_  
*(name of the condominium corporation if approved by the Corporate Registry)*

a condominium or a proposed condominium pursuant to Plan Number \_\_\_\_\_, which was developed or is to be developed on the parcel of land that is currently or formerly described as:

\_\_\_\_\_  
*(insert legal description of the parcel of land from which the condominium plan was or will be created)*

I, \_\_\_\_\_, being an independent \_\_\_\_\_  
*(engineer, architect or appraiser)*

certify that the common property, common facilities, services units, improvements and additional units, as applicable, which were disclosed pursuant to section 26 of *The Condominium Property Act, 1993* and are described in the attached Form J, Declaration of Developer, \_\_\_\_\_,  
*(name of the developer)*

dated \_\_\_\_\_ that accompanies the endorsed declaration or the developer's reservation which is registered against the titles or proposed to be registered against titles, are complete for the above-mentioned plan that purports to:

- divide a parcel into bare land units, divide a parcel into units some or all of which are intended for residential purposes or to create conversion units pursuant to section 5.2 of *The Condominium Property Act, 1993*.
- create a phased development pursuant to section 16 of *The Condominium Property Act, 1993*.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
*(Signature of engineer, architect or appraiser)*

*(affix professional seal here)*

**Authorization**

*(to be completed by the Minister Responsible  
for the administration of The Condominium  
Property Act, 1993)*

In accordance with subsection 18(2) of *The Condominium Property Regulations, 2001*, this is an authorization for the release of security in relation to the condominium mentioned above.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

---

Minister Responsible for the administration of *The Condominium Property Act, 1993*

**OR Waiver**

*(to be completed by the Minister Responsible  
for the administration of The Condominium  
Property Act, 1993)*

In accordance with subsection 17(3) of *The Condominium Property Regulations, 2001*, this is a waiver of the requirement to obtain security mentioned in section 17 of those regulations for the proposed condominium mentioned above.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

---

Minister Responsible for the administration of *The Condominium Property Act, 1993*

20 Jne 2014 SR 52/2014 s36.

**FORM N**

[Section 26]

**Certificate of Completion  
Declaration of Developer Respecting Additional Units  
and Additional Common Facilities**

**Repealed.** 20 Jne 2014 SR 52/2014 s36.

**FORM O**

[Section 27]

**Certificate of Cost  
(Phased Development)**

**Repealed.** 20 Jne 2014 SR 52/2014 s36.

FORM P  
[Section 28]

**Notice of Amendment**

TAKE NOTICE that \_\_\_\_\_ has obtained an  
*(name of developer)*

amendment to the declaration accompanying the developer's reservation registered against the titles

issued pursuant to Condominium Plan No. \_\_\_\_\_, situated in \_\_\_\_\_

\_\_\_\_\_, and that:

*(Local Authority)*

(a) the developer has obtained such approval by a special resolution

of \_\_\_\_\_ ; and  
*(name of condominium corporation)*

(b) the amendment is indicated in the endorsed declaration which is attached.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed and sealed in the presence of

*(affix seal here)*

\_\_\_\_\_  
*(Witness)*

\_\_\_\_\_  
*(Signature of developer)*

FORM Q  
[Section 29]

**Notice of Extension**

TAKE NOTICE that \_\_\_\_\_ has obtained an extension of time  
*(name of the developer)*

allowed for the completion of any additional units (including services units) or additional common facilities in the phase of the development disclosed in the declaration that accompanied the developer's reservation registered against title issued pursuant to Condominium Plan Number: \_\_\_\_\_, situated in \_\_\_\_\_, and that:

(a) the developer has obtained such approval by a special resolution of \_\_\_\_\_ ; and  
*(name of the condominium corporation)*

(b) the extension for the phase is indicated in the amended endorsed declaration, which is attached.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

*(affix seal here)*

\_\_\_\_\_  
*(Witness)*

\_\_\_\_\_  
*(Signature of the developer)*

Form R  
[Sections 15.2 and 31]

**Amending Instrument  
(Other than for Amalgamation)**

\_\_\_\_\_ amends Condominium Plan No. \_\_\_\_\_, as follows:  
*(name of condominium corporation)*

1. \_\_\_\_\_  
*(Describe the nature of the amendments being effected by this instrument)*
2. Attached is a schedule showing the existing units, with accompanying unit number, unit factors and registered owners, together with the unit number and unit factors and registered interests against that title that each registered owner will own as a result of the amendment.  
*(attach schedule in Form V)*
3. The Registrar is given authority to surrender and set up titles, register interests, designate parking spaces or parking units if necessary, and do any other thing the Registrar considers necessary to give effect to this amending instrument.

The seal of \_\_\_\_\_ was affixed on \_\_\_\_\_  
*(name of condominium corporation)*

in the presence of \_\_\_\_\_ and \_\_\_\_\_, members of the board.

*(affix seal here)*



FORM S  
[Section 32]

**Certificate of Consent  
(Amendments)**

\_\_\_\_\_ certify that written consents to the  
(name of condominium corporation)

amendment proposed in the attached amending instrument have been obtained from:

- (a) the owners of every unit in Condominium Plan No. \_\_\_\_\_ ; and
- (b) every holder of a registered interest based on a mortgage with respect to a unit and the common property that is affected by the amendment.

OR

\_\_\_\_\_ certify that:  
(name of condominium corporation)

(a) the written consents of 80% of the owners of units (including services units) in Condominium Plan No. \_\_\_\_\_ and holders of registered interests based on mortgages with respect to the units (including services units) and common property that are affected by the amendment have been obtained;

(b) a notice of this amending instrument has been served on the following, not less than 30 days before submitting this amending instrument to the Registrar:

- (i) all owners of units and all holders of registered interests based on mortgages with respect to the units (including services units) and the common property that are affected by the amending instrument, except those unit owners and holders of registered interests based on mortgages that provide written consents; and
- (ii) the local authority; and

(c) no objection has been received in the form of a notice of court application.

The seal of \_\_\_\_\_ was affixed on \_\_\_\_\_  
(name of condominium corporation)

in the presence of \_\_\_\_\_ and \_\_\_\_\_,

members of the board.

(affix seal here)

FORM T  
[Section 33]

**Notice of Court Application  
(Oppose plan amendment)**

TAKE NOTICE that I, \_\_\_\_\_, being an owner of a unit, a holder of a registered interest based on a mortgage, or a local authority mentioned in section 14 of *The Condominium Property Act, 1993*, object to the proposed amendment to Condominium Plan No. \_\_\_\_\_, and that further, I have applied to a court and served notice of my application as required pursuant to section 14 of the Act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature)

*(The signature must be witnessed and attested in accordance with The Land Titles Act, 2000.)*

FORM U  
[Section 35]

**Amending Instrument  
(Amalgamation)**

\_\_\_\_\_, owners of Condominium Plan No. \_\_\_\_\_,  
*(name of condominium corporation)*

and \_\_\_\_\_, owners of Condominium Plan No. \_\_\_\_\_,  
*(name of condominium corporation)*

are to be amalgamated as follows:

1. \_\_\_\_\_  
*(Describe the amalgamation being effected by this instrument)*

2. Attached is a schedule showing the existing units (including services units), with accompanying unit number, unit factors and registered owners, together with the unit number and unit factors and registered interests against that title that each registered owner will own as a result of the amendment. *(attach schedule in Form V)*

3. The Registrar is also authorized to do any other thing the Registrar considers necessary to give effect to this amending instrument. *(attach required documents)*

The seal of \_\_\_\_\_ was affixed on \_\_\_\_\_  
*(name of condominium corporation)*

in the presence of \_\_\_\_\_ and \_\_\_\_\_,  
members of the board.

