



Justin McLarty and Sally Thompson
CAI Canada Chapter
200 Consumers Road, Suite 800
Toronto ON, M2J 4R4

June 21, 2023

Re: Single Owner Condominiums

Dear Justin McLarty and Sally Thompson,

Thank you for your letter regarding the filing requirements for single owner condominium corporations in Ontario.

The Condominium Authority of Ontario (CAO) was established in 2017 with a mandate to protect consumers and support condo communities as the trusted source of information for condo living in Ontario. A key component of this mandate is to provide a publicly available registry, as required by section 11. (1) of O. Reg. 377/17, which includes information on every registered condominium corporation in Ontario. The information that is populated on the CAO Public Registry is provided through returns which are filed by condominium corporations as required under section 9.2 of the Condo Act. To ensure the CAO meets its consumer protection mandate and to assist condominium corporations with meeting their statutory obligations, we have been conducting targeted outreach to help condominium corporations meet their filing obligations.

Concerning the issue you raised regarding “single owner condos” and the information to be collected in returns, this information must be included in every annual return filed with the CAO as defined in O. Reg. 377/17. Every condominium corporation in Ontario is required to have a board of directors which manages the affairs of the corporation pursuant to section 27 (1). This is a key consumer protection component under the Condo Act, ensuring that every condominium corporation provides information on the board members who govern and oversee the affairs of the corporation through the filing of returns.

As for the annual general meeting (“AGM”) dates, section 5. (1) 2. of O. Reg. 377/17 requires the date of the last AGM. As with the filing of the names of the board of directors, the AGM data requirement in the CAO’s online filing system is consistent with this legal requirement. The system provides an option for the condo corporation to indicate that an AGM has never been held, complete their filing, and pay their assessment.

Further, the collection of data related to the board of directors for condo corporations which are “*wholly owned by investors operating rental businesses*” was an area identified by the Auditor General of Ontario in her 2020 *Value-for-Money Audit: Condominium*

Oversight in Ontario report. Recommendation 11 of the report identifies the collection and publication of relevant information to enable the identification of condo corporations in Ontario where non-resident directors or directors with commercial interests form the majority on the condo board as a specific area to be addressed. Section 50 (3) of the Condo Act specifically references single owner condo corporations and quorum for the conduct corporation business, specifying that if a condo corporation has only one owner, the owner present in person or by proxy constitutes a meeting.

The Condo Authority has received complaints from individuals who purchased a unit from a previously single owner condo corporation without some of the requirements in place under the act. This resulted in financial impacts for the new unit owners. If a single owner condo corporation does not plan on selling any of the units and wants to operate as a rental building, the Condo Act provides for termination as a condo corporation.

The CAO's mandate is to protect consumers and support condo communities as the trusted source of information for condo living in Ontario. As noted earlier, one of the key sources of information to fulfill this mandate is the CAO's Public Registry which publishes the returns information provided by all condo corporations in Ontario.

Thank you for taking the time to reach out to us on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Dafoe".

Robin Dafoe

CEO/Registrar

cc. Mike McRae, Director, MPBSD

Ali Arlani, Registrar, CMRAO