

# BILL

No. 57

## An Act to amend *The Condominium Property Act, 1993*

(Assented to \_\_\_\_\_)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

### Short title

1 This Act may be cited as *The Condominium Property Amendment Act, 2012*.

### S.S. 1993, c.C-26.1 amended

2 *The Condominium Property Act, 1993* is amended in the manner set forth in this Act.

### Section 2 amended

#### 3 Subsection 2(1) is amended:

(a) by adding the following clause after clause (j.1):

“(j.2) ‘**conversion unit**’ means a unit contained on a condominium plan that converts existing premises used for any purpose into units used for residential purposes”;

(b) by adding the following clause after clause (y.2):

“(y.3) ‘**short-term rental management pool**’ means a rental management agreement pursuant to which one or more units within the corporation will be rented out for periods of less than one month”;

(c) by repealing clause (z) and substituting the following:

“(z) ‘**special resolution**’ means:

(i) a resolution that is approved by a majority of not less than two-thirds of the persons entitled to exercise the powers of voting conferred by this Act or the bylaws of the corporation:

(A) at a properly convened meeting of a corporation by persons who:

(I) are present personally or who cast their votes by proxy; and

(II) vote with respect to that resolution; and

(B) by the signature on the resolution of persons who are not present personally or who do not cast their votes by proxy at the meeting; or

(ii) a resolution that is approved by the signature on the resolution of a majority of not less than two-thirds of the persons entitled to exercise the powers of voting conferred by this Act or the bylaws of the corporation”;

**(d) by adding the following clause after clause (z):**

“(z.01) ‘**standard unit description**’ means the standard unit description for each unit or class of units that is:

- (i) prepared by the developer and accompanies an application to issue titles pursuant to section 5.1; or
- (ii) contained in the bylaws”; **and**

**(e) by adding the following subclause after subclause (bb)(0.ii):**

“(0.iii) a conversion unit”.

**Section 5.1 amended**

**4(1) Subsection 5.1(1) is amended:**

**(a) by striking out “and” after clause (b);**

**(b) by adding “and” after clause (c); and**

**(c) by adding the following clause after clause (c):**

“(d) one of the following for each new unit intended for residential purposes:

- (i) a description, in the prescribed form, of the parking space that is designated for the unit, if required by clause 11(1)(a);
- (ii) a description, in the prescribed form, of the parking unit that is designated for the unit, if required by clause 11(1)(b);
- (iii) a description, in the prescribed form, indicating that the unit contains a parking area or garage within the boundaries of the unit, if clause 11(2)(c) applies”.

**(2) Clause 5.1(2)(d.1) is amended by adding “a parking space or” before “a parking unit”.**

**Section 5.2 amended**

**5 Subsections 5.2(2), (3) and (4) are repealed and the following substituted:**

“(2) An application pursuant to subsection 5.1(1) must be accompanied by an application in the prescribed manner to register an interest based on an endorsed declaration if an approved plan purports to:

- (a) divide a parcel into bare land units;
- (b) divide a parcel into units, some or all of which are intended for residential purposes; or
- (c) create conversion units.

“(3) A person may apply to the minister for a certificate of acceptance mentioned in clause (1)(a) by providing evidence satisfactory to the minister that the developer has obtained the security prescribed for the purpose of providing a remedy to owners if the developer:

- (a) fails to complete the common property, common facilities and services units described in the declaration and in the plan that creates bare land units;

(b) fails to complete the common property, common facilities and services units described in the declaration and in the plan that creates units, some or all of which are intended for residential purposes; or

(c) fails to complete any improvements that the developer undertakes to provide to the common property, common facilities and services units described in the declaration and in the plan that creates conversion units.

“(4) The minister may endorse a declaration with a certificate of acceptance if:

(a) there is evidence satisfactory to the minister that the developer has obtained the prescribed security; and

(b) in the minister’s opinion, the declaration adequately describes:

(i) in the case of a plan that creates bare land units, the common property, common facilities and services units on the parcel that the developer undertakes to provide;

(ii) in the case of a plan that creates units intended for residential purposes, the common property, common facilities and services units on the parcel that the developer undertakes to provide; or

(iii) in the case of a plan that creates conversion units, the common property, common facilities and services units and any improvements to the common property, common facilities and services units that the developer undertakes to provide”.

**Section 9 amended**

**6 The following subsection is added after subsection 9(3):**

“(4) The requirements set out in clauses (2)(b) and (3)(b) do not apply to services units unless required by the Controller of Surveys”.