The seal of \_\_\_\_\_ was affixed on \_\_\_\_\_  
*(name of condominium corporation)*

in the presence of \_\_\_\_\_ and \_\_\_\_\_,  
members of the board.

*(affix seal here)*

FORM V  
[Section 35]

**Schedule of Units, Service Units and Unit Factors\***

Old Unit Number	Old Unit Factor	New Unit Number	Unit Factor	Type of Unit**	Registered Owner	Registered Interests	Parking Designation
Total:	10,000	Total:	10,000				

\*To be used with Forms R, U and X.

\*\*Type of Unit (*more than one may apply, in that case, please list all*):

- BL = Bare Land Unit
- P = Parking Unit
- S = Services Unit
- RES = unit intended for residential purposes
- AG = unit intended or used for agricultural purposes
- REG = Regular Unit

FORM W  
[Section 37]

**Amending Instrument  
(Unit Factors)**

\_\_\_\_\_ amends the unit factors for the  
(name of condominium corporation)

units pursuant to Condominium Plan No. \_\_\_\_\_, as follows:

1. \_\_\_\_\_  
(Describe nature of the amendments being effected by this instrument.)
2. Attached is a schedule showing the existing units, with accompanying unit factors and registered owners, together with the units and unit factors the registered owners will own as a result of the amendment. (attach schedule)
3. The Registrar is given authority to amend the information in the registry and to do any other thing the Registrar considers necessary to give effect to this amending instrument.

The seal of \_\_\_\_\_ was affixed on \_\_\_\_\_  
(name of condominium corporation)

in the presence of \_\_\_\_\_ and \_\_\_\_\_,  
members of the board.

(affix seal here)

**Schedule**

Unit Number	Registered Owner	Old Unit Factor	New Unit Factor

FORM X  
[Section 38]

**Request for Titles Pursuant to Replacement Plan**

The developer \_\_\_\_\_, being the  
*(name of developer)*

developer of Condominium Plan No. \_\_\_\_\_ situated in \_\_\_\_\_,  
*(Local Authority)*

requests that the Registrar undertake the following with respect to Replacement Plan No. \_\_\_\_\_  
\_\_\_\_\_ :

- (a) surrender existing titles and set up and issue new titles as per the attached schedule *(in Form V)*;
- (b) discharge and register interests as per the attached schedule *(in Form V)*;
- (c) designate parking spaces or parking units if required *(in Form V)*; and
- (d) do any other thing that the Registrar considers necessary to give effect to the approved replacement plan.

The developer also attaches a certificate indicating that the board for \_\_\_\_\_,  
*(name of condominium corporation)*

approves or does not oppose this application to the Registrar.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed and sealed in the presence of

*(affix seal here)*

\_\_\_\_\_  
*(Witness)*

\_\_\_\_\_  
*(Signature of developer)*

**CERTIFICATE OF BOARD MEMBER**

I, \_\_\_\_\_, a member of the  
board of \_\_\_\_\_,  
*(name of condominium corporation)*

approves or does not oppose the issuance of titles pursuant to Replacement Plan No. \_\_\_\_\_.

The seal of \_\_\_\_\_ was affixed on \_\_\_\_\_  
*(name of condominium corporation)*

in the presence of \_\_\_\_\_ and \_\_\_\_\_,  
members of the board.

*(affix seal here)*

FORM Y  
[Section 41.1]

**Request for Name Search and Reservation**

Name and mailing address of person (or company) requesting the name search:

┌ \_\_\_\_\_  
└ Contact Person

┌ \_\_\_\_\_  
└ Telephone number where you may be reached from  
8 a.m. to 5 p.m.

1. Condominium Plan Number, if approved, and legal land description of parcel:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Name(s) you would like to use *(in order of preference)*:

*(Only the first available name will be searched unless you ask for all names listed to be reserved.)*

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

3. This name is to be used for:

- Incorporation                       Amalgamation
- Name change from:

The above name appears to be available for use and is reserved for the above person (or firm) for 90 days ending \_\_\_\_\_, 20\_\_\_\_\_.

*or*

The above name is not available for the following reason(s):

\_\_\_\_\_

**Department Use Only**

Searched by: \_\_\_\_\_

Completed documents, in duplicate, are to be sent to the Corporate Registry.

FORM Z  
[Section 41.4]

**Application for Change of Corporation Name**

Corporation No. \_\_\_\_\_

1. Current name of corporation: \_\_\_\_\_

2. Requested name: \_\_\_\_\_  
\_\_\_\_\_

3. This change of name has been duly authorized pursuant to the requirements of the Act.

Date	Name	Office Held	Signature
<div data-bbox="248 997 1372 1018" style="background-color: black; height: 10px; width: 100%;"></div>			

Completed documents, in duplicate, are to be sent to the Corporate Registry.



FORM AA  
[Section 45]

**Amendment or Repeal of Bylaws**

\_\_\_\_\_ certify that by a special resolution passed  
(name of condominium corporation)

on \_\_\_\_\_, the bylaws applicable to the corporation were amended or repealed  
as follows: \_\_\_\_\_

\_\_\_\_\_  
(set out terms of resolution)

The seal of \_\_\_\_\_ was  
(name of condominium corporation)

affixed on \_\_\_\_\_ in the presence of \_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_\_, members of the board.

(affix seal here)

FORM BB  
[Subsection 45(1.1)]

**Certificate of Consent  
(Creation or Dissolution of Sector)**

\_\_\_\_\_ certify that written consents to the  
(name of condominium corporation)

creation or dissolution of a sector proposed in the attached bylaws have been obtained from:

- (a) the owners of every unit in \_\_\_\_\_, and  
(name of condominium corporation)
- (b) every holder of a registered interest based on a mortgage with respect to a unit and the common property that is affected by the amendment.

OR

\_\_\_\_\_ certify that:  
(name of condominium corporation)

- (a) the written consents of 80% of the owners of units in \_\_\_\_\_  
(name of condominium corporation)

and holders of registered interests based on mortgages with respect to the units and common property that are affected by the bylaws have been obtained;

- (b) a notice of this bylaw has been served on the following, not less than 30 days before submitting this bylaw to the Director:

- (i) all owners of units, or all holders of registered interests based on mortgages with respect to the units and the common property that are affected by the bylaws, except those unit owners and holders of registered interests based on mortgages that provide written consents; and

- (ii) the local authority; and

- (c) no objection has been received in the form of a notice of court application.

The seal of \_\_\_\_\_  
(name of condominium corporation)

was affixed on \_\_\_\_\_ in the presence of \_\_\_\_\_ and \_\_\_\_\_

\_\_\_\_\_, members of the board.

