

Accessing Condo Records – Ministry Releases Guides on New Procedures for Records Requests

Are you up to speed with the new procedures on access to condominium records?

The Ministry of Government and Consumer Services just released some very helpful guides on changes to the Condominium Act, 1998 (the “Act”) on access to condominium records that came into force on November 1, 2017.

Some of the biggest changes affecting condominium records include a new process that needs to be followed when an owner (or mortgagee, purchaser, or their agent) makes a record request. The amended Act classifies certain condominium documents as **core records** or **non-core records**, and sets out different processes for accessing each type of record.

It’s very important for condominium corporations to be up to speed with the new processes under the Act to avoid disputes that could end up at the Condominium Authority Tribunal.

New Ministry Tools for Accessing Records

The Ministry has prepared helpful flow-charts that set out the steps to be followed in a [Core Record Request](#) and a [Non-Core Record Request](#).

The new process established by the Act can be a little difficult to decipher, so the Ministry’s new tools will helpfully be a welcome resource for boards and managers when responding to requests.

Core Records and Non-Core Records

A core record includes a condominium corporation’s:

- Declaration, by-laws, rules, current budget
- Latest financial statements, audit report, reserve fund plan
- Shared facilities agreement
- Record of owners and mortgagees
- Periodic information certificates from the last 12 months
- Minutes for owner or board meetings (from the last 12 months) held after Nov. 1, 2017
- Any other record specified by by-law as a core record

Any record that is not a core record is considered a non-core record.

Accessing Records

Below is a brief summary of the steps in a record request. For a more detailed explanation, refer to the Ministry’s resources or contact your condominium’s lawyer:

1. **Request:** The requester submits their request on the new standard form;

2. **Board's Response:** The Board of Directors must respond within 30 days using the standard board response form, outline the estimated fees for preparing the records (if applicable), and indicate any records that will not be disclosed;
3. **Requester's Response:** A requester may have to respond using the standard form, confirming the records they are requesting, and pay any applicable fee;
4. **Access and Accounting:** Access to the records is provided, along with an accounting of the actual costs of preparing the records.

The timing for providing access to records and the costs of a records request will depend on whether a core record or non-core record is requested.