**Section 10 amended**

**7 Subsection 10(5) is amended:**

**(a) in the portion preceding clause (a) by striking out “On an application” and substituting “Subject to the regulations, on an application”;**

**(b) in clause (d) by adding “or parking units” after “parking spaces”; and**

**(c) by repealing clause (e) and substituting the following:**

“(e) if the application relates to the conversion of existing premises used for apartments, flats or tenements into units intended for residential purposes:

(i) the conversion will not reduce below the prescribed level the availability of rental accommodation in the area;

(ii) 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;

(iii) the building and the parcel have the physical characteristics considered necessary by the local authority to make the premises suitable for conversion; and

(iv) any other prescribed conditions are met”.

**Section 11 amended**

**8 Subsection 11(3) is amended:**

**(a) by repealing clause (b); and**

**(b) by repealing clause (c) and substituting the following:**

“(c) an interest based on the redesignation in the prescribed form and accompanied by the written approval mentioned in clause (a) is registered against:

(i) the title for the unit for which a parking space was designated before the parking space was redesignated; and

(ii) if the redesignation is in favour of another unit, the title for the unit that is acquiring the parking space”.

**Section 12 amended**

**9 Subsection 12(1) is amended:**

**(a) in the portion preceding clause (a) by adding “any keys or combinations used to access the common property, common facilities, services units or units, the corporate seal and” after “without charge,”.**

**(b) in clause (a) by adding “manuals,” before “warranties and guarantees on the real and personal property”; and**

**(c) by adding the following clauses after clause (g):**

“(h) all insurance policies obtained to cover common property, common facilities, services units and units as required by this Act;

“(i) the standard unit description for each type of unit shown on the plan;

“(j) all records relating to employees of the corporation;

“(k) audited financial statements for the corporation for the period before the election of the board of directors at the first annual general meeting of the corporation;

“(l) in the case of a plan that creates conversion units, a copy of the reserve fund study;

“(m) any plans or agreements in relation to establishing a short-term rental management pool for units within the corporation;

“(n) a copy of all claims and liens against the corporation;

“(o) a summary of all outstanding payments owed to or by the corporation”.

**Section 17 amended**

**10 Subsection 17(1) is repealed and the following substituted:**

“(1) For each phase of development disclosed in the declaration that accompanied the developer’s reservation registered against titles issued pursuant to the original condominium plan, a developer must submit an application for and obtain the issuance of titles pursuant to an approved replacement plan pursuant to section 23 within:

- (a) two years after the day on which an interest based on a developer’s reservation was registered for the phase against titles issued pursuant to the previous plan; or
- (b) any period of extension allowed pursuant to section 19 or 20”.

**Section 19 amended**

**11 Subsection 19(4) is repealed and the following substituted:**

“(4) The period or periods of extension granted pursuant to this section for the submission of an application for titles pursuant to a replacement plan for a particular phase of a phased development must not exceed four years after the day on which the interest based on a developer’s reservation for that phase is registered pursuant to section 16”.

**Section 23 amended**

**12(1) The following subsection is added after subsection 23(2):**

“(2.1) An application to issue titles pursuant to an approved replacement plan may be accompanied by a developer’s reservation mentioned in section 16”.

**(2) Clause 23(3)(f.1) is amended by adding “a parking space or” before “a parking unit”.**

**Section 24 amended**

**13 Section 24 is amended:**

- (a) in the portion preceding clause (a) by striking out “corporation or an owner” and substituting “corporation, an owner or a mortgagee”; and**
- (b) in clause (b) by striking out “common property and common facilities” and substituting “common property, common facilities and services units”.**

**Section 25 amended**

**14(1) Subsection 25(1) is amended by striking out the portion preceding clause (a) and substituting the following:**

“Subject to subsection (1.1), with the approval of the local authority, the owner of a unit may redivide the unit by obtaining:”.

**(2) The following subsection is added after subsection 25(1):**

“(1.1) If a new condominium plan or an amendment to an existing condominium plan mentioned in clause (1)(a) proposes to create a new services unit or additional common property, approval of the corporation in the prescribed form must accompany the plan or amendment when it is submitted to the Controller of Surveys for approval”.