(affix seal here)

FORM CC  
 [Subsection 45(1.2)]

**Notice of Court Application**  
**(Oppose resolution passing or approving bylaw)**

TAKE NOTICE that I, \_\_\_\_\_, being an owner of a unit, object to the attached resolution with respect to a bylaw made pursuant to clause 47(1)(m.1) of the Act that was passed or approved in accordance with clause 47.1(4)(b) of the Act, and that further, I have applied to a court and served notice of my application as required pursuant to subsections 47.1(6) and (7) of the Act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 (Signature)

*(The signature must be witnessed and attested in accordance with The Land Titles Act, 2000.)*

\*Attach resolution and bylaw that is the subject of the resolution.

FORM DD  
[Section 46]

**Change of Address for Service or Change of Directors**

**Section A: Condominium Corporation Information** (Required)

\_\_\_\_\_  
Condominium Corporation Name

\_\_\_\_\_  
Condominium Corporation Number

**Section B: Change of Address for Service**

Change Address for Service

\_\_\_\_\_  
New Address for Service: Address, City/Province, Country, Postal Code

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Fax

\_\_\_\_\_  
Email

**Section C: Change of Directors** (Select the appropriate box)

Add a New Director

\_\_\_\_\_  
New or Additional Director Name

\_\_\_\_\_  
Date became Director

\_\_\_\_\_  
New or Additional Director Mailing Address: Address, City/Province, Country, Postal Code

Remove a Director

\_\_\_\_\_  
Remove Director Name

\_\_\_\_\_  
Date ceased to be Director

<b>Section D: Submitting Party (Required)</b>	
I certify that the disclosed information respecting the condominium corporation is correct and I have the authority to sign this document on behalf of the condominium corporation.	
(seal)	
_____	_____
Name	Signature
_____	_____
Title (relationship to the corporation)	Date Signed
_____	
Mailing Address: Box/Street Number, City/Town, Province, Postal Code	
_____	_____
Email	Telephone

*Change of Address for Service or Change of Directors***Form DD**

## Instructions for Completion

This form may be used to do the following at the Corporate Registry:

- To change the address for service;
- To add directors elected at the first annual meeting; and
- To change directors.

<b>Section A: Condominium Corporation Information</b>
<input type="checkbox"/> Ensure the name of the condominium corporation is provided.
<input type="checkbox"/> Ensure that the condominium corporation number is provided.
<b>Section B: Change of Address For Service</b>
<input type="checkbox"/> If the address filed at the Corporate Registry needs to be changed, use this section.
<input type="checkbox"/> Ensure that the "Change of Address for Service" is checked off.
<input type="checkbox"/> Ensure the address has been approved by a resolution of the board of directors.
<input type="checkbox"/> Ensure that the new address for service is provided. It can be a box number.
<input type="checkbox"/> Ensure that a telephone number, fax number and email address are provided, if available.
<b>Section C: Change of Directors</b>
<input type="checkbox"/> If the directors need to be filed at the Corporate Registry for the first time or they need to be changed, use this section.
<input type="checkbox"/> Ensure that the "Add a New Director" box is checked off if you are adding directors to the Corporate Registry for the first time or adding a new director at any time.
<input type="checkbox"/> If the "Add a New Director" box is checked off, ensure that the new director's name, address and the date that he or she became a director are provided.
<input type="checkbox"/> Ensure that the "Remove a Director" box is checked off if a person has ceased to be a director of the corporation.
<input type="checkbox"/> If the "Remove a Director" box is checked off, ensure that the name of the director who has ceased to be a director, as well as the date that he or she ceased to be a director, is provided.
<b>Note:</b> Additional sheets may be attached if removing or adding more than one director.

<b>Section D: Submitting Party</b>
<input type="checkbox"/> Ensure the submitting party is provided.
<input type="checkbox"/> Ensure the submitting party address is provided.
<input type="checkbox"/> Ensure an email address or telephone number including the area code is provided.
<input type="checkbox"/> Ensure the relationship of the submitting party is indicated in the title area. It will likely be a director, officer or agent of the condominium corporation.
<input type="checkbox"/> Ensure the form is signed and dated by an appropriate submitting party.
<input type="checkbox"/> Ensure that the seal of the corporation is affixed.

FORM EE  
[Section 50]

**Notice of Application  
(Opposition to Apportionment)**

TAKE NOTICE that I, \_\_\_\_\_, being one of the persons described in subsection 48(3) of *The Condominium Property Regulations, 2001*, object to the scheme of apportionment included in the proposed amendment to the bylaws of Condominium Plan No. \_\_\_\_\_, and that further, I have applied to a court and served notice of my application as required pursuant to section 49 of the regulations.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature)

*(The signature must be witnessed and attested in accordance with The Land Titles Act, 2000.)*



FORM FF

**Reserve Fund Study Report**

[Section 51.4]

1. Section 58.1 of *The Condominium Property Act, 1993* 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 (including services units).

2. The following is a report of the \_\_\_\_\_ reserve fund study,  
*(name of condominium corporation)*  
dated \_\_\_\_\_, prepared by \_\_\_\_\_  
*(name of person conducting the reserve fund study)*

3. The qualifications of the person who conducted the reserve fund study are:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*(describe qualifications)*

and the person holds liability insurance in a minimum amount of \$1,000,000 through  
\_\_\_\_\_  
*(provide name of insurer)*

4.  The study has been prepared **on behalf of the developer** and the person who conducted the study and/or prepared the report is not: an owner, employee or agent of the corporation; a property manager of or otherwise associated with the corporation; an owner, employee or agent of the developer; a property manager of or otherwise associated with the developer.

OR

The study has been prepared **on behalf of the corporation** and the person who conducted the study and prepared this report is not (or is): an owner, employee or agent of the corporation; a property manager of or otherwise associated with the corporation; an owner, employee or agent of the developer; a property manager of or otherwise associated with the developer. *(if applicable, describe the relationship of the person who conducted the study to the developer or the corporation)*

5. The repair, maintenance and replacement recommendations arising from the reserve fund study are:  
\_\_\_\_\_  
\_\_\_\_\_  
*(summarize the recommendations)*

**C-26.1 REG 2**

CONDOMINIUM PROPERTY, 2001

6. The estimated expenditures from the reserve fund for the repair and replacement of common property are set out in the CASH FLOW TABLE. In this report, the term 'annual contribution' means the total amount to be contributed each year to the reserve fund. The recommended total 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 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: \_\_\_\_\_ %

7. Cash Flow Table

Year <i>(show each of 25 consecutive years, beginning with the current fiscal year)</i>	Opening Balance	Recommended Annual Contribution	Estimated Inflation Adjusted Expenditures	Estimated Interest Earned	Percentage Increase in Recommended Annual Contribution	Closing Balance

8. The total annual contribution recommended for the current fiscal year is \$ \_\_\_\_\_, (check applicable box)

which is the same amount that has already been budgeted.

or

which represents an increase of \_\_\_\_\_ % over the amount already budgeted.

9. At the present time the average contribution per unit per month to the reserve fund is \$ \_\_\_\_\_.

If the recommendations arising from the reserve fund study are followed, the average increase in contribution per unit 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.)*

10. In my opinion, the reserve fund should be adequate to offset the expenditures for the major repair or replacement of the components if the corporation makes contributions recommended as a result of the study.

