

Quick Tips on a Few Condo Forms

A number of the new forms that condominium corporations must use under the amended Condominium Act, 1998 have raised unexpected questions – especially from managers preparing the forms.

For example, the Notice of Meeting form doesn't appear to have an option that indicates a candidate is running for both a standard director position and an owner-occupied position. How should the form be prepared to indicate a candidate is running for both positions?

Also, some forms require a signature from the condominium corporation. Does a condominium manager have authority to sign these forms on behalf of the Corporation?

Here are a few tips we hope will help managers and directors resolve these issues. We will post more tips on other matters that arise.

Notice of Meeting

Page 2 of the Notice of Meeting form doesn't allow the person filling out the form to indicate that a candidate for the board wants to be considered for both an owner-occupied position and a standard director position. See below:

Candidates
These are the names and addresses of each individual who has notified the board in writing of their intention to be a candidate by the specified deadline

Name of Candidate	Address of Candidate	Reserved position
		<input type="checkbox"/> Candidate for position reserved for voting by owners of owner-occupied units
		<input type="checkbox"/> Candidate for position reserved for voting by owners of owner-occupied units

Notice of Meeting captureThe Notice of Meeting form only allows the person filling out the form to indicate whether a director is running for the owner-occupied position by checking the box in the third column, or leave it unchecked, thus indicating they are running for a standard director position.

One way to address this situation is to clarify under the “Name of Candidate” column, that this person is running for both positions:

Candidates
These are the names and addresses of each individual who has notified the board in writing of their intention to be a candidate by the specified deadline

Name of Candidate	Address of Candidate	Reserved position
NAME (Running for both standard director position and owner-occupied position)		<input type="checkbox"/> Candidate for position reserved for voting by owners of owner-occupied units
		<input type="checkbox"/> Candidate for position reserved for voting by owners of owner-occupied units

Signing Forms on Behalf of a Condominium Corporation

Some of the new Ministry forms require the signature of an individual on behalf of the condominium corporation and either a statement that the person signing has authority to bind the corporation or the corporate seal. Here is an example:

Name of individual on behalf of the corporation	Signature	Date (yyyy/mm/dd)
Please affix the corporate seal or add a statement below that the person signing has the authority to bind the corporation.		

This is not required on the forms that managers will be filling out most often (information certificates and meeting notices), but this requirement does appear on the Agreement to Receive Notices Electronically and the Waiver by Requester of Records. (We note that the former is not a mandatory form).

Both of the forms mentioned above serve as agreements between the condominium corporation and an owner, mortgagee or requester of records. Therefore, it is likely the requirement for the corporate seal or a statement on the signor's authority is meant as proof that the corporation is properly bound when it completes these forms.

The condominium manager is the person that will most likely be tasked with filling out these forms on behalf of a condominium corporation. Therefore, they should be properly authorized to sign on behalf of the corporation. If the management contract does not authorize the manager to sign these forms on behalf of the corporation, the manager should be given this authority by the board.

Consult the corporation's by-laws to determine how the board can delegate signing authority. Usually, this can be done by a resolution authorizing the manager to complete these forms and sign on behalf of the corporation.

If a manager is delegated this signing authority by a resolution of the board, the signature section of these forms can be filled out as follows:

Name of individual on behalf of the corporation	Signature	Date (yyyy/mm/dd)
NAME		
Please affix the corporate seal or add a statement below that the person signing has the authority to bind the corporation. NAME, as the condominium manager is authorized by a resolution of the Board of Directors to sign this form and bind the corporation.]		

Agreement to Receive Notices Electronically

One unexpected quirk of the Agreement to Receives Notices Electronically form is that it doesn't indicate the unit number(s) the agreement relates to.

This may not be a significant issue when the form is being completed by a unit owner because the corporation can review their records to determine which unit(s) the agreement applies to.

However, when the form is being completed by a mortgagee, the omission of a unit number could be a problem for the corporation. For example, if the Royal Bank of Canada (RBC) as mortgagee of a unit completes the form, and RBC has a number of mortgages registered against

many units in the condominium, there is no way to determine which unit the agreement applies to.

One way to address this is for the manager to request that mortgagees filling out the form include the unit number the agreement relates to in the “Owners or mortgagee’s name” line. For example:

Owners or mortgagee's name
Royal Bank of Canada - Mortgage for Unit #
Condominium corporation's name

The manager could also pre-populate the form this way if they are sending it to a specific mortgagee.

We hope this helps provide answers on some of the questions arising from the forms! We will keep our readers updated with more helpful tips as we find them.