**Section 26 amended**

**15 Subsection 26(1) is amended:**

**(a) by repealing clause (c) and substituting the following:**

“(c) any management agreement or proposed management agreement, including the name and contact information for the property manager”;

**(b) by adding the following clause after clause (e):**

“(e.1) in the case of a unit sold for residential purposes, the standard unit description for the unit”;

**(c) by adding the following clause after clause (j):**

“(j.1) any plans or agreements that establish a short-term rental management pool for units within the corporation”;

**(d) by striking out “and” after clause (q); and**

**(e) by repealing clause (r) and substituting the following:**

“(r) a statement that indicates whether the unit has been converted from a previous use as an apartment, tenement, flat or other purpose;

“(s) a copy of the reserve fund study for a condominium plan that creates conversion units;

“(t) a copy of the developer’s declaration or developer’s reservation, if one is required by this Act;

“(u) a statement specifying any parts of the common property, common facilities or services units, if any, that the unit owner is not entitled to use;

“(v) if the construction of the common property, common facilities and services units is not yet complete, 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;

“(w) in the case of a completed unit, a copy of the final inspection report by the local authority detailing compliance with zoning requirements and building and fire code requirements; and

“(x) any additional prescribed documents or information”.

**Section 34 amended**

**16 Clause 34(5.1)(b) is repealed and the following substituted:**

“(b) grant a security interest in real or personal property that is owned by the corporation or in any amount that is due or has been collected from an owner pursuant to section 57 or 58”.

**Section 35 amended**

**17 Subsection 35(2) is amended:**

**(a) in clause (a) by striking out “common property and common facilities” and substituting “common property, common facilities and services units”;**

**(b) by striking out “and” after clause (b);**

(c) by adding “and” after clause (c); and

(d) by adding the following clause after clause (c):

“(d) to file any prescribed returns with the Director”.

**Section 39 amended**

**18 The following subsection is added after subsection 39(2):**

“(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”.

**Section 40 amended**

**19 The following subsection is added after subsection 40(2):**

“(3) If the board fails to convene an annual general meeting within 15 months after the end of the preceding annual general meeting, an owner may convene an annual general meeting by providing notice to:

(a) the board; and

(b) all owners”.

**Section 41.1 amended**

**20 The following subsections are added after subsection 41.1(4):**

“(5) Any proxy used in voting during a general or annual general meeting forms part of the records of the corporation and must be kept by the corporation for the longer of:

(a) 90 days after the expiry of the proxy; and

(b) 90 days after the meeting at which the proxy was used.

“(6) On the request of any owner, the board shall make available to the owner for inspection any proxy provided to a board member within 90 days after the meeting at which the proxy was used”.

**Section 47 amended**

**21 Subsection 47(1) is amended:**

(a) by adding the following clause after clause (f):

“(f.1) requiring the corporation to maintain all or any portion of any unit”;

(b) by adding the following clauses after clause (g):

“(g.1) establishing any fees, not exceeding the prescribed amounts, that may be levied by the corporation for use of certain common property, common facilities or services units;

“(g.2) establishing and governing the application of administration and service fees, not exceeding prescribed amounts, that may be levied by the corporation”;

**(c) by adding the following clause after clause (i):**

“(i.1) governing the assessment and collection of contributions towards the common expense fund and reserve fund for the maintenance of units or portions of units that the corporation is required to maintain”; **and**

**(d) by adding the following clause after clause (k):**

“(k.1) establishing or amending the standard unit description”.

**Section 47.1 amended**

**22 Clause 47.1(3)(a) is repealed and the following substituted:**

“(a) is valid if:

(i) it is passed by a majority of not less than two-thirds of the persons in the relevant sector entitled to exercise the powers of voting conferred by this Act or the bylaws of the corporation:

(A) at a properly convened meeting of the sector by persons who:

(I) are present personally or who cast their votes by proxy; and

(II) vote with respect to that resolution; and

(B) by the signature on the resolution of persons who are not present personally or who do not cast their votes by proxy at the meeting; or

(ii) it is approved by the signature on the resolution of a majority of not less than two-thirds of the persons in the relevant sector entitled to exercise the powers of voting conferred by this Act or the bylaws of the corporation in relation to the sector”.

**Section 54 amended**

**23 The following subsection is added after subsection 54(2):**

“(3) An owner is not exempt from the obligation to contribute to the common expenses or reserve fund expenses even if:

(a) the owner has waived or abandoned the right to use all or part of the common property, common facilities or services units;

(b) the owner is making a claim against the corporation; or

(c) the bylaws restrict the owner from using all or part of the common property, common facilities or services units”.

