

**RELEVANT LEGAL EXERPTS FROM SCC**  
**CONDOMINIUM BYLAWS & THE CONDOMINIUM PROPERTY**  
**ACT**

**October 21, 2015**

**Order to fulfil duties (CONDOMINIUM PROPERTY ACT)**

**99.1(1)** One or more owner, tenant, mortgagee or other interested person may apply to the court for an order directing a condominium corporation or a board to fulfil its duties set out in sections 35 and 39.

(2) On an application pursuant to subsection (1), the judge may make any order the judge considers appropriate, including:

- (a) an order prohibiting the conduct mentioned in the application;
- (b) an order directing the corporation or board to fulfil its duty; and
- (c) an order requiring the payment of compensation.

2013, c.7, s.39.

**Duties (SCC BYLAWS)**

**35(1)** A corporation is responsible for the enforcement of its bylaws and the control, management and administration of the units, and of the common property and common facilities.

(2) Without restricting subsection (1), the duties of a corporation include the following:

- (a) to keep the common property, common facilities and services units in a state of good and serviceable repair and to maintain them properly;
- (b) to comply with notices or orders by the local authority or any other public authority requiring repairs to the buildings or work to be done with respect to the parcel;
- (c) to comply with any reasonable request for the names and addresses of the persons who are members of the board; and
- (d) to file any prescribed returns with the Director.

1993, c.C-26.1, s.35; 2013, c.7, s.17.

(2)

### Duties of Board (CONDOMINIUM PROPERTY ACT)

**39(1)** Subject to any restriction imposed or direction given at a general meeting, a board shall exercise the powers and perform the duties of the corporation.

(2) A board shall:

(a) keep proper books of account with respect to all moneys received and all moneys expended by the board and the matters with respect to which the receipts and expenditures relate;

(b) for each annual general meeting, prepare financial statements with respect to all moneys of the corporation, including the moneys received and moneys expended by the corporation;

(c) maintain financial records of all the assets and liabilities of the corporation;

(d) submit to the annual general meeting an annual report that consists of the financial statements mentioned in clause (b) and any other information determined by the board or **required by a resolution passed at a general meeting;**

(e) keep minutes of its proceedings;

(f) keep minutes of proceedings at general meetings;

(g) make the books of account mentioned in clause (a) available for inspection at all reasonable times on the application of an owner or a person authorized in writing by an owner.

(3) Subject to the regulations, the financial statements prepared for the annual general meeting pursuant to clause (2)(b) must be audited by a prescribed person.

1993, c.C-26.1, s.39; 2013, c.7, s.18.

(3)

### **Oppression remedy**

**99.2(1)** An owner, a corporation, a developer, a tenant, a mortgagee of a unit or other interested person may apply to the court for an order if the applicant alleges that the conduct of an owner, a tenant, a corporation, a developer or a mortgagee of a unit is or threatens to be oppressive or unfairly prejudicial to the applicant or unfairly disregards the interests of the applicant.

(2) On an application pursuant to subsection (1), if the judge determines that the conduct of an owner, a tenant, a corporation, a developer or a mortgagee of a unit is or threatens to be oppressive or unfairly prejudicial to the applicant or unfairly disregards the interests of the applicant, the judge may make any order the judge considers appropriate, including:

- (a) an order prohibiting the conduct alleged in the application; and
- (b) an order requiring the payment of compensation.

2013, c.7, s.39.

### **Other remedies**

**99.3** Unless this Act specifically provides the contrary, nothing in this Act restricts the remedies otherwise available to a person for the failure of another to perform a duty imposed by this Act.

2013, c.7, s.39.