\_\_\_\_\_  
*(date)*

\_\_\_\_\_  
*(Signature of person who conducted reserve fund study)*

FORM GG  
[Section 53]

**Estoppel Certificate**

\_\_\_\_\_ (the 'corporation')  
(name of condominium corporation)

DATE: \_\_\_\_\_

TO: \_\_\_\_\_

Re: UNIT No. \_\_\_\_\_ (the Unit)

**CERTIFICATE**

The corporation certifies that, as of the above date:

**Common Expense Fund and Reserve Fund**

1. The corporation has passed bylaws pursuant to *The Condominium Property Regulations, 2001* to effect a reapportionment of common expenses or reserve fund contributions:

Yes If yes, describe the reapportionment:

\_\_\_\_\_

No

2. The total amount of the condominium fees levied respecting the unit is: \_\_\_\_\_. This consists of:

A common expense contribution in the amount of: \_\_\_\_\_

A reserve fund contribution levied in the amount of: \_\_\_\_\_

3. The amount of any unpaid common expense and reserve fund contributions or arrears respecting the unit is: \_\_\_\_\_

4. The amount of the reserve fund is: \_\_\_\_\_

5. The manner in which the contributions are payable (for example, by annual or monthly instalments) is:

\_\_\_\_\_

6. The manner in which the contributions can be paid (for example, by credit card, automatic withdrawal, post-dated cheques etc.) is:

\_\_\_\_\_

7. There is an extraordinary contribution levied on the unit:

- Yes      If yes, provide the following:  
    The amount levied is: \_\_\_\_\_  
    The amount is due on: \_\_\_\_\_  
    The amount unpaid is: \_\_\_\_\_  
    The amount past due is: \_\_\_\_\_

No

8. The condominium and the unit have been converted from a previous use as an apartment, tenement or flat:

- Yes      If yes, a copy of the reserve fund study is attached at no additional charge.
- No      If no, a copy of the reserve fund study report is available for the following additional fee: \_\_\_\_\_

Date of report: \_\_\_\_\_

If report is not available, explain why: \_\_\_\_\_

9. The qualifications of the person who conducted the reserve fund study are:

\_\_\_\_\_  
\_\_\_\_\_

and the person held liability insurance in a minimum amount of \$1,000,000 through \_\_\_\_\_ (provide name of insurer).

10. The corporation states that the person who conducted the reserve fund study and/or wrote the report is **NOT** an owner, employee or agent of the corporation; a property manager of or otherwise associated with the corporation; an owner employee or agent of the developer; a property manager of or otherwise associated with the developer.

- Yes
- No      If no, indicate relationship of person who did the study to the corporation or the developer: \_\_\_\_\_

11. The corporation has adopted a funding plan in conformity with the recommendation in the reserve fund study report:

- Yes      If yes, provide the particulars of compliance:  
    \_\_\_\_\_  
    \_\_\_\_\_

- No      If no, why not or in what way is the funding plan not consistent with the recommendation in the report?  
    \_\_\_\_\_  
    \_\_\_\_\_

**Financial Statements**

12. The corporation indicates that the financial statements were last:

- Audited on \_\_\_\_\_ (*date of last audit*)
- Reviewed on \_\_\_\_\_ (*date of last review*)
- Have not been audited or reviewed since the last annual general meeting. Why not?

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(include information in regards to resolutions that dispensed with an audit or a review)

13. Since the date of the last audited or reviewed financial statements of the corporation, there has been no material change in the assets or liabilities of the corporation except as follows:

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14. A copy of the corporation's most recent financial statements are available for the following additional fee: \_\_\_\_\_

15. A copy of the corporation's current budget is available for the following additional fee: \_\_\_\_\_

**Parking**

16. The type of parking included with the unit pursuant to section 11 of *The Condominium Property Act, 1993* is:

- Parking is not required to be provided pursuant to section 11 of *The Condominium Property Act, 1993*.
- An exclusive use parking space. The space number is: \_\_\_\_\_
- A parking unit. The unit number is: \_\_\_\_\_

17. The details of any additional parking included with the unit or available for rent or purchase is:

- Nothing available
- Available for rent  
The unit/space number is: \_\_\_\_\_  
The cost is: \_\_\_\_\_
- Available for purchase  
The unit/space number is: \_\_\_\_\_  
The cost is: \_\_\_\_\_

18. The details of any other exclusive use areas that are included with the unit are:

---

19. There are additional monthly charges for the use of the parking spaces, parking units or other exclusive use areas:

Yes      If yes, indicate any additional monthly charges and what the charge is for:

No

20. The corporation may disclose further particulars of the parking or any exclusive use area, including any special rules regarding those areas:

### **Insurance**

21. In the case of a unit sold for residential purposes, there is a standard unit description:

Yes      If yes, the standard unit description is attached.

No      No attachment required.

22. The corporation holds insurance policies as required by *The Condominium Property Act, 1993*.

The particulars of the insurance are:  
     The name of the insurance carrier \_\_\_\_\_  
     The name of the insurance agent \_\_\_\_\_  
     The amount of the insurance \_\_\_\_\_  
     The renewal date \_\_\_\_\_  
     Any additional endorsements \_\_\_\_\_  
     The deductible \_\_\_\_\_

AND

A certificate of insurance is attached.

23. A copy of the corporation's insurance policies are available for the following additional fee: \_\_\_\_\_

### **Bylaws**

24. The corporation continues to operate under the standard bylaws prescribed in *The Condominium Property Regulations, 2001*:

Yes      If yes, a copy is available free of charge at Queen's Printer - [www.qp.gov.sk.ca](http://www.qp.gov.sk.ca) and skip to question 27.

No      If no, attach a copy of the corporation's current bylaws.

25. The corporation's bylaws and policies are in good standing and the most recent bylaws are filed with the Director:

Yes      Date filed: \_\_\_\_\_

No      If no, explain why: \_\_\_\_\_

26. The corporation has bylaws creating sectors and the unit is included in a sector:

Yes

No

### **Agreements**

27. A copy of the corporation's current management agreement(s) is available for the following additional fee: \_\_\_\_\_

28. The corporation has entered into contracts that extend beyond one year:

Yes      If yes, provide a list of the contracts that extend beyond one year:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

No

29. There are plans or agreements that establish a short-term rental management pool for renting units within the corporation for periods of less than one month:

Yes      If yes, provide the particulars:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

No

30. The corporation has agreements with other condominium corporations:

Yes      If yes, copies of the agreements are attached at no additional charge.

No      No attachment required.

### **Meeting and other Proceedings**

31. Copies of any annual general meeting and board minutes for the preceding year are attached:



- Yes If yes, copies of minutes are attached at no additional charge.
- No If no, why not:

\_\_\_\_\_

32. The date of the last annual general meeting was: \_\_\_\_\_

33. The date of the next annual general meeting, if known is: \_\_\_\_\_

34. Commencing after April 1, 2015, a copy of the most recent annual return is attached:

- Yes If yes, a copy of the annual return is attached at no extra charge.
- No If no, why not and provide the names and addresses of the members of the board of directors of the corporation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

35. The corporation has **NOT** been served with a notice of any unsatisfied judgment against the corporation, any existing orders or actions, or proceedings pending against or affecting the corporation before or issued by any court or any public authority having jurisdiction.