**Section 55 amended**

**24(1) Subsection 55(2) is amended by repealing clause (a) and substituting the following:**

“(a) expenses incurred in the control, management and administration of the common property, common facilities and services units, enforcement of the bylaws of the corporation and addition of additional common property, common facilities and services units;

“(a.1) expenses incurred in the control, management and administration of any units or portions of units designated in any bylaw passed pursuant to clauses 47(1)(f.1) and (i.1)”.



**(2) Subsection 55(3) is repealed and the following substituted:**

“(3) A reserve fund is established for the purpose of providing for the payment of:

- (a) any unforeseen common expenses;
- (b) any major repair or replacement of common facilities, common property, services units or assets of the corporation, including roofs, exteriors of buildings, roads, sidewalks, sewers, heating, electrical and plumbing systems, elevators and laundry, recreational and parking facilities; and
- (c) any major repair or replacement of any units or portions of units designated in any bylaw passed pursuant to clauses 47(1)(f.1) and (i.1)”.

**Section 58 amended**

**25 Subsection 58(4) is repealed and the following substituted:**

“(4) A fee levied pursuant to clause 56(1)(b):

- (a) subject to subsection (2), is due and payable on the passing by the corporation of a resolution levying the fee and in accordance with the terms of the resolution; and
- (b) may be recovered by the corporation by an action for debt from the person who was the proper owner when the default occurred and when:
  - (i) the resolution was passed; or
  - (ii) the action was instituted”.

**Section 58.1 amended**

**26(1) Subsection 58.1(2) is amended by striking out “Subject to subsection (4)” and substituting “Subject to subsections (4) and (4.1)”.**

**(2) The following subsection is added after subsection 58.1(4):**

“(4.1) A developer who intends to make an application for approval of a plan that creates conversion units shall ensure a study is conducted before the sale of any unit shown on the plan”.

**Section 63 amended**

**27 Subsection 63(2) is repealed and the following substituted:**

“(2) On the registration of an interest pursuant to subsection (1):

- (a) the corporation has a lien against the title for an amount that is equal to:
  - (i) the amount of the unpaid contribution; and
  - (ii) any costs incurred in preparing and registering the interest and in preparing and registering a discharge of the interest; and
- (b) the lien may be enforced in the same manner as a mortgage”.

**New section 65**

**28 Section 65 is repealed and the following substituted:**

**“Duty to insure**

**65(1)** In this section, ‘**developed bare land unit**’ means a bare land unit on which any of the following is constructed:

- (a) a building used for residential purposes and containing more than one unit;
  - (b) a series of buildings used for residential purposes that share common load-bearing walls and continuous roofing.
- (2) The corporation shall obtain and maintain insurance on its own behalf and on behalf of the owners with respect to the units, other than improvements that are made or acquired by owners with respect to units, the common property, the common facilities and services units:
- (a) against major perils in an amount equal to the replacement cost of the insured property; and
  - (b) against any other perils that are specified in the bylaws of the corporation or directed by the board.
- (3) What constitutes an improvement made or acquired by an owner with respect to a unit is to be determined in accordance with the standard unit description, if any, for that unit or the class of units of which the unit is a member.
- (4) Notwithstanding subsection (2), except as may be required by a contrary provision contained in the bylaws, a corporation may, but is not obliged to, obtain and maintain insurance on:
- (a) bare land units other than developed bare land units; or
  - (b) buildings or improvements placed on bare land units other than developed bare land units.
- (5) Subject to subsection (6), if an insurance policy obtained by the corporation in accordance with this section contains a deductible clause that limits the amount payable by the insurer, the portion of a loss that is excluded from coverage is a common expense.
- (6) If the owner of a unit, or a person residing in the owner’s unit with the permission or knowledge of the owner, through an act or omission causes damage to a unit, the amount determined pursuant to subsection (7) may be added to the common expenses payable by the owner of that unit.
- (7) For the purposes of subsection (6), the amount is the lesser of:
- (a) the cost of repairing the damage to the unit; and
  - (b) the deductible limit of the insurance policy obtained by the corporation.
- (8) For the purposes of this section, the corporation is deemed to have an insurable interest in the replacement value of units, including developed bare land units, the common property, the common facilities and the services units.