- Yes
- No If no, provide the particulars:

\_\_\_\_\_  
\_\_\_\_\_

36. The corporation has **NOT** taken any action nor has it received notice of any pending proceedings:

- (a) for the transfer or lease of the common property or services units of the corporation or any part of it, except to the extent permitted under its bylaws in relation to the assignment of parking spaces and exclusive use areas to individual units;
- (b) to authorize any substantial change in or addition to the common facilities, services units or any other assets of the corporation;
- (c) to amend the condominium plan relating to the corporation as presently approved and filed;
- (d) to amend the bylaws of the corporation as constituted pursuant to *The Condominium Property Act, 1993* or as presently filed;
- (e) to amend the bylaws of the corporation to create or dissolve sectors within the corporation;
- (f) for the appointment of an administrator for the corporation; and
- (g) to terminate the condominium status of the land and buildings constituting the condominium property of the corporation.

- Yes
- No If no to any of (a) to (g), provide the particulars:

\_\_\_\_\_  
\_\_\_\_\_

**Property**

37. The corporation is managed by a property manager:

- Yes      If yes, the name and contact information of the property manager is:  
\_\_\_\_\_
- No

38. The unit owner is prohibited from using some of the common property, common facilities or services units:

- Yes      If yes, provide a list of the common property, common facilities or services units that the unit owner is prohibited from using:  
\_\_\_\_\_
- No

39. The corporation owns real property outside of the condominium plan that the unit is in:

- Yes      If yes, provide a list of the real property that is owned including street address and value:  
\_\_\_\_\_
- No

**Development**

40. The construction of the common property, common facilities and any services units is complete:

- Yes      No attachment required.
- No      If no, the following are attached:
- a copy of the developer's declaration or developer's reservation for a plan titled:
    - o before June 9, 2014, for all bare land and phased developments; or
    - o on or after June 9, 2014, for all bare land, residential, conversion and phased developments; and
  - a detailed list of the expected attributes of those facilities and a proposed schedule of the construction and completion of any unfinished common property, common facilities and services units; and

Indicate whether the developer's security has been released:

- Yes
- No

41. If the unit is complete, a copy of any final inspection reports by the local authority detailing compliance with the zoning requirements and building and fire code requirements is attached:

- Yes
- No      Reasons for not being available: \_\_\_\_\_
- N/A      The unit is not complete

42. The corporation states that the unit factors among the units included in the condominium plan have been apportioned for each unit by the approximate area of that unit:

- Yes
- No      If no, explain how apportioned:  
\_\_\_\_\_

**General**

43. The corporation is not aware of any material default by the present owner of the unit in fulfilling any of the owner’s obligations arising from membership in the corporation and ownership of the unit that would impact the future owner’s obligation and enjoyment of the unit, except as noted above on this estoppel certificate or noted below:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*(name of condominium corporation)*

by: \_\_\_\_\_  
*(Signature of officer of the corporation - include title)*

If you have any questions, about this estoppel certificate, please contact:

\_\_\_\_\_  
*(provide name and contact information)*

Form HH  
[Section 61]

**Certificate of Corporation  
(Lease or Transfer of Common Property or Services Units)**

\_\_\_\_\_ certify that:  
*(name of condominium corporation)*

- (a) a unanimous resolution respecting the transfer or lease of common property or services units was property passed;
- (b) the transfer or lease conforms with the terms of the unanimous resolution;
- (c) all necessary consents were obtained; and
- (d) in the case of a transfer, the Registrar is authorized to surrender and set up titles, discharge and register interests, designate parking spaces and parking units, and do any other thing the Registrar considers necessary to enable the transfer.

The particulars of the lease or transfer are as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

The seal of \_\_\_\_\_ was affixed  
*(name of condominium corporation)*

on \_\_\_\_\_ in the presence of \_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_\_, members of the board.

*(affix seal here)*

FORM II  
[Section 62]

**Certificate of Corporation  
(Transfer after Termination)**

\_\_\_\_\_ certify that  
*(name of condominium corporation)*

a unanimous resolution authorizing the attached transfer was properly passed and that all necessary consents were obtained.

The Registrar is also authorized to surrender and set up titles, discharge and register interests, and do any other thing the Registrar considers necessary to enable the transfer.

The particulars of the transfer are as follows: \_\_\_\_\_  
\_\_\_\_\_

The seal of \_\_\_\_\_ was affixed  
*(name of condominium corporation)*

on \_\_\_\_\_ in the presence of \_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_\_, members of the board.

*(affix seal here)*

FORM JJ  
[Section 63]

**Notice of Termination of Condominium Status**

\_\_\_\_\_ certifies  
*(name of condominium corporation)*

that the condominium status of the building or land illustrated in Condominium Plan No. \_\_\_\_\_  
\_\_\_\_\_ has been terminated.

Annexed is a certified copy of the unanimous resolution of the owners pursuant to section 83 of *The Condominium Property Act, 1993*.

OR

Annexed is a certified copy of the order made by the court pursuant to section 84 of *The Condominium Property Act, 1993*.

The seal of \_\_\_\_\_ was affixed  
*(name of condominium corporation)*

on \_\_\_\_\_ in the presence of \_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_\_, members of the board.

*(affix seal here)*

FORM KK  
[Section 68]

**Certificate of Independent Legal Advice**

I, \_\_\_\_\_, being a lawyer legally entitled to practise law in \_\_\_\_\_, certify that I have explained the purpose and effect of the attached waiver to \_\_\_\_\_, the person/persons named in the attached waiver, separate and apart from the developer or any employee or agent of the developer and that \_\_\_\_\_ understands the purpose and effect of the waiver.

I further certify that I have not, nor has my employer, partner or clerk, prepared the attached waiver and that I am not, nor is my employer, partner or clerk, otherwise interested in the transaction involved.

\_\_\_\_\_  
(Lawyer)

**Waiver of Right to Rescind a Condominium Purchase Agreement**

I, \_\_\_\_\_, waive the right to rescind the purchase agreement that I have entered respecting the following property within 10 days after the day on which the purchase agreement was signed:

\_\_\_\_\_  
\_\_\_\_\_  
(legal description of property)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature of purchaser)

FORM LL  
[Section 68.1]

**Certificate Verifying Copies of Condominium Documents**

The Owners: Condominium Corporation No. \_\_\_\_\_ certify that the attached plans marked as \_\_\_\_\_ and \_\_\_\_\_ are copies of a condominium plan, or an amendment to a condominium plan approved by and filed with the Controller of Surveys on \_\_\_\_\_, and that the attached unit factor schedule is a copy of a schedule filed with the Controller of Surveys on \_\_\_\_\_.

The seal of the Owners: Condominium Corporation No. \_\_\_\_\_ was affixed on \_\_\_\_\_ in the presence of \_\_\_\_\_ and \_\_\_\_\_, members of the board

*(affix seal here)*

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Completed documents, in duplicate, are to be sent to the Corporate Registry.



FORM MM  
[Section 45.1]  
**Annual Return**

<b>Section A: Condominium Corporation Information</b>	
Condominium Corporation Number:	Return due by:
Condominium Corporation Name:	Fee: (if received by due date - \$ )
	(if received after due date - \$ )
<b>INCORPORATION DATE:</b>	

<b>Section B: Address for Service (currently on file at the Corporate Registry)</b>	
Address:	
City/Province:	
Country/Postal Code:	
Attention:	
Telephone:	Fax:
Email:	
Has the address for service changed? <input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Section C: Directors Information (currently on file at the Corporate Registry)</b>
<input type="checkbox"/> No board of directors has been elected as a first annual meeting has not been called pursuant to section 38 of <i>The Condominium Property Act, 1993</i> .
Name: <input type="checkbox"/> Director <input type="checkbox"/> Officer
Address:
City/Province:
Country/Postal Code:
Position Held As Officer (if any):
Has there been any change of directors? <input type="checkbox"/> Yes <input type="checkbox"/> No

**If you answered yes to either of the change questions in Section B or C, then attach Form DD (Change of Address for Service or Change of Directors) to this annual return.**

<b>Section D: Submitting Party (Required)</b>	
I certify that the disclosed information respecting the condominium corporation is correct and I have the authority to sign this document on behalf of the condominium corporation.	
	(seal)
_____	_____
Name	Signature
_____	_____
Title (relationship to the corporation)	Date Signed
Mailing Address: Box/Street Number, City/Town, Province, Postal Code	
_____	_____
Email	Telephone

FORM NN  
[Section 39]

**Certificate of Approval**  
(New Services Units or Common Property)

\_\_\_\_\_ consents to the creation of new services unit(s) or additional common  
(name of condominium corporation)

property as contained in new or amended Condominium Plan Number \_\_\_\_\_ .

The seal of \_\_\_\_\_ was affixed on \_\_\_\_\_  
(name of condominium corporation)

in the presence of \_\_\_\_\_ and \_\_\_\_\_ ,  
members of the board.

(affix seal here)

**Part II**  
**Bylaws**

CONDOMINIUM BYLAWS  
[Section 44]

**I Interpretation**

**Interpretation**

1(1) In these bylaws:

- (a) “**Act**” means *The Condominium Property Act, 1993*;
  - (b) “**annual meeting**” means an annual general meeting of the corporation;
  - (c) “**common property**” means common property, common facilities and services units and includes exclusive use areas;
  - (d) “**general meeting**” means a general meeting of the corporation other than the annual meeting;
  - (e) “**mortgagee**” means the mortgage holder of a unit, the common property and the corporation.
- (2) Words or expressions defined in section 2 of the Act have the same meaning in these bylaws.
- (3) The rights and obligations given or imposed on the corporation or the owners pursuant to these bylaws are in addition to any rights or obligations given or imposed on the corporation or the owners pursuant to the Act.
- (4) If there is any conflict between these bylaws and the Act, the Act prevails.

20 Jne 2014 SR 52/2014 s37.

**II Duties of the Owner**

**Owner's duties**

2 An owner shall:

- (a) permit the corporation and its agents, at all reasonable times with notice, except in case of emergency when no notice is required, to enter in or on his or her unit for the purposes of:
  - (i) inspecting the unit;
  - (ii) maintaining, repairing or replacing pipes, wires, cables and ducts existing in or on the unit and used or capable of being used in connection with the enjoyment of any other unit or common property;
  - (iii) maintaining, repairing or replacing common property; or
  - (iv) ensuring that the bylaws are being observed;
- (b) promptly carry out all work that may be required pursuant to these bylaws or as required by a local authority or other public authority respecting his or her unit, other than any work for the benefit of the building or parcel generally;

- (c) promptly pay all rates, taxes, charges and assessments that may be payable respecting his or her unit;
- (d) maintain his or her unit in a state of good repair;
- (e) promptly notify the corporation of:
  - (i) any change in the ownership of the unit; or
  - (ii) any mortgage registered against the unit; and
- (f) obtain the written consent of the board before making mechanical or electrical alterations to:
  - (i) his or her unit that affect the common property or another unit; or
  - (ii) the common property.

### **III Powers and Duties of the Corporation**

#### **Duties of corporation**

#### **3 The corporation shall:**

- (a) control, manage and administer the common property for the benefit of all owners; and
- (b) on the written request of an owner or registered mortgagee of a unit, produce to the owner or mortgagee, or person authorized in writing by the owner or mortgagee, one or more of the following as requested by that person:
  - (i) the policy of insurance obtained by the corporation and the receipts for the last premium paid by the corporation;
  - (ii) a copy of any minutes or proceedings of any general meetings of the corporation or board, in a form that does not disclose the identity of any individual unit owner to whom the minutes or proceedings relate.

20 Jne 2014 SR 52/2014 s37.

#### **Copy of minutes, etc.**

**3.1(1)** Notwithstanding subclause 3(b)(ii), the corporation may make available at a conspicuous location on the common property, a copy of any minutes or proceedings of any general meeting of the corporation or the board as soon as is practicable after the meeting.

**(2)** The corporation may produce or make available the documents mentioned in this section and in section 3 in paper, electronic or other format acceptable to the intended recipient of those documents.

20 Jne 2014 SR 52/2014 s37.

**Powers of corporation****4** The corporation may:

- (a) acquire real or personal property to be used:
  - (i) for the maintenance, repair or replacement of the real or personal property of the corporation or the common property; or
  - (ii) by owners in connection with their enjoyment of the real and personal property of the corporation or the common property;
- (b) borrow money required by it for the performance of its duties or the exercise of its powers;
- (c) secure the repayment of money borrowed by it and interest on that money by:
  - (i) negotiable instrument;
  - (ii) a mortgage of unpaid contributions, whether levied or not;
  - (iii) a mortgage of any property owned by it;
  - (iv) a mortgage of common property, where approved by special resolution;
  - (v) any combination of the things mentioned in subclauses (i) to (iv);
- (d) where approved by the owners, rent common property or property owned by the corporation;
- (e) subject to section 59 of the Act, charge interest at the rate set by owners at the annual meeting on any money owing to it by an owner; and
- (f) make an agreement with an owner or tenant of a unit for the provision of amenities or services by it to the unit or to the owner or tenant of the unit.

**IV Election of the Board****Election of the board**

- 5(1)** The board is to consist of not less than three and not more than seven owners or their designates.
- (2) Notwithstanding subsection (1), if there are not more than two owners, the board is to consist of all the owners or their designates.
- (3) An individual shall not be a member of the board unless that individual is 18 years of age or older.
- (4) For the purposes of this section and section 6, an owner may appoint a designate.
- (5) The appointment of a designate must be in writing and must be signed by the owner or his or her attorney.
- (6) The revocation of the appointment of a designate must be in writing and must be signed by the owner or his or her attorney.

**Eligibility to sit on the board**

**6(1)** If a unit has more than one owner, only one owner, or his or her designate, respecting that unit, shall sit on the board at one time.

(2) An owner who has not paid to the corporation the contributions due and owing respecting his or her unit is not eligible, nor is his or her designate, for election to the board.