- (9) The corporation shall obtain and maintain:
- (a) insurance against its liability:
    - (i) arising from its breach of duty as occupier of the common property, common facilities or services units;
    - (ii) arising from its ownership, or arising from the use or operation, by it or on its behalf, of boilers, machinery, pressure vessels and motor vehicles;
    - (iii) incurred by a member of the board or an officer of the corporation arising out of any act or omission of the member or officer with respect to carrying out the functions and duties of the member or officer unless it is shown that the member or officer acted in bad faith; and
    - (iv) incurred by it arising out of any act or omission of a member of the board or an officer of the corporation with respect to carrying out the functions and duties of the member or officer; and
  - (b) any other insurance that is specified in the bylaws of the corporation or directed by the board.
- (10) For the purposes of this section, the corporation is deemed to have an insurable interest in the subject-matter of the insurance.
- (11) The corporation must:
- (a) annually review the adequacy of the corporation's insurance obtained in accordance with this section; and
  - (b) provide a written report on the insurance coverage at each annual general meeting.
- (12) A policy of insurance authorized by this section and taken out by a corporation with respect to the buildings, fixtures on land, or landscaping is not liable to be brought into contribution with any other policy of insurance except a policy authorized by this section with respect to the same buildings or land.
- (13) Nothing in this section is to be construed as restricting the capacity of a corporation, an owner or any other person from obtaining and maintaining insurance with respect to any insurable interest”.

**New section 70**

**29 Section 70 is repealed and the following substituted:**

**“Transfer or lease of common property or services unit**

- 70(1)** On unanimous resolution, a corporation may transfer or lease the common property or a services unit or any part of either to any person.
- (2) The corporation shall execute a transfer or lease of common property or a services unit if the board is satisfied that:
- (a) a unanimous resolution was properly passed; and
  - (b) all persons who have registered interests on the titles:
    - (i) in the case of a transfer, have consented in writing to the release of those interests with respect to the land in the proposed transfer; or
    - (ii) in the case of a lease, have consented in writing to the execution of the proposed lease.

(3) A transfer or lease executed in accordance with subsection (2) is valid and effective without execution by any person who has an interest in the common property or services unit.

(4) The receipt of the corporation for the purchase money, rent, premiums or other moneys pursuant to the terms of a transfer or lease executed in accordance with subsection (2) discharges the person to whom the receipt is given from any responsibility for the application of those moneys.

(5) This section does not apply to parking spaces that become parking units pursuant to subsection 11(7)".

**Section 70.1 amended**

**30 Section 70.1 is amended by adding "a new plan of survey," after "pursuant to section 71,".**

**Section 71 amended**

**31(1) Subsection 71(2) is repealed and the following substituted:**

"(2) The certificate mentioned in clause (1)(b) is conclusive proof of the facts stated in it in favour of a purchaser of common property or services units".

**(2) Subsection 71(3) is amended by striking out the portion preceding clause (a) and substituting the following:**

"On the receipt of an application pursuant to subsection (1) and if a new plan was approved by the Controller of Surveys pursuant to section 70.1, the registrar shall:".

**(3) The following subsection is added after subsection 71(3):**

"(4) On receipt of an application pursuant to subsection (1) and if an amendment to an existing plan was approved by the Controller of Surveys pursuant to section 70.1, the registrar shall:

(a) issue to the transferee a title for the common property or services unit being transferred; and

(b) register in the prescribed manner any interests affecting all units against any new titles to units that were formerly services units issued pursuant to clause (a)".

**Section 71.1 amended**

**32 Section 71.1 is amended by repealing subsection (5) and substituting the following:**

"(5) An interest based on a lease of common property authorized pursuant to section 70 must be registered against the titles issued pursuant to the condominium plan.

"(6) An interest based on a lease of a services unit authorized pursuant to section 70 must be registered against title to the services unit affected by the lease".

**Section 77 amended**

**33 Clause 77(2)(a) is amended by striking out "common property or common facilities" and substituting "common property, common facilities or services units".**

**New section 79.1**

**34 The following section is added after section 79:**

**“Damage amount more than deposit**

**79.1(1)** If the amount of the damage caused by a person residing in or on a rented unit is more than the deposit collected pursuant to section 77, the corporation may recover from the owner of the rented unit any amount in excess of the value of the deposit required to maintain, repair or replace:

- (a) any real or personal property of the corporation or any of the common property, common facilities or services units that are damaged, destroyed, lost or removed by a person residing in or on the rented unit; or
  - (b) any of the common property for which an owner is permitted to exercise exclusive use pursuant to section 72 that is damaged, destroyed, lost or removed by a person residing in or on the rented unit.
- (2) The owner may recover from the tenant any amount paid by the owner pursuant to subsection (1).
- (3) The amount recoverable pursuant to subsections (1) and (2) is the lesser of:
- (a) the cost of repairing the damage or replacing the property described in clauses (1)(a) and (b); and
  - (b) the deductible limit of the insurance policy obtained by the corporation”.