(3) An owner is not eligible to sit on the board if he or she:

(a) is bankrupt under the *Bankruptcy and Insolvency Act* (Canada);

(b) is the subject of a certificate of incapacity issued pursuant to *The Dependent Adults Act*; or

(c) has been convicted of an indictable offence for which he or she was liable to imprisonment for a term of not less than two years.

**Voting**

**7** At an election of members of the board, each person entitled to vote may vote for the same number of nominees as there are vacancies to be filled on the board.

**Term of office**

**8(1)** Subject to subsection (2), a member of the board shall be elected at an annual meeting for a term expiring at the conclusion of the annual meeting convened in the second year following the year in which he or she was elected to the board.

(2) At the first annual meeting convened pursuant to section 38 of the Act:

(a) not more than 50% of the members of the board are to be elected for a term expiring at the conclusion of the annual meeting convened in the year following the year in which they were elected; and

(b) the balance of the members are to be elected for a term expiring at the conclusion of the annual meeting convened in the second year following the year in which they were elected.

(3) Each member of the board shall remain in office until the occurrence of any of the following:

(a) the office becomes vacant pursuant to section 10 of these bylaws;

(b) the member resigns;

(c) the member is removed pursuant to section 9 of these bylaws;

(d) his or her term of office expires.

**Removal of a member of the board**

**9** Except when the board consists of less than three individuals, the corporation may, by resolution at a general meeting, remove a member of the board before the expiration of his or her term of office and appoint another individual in his or her place to hold that office for the remainder of the term.

**Vacating of the office of a member of the board**

**10** The office of a member of the board is vacated if he or she:

- (a) becomes bankrupt under the *Bankruptcy and Insolvency Act* (Canada);
- (b) is more than 30 days in arrears in payment of any contribution required to be made by him or her as an owner;
- (c) is the subject of a certificate of incapacity issued pursuant to *The Dependent Adults Act*;
- (d) is convicted of an indictable offence for which he or she is liable to imprisonment for a term of not less than two years;
- (e) resigns his or her office by serving notice in writing on the corporation; or
- (f) is absent from three consecutive meetings of the board without permission of the board and it is resolved at a subsequent meeting of the board that the member should be removed from his or her office.

**Filling vacancy**

**11** When a vacancy occurs on the board pursuant to section 9 or 10 of these bylaws, the board may appoint an individual to fill that office until the next annual meeting.

## **V Officers of the Corporation**

**Officers**

**12(1)** At the first meeting of the members of the board held after the general meeting of the corporation at which they were elected, the board shall designate from its members a president, vice-president, secretary and treasurer of the corporation.

(2) The board may designate a member to fill one or more of the offices mentioned in subsection (1).

(3) In addition to those duties assigned to the officers by the board, the president or, in the event of his or her absence or disability, the vice-president, shall act as chairperson of the meetings of the board.

(4) Where the president or vice-president is not available at the beginning of the meeting, the board shall elect a chairperson for the meeting and, if any chairperson so elected vacates the chair during the course of a meeting, the board shall choose another chairperson who has the same rights of voting.

(5) A person ceases to be an officer of the corporation if he or she ceases to be a member of the board.

(6) If a person ceases to be an officer of the corporation, the board shall designate from its members a person to fill that office for the remainder of the term.



## VI Majority Vote and Quorum of the Board

### Majority vote

**13(1)** At meetings of the board, all matters are to be determined by majority vote, and, in the event of a tie vote, the chairperson is entitled to cast a deciding vote in addition to his or her initial vote.

(2) Except where the board consists of a single director, a quorum of the board is two where the board consists of four or less members, three where it consists of five or six members and four where it consists of seven members.

## VII Written Resolutions

### Written resolution

**14(1)** A written resolution of the board signed by all of the members of the board has the same effect as a resolution passed at a meeting of the board properly convened and held.

(2) The written resolution may be communicated to each board member by a facsimile machine and when each member's signature appears on a copy of the resolution it is considered signed by all of the members for the purposes of subsection (1), whether or not each signature is an original signature.

(3) A copy of every resolution mentioned in subsections (1) and (2) is to be kept with the minutes of the board.

## VIII Seal and Signing Authority of the Corporation

### Seal

**15** The corporation shall have a corporate seal that is not to be used except under the authority of a resolution of the board given prior to its use.

### Signing authority

**16** The board shall prescribe, by resolution:

(a) those officers or other persons who are authorized to sign cheques, drafts, instruments and documents not required to be signed under the corporate seal; and

(b) the manner, if any, in which those cheques, drafts, instruments or other documents are to be signed.

## IX Powers and Duties of the Board

### Duties

**17(1)** The board, in addition to the duties imposed in the Act, shall:

(a) meet at the call of the president to conduct its business and adjourn and otherwise regulate its meetings as it thinks fit;

(b) meet when a member of the board provides the other members with at least seven days' notice of a meeting proposed by him or her specifying the reason for calling the meeting;

- (c) maintain financial records of all the assets, liabilities and equity of the corporation;
  - (d) submit an annual report consisting of the financial statements and other information that the board may determine or that may be directed by a resolution passed at a general meeting to the annual meeting;
  - (e) on application of an owner, a mortgagee or any person authorized in writing by an owner or mortgagee, make the books of account available for inspection at all reasonable times;
  - (f) on application of an owner or mortgagee or any person authorized in writing by an owner or mortgagee, make the minutes of annual meetings and general meetings available for inspection at all reasonable times; and
  - (g) keep a copy of *The Condominium Property Act, 1993* and the regulations made pursuant to that Act.
- (2) The secretary or, in the event of his or her absence or disability, another member of the board designated by the board shall be responsible for:
- (a) recording and maintaining all the minutes of meetings of the board;
  - (b) all the correspondence of the corporation; and
  - (c) carrying out his or her duties under the direction of the chairperson and the board.
- (3) The treasurer or, in the event of his or her absence or disability, another member of the board designated by the board shall be responsible for:
- (a) receiving all money paid to the corporation and depositing that money as the board may direct;
  - (b) properly accounting for the funds of the corporation and keeping those books as the board directs;
  - (c) presenting to the board when directed to do so by the board, a full detailed account of receipts and disbursements of the corporation; and
  - (d) preparing for submission at the annual meeting:
    - (i) a budget for the forthcoming fiscal year of the corporation; and
    - (ii) the financial statement for the most recently completed fiscal year of the corporation.
- (4) All officers of the corporation shall act honestly and in good faith and with a view to the best interests of the corporation, and each member of the board shall exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

**Powers**

**18** The board may:

- (a) employ on behalf of the corporation any agents and employees it considers necessary to control, manage and administer the real and personal property of the corporation and the common property and, in that respect, may authorize those persons to exercise the powers and carry out the duties of the corporation; and
- (b) subject to any restriction imposed on it or direction given to it at a general meeting of the corporation, delegate to any of its members or to other persons any or all of its powers and duties as it thinks fit, and may at any time revoke that delegation.

## **X Procedure for Annual Meeting and General Meetings**

**Order at meetings**

**19** All meetings of the board and general meetings are to be conducted according to the rules of order adopted by the meeting.

**Owners requesting meeting**

**20(1)** The board, on the written request of owners or their designates entitled to vote who represent not less than 25% of the total unit factors for the units, shall convene a general meeting no later than 45 days after the request is received by any member of the board.