**Section 82 amended**

**35 The following clause is added after clause 82(1)(c):**

“(d) recover any amount pursuant to section 79.1”.

**New section 93**

**36 Section 93 is repealed and the following substituted:**

**“Assessment of parcel**

**93(1)** In this section and in section 97:

- (a) **‘parcel’** includes improvements;
  - (b) **‘unit’** includes:
    - (i) the owner’s share of the common property;
    - (ii) in the case of a unit used for residential purposes, any parking unit or parking space designated pursuant to section 11; and
    - (iii) in the case of a bare land unit, the improvements to the unit.
- (2) Notwithstanding the assessing Act or any other Act, if the Saskatchewan Assessment Management Agency or any other assessing authority causes a parcel to be assessed pursuant to an assessing Act, a separate assessment must be made of each unit except parking units designated pursuant to section 11”.

**Section 97 amended**

**37(1) The following subsection is added after subsection 97(3):**

“(3.1) In proceedings to obtain title pursuant to *The Tax Enforcement Act*, title to a parking unit designated to a unit used for residential purposes may only be obtained together with the unit to which it is designated pursuant to section 11”.

**(2) Subsection 97(4) is repealed and the following substituted:**

“(4) For the purposes of this section, a reference in an Act mentioned in subsection (1), (3) or (3.1) to ‘land’, ‘lot’ or ‘parcel’ is deemed to be a reference to a unit”.

**Section 99 amended**

**38 Subsection 99(1) is repealed and the following substituted:**

“(1) If an owner, tenant or other person who resides in or on a unit contravenes a bylaw of the corporation, the corporation may take proceedings pursuant to *The Small Claims Act, 1997* to recover from the owner, tenant or other person or any combination of them:

- (a) a penalty of not more than \$500 with respect to that contravention; and
- (b) subject to the limits in *The Small Claims Act, 1997*:
  - (i) compensation for any damage to the common property, common facilities or services units resulting from the contravention of the bylaw up to the deductible limit of the insurance policy obtained by the corporation; and
  - (ii) any actual costs incurred by the corporation to enforce the bylaw against the defendant”.

**New sections 99.1, 99.2 and 99.3**

**39 The following sections are added after section 99:**

**“Order to fulfil duties**

**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.

**“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.

**“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”.

**Section 104 amended**

**40 Clause 104(2)(c) is repealed and the following substituted:**

“(c) if the owner has not provided an address pursuant to section 75, at the address shown in the land titles registry for the title to the unit”.

**Section 112 amended**

**41 Section 112 is amended:**

**(a) by adding the following clause after clause (b):**

“(b.1) for the purposes of clause 2(1)(z.01), prescribing the content, form and other requirements for a standard unit description”;

**(b) by adding the following after clause (e):**

“(e.001) for the purposes of subsection 10(5), prescribing the level of available rental accommodation and additional conditions that the local authority must consider before issuing a certificate of approval”;

**(c) by adding the following clauses after clause (h.2):**

“(h.3) for the purposes of clause 35(2)(d), prescribing any returns to be submitted to the Director and the required content and form of those returns;

“(h.4) for the purposes of subsection 39(3), prescribing persons authorized to audit financial statements of condominium corporations;

“(h.5) prescribing circumstances when a corporation is not required to prepare and provide audited financial statements pursuant to clause 39(2)(b) and subsection 39(3)”;

**(d) by adding the following clauses after clause (j.1):**

“(j.11) respecting the approval processes required to create, amend or repeal bylaws governing certain matters;

“(j.12) for the purposes of clauses 47(1)(g.1) and (g.2), prescribing the maximum amount that may be charged by the corporation and any other limitation respecting the charging of fees”; **and**

**(e) by repealing clause (p) and substituting the following:**

“(p) prescribing the format, content and manner of use of forms mentioned in or required by this Act”.

**Coming into force**

**42** This Act comes into force on proclamation.

SECOND SESSION

**Twenty-seventh  
Legislature**

SASKATCHEWAN

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**B I L L**

No. 57

An Act to amend *The Condominium  
Property Act, 1993*

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Received and read the

First time

Second time

Third time

And passed

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Honourable Gordon Wyant

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