(2) The written request for a general meeting mentioned in subsection (1) is to state the general nature of the business to be conducted at the meeting.

(3) The board shall prepare an agenda, including the matter requested pursuant to subsection (2), and may add matters to the agenda other than those requested pursuant to subsection (2).

**Board requesting meeting**

**20.1(1)** The board may, whenever it thinks fit, convene a general meeting.

(2) The board shall prepare an agenda specifying the general nature of the business to be conducted at the meeting convened pursuant to subsection (1).

(3) Section 21 applies, with any necessary modification, to the giving of notice with respect to a meeting convened pursuant to this section.

**Notice of meetings**

**21(1)** When an annual meeting or a general meeting is to be convened, the board, not less than seven days prior to the day on which the meeting is to be convened, shall give to each owner written notice of the meeting stating:

- (a) the place, date and time at which the meeting is to be convened; and
- (b) the nature of all business to be brought forth at the meeting and level of approval required for each item.

(2) On being notified by a mortgagee entitled to vote pursuant to section 42 of the Act that it wishes to be notified of annual and general meetings, the board shall give to that mortgagee the same notices required to be given to the owner pursuant to subsection (1).

(3) An annual meeting or a general meeting or anything done at a meeting is not invalid by reason only that a person was inadvertently not given notice pursuant to subsection (1) for that meeting.

**Quorum**

**22(1)** Except as otherwise provided by these bylaws, no business shall be transacted at an annual meeting or a general meeting unless a quorum of persons entitled to vote is present or represented by proxy at the time when the meeting begins.

(2) A quorum for an annual meeting or a general meeting consists of not less than the number of persons or proxies representing 25% of all the unit factors.

(3) If, within 30 minutes from the time appointed for the commencement of an annual meeting or a general meeting, a quorum is not present, the meeting stands adjourned to the corresponding day in the next week at the same place and time.

(4) If, at the adjourned meeting, a quorum is not present within 30 minutes from the time appointed for the commencement of the meeting, the persons entitled to vote who are present or represented by proxy constitute a quorum for the purposes of that meeting.

**Chairperson**

**23(1)** The president, or in the event of his or her absence or disability, the vice-president or other person elected at the meeting shall act as chairperson of an annual meeting or a general meeting.

(2) The order of business at an annual meeting, and as far as is practicable at any general meeting, may be as follows:

- (a) call to order by the chairperson;
- (b) calling of the roll and certifying of proxies;
- (c) proof of notice of meeting or waiver of notice;
- (d) reading and approval of any unapproved minutes;
- (e) reports of officers;
- (f) reports of committees;

- (g) election of members of the board;
- (h) unfinished business;
- (i) new business;
- (j) adjournment.

## **XI Voting**

### **Voting**

**24(1)** At an annual meeting or a general meeting, a resolution is to be voted on by a show of hands unless a vote by unit factors is demanded by a person entitled to vote and present in person or by proxy, and, unless a vote by unit factors is so demanded, a declaration by the chairperson that a resolution has on the show of hands been carried is conclusive proof of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.

(2) If a person demands a vote by unit factor, that person may withdraw that demand and, on the demand being withdrawn, the vote shall be taken by a show of hands.

### **Vote by unit factors**

**25** A vote by unit factors, if demanded, is to be conducted in a manner as directed by the chairperson, and the result of the vote by unit factors is deemed to be the resolution of the meeting at which the vote by unit factors was demanded.

### **Tie votes**

**26(1)** Where there is a tie vote on a show of hands, the chairperson shall direct a vote by unit factors.

(2) Where there is a tie vote on a vote by unit factor, the resolution is defeated.

### **Voting by co-owners**

**27(1)** If a vote is taken by unit factors, the number of votes that a person may cast is to correspond to the unit factors for the respective units represented by that person.

(2) If a unit is owned by more than one person, those co-owners may vote personally or by proxy and:

(a) in the case of a vote taken by a show of hands, those co-owners are entitled to one vote between them; and

(b) in the case of a vote by unit factors, a co-owner is entitled to that portion of the vote applicable to the unit that is proportionate to his or her interest in the unit, as long as, where only one owner is present, that owner is entitled to vote all of the unit factors for that unit.

(3) A co-owner may demand that a vote by unit factors be taken.

**Personal or proxy vote**

**28** In a show of hands or on a vote by unit factors, votes may be given either personally or by proxy.

**29 Repealed.** 16 Sep 2005 SR 98/2005 s6.

**Restrictions on voting**

**30** Except as provided for in section 27 of these bylaws, there are no restrictions or limitations on an owner's rights to vote at an annual meeting or a general meeting.

**Written resolutions**

**31** If a resolution of the members of the corporation requires a majority vote, that resolution signed in person or by proxy by all the persons who, at a properly convened annual meeting or general meeting, would be entitled to vote has the same effect as a resolution duly passed at the meeting.

## **XII Enforcement of Bylaws**

**Enforcement of bylaws**

**32** The corporation is authorized to commence an action pursuant to section 99 of Act.

## **XIII Tenants**

**Corporation authorized**

**33** For the purposes of section 82 of the Act, the corporation is authorized to do the following:

- (a) impose or collect deposits pursuant to section 77 of the Act;
- (b) make applications to the Rentalsman pursuant to section 80 of the Act;
- (c) collect common expenses from tenants pursuant to section 81 of the Act.

## **XIV Restrictions in Use**

**Interpretation**

**34(1)** In this section:

- (a) **“occupant”** means a person present in or on a unit or in or on the real or personal property of the corporation or the common property with the permission of an owner;
  - (b) **“owner”** includes a tenant.
- (2) An owner shall not:
- (a) use or enjoy the real or personal property of the corporation or the common property in a manner that unreasonably interferes with its use and enjoyment by other owners or occupants;

- (b) use his or her unit in a manner or for a purpose that will cause a nuisance or hazard to any other owner or occupant;
  - (c) use his or her unit for a purpose that is illegal;
  - (d) make undue noise in or on his or her unit or on or about the real property of the corporation or the common property;
  - (e) do anything respecting his or her unit, the real or personal property of the corporation or the common property or bring or keep anything on it that will in any way increase the risk of fire or result in an increase in any insurance premiums payable by the corporation;
  - (f) use a toilet, sink, tub, drain or other plumbing fixture for a purpose other than that for which it is constructed;
  - (g) hang or place on the real property of the corporation or the common property or within or on a unit anything that is aesthetically displeasing in the board's opinion when viewed from outside the units;
  - (h) leave articles belonging to his or her household on the real property of the corporation or the common property when those articles are not in actual use;
  - (i) obstruct a sidewalk, walkway, passage, driveway or parking area other than for entering and leaving his or her unit;
  - (j) use any portion of the real property of the corporation or the common property except in accordance with the bylaws.
- (3) An owner shall ensure that his or her occupants comply with the requirements that the owner must comply with pursuant to subsection (2).

6 Jly 2001 c.C-26.1 Reg 2 Appendix Part II; 16  
Sep 2005 SR 98/2005 s6.

### **PART III**

Table 1  
[Section 40.1]

#### **Condominium Corporation Registry Fees**

**Repealed.** 6 Sep 2013 SR 70/2013 s15.

